A Legacy of Neglect: The Ozark National Scenic Riverways

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Missouri's Current River and its tributary, the Jacks Fork, were the nation's first federally protected rivers. Congressionally authorized in 1964 as the Ozark National Scenic Riverways (ONSR), they served as a prototype for the National Wild and Scenic Rivers Act of 1968. But in May 2011 ONSR was identified by American Rivers as one of America's ten most endangered rivers, owing to a history of inadequate management by the National Park Service (NPS).

The spring-fed, bluff-lined Current and Jacks Fork are the preeminent "float streams" in a state where floating, fishing, and camping by johnboat or canoe have long been favorite pastimes (Figure 1). The state's first Republican governor since Reconstruction, Herbert Hadley, led well-publicized float trips on Current River as early as 1909 in an effort to promote tourism and build support for a state park system. When Missouri acquired its first state parks in 1924, they included Round Spring and Big Spring on the Current River and Alley Spring on the Jacks Fork. The rivers early attracted admirers from afar; Aldo Leopold came from Wisconsin in 1926 to float the Current from Van Buren to Doniphan with his brothers (Leopold 1953; Figure 2), then in 1929 bought a shanty on its bank as a base for annual hunts, years before he acquired his celebrated shack in the sand country of Wisconsin.

Like many other rivers that eventually won designation as national wild and scenic rivers, the Current was threatened by proposed hydroelectric dams. While the notion of a riverine park had been advanced by a local hunting and fishing club as early as the 1920s, even before authorization of two dams on the Current in the 1930s, a recommendation that the river remain free-flowing and developed for recreation, as advocated by local groups and state officials, emerged from the Arkansas–White–Red River Basins Interagency Committee in 1954 and resulted in two NPS-led studies later that decade (DRD 1956; NPS 1960). The first study proposed designation of about two-thirds of the *watersheds* of the Current, Jacks Fork, and Eleven Point rivers as a national recreation area, with special emphasis on preservation of the streams and springs; the second, after the US Forest Service (USFS) objected to the incorporation of 350,000 acres of national forest in the NPS-led project, proposed

The George Wright Forum, vol. 28, no. 2, pp. 114–126 (2011).

ISSN 0732-4715. Please direct all permission requests to info@georgewright.org.

NPS acquisition of 113,000 acres of river corridor as a national monument, most of it preserved in wilderness-like settings with minimal development.

Two types of bills—one providing for administration of the rivers by USFS, the other by NPS—were introduced in Congress beginning in 1960. The USFS advocates, including

Figure 1. Fog lifts from Current River on an October morning. Photo courtesy of Wayne Goode.

Figure 2. Aldo Leopold and his brother Carl pole a johnboat on a 1926 float and hunt trip on Current River south of Doniphan. Photo courtesy of Aldo Leopold Foundation.

conservationist Leo Drey of St. Louis, who owned some 130,000 acres of forest with 35 miles of frontage on the Current and Jacks Fork, argued that the USFS was already known and relatively accepted by Ozarkers and had ample land on which small recreational impoundments could be developed, thus helping to disperse recreational pressure and better preserve the three rivers; they favored continued multiple use of the watersheds and the use of scenic easements to protect the rivers without unduly infringing on private property. Advocates for NPS management were led by newspaper columnist Leonard Hall, who had just published *Stars Upstream* (1958) arguing for protection of the Current as a national river, and George Hartzog, who as superintendent of the Jefferson National Expansion Memorial (the Arch) in St. Louis had been appointed NPS lead in promoting the new area (Stevens 1991; Flader 2008).

But when Interior Secretary Stewart Udall floated the Current in 1961 with Hartzog and Hall, and President Kennedy subsequently endorsed the plan for an Ozark National Monument, the die was cast in favor of the National Park Service. As another consequence, Hartzog would be appointed by Udall as NPS director in 1964 (Udall 1988), and ONSR would be his first new park. As part of the deal that led to congressional approval of Ozark National Scenic Riverways in 1964 (Public Law 88-492, enacted August 27), the lower Current, with better agricultural land along its banks, and the Eleven Point, which flowed largely through national forest, were dropped from the bill; the state agreed to transfer to NPS its three big-spring parks on the Current and Jacks Fork as focal points of the new ONSR; and NPS agreed to allow hunting in the park and the use of scenic easements as well as eminent domain to protect the river corridor. The Eleven Point, in turn, would become one of the initial rivers designated in the National Wild and Scenic Rivers Act of 1968, under USFS management.

