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P. D. Manley

P. G. Favero

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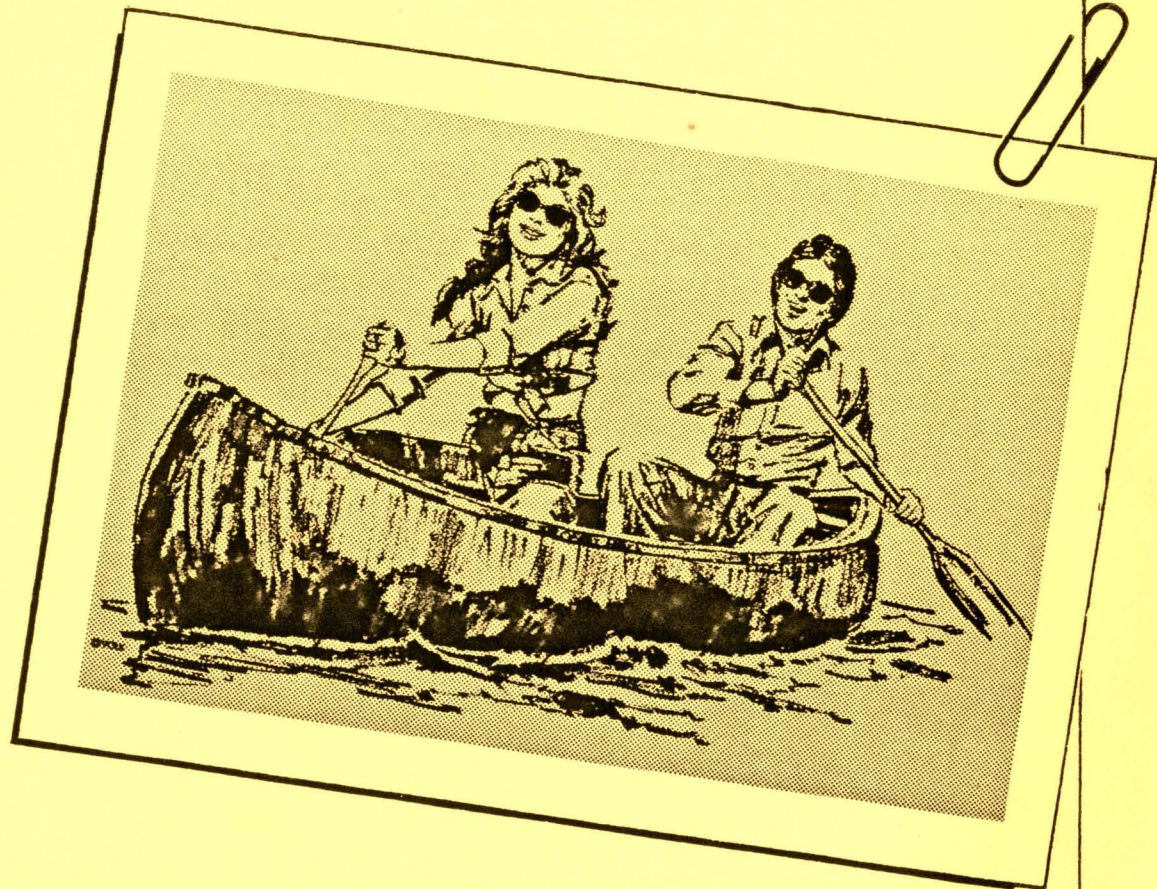
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Scenic and recreational
river designation:
What happened to the James?



Economics Department
Agricultural Experiment Station
South Dakota State University
Brookings, SD 57007

What happened to the James?

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*OIU: Oahe Irrigation Unit
BNRD: Board of Natural Resources Development
DGFP: Department of Game, Fish, and Parks
SIG: special interest group

About the authors:

This study on the James issue took place while Peter Manley and Phil Favero were on the staff of the SDSU Economics Department, Manley as graduate research assistant and Favero as assistant professor of economics. Both are now at the University of Maryland, College Park, Manley as faculty research assistant in the Department of Agricultural and Resource Economics, and Favero as Extension economist in community resource development.

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Scenic and recreational river designation: What happened to the James?

by Peter D. Manley and Philip G. Favero

In 1976, the South Dakota Department of Game, Fish and Parks (DGFP) sponsored the nomination of the upper James River as a state scenic and recreational river. The nomination failed to receive legislative approval in the 1977 and 1978 state legislative sessions.

A case analysis of this nomination and the failure to approve it is provided in this publication. The major participants are identified, and their relationships with each other and how they fared are examined. This gives an understanding of why and how the actors react to the rules in a water allocation process and an overview of the designation process. The case study also provides a historical perspective on one designation process, serving as a basis for future public considerations of changes in the river designation process.

