

Idaho's Frank Church and the Wild and Scenic Rivers Act at 50

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"In a country where nature has been so lavish and where we have been so spendthrift of indigenous beauty, to set aside a few rivers in their natural state should be considered an obligation."

— Sen. Frank Church¹

In October of 2018, Americans celebrated the 50th anniversary of the landmark Wild and Scenic Rivers Act's protection of rivers in their "free-flowing condition . . . for the benefit and enjoyment of present and future generations." This well-known and well-loved legacy of 1960s and 1970s-era conservation continues to preserve waterways throughout the country that possess "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, [and] cultural . . . values."² Less well-known, perhaps, is that the genesis of this powerful legislation lies in Idaho and is the product of the visionary leadership of Senator Frank Church. It is fair to argue that without Frank Church, Idaho certainly would not have the rich public lands resources it enjoys today.

But the nation would also have been poorer; Church's environmental contributions to wild and scenic rivers, wilderness, and land conservation were not only in the legislation he succeeded in passing but also in the *way* he went about passing these laws. As a former lobbyist with the Wilderness Society and the Sierra Club recalled, "Frank was among the handful of absolutely crucial leaders we turned to again and again." "He did not come across as a crusader . . . but rather as a quieter, careful workman who crafted the deft compromises and accommodations."³ If studying the past helps inform the present,



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Frank Church fishing in the Sawtooth Mountains in 1965.

then Frank Church's essential role in the development and passage of the 1968 Wild and Scenic Rivers Act provides an illustrative and instructive window into this critical era of environmental fluorescence.

Frank Church's early years

Church's tenure in the U.S. Senate aligns with a period of unprecedented federal environmental protective legislation. Presidents John Kennedy, Lyndon Johnson, and Richard Nixon presided over nearly a decade and a half of landmark congressional lawmaking that focused national attention on protecting natural resources. The result was passage of some of the most far-reaching and powerful laws affecting plant and animal species, air and water, and public lands thanks to the environmental bipartisanism that flourished

during this remarkable stretch. At the center was Idaho's own Frank Church, whose Senate career powerfully illustrates the critical role of the individual in the machinations of environmental politics. His ability to galvanize consensus ensured that measures remained bipartisan and popular, a "green pork" win-win model of environmental legislation.

Church's support and affinity for the environment grew out of his deep appreciation for the wild Idaho of his youth. Born in 1924, Church was a third-generation Idahoan who spent his boyhood recreating with family and friends throughout the scenically spectacular and sparsely populated state. He said, "I never knew a person who felt self-important in the morning after spending the night in the open on an Idaho mountainside under a star-studded summer sky."⁴

He took office in 1957 at just 32 years of age. He was green, certainly, but not in the environmental sense. His 1956 senatorial campaign had promised “to build your Idaho” by attracting industry and economic development to his natural resource-rich, cash-poor state.⁵ Church was a quick study, however, and his tenure on the Senate Interior Committee in particular began to reveal another way to calculate land values—one that moved beyond board-feet of timber and kilowatt-hours of power to an appreciation of the intrinsic wealth of nature in its pristine state. Church came to understand that unbounded economic development was not only an unrealistic goal for Idaho, the West, and the nation, but also an undesirable one. As a result, he championed some of the most important pieces of conservation legislation passed during the halcyon days of the environmental movement.

The Snake, the Salmon, and the Oxbow Incident

By the late 1950s, growing public awareness of environmental degradation coalesced into a powerful movement to legislate change. While its sources were myriad, this nascent environmentalism drew strength from the confluence of a thriving economy, rising standards of living, and widespread concern about the “costs” of atomic energy and rampant industrialization. The outdoor recreation boom exemplifies this convergence. It began in the 1920s, accelerated during the 1930s, and exploded following World War II. Americans who felt secure economically wanted to add what remained of wilderness spaces and nature to their “quality of life” calculus.⁶ Furthermore, as population expanded and urbanization threatened to gobble up the countryside, the environmental toll finally registered with a growing portion of the general public.