ONSR included 134 river miles with two gaps at the towns of Van Buren on the Current and Eminence on the Jacks Fork. Its watershed boasted a world-class spring system unparalleled in North America, with 350 springs, many of them located near the rivers (including the largest spring to date in the national park system), and more than 330 caves. As scientists undertook more intensive ecological surveys, they would begin to appreciate that the Current River watershed is an international center for biodiversity, with more than 200 endemic species. As of 2010, the area included two federally listed endangered species (gray and Indiana bats), another proposed for listing (the iconic Ozark hellbender salamander), and 70 state-listed rare or endangered plant and animal species. The riverways also abounds with archaeological sites, historic structures, and landscapes reflecting 12,000 years of human habitation.

But except for the three state parks, which were transferred to NPS in 1970, most of the land within the authorized boundaries of the narrow riverine park was private, and would have to be acquired in fee simple or protected from development and timber-cutting by scenic easement. Because NPS insisted on the right of public access 300 feet back from the river on scenic easements, many fiercely independent Ozark farmers, who disliked any kind of government control, felt forced to sell. But Congress authorized only $7 million in the 1964 act to acquire up to 65,000 acres of private land, leading NPS officials to set upper limits on appraisals, which meant that more than 200 cases ended up in court. Although the courts

tended to set considerably higher values than initially offered by NPS, the forced sales and contentious proceedings led to a heritage of ill will toward NPS by many in the region (Sarvis 2000). Meanwhile, the more urban owners of riverside cabins, who had been expected to sell with life tenancy, instead were offered and opted for easements with essentially perpetual tenancy.

Because ONSR was the first such park, NPS officials were necessarily learning on the job; until Cape Cod National Seashore (1961), most previous national parks had been acquired by transfer of other public lands or donated private land. Moreover, Hartzog's dynamic tenure as director, coinciding with the new Land and Water Conservation Fund (1964), led to the rapid acquisition of 70 new national parks, so there was a shortage of experienced administrators. Meanwhile, the public flocked to the newly designated riverways before NPS was ready. Local outfitters and others who had operated small businesses along the rivers for decades bought more canoes to satisfy the demand and exercised disproportionate influence on local NPS officials.

Canoeists, who reached an estimated 40,000 in 1968, climbed to 145,000 in 1973 and nearly 300,000 by 1979, out of total visitation of nearly 2 million. Moreover, canoeists and other visitors were concentrated in certain stretches and on summer weekends. Though NPS sought some control in 1970 by licensing 16 canoe outfitters, dozens of others operated without permits, launching canoes just upstream of the park boundary. An unfavorable court decision in 1976 stifled NPS efforts at control, though subsequent decisions in the early 1980s were more favorable.

Controversies over efforts at control, coupled with a rapid turnover of superintendents in the early years, stymied the development of a general management plan (GMP) for the park. While USFS completed a plan for the Eleven Point by 1973 and the Buffalo National River in Arkansas, designated in 1972, had a plan by 1977, an initial draft prepared for ONSR was rejected by Washington NPS officials in 1976 and a new draft was not prepared until 1981, finally winning approval in 1984 (NPS 1984). Two decades after Congressional designation, ONSR officials finally had a general outline for management, but it was a plan that called for more studies to support more specific plans on a host of issues that had already been festering for decades.

The 1984 GMP, which is still in effect today, reaffirmed NPS commitment to preservation of natural and cultural resources and the scenic and ecosystem integrity of the riparian corridor, and called for studies to determine levels of use that certain areas could experience without resource degradation. It affirmed the early policy of developing visitor service areas with river access, campgrounds, and other facilities at sites within a day's float from each other—initially 13 such sites, now 19. The plan also acknowledged the existence of some 40 *de facto* camping and river access sites generally accessible by unimproved county roads and provided for a more detailed study of them and of other roads, traces, and horse trails in the riparian corridor.