The case study approach is particularly well suited to the study of water allocation processes. Public water allocation decision making is a process in which a solution emerges from conflict. The conflict stems from the relationships of agencies and groups affected by the use of water resources. As this case study shows the interplay of such relationships, it becomes an important tool for evaluating future water allocation rules and their ultimate effect on the various water users and the use of water.

A river being considered for protection under the State Water Resources Management Act (South Dakota Compiled Laws (SDCL 46-17A) is a "nominated" river. If it receives legislative ap-

proval, it is a river "designated" for protection.

The formal procedures for designation of a wild, scenic, or recreational river (SDCL 46-17A) are relatively brief and simple. The Board of Natural Resources Development (BNRD) and the Game, Fish and Parks Commission draw up a list of possible rivers or sections of rivers for nomination. The BNRD reviews any study or nomination application which is brought before it, and final approval for a river designation comes from the Governor and the Legislature. (More formal details of the designation process are stated in Volume I of the State Water Plan, and informal steps also enter into the process.)

Important actors that enter into the designation process include the sponsor of the river nomination, the Cabinet Subgroup of Natural Resources, the BNRD, the Governor, the Legislature (both House and Senate), and the Committee on Agriculture and Natural Resources.

Important actors not revealed by the formal process are the local public special interest groups. Important special interest groups in the James River designation included groups representing irrigation, flood prevention, water development, conservation, wildlife, and recreational interests.

The three classifications provided for designated rivers are wild, scenic and recreational (Table 1).

The basic purpose of the wild river designation is to preserve and protect rivers in a primitive setting nearly

Table 1. Management of Wild, Scenic or Recreational River Designations.

Management Items	Type of Designation		
	Wild	Scenic	Recreational
road access	smaller roads permissible, no paralleling roads	bridges allowed only on short stretches of paralleling roads	readily accessible bridges and parallel roads allowed
motor vehicle access	generally restricted	on designated roads and trails only	motor vehicle access encouraged
agricultural practices	livestock grazing and hay production	wide range allowed if not detracting from scenic quality	full agricultural development allowed
impoundments	not usually allowed	not usually allowed	allowed
water quality	minimum accepted standards for limited contact sports		
minimum flow	sufficient for a quality recreational experience and to support fish and wildlife populations, short low flow periods allowable		to meet expected recreational uses
public use	located away from river	screened if next to river	permitted next to river
structures	inconspicuous dwellings allowed	some buildings allowed	permitted if do not adversely affect recreation fish and wildlife values
shoreline development	no substantial development allowed	scenic river boundaries with minimum discernible development	small communities and residential developments allowed
structure	harmonize with environment	harmonize with environment	not specified
river modifications	not usually allowed	modest diversions, straightening or riprapping	allowed

Source: SDCL 46-17A, and South Dakota Water Plan, Volume 1, 1977, Pierre, S.D.

free of man's influences. Wild river areas are to be free of impoundments, generally inaccessible except by trail, have essentially primitive watersheds and shorelines, unpolluted waters, and public use areas away from the river. Agricultural practices are limited to livestock grazing and hay production. No portions of the James River were nominated for a wild river designation.

A scenic river's main feature is the maintenance of aesthetic beauty and outdoor recreation opportunities provided in a near natural setting. Scenic river areas are to be free of impoundments, have largely primitive shorelines and watersheds, have access in places by roads, and have public use and access areas adjacent to the river. Agricultural development is allowed if it does not distract from scenic quality.

Designated recreational river areas provide river oriented recreational opportunities and are to be accessible by roads, may have some past impoundments or diversions and development along the shoreline, and shall have public use areas adjacent to the river. Full agricultural development is allowed.

DESCRIPTION OF THE NOMINATED AREAS ON THE JAMES RIVER

The nominated areas lay along the James River in Brown and Spink counties in northeastern South Dakota. The area nominated for recreational status included 127.1 river miles. The areas nominated for scenic status included 26.9 river miles and approximately 2,564 acres.

The James River has been characterized as a prime example of a prairie river. The meandering, slow moving, forested river is surrounded by intensive agricultural land uses. Yet the river has survived in its basically natural state. Because of its many wildlife, scenic, and recreational attributes, the DGFP considered the James River an excellent river for designation.

The area provides excellent cover for deer, mink, raccoon, beaver, fox, badger, pheasant, and nesting waterfowl. At least 161 species of birds and 48 species of mammals are estimated to live in the affected area (9). Primary gamefish include bullhead, northern pike, catfish, and crappie. Hansen (2) estimated that in 1975-76 the river received 357,590 hours of annual recreational use consisting of 19,410 trips by 56,000 people. Popular consumption uses of the river include fishing, hunting, and trapping. In 1976, residents and users of the Brown-Spink area harvested wildlife having an economic value of two million dollars. Most of this return came from the affected James River area.