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One of the key issues in Church’s 1956 campaign had been the emerging dispute over dam construction in Hells Canyon on the Snake River.⁷ Hells Canyon, North America’s deepest gorge, cradles the Snake River and defines the northern portion of Idaho’s border with Oregon. Carrying nearly twice the volume of the Colorado River, the Snake was also home to impressive salmon runs; at the time of the Hells Canyon controversy the Snake produced nearly 40 percent of all the salmon and steelhead in the entire Columbia River Basin.⁸ Significantly, in 1956, the Hells Canyon gorge contained the last free-flowing stretch of the Middle Snake, approximately 110 miles long.

The fight over the development or preservation of that stretch started before Frank Church joined the Senate, spanned two decades, and forever changed him. In 1955, the Federal Power Commission approved Idaho Power’s proposal for three privately developed dams on the Snake River: Brownlee Dam began producing power in 1958, followed by Oxbow Dam in 1961, and low Hells Canyon Dam in 1967. In spite of Idaho Power’s success, the goal of building an additional high federal dam in Hells Canyon remained alive. At the center of this fight was Frank Church, who initially emerged solidly in favor of the federal high Hells Canyon dam proposal.⁹

In 1958, however, an incident at Oxbow Dam led to what some called “one of the greatest anadromous fish disasters in history.” Idaho Power Company’s failed attempt to transport salmon around the Oxbow Dam in an effort to maintain viable salmon runs—an obligation required by its development permit—instead stranded thousands of salmon, drawing national attention to the shortcomings of the project’s fish passage technology. Thereafter, any new development plan for the Columbia River system would have to address “the fish problem.”¹⁰

As Church later recalled, the early Hells Canyon controversy “was not about whether or not a dam would be built but rather where it would be built and who should build it.”¹¹ But the ‘Oxbow Incident’ had revealed the toll dams take on fisheries. Consequently, in the ensuing decade, Church began to reconsider fundamentally his position on dams in general, not just private dams. Particularly since one of the public dam proposals threatened to block not just the Snake but also the Salmon River, home to 30 percent of the total anadromous fish spawn in the Columbia River basin and more than half of all its spring and summer chinook. This was a cost Church was unwilling to pay.¹²

Thus, in 1959, and again in January of 1960, Church introduced a

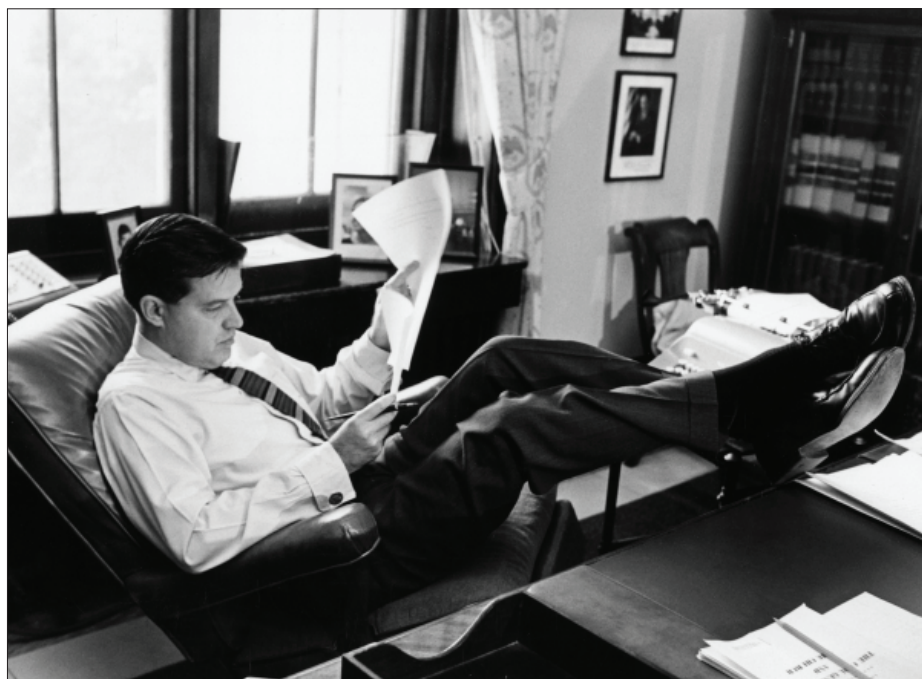
Salmon River Preservation bill “to prohibit the licensing of any dam on the Salmon River, whether high or low. . . [to] keep this famed wilderness river open and unobstructed until such time as the fish passage problem has been satisfactorily solved.”¹³ Not surprisingly, Church’s Salmon River Preservation bill generated significant public response.