Deleted from the final plan owing to ongoing litigation were any proposals regarding management of river uses, but after NPS authority to regulate canoes was affirmed the park issued a draft river management plan (NPS 1989). Canoe rental had greatly outpaced the increase in other river uses until 1979, when it leveled off at about 300,000 visitor-days per

year, suggesting that it had reached carrying capacity (with 61% of respondents perceiving crowding). But after a court decision allowed park officials to begin controlling rental numbers and put-in locations in 1984, perceptions of overcrowding declined to 38%. Meanwhile, motorboating increased from 3,600 boat-days in 1974 to 12,000 in 1980 with the introduction of jetboats, which could be operated with less knowledge of specific river conditions. While most canoeists were non-local, motorboaters were mostly local and concentrated in the lower river around Van Buren, the park headquarters, where they could more easily influence park officials. Motorboating was the most controversial issue in the plan, with many jetboaters not wanting any regulation and many canoeists (and, presumably, tubers) asking for complete elimination. The plan proposed zones with motors of no greater than 25 horsepower (hp) in the upper reaches (10 hp at peak times), 40 hp in the middle, and no limits below Big Spring (or in the gaps), to take effect in 1993 (on the Buffalo River the limit is 10 hp, on the Eleven Point 25 hp).

River access and camping issues were deferred to the roads and trails study, for which NPS commissioned two field studies in 1986. One compiled an inventory of 352 roads and traces with a total distance of 318 miles within ONSR boundaries, of which 93 (including the official developed areas) provided river access. The other study identified a total of 62 riverbank "primitive areas" (up from 40 estimated in the GMP), most of them accessible by land vehicle, and reported that these sites, on average, had lost 58% of their ground cover and had four trees damaged (Mendiola 1986). How many of these roads and campsites already existed in 1964 has not been determined.

The field inventories provided data for a roads and trails study, issued in 1991, in which park officials sought to develop a protocol for closing problematic roads and vehicular access to primitive camps (NPS 1991). They excluded from consideration any county roads, undoubtedly to avoid confrontation with county officials. More inexplicably, they elected not to close other roads that led to primitive sites, despite numerous visitor comments and letters decrying the "visual intrusions of large numbers of vehicles along the riverways." In the end NPS proposed closing only 54 non-county road segments that jeopardized threatened or endangered species, showed resource damage or safety hazards, or provided redundant access.

The road closure alternatives included a short (less than 4-page!) environmental assessment, in which the socioenvironmental impacts considered solely the adverse impacts of closures on those who used the roads to access primitive areas, not the impacts on the far larger numbers of visitors who floated the rivers and objected to the intrusion of motor vehicles on riverbanks and gravel bars. It should be noted that the camping areas developed by NPS are all set back and screened from view from the river, while in the unofficial primitive sites anything goes, including slashing and mowing vegetation and reshaping banks to open the view and improve access to the river. Moreover, the roads to them are not shown on any ONSR maps for general visitor use, meaning they are available only to those—mostly local residents—who have heavy duty vehicles or all-terrain vehicles (ATVs) and can find their own way there on a maze of unmarked, often deeply rutted roads (Figure 3). Local Ozark families have been visiting the river for generations, and they want to be in their own spot, right on the river, not in a developed campground with others (Figure 4).

Figure 3. Welch Primitive Area directly across from scenic Welch Spring on the upper Current River is a maze of rutted, eroded traces, its vegetation degraded or stripped bare to the riverbank. Photos courtesy of Greg Iffrig and Jerry Sugerman.

Figure 4. Sinking City: A "primitive" gravel bar campsite on Current River. Photo courtesy of the author.

The 1991 study also reviewed horse trails. Though it briefly mentioned the need for an inventory of trails throughout the park and for measures to relocate trails out of floodplains, reduce river crossings, provide switchbacks on steep slopes, and prevent trampling and tree damage by horses, its discussion of management alternatives considered only officially designated trails. There were 14 miles of such trails at the time, all near the junction of the Jacks Fork and Current, where a commercial firm, located along the Jacks Fork on private land in the Eminence gap, offered stalls, camping and entertainment that attracted up to 2,500 riders and horses at a time. The study also noted that "horse use is permitted on all unpaved roads and traces within the park except where posted."

