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FOREST LANDS

GOVERNMENT

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON FORESTS

OF THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

ON

H.R. 3052 and S. 302

LANDS ACQUISITION AND FUNDS, SUPERIOR NATIONAL FOREST

H.R. 6289

TO ESTABLISH THE OZARK SCENIC RIVERWAYS, CLARK
NATIONAL FOREST, STATE OF MISSOURI

H.R. 4934

AUTHORITY TO THE SECRETARY OF AGRICULTURE TO MODIFY
CERTAIN LEASES IN RE: RECREATIONAL FACILITIES IN
RESERVOIR AREAS

AUGUST 7, 8, AND 14, 1961

Serial 0

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FOREST LANDS

MONDAY, AUGUST 7, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m. in room 1310 New House Office Building, Hon. George M. Grant (chairman of the subcommittee) presiding.

Present: Representatives Grant, McMillan, Jennings, Matthews, Harding, McIntire, Teague of California, and Mrs. May.

Also present: Representatives Thompson, and Jones of Missouri. Christine S. Gallagher, clerk; and John Heimbürger, counsel.

Mr. GRANT. The subcommittee will come to order, please.

We have several bills before us this morning, H.R. 3052, to amend the act of June 22, 1948, relating to certain areas within the Superior National Forest, in the State of Minnesota, and S. 302, which is a similar or identical, H.R. 6289, to establish the Ozark Scenic Riverways in the Clark National Forest, State of Missouri, and H.R. 4934, a bill to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreational facilities in reservoir areas.

These bills, together with the reports will be made a part of the record at this point.

(The bills referred to follow:)

[H.R. 3052, 87th Cong., 1st sess.]

A BILL To amend the Act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 22, 1948, as amended (16 U.S.C. 577c-577h), is amended by deleting the proviso from section 1 (16 U.S.C. 577c) and by changing the figure in section 6 (16 U.S.C. 577h) thereof to read "\$4,500,000". Funds appropriated to carry out the purposes of the Act shall remain available until expended.

[S. 302, 87th Cong., 1st sess.]

AN ACT To amend the Act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 22, 1948, as amended (16 U.S.C. 577c-577h) is amended by deleting the proviso from section



1 (16 U.S.C. 577c) and by changing the figure in section 6 (16 U.S.C. 577h) thereof to read \$4,500,000. Funds appropriated to carry out the purposes of the Act shall remain available until expended.

Passed the Senate June 12, 1961.

Attest:

FELTON M. JOHNSTON,
Secretary.

[S. Rept. 359, 87th Cong., 1st sess.]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 302), to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill would—

(1) remove a restriction on the condemnation of certain lands in the Boundary Waters Canoe Area of the Superior National Forest;

(2) increase the appropriation authorization to carry out the act creating such area from \$2,500,000 to \$4,500,000; and

(3) provide that appropriations to carry out that act shall remain available until expended.

The bill authorizes additional appropriation of \$2 million. However, due to increasing property values as well as possible future improvements, delay in carrying out the program would result in greater Federal expenditure.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 15, 1960.

The President,
U.S. Senate.

DEAR MR. PRESIDENT: Enclosed herewith for the consideration of the Congress is a draft bill, to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes.

This Department recommends enactment of the draft bill.

The draft bill would amend the act of June 22, 1948, as amended (16 U.S.C. 577c-577h), by removing the restriction therein upon the acquisition of lands by the exercise of the authority of eminent domain and by increasing the amount authorized to be appropriated to carry out its provisions from \$2,500,000 to \$4,500,000. The draft bill would also provide that funds appropriated to carry out provisions of the 1948 act would be available until expended.

The Boundary Waters Canoe Area is a gross area of approximately 1 million acres of land, streams, and lakes along the international boundary in the Superior National Forest, in Cook, Lake, and St. Louis Counties, Minn. This area was formerly known as the Superior, Little Indian Sioux, and Caribou Roadless Areas.

The unique and superlative qualities of this area were recognized by the Congress in the enactment of the Shipstead-Nolan Act of July 10, 1930 (46 Stat. 1020), which provided for the maintenance of the natural water level, for the protection of the shorelines of the streams and lakes, and for the withholding from entry or appropriation of the federally owned lands.