The proposed Oahe Irrigation Unit (OIU) also prompted the nomination. OIU involved proposed irrigation in the upper James River area and would have caused substantial irrigation return flows to the James River. One of the alternatives of handling these return flows was channelization, involving oxbow cutoffs and channel straightening which would have reduced approximately 120 miles of the James River to 54 miles of straightened waterway (13, 5).

The general management objective which guided the management plan for the designation proposal was "to preserve the natural character of the James River and the adjacent flood plain" (9).

Under either scenic or recreational status designated sections of the river would have no future impoundments of water above the normal river bank. Channel modification or bank stabilization which detracted from the scenic quality of the natural stream bed would also be prohibited.

The sections of the river designated under recreational status would be subjected to additional management guidelines. Land use practices which enhanced the recreational values of the river would be encouraged. Maintenance of minimum water flows by the controlling state and federal agencies would be encouraged. The DGFP would also secure,

through purchase or easement, small parcels of land (1 to 2 acres) from willing landowners. These parcels of land would be used for access points with one about every 7 to 5 river miles.

The river sections designated for scenic status would also have additional management guidelines. Except for normal farming operations, motorized vehicles would be prohibited on established roads and trails. The DGFP would also seek conservation easements or scenic easements from willing participants. These easements would regulate the use of land in a specified way for a certain period of time, without transferring the title or possession of the land.

The implicit alternative to designation of the James River was to do nothing. At the time of the nomination, the DGFP maintained that no action would "probably (cause) destruction of the entire ecosystem by channelization" (9). However, no distinction was made in the "no action" alternative between failure to nominate the river for designation and failure to ultimately designate the river. The attempt to designate the river may in itself have had an impact on decisions affecting the channelization of the river (3, 1).

Other alternatives considered were granting protection to the river under county zoning laws, regulating land disturbing activities under state statutes (SDCL 38-8A-13), or designating the James River as a federal wild, scenic, or recreational river. These alternatives were considered to either be inadequate or difficult to obtain (9, 3).

CHANNELIZATION AND THE OAHE IRRIGATION UNIT*

Channelization of the upper James River became the most controversial issue in the nomination of the river. It

* Information is taken from references 8, 9 and 13 unless otherwise indicated.

linked the James designation issue and another water resource development project, the Missouri Oahe Irrigation Unit.

The Missouri River traditionally caused flooding in wet years and quickly drained away water from adjacent farms in dry years. Four dams were built on the Missouri in South Dakota, their reservoirs providing a large, stable, and dependable quantity of water; one possible use was irrigation. Additional proposed benefits included fish and wildlife enhancement, flood control, recreation, and municipal water supplies.

Lake Oahe, the largest reservoir, could furnish irrigation water to 495,000 acres of land, 445,000 of these along the James River in Brown and Spink counties. This project was authorized by the U.S. Congress in 1968 and is known as the Oahe Irrigation Unit (OIU) of the Pick-Sloan Missouri River Basin Project.

The excess irrigation return flows from the OIU would return to the Missouri River through the James. Since the James River is a slow moving, extremely meandering river, additional flows would cause additional flooding. How the Bureau of Reclamation proposed to handle these excess flows became a dominant point of controversy, both in the implementation of the OIU and in the nomination of the James River for designation as a scenic or recreational river.

Channel enlargements and oxbow cut-offs ("channelization") on the James River to accommodate excess flows were proposed in the authorization of the OIU in 1968. Flood protection would have been provided for up to a 10-year flow (13, 5).

Initial studies by the Bureau of Reclamation and the U.S. Army Corps of Engineers indicated channelization of the James would most efficiently alleviate economic losses from flooding due to natural events and also accommodate irrigation return flows without additional economic loss from flooding. However, the Oahe Unit final environmental statement, completed in December

1973, offered several possible alternatives for handling irrigation return flows.

A second option, the natural floodway or greenbelt concept, would have substantially modified the James River. An increase in localized flooding to landowners would have been compensated by a one-time flood easement. Private ownership of land would have been retained under this single cost settlement (5). Floodway channels would have allowed normal river flows to remain in the existing channel. Excess flows would have been diverted downstream through excavated ditches or floodway channels, providing some flood protection.

Another alternative, perimeter drainage, would have confined the return flows to perimeter project drains, to enter the James River at a downstream point with greater channel capacity.

Under the channel clearing alternative, snags, log jams, and minor diversion dams would have been removed to speed up the flow along the James.

The Bureau of Reclamation would not recommend any single alternative, favoring a combination instead. The James River Study Team of five federal and seven state agency representatives had not reached a conclusion at the time of the nomination of the James as a scenic or recreational river.

The DGFP favored the natural floodway or greenbelt alternative. The DGFP also did not oppose the channel clearing alternative, and encouraged clearing of major obstructions on the river to facilitate and enhance recreational activities (6). Many local landowners, however, were opposed to the greenbelt concept. They believed it would cause increased flooding of their lands.