During the years following the 1991 roads and trails study, there was little information presented to the public about further NPS actions, monitoring or plans, only occasional anecdotal evidence or remarks of former or retired ONSR staff that fed a growing sense that all was not well. Visitation dropped from a high of nearly 2 million a year to only about 1.3 million. Many canoeists simply stopped going to ONSR, and others brought back reports of boorish, drunken behavior along the riverways, horses and ATVs in the river, inappropriate development, or obvious violations of scenic easements. There was a series of reports of high fecal coliform pollution from horses on the lower Jacks Fork (Davis et al. 2001–2006) and an eight-mile stretch of the river was added to the state's list of impaired waters. Ecologists grew concerned about the precipitous decline of the Ozark hellbender, found only in these rivers, and asked the US Fish and Wildlife Service to list it as an endangered species. County road crews brazenly bulldozed new roads to the river, knowing they would not be challenged. And ATV use proliferated, with one local dealer stocking so many that he had to store them, still crated, in stacks five or six high. New superintendents, soon after they arrived, would talk bravely about getting control of the problems, but later, when conservationists would ask them about specific issues, they would hear excuses or be told to wait for the new general management planning process. The GMP process, however, kept getting delayed, finally held scoping meetings in 2006, then went quiet again.

Meanwhile, leaders of a number of concerned conservation organizations started an informal Friends of Ozark Riverways (FOR) to discuss issues, seek reports and data through Freedom of Information Act (FOIA) requests, and begin to document problems in preparation for the upcoming planning process. One of the organizations, the Missouri Coalition for the Environment, filed suit against NPS regarding easement violations (especially unwarranted land exchanges and blatant new home construction; Figure 5) and repeated failure to follow the National Environmental Policy Act, resulting in serious degradation; they reached a settlement in 2006 in which NPS agreed to evaluate impacts on several already completed projects and commit to following the environmental review and public participation requirements of NEPA in the future. Another group prepared a slide program and then a video on "Why We Must Save the Current River, Again." When the time finally came, in the late summer of 2009, for public comment on preliminary management alternatives for ONSR, NPS was deluged with thousands of responses, reportedly more than on any recent issue except the Yellowstone winter use controversy—about half (largely from the immediate vicinity of the riverways, where ONSR held numerous meetings and media outreach) asking for "no action," meaning no further regulation, and the other half advocating much stronger management, resource protection, and restoration.

Even as NPS began digesting the dichotomous comments and preparing for the draft GMP, a FOR researcher, Jerry Sugerman, began plumbing NPS reports and aerial photographs in an effort to further document the proliferation of river access roads and horse use since the 1991 study. Some 30 of the 54 road segments designated for closure seemed to have been closed, many of them duplicate roads. It turned out that ONSR had done another park-wide field inventory of drivable roads within park boundaries during 2004–2005 with GPS technology and found a total of 346 miles, compared with 318 miles in the 1991 study, but never released the results (NPS 2005). Only 288 miles of the earlier roads were

Figure 5. A scenic easement where a new owner leveled the former site of a rustic cabin with dynamite and a backhoe to build a modern three-story house at the river's edge. Photos courtesy of Kally Higgins.

recorded as drivable in 2005, meaning there had been a gain of 58 miles of unauthorized new roads. Add to that the 17 miles of roads slated for closure in 1991 that still remained open and there were 75 more miles of roads than had been anticipated even in the weak rivers and trails study of 1991. Furthermore, instead of the 91 river access points accessible by motor vehicle that had been mapped in the 1991 study, there were now at least 136 (Figure 6). As FOR wrote in its illustrated report:

> The impact of all this vehicular activity along the riverbanks on soil stability and native riparian and aquatic habitats is severe. And the impact on the experience of many of the far greater numbers of people who annually float the rivers is gut-wrenching. There is almost nowhere that a floater can land on a gravel bar and walk into the woods without being assaulted by a maze of rutted, heavily eroded roads, scarred or dead trees, and degraded habitat, not to mention the frequent sights from the river of vehicles and their tire tracks on gravel bars and river banks. Moreover, many of the gravel bars originally intended by Congress and early park plan-