The 1948 act, which the draft bill would amend, among other things authorized the Secretary of Agriculture to acquire nonfederally owned lands and interest in lands in the major portion of the Boundary Waters Canoe Area subject to certain conditions and limitations. The act of June 22, 1956 (70 Stat. 326), extended the area to which the 1948 act is applicable to include all of the Boundary Waters Canoe Area. This act also increased the authorization for appropriations under the act to \$2,500,000.

Efforts to preserve and restore the wilderness conditions of this area have extended over several decades. In addition to the congressional enactments above referred to, and the special designation by this Department of the area first as roadless areas and later as the Boundary Waters Canoe Area, further protection has been given to it by the airspace reservation ordered by the President in 1949. Adjoining the area on the north is the Quetico Provincial Park, a similar

area managed for generally similar objectives by the Province of Ontario. Reports by this Department on H.R. 6240 and on S. 1090 of the 80th Congress, which became the 1948 act, and on S. 2967 of the 84th Congress, which became the 1956 act, give in considerable detail the background and problems of this area.

One of the provisions of the 1948 act, contained in section 1 thereof, was "that under the authority of this Act no contiguous tract of land in one ownership, not exceeding 500 acres in the aggregate, shall be condemned if at the time of the approval of this act it is encumbered with a structure or structures of a permanent type suitable for human occupancy and if the owner thereof files written objections before expiration of the time for answering the petition in the proceedings."

Within the area covered by the 1948 act, there remain to be acquired some 15,400 acres of privately owned land consisting of 13 commercial resorts, 57 summer homes, and some unimproved properties.

There are about 15,700 acres of county ownership and about 110,000 acres of State-owned land. We anticipate that perhaps half of the county land and much of the State land can be acquired by land exchange.

The only way in which the unique qualities of this area can be preserved and protected and in which the substantial investment which the United States already has in the area can be secured, is for the program of consolidation of Federal ownership to be completed promptly.

We know that some of the remaining private property owners whose property had habitable structures in 1948 will not voluntarily agree to sell. If we endeavored to complete the consolidation program on the basis of negotiation only, it would be long drawn out or perhaps never accomplished. We have already purchased 16,301 acres consisting of 207 ownerships under the 1948 act. Many of these were improved, and the owners voluntarily agreed to sell. The longer completion of the consolidation program is delayed, the greater would be the ultimate total cost to the Federal Government.

Thus, it is both necessary for the completion of the program and in the interest of long-range economy that the limitation on the use of the power of eminent domain be removed.

The present authorization for appropriations under the 1948 act is \$2,500,000. The 1961 Appropriation Act contains \$750,000 for this purpose, making the total appropriated to date \$2,250,000. This leaves authorized but not yet appropriated \$250,000.

When the authorization was increased by the 1956 act to \$2,500,000, it was believed that the increase would be sufficient to complete the program. Since then, there have been not only increases in property values, but also some of the owners have made substantial improvements on their properties. This trend will continue if the program is not completed promptly because as private ownership is reduced in the area, the remaining private property correspondingly increases in value.

We estimate that if completion of the program is undertaken at once, about \$2 million above the present authorization would be required. The amount which would be needed if the program is completed over a span of several years would be greater. The draft bill would provide for an increase in the amount authorized to be appropriated to carry out the provisions of the act from \$2,500,000 to \$4,500,000.

The draft bill would also provide that funds appropriated would remain available until expended. The making of appropriated funds available until expended is now provided each year in the annual appropriation acts. Inclusion of the proposed language on this subject in the draft bill would make this arrangement permanent.

A similar letter is being sent to the Speaker of the House.

The Bureau of the Budget advises by letter dated November 30, 1960, that the submission of this proposed legislation is in accord with the program of the President.

Sincerely yours,

CLARENCE L. MILLER,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new

matter is printed in italic, existing law in which no change is proposed is shown in roman) :

ACT OF JUNE 22, 1948 (16 U.S.C. 577c-577h)

§ 577c. Same; acquisition of additional lands; limitation on condemnation.

To protect and administer more effectively the publicly owned lands within certain parts of the area described in section 577 of this title, and to accomplish certain public purposes explicit and implicit in sections 577a and 577b of this title, the Secretary of Agriculture is authorized and directed to acquire any lands or interest in lands, and appurtenances thereto, situated within the area described in section 577a of this title, where in his opinion development or exploitation, or the potentialities for development or exploitation, impair or threaten to impair the unique qualities and natural features of the remaining wilderness canoe country [*:Provided however, That under the authority of sections 577c-577h of this title no contiguous tract of land in one ownership, not exceeding five hundred acres in the aggregate, shall be condemned if on June 22, 1948, it is encumbered with a structure or structures of a permanent type suitable for human occupancy and if the owner thereof files written objections before expiration of the time for answering the petition in the proceedings*].