The Federal Power Commission opposed Church’s bill, stating it would “prevent the balancing of these adverse effects on fish against the overall benefits to navigation, flood control and power generation.”¹⁴ Private power companies also opposed the proposal as “not in the public interest.”¹⁵ And the conservative Ralph W. Hunter from the *Meridian* [Idaho] *New Times* demanded that “this farce of considering fish more important than electric power be stopped” or else “power customers will pay millions of dollars for a comparative handful of fish in two tiny creeks.”¹⁶

But a significant collection of supporters rallied to the bill’s defense. The Southern Idaho Fish and Game Association, for example, gave full endorsement to Church’s plan to “preserve this valuable and irreplaceable resource.”¹⁷ Church’s Salmon River Preservation bill repeatedly failed to pass the Senate, however, so the Senator changed his tactics.

The birth of The Wild and Scenic Rivers Act

In March 1965, drawing on the lessons he had learned from his involvement in the Hells Canyon and 1964 Wilderness Act controversies, Church introduced the National Wild Rivers bill.¹⁸ The new proposal was designed to protect sections of six of the nation’s scenic rivers—including the Salmon and Clearwater rivers in Idaho—from economic development.¹⁹ Calling the bill “a



Frank Church reviewing correspondence in his senate office (Circa 1970 - 1975).

working partner to the wilderness bill,” Church believed the wild rivers bill would eventually take its place alongside the “landmark” Wilderness Act he also helped champion, as “another first for America.”²⁰

Yet while Church believed the wild rivers proposal was an important companion to the Wilderness Act, he was also quick to emphasize their differences. Most importantly, he noted, the wild rivers bill did “not seek to create corridors of wilderness through which these rivers will flow.”²¹ Rather, the philosophy of multiple use would prevail, allowing grazing, timber harvest, mining, and road building to continue.²²

Like the Salmon River Preservation proposal before it, however, the wild rivers bill blocked dams. Church was not anti-dam—indeed, he called himself “a devoted advocate of dams for Idaho”—but he advocated balanced management of water resources that favored “neither the farmers’ spade, the anglers’ hook, nor ‘Reddy-Kilowatt’s’ switch.”²³ Though he strongly believed some rivers, like the Snake, ought to be harnessed, he believed others, like

“the magnificent Salmon,” ought to be left in their unblemished splendor.²⁴

The Pacific Northwest now enjoyed some of the cheapest power in the country, but it had paid the price with its fisheries. And Church considered the wild rivers system “an essential weapon” in the fight to save Idaho’s dwindling salmon and steelhead runs. “Once a dam is built,” he argued, “a wild river is lost forevermore.”²⁵ He hoped that in Idaho, and elsewhere, conservation could be “the companion of development.”²⁶

In spite of some industry opposition, Church’s measure enjoyed widespread, bi-partisan congressional support, and on October 2, 1968, the Wild and Scenic Rivers proposal became law. In its final form, the new system included three categories for river preservation, a concession designed to please almost everyone and ensure maximum river corridor protection.