Channelization Effects

It was estimated channelization would have caused a direct loss of more than 1,100 acres of high value bottomland forest. However, an eventual great-

er loss of riparian habitat essential to wildlife would have occurred as agricultural practices encroached upon the flood plain newly protected from flooding. It was estimated that the overall net effect on wetlands, important for waterfowl habitat, would have been 13,000 acres altered or destroyed by the OIU. Serious reduction of deer, pheasant, and waterfowl populations were predicted as the result of the proposed channelization because of the loss of wildlife habitat and wetlands.

The fishery in the area would have lost spawning and rearing grounds, affecting fish populations both within and outside the immediate channelization area because of fish movements.

Eleven recreation sites on five bodies of water were proposed in OIU plans. However, the DGFP judged four of the five areas to be severely limited in recreation potential, either because of the fluctuation of the water level in the reservoirs or the lack of demand for recreational facilities. It was estimated that channelization would reduce the recreational opportunities at Fisher Grove State Park and would reduce or eliminate many of the recreational opportunities on the upper James River.

Public Hearing and Oahe Irrigation Unit

Controversy over channelization of the James River continued into the public hearings on the nomination of the James River.

The hearings were preceded by a slide presentation in which the effects of channelization in general and on the James River were discussed. The slide presentation began, "The James River in South Dakota is scheduled for destruction... the United States Bureau of Reclamation has scheduled the river for channelization..." Later, a Bureau of Reclamation official denied that the James River was scheduled for destruction through the process of channelization. The official maintained that several alternatives were being studied and opposed

the designation of the James River as it would hinder the study of these alternatives. A state senator at the public hearing maintained that the proposal for designation would "kill the Oahe Project." The DGFP repeatedly stated their support of the greenbelt alternative. And various individuals throughout the public hearings voiced their distrust of the Bureau of Reclamation or their opposition to the designation of the James River because of its possibly stopping the OIU.

The intense controversy over channelization affected attitudes towards designation and made compromises much more difficult.

STEPS IN DESIGNATION PROCESS

Nomination for Designation to BNRD

The first step in the formal nomination of the James River was the submission of the nomination to the BNRD from the DGFP. This occurred in 1976 after months of study, public contacts, and preparation by the DGFP.

Public Comments

All of the 21 landowners adjacent to the proposed scenic river areas approved of the designation at a public meeting prior to the public hearings. However, landowners adjacent to the proposed recreational river areas were not contacted prior to the public hearings because they were not directly affected, except to the extent of preserving the river in its natural state.

At the time of the submission of the nomination to the BNRD, three organizations had given testimony opposing the proposal to designate the James River, and 25 organizations approved the proposal.

A majority of the Board of Directors of the Upper Crow Creek Watershed District (part of the James River watershed) expressed disapproval of the proposal and expressed concern for future flood control in the watershed district. The other organizations expressing disapproval were the Lower James Conservancy Sub-district and the Friends of Oahe.

The Board of Directors of the Lower Crow Creek Watershed District did not approve or disapprove of the designation proposal, but called for joint planning between the Upper and Lower Crow Creek Watershed districts.

The James River Flood Control Association, a third farm-oriented organization concerned with flood control, expressed approval of the designation proposal. Twenty-four other organizations also expressed approval of the proposal for designation at the time the nomination was submitted to the BNRD.

According to a DGFP official, the "support" was represented by a cross section of organizations that represented conservation, wildlife, environmental, and agricultural interests (8). The number of organizations supporting the designation had increased to 30 by the time the nomination was presented to the South Dakota Legislature (6).

Three public hearings were held in late September in Sioux Falls, Redfield, and Aberdeen.

All three meetings were widely publicized beforehand. An explanation of the process of nominating a river for designation was given. A slide presentation included both the attributes of the river which made it worthy for designation and the effects of channelization of the James River. An explanation of the management plan was then given. Questions and comments followed, after which a vote on approval of the proposed designation was taken.

Most discussion at the public meetings focused on the effect of the designation on channelization and on the OIU.

Other concerns included questions about property rights, such as ownership of stream bed and stream water and rights of access to the river and the right to put fences across the river. There were questions about the scenic and conservation easements contemplated by the DGFP and the costs involved in implementing the total management plan. There were also questions about the liability of landowners for the recreationists. Concern was expressed about the support of landowners along the recreational river areas and why they had not been directly contacted.