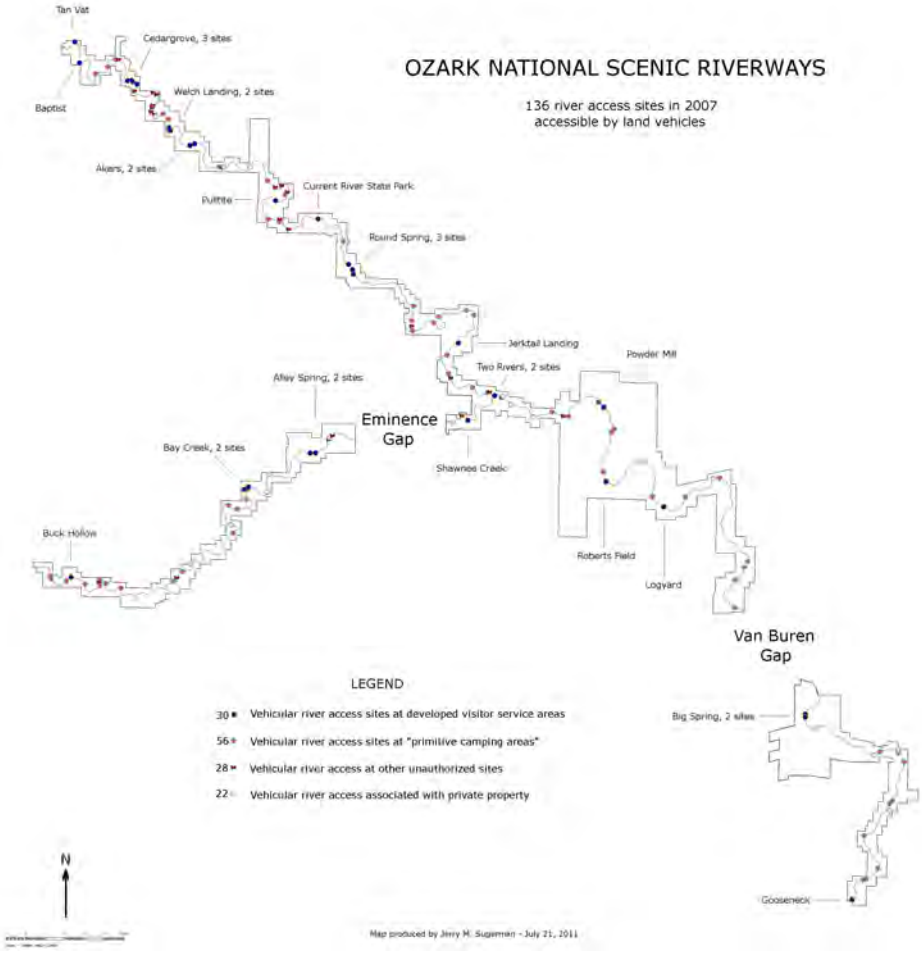

Figure 6. One hundred thirty-six river access sites accessible by land vehicles as of 2007. Map prepared by Jerry Sugerman for Friends of Ozark Riverways from ONSR reports and aerial photographs.

> ners for swimming, fishing, picnics, or overnight camping by floaters are appropriated by motor vehicles for weeks on end and virtually all are subject to invasion from the rear by horse riders by day and ATV and truck drivers by day and night. No wonder many people who formerly enjoyed floating the Ozark National Scenic Riverways no longer think of going there (FOR 2011).

Horse use and new *de facto* horse trails had also greatly proliferated. By 2010, Cross Country Trail Ride along the Jacks Fork boasted 3,003 stalls for horses, and there were numerous new horse facilities outside park boundaries whose riders used park roads and horse-made trails, especially along the upper Current River. From a FOIA request, FOR's Sugerman found that there had in fact been an abortive effort at dealing with the problem during the late 1990s under new ONSR Superintendent Ben Clary. At the initial staff meet-

ing in 1996, according to the minutes, "the biggest issue discussed" was the policy on use of non-designated horse trails in the 1991 roads and trails study: "Wording in the R&TP was not widely discussed prior to being inserted in the plan. 36CFR specifically states that horse use is prohibited outside designated trails" (NPS 1996).