§ 577h. Same; annual appropriations; limitation of purchase payments for additional lands.

There are authorized to be appropriated annually such sums as are necessary to carry out the provisions of sections 577c-577h of this title: *Provided, however, That the total appropriations under the authority of said sections shall not exceed [\$2,500,000] \$4,500,000 for the purchase and condemnation of land.*

[H.R. 4934, 87th Cong., 1st sess.]

A BILL To authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Forest Service, under the supervision of the Secretary of Agriculture, is authorized to amend any lease entered into before November 1, 1956, providing for the construction, maintenance, and operation of commercial recreational facilities at a water resource development project under the jurisdiction of the Secretary of Agriculture so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment or extension to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this Act so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 30, 1961.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to your request of April 24, 1961, for a report on H.R. 4934, a bill to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas.

This Department would not object to enactment if the bill is amended as hereinafter recommended.

H.R. 4934 relates to leases entered into by the Forest Service before November 1, 1956, providing for the construction, maintenance, and operation of commercial recreational facilities at a water resource development project under the jurisdiction of the Secretary of Agriculture. The bill would authorize the Chief of the Forest Service, under the supervision of the Secretary of Agriculture, to amend such concessionaire leases to permit the adjustment of rental rates or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment to be necessary or advisable in the public interest.

Some of the lands within flood-control projects of the Department of the Army and within reclamation projects of the Department of the Interior are national forest lands. Under a memorandum of agreement entered into in December 1946, between the War Department (now Department of the Army) and this Department and a similar memorandum of agreement entered into in January 1948, between the Bureau of Reclamation of the Department of the Interior and the Forest Service of this Department, it was agreed that the Forest Service would continue to administer these lands whenever they were not in actual use in connection with flood control or reclamation works.

Management and administration of these lands by the Forest Service is conducted under the principle of multiple use of all the resources which the lands can provide. Public recreation naturally ranks high in importance.

The authority to lease such areas has been an effective means of providing for the construction, maintenance, and operation of public services to satisfy the needs of those seeking water and forest recreation in and near these reservoir areas.

When in the public interest, or when competition exists or may be created, it has been the policy of the Forest Service to issue a prospectus and to solicit proposals for the development of a commercial public service site. This prospectus includes an invitation to bid on the percentage of the annual gross receipts the bidder is willing to pay as an annual rental fee. The ability to provide the necessary public services in a satisfactory manner is a principal criterion in the selection of a permittee, but the percentage fee bid by an applicant is also considered. This basis of making the award, plus the inclusion in most cases of a provision for periodical renegotiation of the lease has resulted in satisfactory public service facilities in connection with most leases. The Forest Service does have a few leases, however, which do not provide for renegotiation of the rental rates to place them on a comparable basis with other uses. Even though it is recognized that development of proper public service facilities requires an economically sound and profitable lease arrangement, the Forest Service would be without authority to renegotiate such a lease.

The language of the bill would vest the authorization to amend leases in the Chief of the Forest Service and would limit such authority to those entered into before November 1, 1956, and to facilities at water resource development projects under the jurisdiction of the Secretary of Agriculture. Authority to issue permits or leases on lands administered by the Forest Service is vested in the Secretary of Agriculture. Also, since there was no particular cutoff date on which leases were made by the Forest Service without renegotiation provisions, the date limitation imposed by the bill might prohibit favorable action on a lease which otherwise would be eligible for inclusion of a negotiation provision if the bill was enacted. We recommend that the bill be amended to provide for adjustment by the Secretary of rental rates on all leases not now having a renegotiation clause.

Most of the Federal water resource development projects are under the jurisdiction of the Department of the Army or the Bureau of Reclamation of the Department of the Interior. As previously explained this Department has administrative responsibilities for some of the lands surrounding these projects even though the project is not under its jurisdiction. We believe the intent of the bill was to include these projects, and we recommend that the language of the bill be so amended.

Since the bill does not provide for extension of leases, we believe the reference to extensions on line 3, page 2, is unnecessary.