At the close of each public hearing, the question was asked, "Do you favor the Department's proposal to designate portions of the James River as scenic or recreational?" Department employees did not vote. Overall, 94% of those voting supported the proposal. The breakdown of the voting at each meeting is as follows:

	<u>Favor</u>	<u>Oppose</u>
Sioux Falls	59	1
Redfield	100	5
Aberdeen	<u>118</u>	<u>11</u>
Total	277	17
% Total	94.2	5.8

Agency leaders, legislators, and local landowners who attended the public hearings and were interviewed as part of this study agreed that the public hearings were conducted fairly, but some still felt frustrated by them. A common complaint was that although varying viewpoints were allowed to be presented, the interests representing the pro-designation view were much better prepared in their presentation. Most people interviewed also thought the public hearings did little to alter people's attitudes toward the designation, except that the hearings may have further polarized prior viewpoints.

BNRD Review

Following public hearings, a nomination is submitted to the BNRD. However, the Cabinet Subgroup of Natural Re-

sources first informally considers and makes a recommendation to the BNRD.

The Cabinet Subgroup approved of the designation of the James River as scenic and recreational, although not unanimously. It recommended that BNRD approve the designation.

The BNRD, authorized to consider river designations under SDCL 46-17A-3, 20 and 21, received a request for designation of the upper James River as scenic and recreational in October 1976.

At the meeting, the BNRD heard a report by the DGFP on the designation proposal. A decision was postponed by the BNRD, however, until further information could be obtained. The BNRD raised several questions about the designation proposal including the reactions of all affected landowners, whether the James River could meet the legal definition of a river, whether the management plan would fulfill the legislative intent of a designated river, costs of acquiring access sites, economic impacts, opportunities foregone, pumping plants along the river, removal of tree jams and snags, compatibility of canoeists and landowners, and effects on the James River Technical Team and the OIU.

The BNRD again considered the designation proposal at the December meeting and received letters, statements, and three petitions both for and against the proposal.

A petition including 154 signatures opposing the nomination came from the Upper Crow Creek Watershed District. Signers felt designation would hinder development of the watershed.

A petition including 72 signatures opposing the nomination was received from the "James River Bottom Landowners and Operators Improvement Association of Brown County." This organization felt the designation did not give consideration to flood control and hindered consideration of alternatives.

A "position paper" circulated by the "James River Flood Control Association,"

which supported the designation under certain conditions, included 161 signatures from the total of 214 landowners in the upper James River area. About 75% of 214 area landowners signed in favor of the proposal and less than 2% signed in opposition to the proposal.

Landowners in the upper James River area were heavily petitioned concerning the James River designation. Local landowners and legislators subsequently either discounted the credibility of the "other side's" petition, or both sides' petitions.

Some distrust in the petitions was justified. Brown County landowners were the subject of two opposing petitions by the James River Landowners and Operators Improvement Association of Brown County and the James River Flood Control Association. Twelve Brown County residents signed both petitions. However reliable the petitions were in reflecting people's viewpoints, those interviewed did not trust at least some of the petitions.

At the December meeting, the BNRD adopted a motion to transmit the nomination to the Governor and the 1977 Legislature, but recommended against the designation. The Board criticized the designation because it did not provide the handling of return flows from the (then authorized) OIU and did not have a practical management plan to meet the statutory requirements of a wild, scenic, or recreational river. The BNRD recommended that a special study committee be formed to review the nomination and investigate the effects on the OIU, accommodation of wildlife and recreational values, and the improvement of flood control and irrigability of bottom lands (10).

Subsequently, a letter was submitted to the Governor and the 1977 Legislature from John Popowski, Secretary of Game, Fish and Parks, addressing the twelve questions raised by the BNRD. The letter maintained that DGFP was not given an opportunity to respond to the questions even though it was the sponsor of the nomination (6).

Legislative Consideration

The proposed legislation concerning the designation of the James River as scenic and recreational was supported in 1977 by the Governor. However, the legislation was forwarded in the form of "departmental legislation" rather than "administrative legislation." Departmental legislation has the approval of the Governor but is not specifically supported in his State of the State message nor given the full weight of the influence of the Governor's office. The sponsor -- DGFP in this case -- was responsible for the initial "leg work" of getting the bill introduced and getting support for the bill.

The bill for designation of the James River as a scenic and recreational river was introduced in the Senate and was sponsored by three senators and six representatives. The bill was read and referred to the Committee on Agriculture and Natural Resources.

When the Committee on Agriculture and Natural Resources discussed the bill, two senators, the Secretary of Game, Fish and Parks and two other individuals spoke in favor of the bill. The Secretary of Natural Resource Development and six other individuals spoke against the bill. The Committee passed the bill with five yes votes, three no votes, and one excused member.

The Senate read the bill a second time. It was voted on and failed, with 12 yes votes, 21 no votes, and 2 absent or excused votes. The next day, a senator made a motion to reconsider the vote. The motion to reconsider failed to pass with 13 yes votes, 21 no votes and one absent.