At a meeting with equestrian stakeholders in 1999, Superintendent Clary said ONSR monitoring showed that horse use had doubled between 1985 and 1995 and it had clearly continued to expand since then, and he asked equestrians to help map all the trails within the park (NPS 1999). By April 2000 a core team had produced four large maps detailing the route of every segment of *de facto* horse trail, including river crossings. Within the 56-mile stretch of the Current from the upstream boundary to Goose Bay there were 51 miles of horse trail running parallel to the river *on the flood plain*, 83% of which were used exclusively for horse riding. There were nearly 30 miles of additional flood plain trail in other sections, in addition to numerous trails on higher ground. Using the four NPS maps, Sugerman digitized all the points where the *de facto* horse trails crossed a river or the park boundary, finding 83 river crossings and 164 boundary crossings (Figure 7).

Subsequently a team consisting of only one ONSR staffer and 19 equestrians proposed two different types of horse trail plans. One would have established 24 officially designated loop trails plus connector trails for a total of 259 miles, plus 25 staging areas, plus parking areas, comfort stations, signs, and hitching rails, all on park property. The other would have allowed for what might be described as non-designated trails of essentially the same configuration but without any signage; horse use and pack-in camping would be allowed on all trails, traces and roads in the park, with parking and horse camping allowed in all primitive areas. Whether because Clary retired and was replaced by a new superintendent who died within a year, or because the stakeholder-developed alternatives were deemed infeasible, or because park officials simply lost interest, the planning effort was apparently dropped. And there has apparently been no further effort to regulate horse use beyond some limits on group size in the permitting of four massive trail rides a year sponsored by Cross Country Trail Ride.

When a "listening session" for President Obama's initiative, America's Great Outdoors, was belatedly scheduled for East Alton, Illinois, in August 2010, at which Secretary of Interior Ken Salazar and NPS Director Jon Jarvis were present, several FOR members spoke passionately about the problems at ONSR, gave them written material and a blown-up version of Sugerman's map of river access points, and asked for their help. Salazar and Jarvis listened intently and promised to look into the problems. Subsequently, Jarvis and other NPS officials held a conference call with FOR to further discuss the problems. Because it became clear during that call that ONSR intended to proceed with its general management plan on the basis of its 1991 Roads and Trails Study, FOR prepared and submitted to Jarvis a report showing that the 1991 study was flawed and obsolete, asking for management of ONSR according to NPS standards and policies, and asking that NPS prepare a full environmental impact statement to address the cumulative environmental impacts of the proliferation of vehicular river access and uncontrolled horse use (FOR 2011). As of this writing, NPS has not yet responded to this request.

When American Rivers announced on May 17, 2011, that Ozark National Scenic Riverways was included on its 2011 list of America's most endangered rivers, citing overuse,