Our recommendations can be accomplished by the following amendments:

Page 1, line 3: Strike all after the words "That the".

Page 1, line 4: Delete the comma after the word "Secretary".

Page 1, line 5: Strike out the words "before November 1, 1956," and insert in lieu thereof the words "with respect to lands under the jurisdiction of the Forest Service".

Page 1, lines 7 and 8: Strike the words "water resource development project under the jurisdiction of the Secretary of Agriculture" and insert in lieu thereof the words "Federal reservoir project".

Page 2, line 3: Strike the words "or extension".

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

[H.R. 6289, 87th Cong., 1st sess.]

A BILL To establish the Ozark Scenic Riverways in the Clark National Forest in the State of Missouri, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving, developing, and interpreting for the permanent inspiration, enjoyment, and use of the people of the United States certain unusual recreation, scenic, ecological, and other natural and physical values of national significance along the Current and Eleven Point Rivers in the State of Missouri, including the preservation of certain portions thereof as free-flowing streams, there is hereby established to be administered by the Secretary of Agriculture (hereinafter referred to as the "Secretary") as a part of the Clark National Forest the Ozark Scenic Riverways to be designated by the Secretary as provided in section 2 of this Act.

Sec. 2. The Ozark Scenic Riverways shall be designated by the Secretary within the following described lands and the portions of the rivers flowing through them:

FIFTH PRINCIPAL MERIDIAN

(a) Township 24 north, range 1 east:

Section 2, south half; section 3; section 11; section 12, west half; section 13, west half; section 14, east half; section 23, east half; section 24; section 25, north half.

Township 25 north, range 1 east:

Section 2; section 3, east half; section 10, south half; section 11; section 15; section 21, east half; section 22, west half; section 27; section 28, east half; section 34.

Township 26 north, range 1 east:

Section 4; section 5; section 6, east half; section 9, north half; sections 10 to 13, inclusive; section 24; section 25, west half; section 26; section 34, east half; section 35.

Township 27 north, range 1 east:

Section 31, south half; section 32, south half.

Township 23 north, range 2 east:

Sections 5 and 6; section 7, north half; section 8; section 9, west half.

Township 24 north, range 2 east:

Section 29, west half; section 30; section 31, east half; section 32.

Township 26 north, range 2 east:

Section 19, west half.

FIFTH PRINCIPAL MERIDIAN

(b) Township 22 north, range 2 west:

Section 3; section 4, east half; section 9, east half; section 10, west half; section 15, west half; section 16; section 21, north half.

Township 23 north, range 2 west:

Section 4, west half; section 5, east half; section 8, east half; section 9; section 16; section 17, east half; section 20, east half; section 21; section 27, west half; section 28, east half; section 34.

Township 24 north, range 2 west:

Section 18; section 19, east half; section 20, west half; section 29; section 32.

Township 24 north, range 3 west:

Section 1, south half; sections 2 and 3; section 4, north half; section 5, north half; section 6, north half; sections 11 and 12; section 13, north half.

Township 25 north, range 3 west:

Section 31; section 32, south half; section 33, south half.

Township 24 north, range 4 west:

Section 1, north half.

Township 25 north, range 4 west:

Section 22, south half; section 23, south half; section 25; section 26, north half; section 27, west half; section 28; section 32, east half; section 33, north half; section 35, east half; section 36.

FIFTH PRINCIPAL MERIDIAN

- (c) Township 27 north, range 1 west:
 Section 3, south half; section 4; section 10; section 11, west half; section 14, north half.
- Township 28 north, range 1 west:
 Sections 4 to 7, inclusive; section 9; section 16; sections 21 and 22; section 27; sections 33 and 34.
- Township 29 north, range 1 west:
 Section 31, west half.
- Township 28 north, range 2 west:
 Sections 1 to 18, inclusive.
- Township 29 north, range 2 west:
 Section 3, south half; section 4, south half; section 5, south half; section 6, south half; sections 7 to 11, inclusive; sections 14 to 23, inclusive; section 25, south half; sections 26 to 36, inclusive.
- Township 29 north, range 3 west:
 Sections 5 to 10, inclusive; section 11, south half; section 12, south half; sections 13 to 17, inclusive; section 18, south half; section 19; section 20, north half; section 22, north half; section 23, north half; section 24, north half.
- Township 30 north, range 3 west:
 Sections 31 and 32.
- Township 29 north, range 4 west:
 Section 1; section 2, north half; section 24.
- Township 30 north, range 4 west:
 Section 22, south half; section 26; section 27, east half; section 34, east half; sections 35 and 36.