The following year, 1978, the DGFP again chose to attempt legislative approval of the James River designation. The proposed legislation was specifically supported by the Governor as administrative legislation, and the prestige of his office was put behind the bill.

On January 3, 1978, Governor Richard Kneip gave his State of the State message

and supported the legislation concerning the designation of the James River. Kneip's speech contained several sections, all of which could reasonably be related to the James River designation. These sections included the following: agricultural policy, environmental quality policy, water development policy, Oahe Unit policy, and wildlife policy.

That the recommendation for the James River designation was included in the Oahe Unit policy section of the speech reflects the importance of the channelization issue to the proposed designation. The Governor was a supporter of the Oahe-Project as a whole, and his recommendation for the designation reflected his concern for the Oahe Unit. Kneip said, "I am opposed to total channelization of the James River; yet, I feel this nomination is compatible with any thoughts for the future of the entire Oahe Unit" (11).

The bill for designation of the James River, after being introduced, was referred to the Committee on Agriculture and Natural Resources.

The Committee heard testimony on Senate Bill 199 from several individuals, including the Secretary of the DGFP and a representative of the BNRD. Since the bill had become "administrative legislation," a departmental employee could not speak against the bill, but a member of a board could and did. Following testimony, the Committee passed the bill with five yes votes and four no votes.

The bill was given a second reading in the Senate and voted on. The bill lost with 16 yes votes and 19 no votes. A senator made a motion the next day to reconsider the vote; the motion to reconsider passed with 19 yes and 16 no votes.

The senator then made a motion to amend the bill to shorten the designated river to those sections of the river "lying between U.S. Highway 12 and U.S. Highway 212" (11). This motion significantly shortened the area to be designated. The motion to amend the bill lost.

The DGFP had introduced the bill for designation to the South Dakota Legislature in 1977 and 1978. The bill failed to receive Senate approval both years and did not reach the House. The DGFP wished to avoid further controversy on the James River issue and the OIU subsequently lost support, so the channelization threat to the James River was removed. Therefore, the DGFP has not reintroduced a bill to designate the James River as a scenic or recreational river.

MAIN ACTORS INVOLVED IN THE DESIGNATION PROCESS

Several actors, including one federal agency, two state agencies, and six special interest groups (SIGs) were involved in the James River nomination. Each of these actors participated at different levels and with varying degrees of success in the different steps of the nomination process.

Department of Game, Fish and Parks; and Wildlife, Fish, Recreation and Preservation Special Interest Groups

The DGFP is the state agency most directly concerned with protection of the state's natural resources. Wildlife, fish, recreation, and preservation SIGs are concerned with protection of natural resources for various reasons.

The DGFP and the wildlife, fish, recreation and preservation SIGs participated the most and fared best during the initial nomination steps. These SIGs participated heavily in the public hearing step but did not actively participate in the initial information gathering work for the public hearings. The DGFP carried the brunt of the load in gathering information for the nomination.

The DGFP did not fare well at the BNRD review step. The BNRD had a concern for water projects such as the OIU which would have been hindered by designation. The BNRD also questioned the judgment of

the DGFP concerning such issues as adequacy of the management plan, acquisition costs of access sites, and compatibility of canoeists and landowners.

The DGFP fared well at the review step by the Committee on Agriculture and Natural Resources. Designation bills received "do pass" recommendations in 1977 and 1978, although not by wide margins. At Committee hearings, the DGFP had a chance to present information to people familiar with the technical aspects involved in the designation. The Committee's longer consideration time over the designation issue, in relation to legislative consideration, allowed the DGFP to present information not readily comprehensible to the Legislature as a whole; this included information such as wildlife counts, recreation hours, and fish kills.

The DGFP did not fare well, however, during the legislative phase, and the nomination lost in Senate votes in 1977 and 1978. Legislators had little time to consider the designation issue, and the DGFP did not have the opportunity to present extensive information to legislators. Legislators often based their decision on related issues (the OIU). Conflicting information (conflicting petitions) created uncertainties among legislators. Legislators who quickly examined designation information would tend by their background and experience to more readily comprehend data on water development projects than on river preservation. These factors tended to decrease the effectiveness of the DGFP in convincing legislators to support the James River nomination.

Irrigation Special Interest Groups (SIGs)

The irrigation SIGs did not fare well during the initial nomination phase. The nomination had goals which could hinder irrigators' use of the river, and little input was sought from irrigation SIGs in this initial phase.

Irrigation SIGs were primarily responsible for presentation of conflicting

information concerning the effects of designation on irrigation and flooding. Those uncertainties were detrimental to the James River designation, but may also have been detrimental to the OIU, a project which would have helped the irrigators.

The irrigation SIGs fared well at the BNRD review. The BNRD assumed there would be irrigation with the OIU (then authorized) and felt the designation management plan should accommodate this irrigation. The DGFP, in contrast, assumed the OIU should be accommodated to the river designation.