The most restrictive category is “wild river.” Designed to protect the “vestiges of primitive America,” these rivers should be “free of impound-

ments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.” The second category, “scenic river,” protects those rivers “still largely primitive and shorelines largely undeveloped, but accessible in places by roads.” The third, and least restrictive designation, “recreational river,” protects rivers that are “readily accessible by road or railroad that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.”²⁷

In other words, untouched river areas remain untouched and those with existing access remain open for recreation and even development. The law immediately designated eight rivers, more than half in the West including the Salmon and Clearwater (and its tributaries), for inclusion in the Wild and Scenic Rivers system.²⁸

Compromise, cooperation, and pragmatic politics form the core of Church’s legislative legacy. As the Wild and Scenic Rivers campaign illustrates, the role of the individual is often critical in navigating environmental politics. Frank Church’s conversion to the environmental preservation movement was neither painless nor smooth. Church himself admitted, “the major difficulty has been trying to find the proper balance between needed development of our nation’s resources to maintain full employment and prosperity on the one hand and improve and preserve the quality of human life and the environment on the other.”²⁹

By all indications, the Senator was more than a political opportunist. He often led his constituents in directions political pundits told him they would not go, particularly on environmental issues. Though some environmental activists and critics have characterized Church’s willing-

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than I’ll have to live with my job.”³⁰

– Sen. Frank Church

ness to compromise as indicative of an incomplete commitment to preservation, Church once commented: “Sometimes it is necessary to take the unpopular positions. I have to live with my conscience a lot longer than I’ll have to live with my job.”³⁰ In many ways this statement summarizes Church’s rational, thoughtful approach to both Wild and Scenic Rivers and the environmental movement generally.

Creating consensus

As one political reporter put it, in a democracy, “everyone sitting around the table has to get something, meaning everyone has to give something.”³¹ That democratic ideal is bound up in the environmental legislation Frank Church helped to pass. Over the course of his four Senate terms, from 1957 to 1981, Church wrestled with balancing the conflicting demands for resource use and preservation, of economy and environment, in Idaho, the West, and the nation. As he once conceded, “getting action in Congress depends upon lining up the votes. I work in a political forum, where success usually depends on some measure of accommodation. I try to be effective without compromising end objectives.”³²

Church shaped—and was shaped by—a national sentiment that increasingly counted a healthy envi-

ronment as an integral part of the good life and a measure of a higher standard of living. For the past fifty years, the Wild and Scenic Rivers Act has been the consensus-building complement to America’s best ideas of national parks and wilderness, protecting 12,754 miles of 209 rivers in 40 states and Puerto Rico. This remarkable legacy is put into some perspective, however, when compared to the more than 75,000 large dams across the country that have modified more than 600,000 river miles.³³ There is still much to be done.

Yet Church’s advocacy fundamentally shifted the American paradigm to recognize the other-than-power values of a wild river and consider whether the best dam might be no dam.³⁴ Fortunately, Idaho’s Senator also modeled a kind of symbiotic relationship with environmental organizations such as the Sierra Club worth restoring in the 21st century: he needed their more radical positions to make him appear moderate in an increasingly conservative Idaho, while they needed him to craft the political compromises necessary to achieve environmental protection.

This partnership set the tone for their long and fruitful cooperation and together they translated grassroots activism into concrete legislation that helped build the foundation of the modern environmental

movement. As former Secretary of the Interior, Stewart Udall, said simply, Church was “one of the preeminent leaders” on environmental issues in Congress.³⁵ In the end, however, Church did not embrace environmental concerns because they were fashionable, but because he genuinely believed they were right.³⁶

Endnotes

1. United States. Congress. House. Committee on Interior and Insular Affairs. [Hearings before the Subcommittee on National Parks and Recreation of the House Committee on Interior and Insular Affairs], Serial No. 90-22, 8 March 1967, (Washington, D.C.): U.S. G.P.O, 1968, p. 198.

2. 16 U.S.C. § 1271. Portions of this article first appeared in *Losing Eden: An Environmental History of the American West* (Wiley, 2017), “Evolution of an Environmentalist: Senator Frank Church and the Hells Canyon Controversy,” *MONTANA: The Magazine of Western History*, Spring 2001, 36-51.

3. Doug Scott to author, Feb. 3, 2007, copy in author’s possession; Doug Scott to author, Feb. 18, 2007, copy in author’s possession.