FIFTH PRINCIPAL MERIDIAN

- (d) Township 29 north, range 4 west:
 Section 19, south half; section 20, south half; section 28, north half; section 29, north half; section 30; section 31, north half.
- Township 28 north, range 5 west:
 Section 2, north half; section 3; section 4, south half; section 7, south half; section 8, south half; section 9; section 10, north half; section 16, west half; sections 17 to 20, inclusive; section 29, west half; section 30.
- Township 29 north, range 5 west:
 Section 25, south half; section 26, south half; section 35; section 36, north half.
- Township 27 north, range 6 west:
 Sections 2 to 4, inclusive; section 5, north half; section 6, north half; section 9; section 10, north half.
- Township 28 north, range 6 west:
 Section 13; sections 24 and 25; section 26, south half; sections 31 and 32; section 33, south half; sections 34 to 36, inclusive.
- Township 27 north, range 7 west:
 Section 1, north half; section 2, north half.
- Township 28 north, range 7 west:
 Section 26, west half; section 27, south half; sections 34 to 36, inclusive.

FIFTH PRINCIPAL MERIDIAN

- (e) Township 30 north, range 4 west:
 Section 6, south half; section 7; section 8, west half; section 17, west half; sections 18 to 20, inclusive; section 21, south half; section 22, west half; section 27, north half; section 28, north half; section 29, north half; section 30, north half.
- Township 31 north, range 4 west:
 Section 27, north half; section 28, north half.
- Township 30 north, range 5 west:
 Section 1, south half; section 2, south half; section 3; section 4, east half; section 10, north half; section 11, north half; section 12, north half.
- Township 31 north, range 5 west:
 Section 16, south half; section 19, south half; section 20, south half; section 21; section 26, west half; sections 27 to 30, inclusive; section 33, east half; section 34; section 35, west half.

Township 30 north, range 6 west:

Sections 1 to 4, inclusive; section 5, east half; section 11, east half; section 12.

Township 31 north, range 6 west:

Sections 3 and 4; section 5, north half; section 6, north half; section 9, east half; section 10; section 11, west half; section 13, south half; section 14; section 15, east half; section 23, north half; sections 24 and 25; section 36.

Township 32 north, range 6 west:

Section 29, south half; section 30, south half; sections 31 and 32; section 33, south half.

Township 31 north, range 7 west:

Section 1, east half.

Township 32 north, range 7 west:

Sections 25 and 26; section 31, east half; section 32, west half; section 36.

SEC. 3. The exterior boundaries of the Clark National Forest are hereby modified to include such of the areas designated by the Secretary as provided in section 2 of this Act as are presently outside of such boundaries. Subject to any valid existing rights, all lands of the United States within the areas so designated which are not now parts of the Clark National Forest are hereby added to and made parts thereof.

SEC. 4. (a) Pursuant to the provisions of the Act of March 1, 1911 (36 Stat. 961), as amended, and for the purposes of this Act, the Secretary is authorized to acquire lands and interests therein within the areas designated as provided in section 2 of this Act and all lands and interests therein shall, upon acquisition thereof, become parts of the Ozark Scenic Riverways of the Clark National Forest: *Provided*, (1) That when the Secretary, with the advice of the Ozark Rivers Advisory Commission established by section 5 of this Act, determines a particular tract of land to be necessary for administrative purposes in carrying out this Act or determines an interest in land to be of significant importance in accomplishing the purposes of this Act, and when such land or interest in land cannot be acquired by reasonable efforts to negotiate with the apparent owner thereof, the Secretary may only acquire such land or interest in land through proper action in the local courts and upon payment of a price determined as fair by such courts; and (2) That lands owned by the State of Missouri or any agency or political subdivision of the State of Missouri can only be acquired by agreement between the Secretary and the State of Missouri, its agency or subdivision owning such land.

(b) The interests in land which the Secretary is hereby authorized to acquire may include such easements as he considers necessary or desirable to carry out the purposes of this Act and any such easements may contain provisions which permit the use by the owner of the land encumbered thereby in such manner and for such purposes as the Secretary may determine not to be detrimental to the purposes of this Act: *Provided, however*, That any interest in land acquired by court action shall be limited to an area with one-eighth mile of or sight of the center of the river, whichever is greater, and shall be in the nature of a development restriction or conservation easement for the purpose of preserving the natural state of the landscape through restrictions on the cutting of timber, on the alteration or construction of improvements and on any other activities which might adversely affect the natural state of the landscape.