Irrigation SIGs also fared well during the legislative step, since the James River designation was stopped. Irrigation SIGs presented data which were comprehensible in a short amount of time and showed short term economic benefits from irrigation. These actions were important in persuading legislators.

Flood Control Special Interest Groups (SIGs)

Flood control SIGs are interested in preventing recurrent flood problems and are often made up of landowners adjacent to rivers and streams. Support or opposition to the James River designation by flood control SIGs depended upon their perception of external effects of the designation. Members of the Upper Crow Creek Watershed District opposed the designation because they thought it would hinder flood control efforts. The James River Flood Control Association supported the designation, believing designation would prohibit excess irrigation flows and provide funds for the clearing of log jams and snags.

The James River Flood Control Association was heavily involved in the initial nomination phase and was a dominant force in getting local support for the designation. The DGFP conferred with the Association in preparing the management plan, and the Association sponsored the largest petition presented in support of the designation.

Thus SIGs on both sides of flood control presented petitions in the BNRD review. The BNRD had interests and goals similar to SIGs favoring flood control and was also familiar with the technical problems faced by the flood control SIGs. Participation by flood control SIGs was not particularly evident, however, in steps following the BNRD review.

Department of Natural Resource Development (DNRD)^{1/}

The DNRD was the state agency most fully involved with the state's water resource planning, allocation, research, and regulation. The nomination had goals which may have conflicted with the preferences of the DNRD. Therefore, little input was sought from the DNRD in the initial steps of nomination. The DNRD also had little direct participation in the public hearings. The DNRD may have wished to not jeopardize popular support by opposing the DGFP at the public hearing, and the DNRD may also have chosen to withhold participation until a later step involving a more receptive institution, such as the BNRD review step.

The DNRD fared especially well in the BNRD review when the BNRD requested a management plan which allowed for more water development projects. The BNRD had similar goals to the DNRD and was familiar with the DNRD's technical language, thereby encouraging effective participation by the DNRD.

The DNRD, along with the DGFP, also participated in the Committee on Agriculture and Natural Resources hearings. The DNRD did not fare very well in this step, as the nomination received a "do pass" recommendation, although by only a small margin.

The DNRD fared well with the legislative phase, as the nomination did not receive a majority approval. The DNRD

^{1/} The Department of Natural Resource Development is now known as the Department of Water and Natural Resources.

could use its influence and the experience it had gained with the legislators in seeking funding of other projects to discourage approval of the designation. The DNRD could also present information which was quickly comprehensible and showed economic benefits in the near future. These factors encouraged effective participation in the legislative phase by the DNRD.

Bureau of Reclamation

The Bureau of Reclamation was an important actor in the James River nomination because of its planning responsibilities for the OIU on the James River.

The Bureau of Reclamation did not fare well in the initial nomination phase. The nomination was initiated partly in response to possible channelization actions by the Bureau. Little input was received by the Bureau in the initial nomination phase.

The Bureau did fare well at the public hearings, at least in causing uncertainty about the nomination's effect on the OIU. Bureau officials testified that decisions regarding irrigation flows had not been made. This testimony introduced uncertainties and caused polarizations of viewpoints. Although approval of the designation was discouraged by such uncertainties, support of alternative Bureau of Reclamation projects may also have been harmed.

The Bureau of Reclamation also fared well during the legislative step. Many of the people interviewed commented that the legislative vote on the James River designation reflected support of the Bureau of Reclamation project rather than disapproval of the designation. Legislators did not wish to lose access to federal water development funds which had taken many years to achieve. The Bureau probably used the same contacts and methods to help defeat the James River designation that it had developed over the years in gaining support for the OIU.

CONCLUSION

The case analysis of the James River nomination reveals the interrelations of several actors, including both private interest groups and public agencies. In the James River case, it may be hypothesized that the method of river designation processes frustrated the attempts of the DGFP and its allied private interests to designate certain portions of the river as scenic or recreational.

The case also serves as a preliminary study of how changes in the rules of river designation would change performance.

Three possible systems of designation were suggested by the James River case study and a comparative Minnesota study (4). These include the present system, a system granting state government more power, and a system granting local government more power (Table 2).

The present system of designation consists of a process in which a) any agency or group may carry out a nomination, b) designation is by legislative authority, and c) there is state enforcement of the adopted management plan.

The general impact of South Dakota's present system, as revealed by the case analysis of the James River nomination, is that river designations are difficult to achieve for a variety of reasons.

High costs accrue to the agency seeking a designation both in the nomination process and in seeking designation approval. During the nomination process compromise between conflicting viewpoints is difficult to achieve, and many steps are involved in reaching a designation, each adding costs to the designation process. Once a designation has been achieved, the managing agency must deal with several different local governments

Table 2. Optional Decision Systems For South Dakota River Designations.