4. Inscription on Frank Church’s Boise, Idaho, tombstone.

5. Frank Church Papers, Boise State University, Idaho (hereafter CP), at 56/11.1/1/#56001 (Frank Church, “Build Your Idaho,” 1956 campaign video). The extensive Church Papers are archived by manuscript collection number (56), series within the collection (e.g. 11.1 above), box number (e.g. 1 above), and then file or video number (e.g. #56001 above).

6. See, e.g., Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (Cambridge: Cambridge University Press, 1987).

7. Rod Gramer Collection, Boise State University, Idaho (hereafter RGC) at MSS 173 (Frank Church interview with Rod Gramer, 10 January 1979). Just prior to the election, the United States Senate defeated legislation for a federal dam in Hells Canyon. At the same time, the private Idaho Power Company received approval to build three smaller dams on the Snake. In general, voters in northern Idaho tended to support the construction of a federal dam, while voters in



Senators Frank Church (center) and Jim McClure (right) attend an emergency meeting of the Senate Interior Committee concerning the Teton Dam Disaster (June 15, 1976). Interior Committee staffer Ben Yamagata is on the left.

southern Idaho opposed it.

8. William Ashworth, *Hells Canyon: The Deepest Gorge on Earth* (New York: Hawthorne Books, Inc., 1977), xv. The gorge is also amazingly narrow, averaging only 10 miles between its rims. Hells Canyon is narrowest between Black Mountain on the Oregon side and Dry Diggins Point on the Idaho side: five miles from rim to rim as the crow flies. Hells Canyon National Recreation Area, Hells Canyon Overlook Interpretive Plaque, “A Story Written in Stone.” Elmer F. Bennett letter to Jerome K. Kuykendall, 21 November 1960, 4, CP 56/1.1/155/22. According to river historian Tim Palmer, anadromous fish runs in the Columbia River Basin have declined from historical levels of 10 to 16 million fish to fewer than 2.5 million annually, with fewer than 10 percent being wild fish (and only at this level twice since 1960). Tim Palmer, *Lifelines: The Case for River Conservation* (Washington D. C.: Island Press, 1994), 35.

9. Fred Hutchison Papers, Boise State University, Boise, Idaho (hereafter FHP) at 124/3/15 (*Congressional Record*, 19 June 1957, 5, 13, 4). Like the Church Papers, the Hutchison Papers are archived by manuscript number, box number, and folder number.

10. Ashworth, *Hells Canyon*, 117-118. The Oxbow dam reaches 205 feet in height and effectively blocked spawning salmon. In its December 1958 report on the “Oxbow Incident,” the U.S. Fish and Wildlife Service estimated a loss

of about 4,000 adult chinook salmon and steelhead. It also estimated “that 50 percent of the 14,000 salmon which were collected and transported around the project did not survive to spawn. The success of the 3,700 steelhead trout which were passed remains to be determined.” United States Department of the Interior, Fish and Wildlife Service, *A Report on Recent Fish Passage Problems at Oxbow and Brownlee Dams – Snake River*, December 1958, 7, CP 56/1.1/155/18. Hearings, held in Lewiston, Idaho, in early November 1959 revealed that in spite of investing millions of dollars in fish passage facilities at Brownlee and Oxbow, Idaho Power could not effectively answer the question: how well are they working? See, e.g., Bill Johnston, “Massive Skimmer to Trap Fingerlings is Still an Experiment – And Costly,” *Lewiston [Idaho] Tribune*, 15 November 1959.

11. CP at 56/2.3/5/8 (Frank Church, *Hells Canyon National Recreation Area Dedication*, 20 July 1976, 1).

12. FHP at 124/28/2 (Frank Church to “Gentlemen,” May 1, 1959, p. 1).

13. FHP at 124/2/28 (*Congressional Record*, 19 January 1960, 1). Church had a personal love of the Salmon River. On June 21, 1947, he and his wife, Bethine Clark, were married by the banks of the Middle Salmon.