(c) In acquiring lands and interest therein the Secretary shall give preference to easements and development restrictions as described in section 4(b) with a view to minimizing the expenditures necessary for the accomplishment of the purposes of the Act.

SEC. 5. (a) There is hereby established an Ozark Rivers Advisory Commission (hereinafter referred to as the "Commission") which shall advise the Secretary on matters relating to the accomplishment of the purposes of this Act.

(b) The Commission shall be composed of fifteen members, each appointed for a term of two years by the Secretary as follows:

(1) Eight members from the recommendations of the members of the county courts of the following counties: Carter, Dent, Howell, Oregon, Reynolds, Ripley, Shannon, and Texas Counties, Missouri, one member from the recommendations made by each court:

(2) Four members from the recommendations of the Governor of the State of Missouri; and

(3) Three members designated by the Secretary.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) The Secretary shall designate one member to be Chairman of the Commission.

(e) Members of the Commission shall serve without compensation as such but the Secretary shall reimburse members of the Commission for necessary expenses incurred by them in the performance of the duties of the Commission.

SEC. 6. (a) The Ozark Scenic Riverways shall be administered and managed in accordance with regulations issued by the Secretary for the purposes of this Act, including recognition that the enjoyment of the recreation and scenic values is a dominant use, but without unnecessary restrictions on other multiple uses.

(b) The Secretary shall permit hunting and fishing in the Ozark Scenic Riverways area in accordance with the laws of the State of Missouri.

(c) In furtherance of the purposes of this Act, the Secretary is authorized to formulate comprehensive plans for the Ozark Scenic Riverways area and related watersheds and to cooperate with and enter into agreements with the State of Missouri, its political subdivisions and other Federal agencies in regard thereto. Such plans may provide for land use and development programs, for the construction of small lakes and camp grounds on the watersheds, for the preservation and enhancement of the natural beauty of the landscape and for conservation of outdoor resources in the watersheds.

SEC. 7. In order to compensate for tax losses sustained by a county as a result of acquisition by the Secretary within that county, reimbursement in like amount in lieu of taxes shall be made to each such county in which such real estate is located, said payments to be continued for two calendar years succeeding the year in which real estate, or rights in land, have been acquired.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 1, 1961.

Hon. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is response to your request of April 12, 1961, for a report from this Department on H.R. 6034, which we understand you wish us to treat as a request for a report on its amended version, H.R. 6289, a bill to establish the Ozark Scenic Riverways in the Clark National Forest in the State of Missouri, and for other purposes. We were previously requested to report to the Committee on Interior and Insular Affairs on H.R. 5712, a bill to authorize the establishment and development of the Ozark Rivers National Monument in the State of Missouri, and for other purposes. We have submitted a report to that committee.

H.R. 6289 and H.R. 5712 have the same general purpose of conserving, developing, and interpreting for the use and enjoyment of the people of the United States the unusual recreation, scenic, and other natural and physical values along the Current and Eleven Point Rivers in the State of Missouri, including their preservation as free-flowing streams. The bills would attain this objective in different ways. H.R. 6289 would establish the Ozark Scenic Riverways to be designated and administered by the Secretary of Agriculture as a part of the Clark National Forest. H.R. 5712 would direct the Secretary of the Interior to establish the Ozark Rivers National Monument to be administered in connection with the national park system.

This Department recommends the H.R. 6289 be not enacted. Instead we have recommended that H.R. 5712 be enacted.

The two bills would affect the same general area. H.R. 6289 sets out the description of the area within which the Secretary of Agriculture would designate the Ozark Scenic Riverways. H.R. 5712 would direct the Secretary of the Interior to designate as the Ozark Rivers National Monument an area of not to exceed 113,000 acres, as generally depicted in the National Park Service publication entitled "Ozark Rivers National Monument," dated January 1960. Either the riverways or the monument would be generally comprised of relatively narrow strips of land along the Current and Eleven Point Rivers.