<u>Components of Decision Systems</u>	<u>Optional Decision Systems</u>		
	<u>Present Framework</u>	<u>Grant State Government More Power</u>	<u>Grant Local Government More Power</u>
Nominating Agency	any agency or group	Department of Game, Fish and Parks	local govern- ments or groups
Designating Agency	Legislature	Secretary of Game, Fish and Parks	local govern- ments or groups with state Legislature approval
Method of Protection	state en- forcement of management plan	required local adoption of ordinances	local adoption of ordinances (not required)

in enforcing the management plan, thereby increasing the cost of coordinating enforcement of the management plan. Costs to any single group of designating a river will usually outweigh the benefits it receives, thus discouraging river designations.

Thus far, only one river has been nominated for state designation in South Dakota, and it, the upper James, failed to receive legislative approval in 1977 and 1978. By contrast, six rivers have been designated in Minnesota, a state which uses an administrative designation system (similar to the proposed system granting state government greater power).

The second basic designation system would grant state government greater power. Most of the designation responsibilities would rest with the Department of Game, Fish and Parks (DGFP), a state agency. This system would either increase the benefits received or decrease the costs of an action by the state government.

This system consists of three basic components which are alterations of the components of the first system: a) nomination procedures carried out by DGFP, b) river designation granted by the Secretary of Game, Fish and Parks, and c) required adoption of ordinances by local governments to support an adopted management plan.

Nomination procedures would be carried out exclusively by the DGFP instead of by any agency or group. The DGFP would gain more control over a system of designated rivers in South Dakota; the system's management would probably also be a DGFP responsibility. The DGFP would likely be more aggressive in pursuing nominations under this system.

Designation by the Secretary (head of DGFP) would result in a large decrease in decision making costs. Fewer people would be involved in the designation decision and there would also be fewer alternative viewpoints involved in the decision. Communication costs would decrease since the Secretary would probably

have a better understanding of the technical aspects of a designation than would most legislators.

Designation by the Secretary would also result in an increased probability for political externalities. Citizens would be represented by one person rather than the many Senate and House legislators. Since groups favoring designations would support the Secretary, their costs would be lower. However, groups opposing designations would have less direct representation and a greater danger of an unwanted designation.

The enforcement of the management plan for a river would be aided by the required adoption of ordinances by affected local governments. Support of the management plan by local governments would be mandated. Local governments, in this case, include boards of county commissioners and boards of special improvement districts such as watershed districts and conservancy districts. Coordination between local governments in enforcing the management plan would be required; this would tend to transfer some enforcement costs from the managing agency to local governments. Management costs would likely decrease for the managing agency, probably the DGFP, thereby encouraging river designations.

The third basic system for designating rivers would grant greater power to local governments in relation to the other two systems. The third system's components include a) nomination initiated by local governments or groups, b) designation by a local government with review powers by the Legislature, and c) local adoption of ordinances supporting the management plan.

Local governments would have more power over the nomination decision. Citizens would have greater representation, thereby decreasing possible political externalities. Decision making costs would probably be higher in nominating a river because of the diverse interests concerning river use at the local level in relation to the less varied interests of the DGFP. Nominations would tend to

decrease from the present system because of the inability of local governments to obtain information required for a designation decision and because of the higher decision making costs.

Only review powers would be retained by the state Legislature. This would lower designation decision making costs relative to legislative designation because of the fewer number of individuals involved.

This component would generally increase the river designation power of local governments and those with access to local governments in comparison to designation by the Legislature or the Secretary of Game, Fish and Parks. River designations would tend to decrease from the two other systems due to the high information costs concerning designations and the varied local preferences concerning uses of river resources.

The third component of the designation system granting local government greater power is the local adoption of ordinances supporting the management plan. This component would not require adoption of ordinances but would leave the decision with local governments.

This component places enforcement costs of the designation on local governments. However, it also gives local governments power over the implementation of the management plan of the designated

river. Enforcement costs would increase in comparison to the other two systems, since each involved government would have to be persuaded to adopt the ordinances. Opportunities would also increase for local governments to gain free-rider benefits from other adjacent governments. For example, if three government agencies chose to restrict development and enhance wildlife opportunities on a river, a fourth government agency might allow development of the river bank but would still experience increased wildlife benefits from the surrounding areas. The fourth area would experience benefits essentially provided free by the three other areas.

Although pro-designation groups would have increased access to enforcement decisions, they would also face increased decision making costs due to the large number of preferences on river uses at the local level and the greater coordination between the various local governments involved in regulating the river. These factors would tend to decrease the number of designations as a result of this component.

Readers interested in an elaboration of the institutional theory and further testing by way of a comparative case study should consult the Manley study(4). In that study, the Minnesota designation system is examined and compared to the South Dakota system.

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