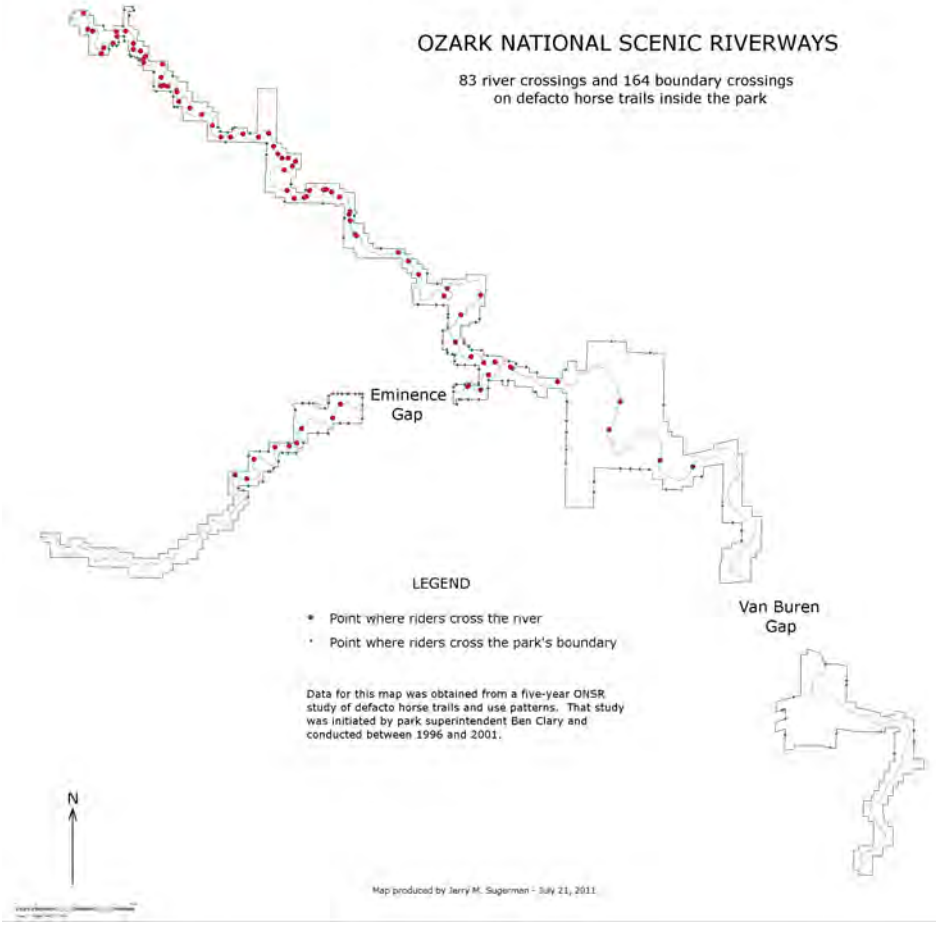

Figure 7. Eighty-three river crossings and 164 boundary crossings on de facto horse trails inside the park as of 2000. Map prepared by Jerry Sugerman for Friends of Ozark Riverways from ONSR maps.

poor planning, and inadequate management, the only known response from NPS came in comments on an article in the website "National Parks Traveler" (Repanshek 2011) from Faye Walmsley, information officer for ONSR, who questioned some of the statistics, pointing out that off-road use of ATVs in the park is illegal, as is horse use beyond the now-23 miles of designated trails. While national media coverage of the announcement tended to be matter-of-fact and urban media in Missouri supportive of increased attention to problems at ONSR, some local media along the riverways, as might be expected, were resentful of an outside organization meddling in local affairs. But even *they* acknowledged problems along the riverways.

The situation at Ozark National Scenic Riverways seems to be a classic case of park management "going local." New NPS officials assigned to the park recognize the problems when they first arrive, but soon realize that it is easier—perhaps even safer—to give in to vocal

local demands. There are some in the area who think that ONSR is not really a national park, that it is just a recreation area, but it is unclear from examination of the sources going back to the earliest involvement of NPS where that idea found support. There are legions of people in the region who love the rivers, are upset at what is happening to them, and want to see better management by NPS, though many have been reluctant to speak out. Midwest regional officials clearly recognized that ONSR is not being managed according to national park standards and policies, but they were willing to look the other way, perhaps out of wariness of a difficult political situation, or because they think the park is safely buried deep in the Ozarks and nobody much cares.

But the Current and Jacks Fork rivers, despite decades of abuse and neglect, are still by far the best—the most stunningly beautiful and most biologically, geologically, and culturally diverse—float streams in Missouri. These rivers were the first in the nation to be federally protected, and their watershed is an area of global biological significance. People travel hundreds or thousands of miles to float these streams, some of them annually. Ozark National Scenic Riverways, a prototype for our national system of wild and scenic rivers, is about to celebrate its fiftieth anniversary in 2014. Surely these rivers are worth the best management the National Park Service can provide.

> We have withdrawn from the rivers, our primary resource and purpose for the park. We have withdrawn from preserving and interpreting the Ozarks cultural heritage which is so important to the area.... Perhaps we need to re-evaluate where we are headed. Are we in fact Ozark National Scenic Riverways or Ozark National Scenic Campgrounds? While all of our activities and visitors are important to us, I think that it is time to start looking at quality and purpose as opposed to quantity.
>
> — *ONSR Superintendent Ben Clary to Congressman Bill Emerson, March 14, 1996*

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