Under H.R. 6289, the exterior boundaries of the Clark National Forest would be modified to include the portions of the designated riverways area lying outside the present boundaries. Within the riverways, the Secretary of Agriculture would be authorized to acquire needed lands and interests in lands, including scenic or conservation easements. Under H.R. 5712, the Secretary of the Interior would be authorized, subject to certain requirements, to acquire lands and waters, or interests therein, within the monument area. Federally owned lands or waters therein, including lands of the Clark National Forest, would be transferred to his jurisdiction, under that bill.

Other provisions of substance are included in both H.R. 6289 and H.R. 5712.

The management which the two bills would direct to be applied to the area would not be greatly different. Each would provide for the preservation of portions of the rivers as free-flowing streams and would provide for conserving and interpreting the scenic and other natural values of the area for the enjoyment thereof by the people of the United States. Recreation would be a paramount use and appropriate facilities would be provided.

Under either bill, the proposed area would be comprised of five sections, of which two would include some lands of the Clark National Forest. The other three sections, which would make up about three-fourths of the area, are completely outside the national forest boundary, and do not adjoin it.

The Eleven Point section and lower Current section, which include national forest lands, together contain about one-fourth of the area. Within the national forest boundary in these two sections, about 3,000 acres are federally owned and administered as national forest. Thus, from an acreage standpoint, their transfer to monument status would not be significant.

The monument would include nearly 200 shoreline miles along each side of the Eleven Point River, Current River, and Jacks Fork. Some 20 percent of this distance is within the Clark National Forest in the Eleven Point and lower Current sections. Within the national forest boundary in these sections, less than 15 miles of shoreline land is under Federal ownership. Thus, the relative amount of shoreline which would be transferred to monument status also is minor.

The Department of Agriculture, since the 1930's has recognized and, through established programs of the Forest Service, has worked toward the conservation, development, and interpretation of the scenic, recreation, and other natural and physical values of the national forest portions of the Current and Eleven Point Rivers for public use and enjoyment. In these areas and in the many other national forest areas where water-related or other recreation and scenic protection are important functions, the Forest Service has long demonstrated that it has the knowledge, skills, and experience to administer such areas. We regard scenic protection and enjoyment and recreation development and use, including that associated with shoreline areas, as important functions and multiple uses of the national forests and national grasslands. We think it essential that the recreation and scenic resources be protected and developed in correlation with the development of other resources of these lands.

Either H.R. 6289 or H.R. 5712 would make it possible to achieve their similar objectives along the Current and Eleven Point Rivers, not only in the relatively small area under Department of Agriculture jurisdiction, but also in the much larger area included in the bills. We would be happy to see these objectives reached in the larger area. In this particular case, however, it would not appear desirable for this Department to seek to enlarge the area under its jurisdiction in order to be able to administer narrow strips of land along the large sections of the Current and Eleven Point Rivers area which are presently outside the national forest boundary. Under the circumstances in this situation, the establishment of a national monument appears to be desirable.

For the foregoing reasons, we do not favor enactment of H.R. 6289, but instead have recommended enactment of H.R. 5712.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Mr. GRANT. The first one we will consider is H.R. 3052. We have as our first witness, Mr. Crafts, the Assistant Chief of the Forest Service, U.S. Department of Agriculture.

Will you come around, please, Mr. Crafts.

STATEMENT OF EDWARD C. CRAFTS, ASSISTANT CHIEF, FOREST SERVICE; ACCOMPANIED BY GEORGE A. SELKE, ASSISTANT TO THE SECRETARY OF AGRICULTURE, U.S. DEPARTMENT OF AGRICULTURE

Mr. CRAFTS. Mr. Chairman and members of the committee, my name is Edward Crafts, and I am Assistant Chief of the Forest Service. There is here, also, from the Department this morning, Mr. Reynolds G. Florence, who is Director of our Legislative Liaison Division, and Dr. George A. Selke, who is an assistant to Secretary Freeman. Dr. Selke is, also, the former conservation commissioner of the State of Minnesota and is familiar with this area which lies in the State of Minnesota.

I appreciate the opportunity to make a statement on behalf of the Department of Agriculture concerning H.R. 3052, a bill to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes.

This bill was sent to the Congress by the Department of Agriculture in December 1960. We recommend that it be enacted.

The purpose of the bill is to further preserve, protect, and restore the wilderness conditions and unique qualities of the Boundary Waters Canoe Area of the Superior National Forest by providing for consolidation of Federal ownership in the area. This would be accomplished under the following three provisions:

First, it would increase the appropriation authorization of that act by \$2 million to a total of \$4.5 million.