14. FHP at 124/2/28 (Federal Power Commission, *Report on S. 2586 – 86th Congress*, 3).

15. See, e.g., CP at 56/1.1/155/20 (Herbert G. West letter to Frank Church, *Resolution No. 24*, 11 December 1959).

16. CP at 56/1.1/155/20 (Ralph W. Hunter telegram to Frank Church, 1 December 1959).

17. CP at 56/1.1/155/20 (*Statement of Southern Idaho Fish and Game Association with respect to Senate Bill S. 2586*, 9 November 1959).

18. For a more thorough discussion of Church's involvement in the passage of the 1964 Wilderness Act and subsequent wilderness legislation, see Sara Dant, "Making Wilderness Work: Frank Church and the American Wilderness Movement," *Pacific Historical Review*, Vol. 77, No. 2 (May 2008), 237-272.

19. *Congressional Record*, 8 March 1965, 4290. The six rivers incorporated in the original legislation were the Salmon and Clearwater rivers in Idaho, the Rogue River in Oregon, the Rio Grande River in New Mexico, the Green River in Wyoming, and the Suwannee River in Georgia and Florida.

20. *Id.*; FHP at 124/2/32 (Frank Church, "News Release," 8 March 1965); CP at 56/1.1/156/6 (National Wildlife Federation, "Conservation Report," 23 April 1965, 1).

21. "Rivers Recreation, and YOU," *Field and Stream*, July 1966, 11.

22. CP at 56/1.1/156/7 ("National Wild Rivers System" (report of Senate Interior Committee Task Force, Boise, Idaho), 18 May 1965, 492).

23. CP at 56/1.1/156/12 (Frank Church, "Statement of Senator Frank Church, D-Idaho, Chairman of the Public Lands Subcommittee of the United States Senate Interior Committee, Before the Idaho Water Resources Board" (Lewiston, Idaho), 25 October 1965, 2, 7, 8) (hereafter IWRB Statement).

24. *Congressional Record*, 8 March 1965, 4290.

25. FHP at 124/2/32 (Frank Church, "News Release," 13 September 1965); IWRB Statement, 7.

26. IWRB Statement, 7.

27. 16 U.S.C. § 1273.

28. The eight rivers were: the Middle Fork Salmon and Middle Fork Clearwater (including the Lochsa and Selway rivers) in Idaho; the Eleven Point in Missouri; the Feather in California; the Rio Grande in New Mexico; the Rogue in Oregon; the Saint Croix in Minnesota and Wisconsin; and the Wolf in Wisconsin. The act also stipulated that the agencies administer-



Central Idaho Wilderness Act signing by President Jimmy Carter with Idaho Governor John Evans, Senator Frank Church, and Secretary of the Interior Cecil Andrus (July 23, 1980; White House photo). The Act added 125 miles of the Main Salmon River to the National Wild and Scenic River System and designated the River or No Return Wilderness in central Idaho.

ing each river had to establish detailed boundaries and determine the appropriate classification within one year from the date of the act.

29. CP at 56/10.6/4/14 (*Questionnaire from Ralph Nader Congress Project, Question #180*, no date given but August 1972).

30. Ralph W. Hansen and Deborah J. Roberts, *The Frank Church Papers: A Summary Guide* (Boise: Boise State University, 1988), 32 (Hereafter CP Summary Guide).

31. Jon Margolis, "Can 'property rights' stop a popular bill?," *High Country News* 5 June 2000.

32. CP at 56/1.1/93/11 (Frank Church to

Mrs. Frederick R. Ward, June 28, 1971).

33. U.S. Fish and Wildlife Service, Inter-agency Wild and Scenic Rivers Coordinating Council, "A National System," available at: <https://www.rivers.gov/national-system.php> (accessed 17 November 2018).

34. See, e.g., *Udall v. Federal Power Comm'n*, 387 U.S. 428 (1967), (Douglas, J.).

35. RGC at MSS 173 (Stewart Udall interview with Rod Gramer, 11 June 1979).

36. CP Summary Guide, 32.

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