Second, it would amend the act of June 22, 1948, as amended by removing the restriction on condemnation.

Third, it would provide that funds appropriated to carry out provisions of the 1948 act would be available until expended.

The Boundary Waters Canoe Area (and here you see a fairly typical picture of it) includes about 1 million acres in the northern part of the Superior National Forest in Cook, Lake and St. Louis Counties, Minn. It is an area of lakes, forests, and streams ideally suited for outdoor recreation, and uniquely adapted for canoeing trips under comparatively primitive conditions. It is a part of the large area of connected lakes and rivers comprising the International Waterway between northeastern Minnesota and the Province of Ontario.

Efforts to preserve and restore the wilderness conditions of this area have extended over several decades. Its superlative beauty and inspirational values were recognized by the Congress in the enactment of the Shipstead-Nolan Act of July 10, 1930, which provided for the maintenance of the natural water level, for the protection of the shoreline of the streams and lakes, and for the withholding from entry or appropriation of the federally owned lands in the area.

The Department of Agriculture, in recognition of the unique values of this wilderness-canoe area and the objectives of the Shipstead-Nolan Act, has from time to time designated tracts which now total approximately 1 million acres of land, streams, and lakes as a special management area. The act of June 22, 1948, directed the Secretary of Agriculture to acquire nonfederally owned lands and interests in lands in the major portion of the area, subject to certain conditions

and limitations. One of which is the one I mentioned on condemnation.

The subsequent act of June 22, 1956, extended the area to which the 1948 act is applicable to include all of the Boundary Waters Canoe Area and increased the authorization for appropriations under the act from \$500,000 to \$2,500,000.

Over the years there has been substantial progress in consolidation of Federal ownership within the area. Donations, exchanges, and Weeks law purchases prior to June 30, 1948, account for some 314,600 acres. Funds appropriated under the 1948 and 1956 acts have financed the purchase of 15,853 acres.

There remain to be acquired within this area some 15,800 acres of privately owned land. Very high purchase costs are associated with the relatively small acreage involved in 13 commercial resorts, 57 summer homes, and some unimproved properties which are in key locations and carry high land values. There are some 15,700 acres in county ownership, of which perhaps half can be acquired by land exchange. There are also about 110,000 acres of State-owned land.

The purchases already made under the 1948 and 1956 acts, together with the 29 properties approved for purchase by the National Forest Reservation Commission as of June 30, 1961, will use up substantially all of the \$2,500,000 authorized by these two former acts. It is estimated that the remaining purchase program if completed within the next 2 years would cost about \$2 million—the amount of additional authorization which would be provided by the bill.

Private land purchases to date have all been made on a voluntarily negotiated basis. We know that some of the remaining private property owners will not agree to sell, however; and if the project must be completed on the basis of negotiation only, it will perhaps never be accomplished, or at best will drag out indefinitely and cost will continue to rise.

We believe it is timely to complete the Government's purchase program in the Boundary Waters Canoe Area. The unique qualities of this area can in this way be best preserved and protected. Because the purpose of this program is to restore the wild land character and values of the area, it is important to promptly acquire the tracts which are now developed for commercial resorts or for other habitations, the use of which is not compatible with wilderness purposes.

We feel we are also under some moral and economic obligation to complete the program promptly. It is only equitable to those owners who previously have sold out that the project be completed rapidly because as private ownership is lessened in the area, the remaining private ownership correspondingly increases in value. Each owner would desire to be the last to sell. We are sure that some of the people who sold their properties to the United States in the past 5 years were reluctant to do so. However, they accepted the fact that Congress had directed that the program be carried out. It would be eminently unfair to these people if the Government does not promptly complete acquisition of the remaining tracts. Owners of commercial resorts who could retain their properties would profit greatly because the United States has bought out much of their competition. The longer completion is delayed, the greater will be the monopolistic value of remaining private properties, and the greater the ultimate total cost to the Government.

For the reasons given in the preceding few paragraphs we believe it is necessary that the restrictions on use of the power of eminent domain be removed.

Enactment of H.R. 3052 would make it possible to complete quite promptly the purchase of the remaining private lands in the Boundary Waters Canoe Area. It would permit us to exercise where needed the power of eminent domain. It would increase the amount authorized to be appropriated by \$2 million. These two steps go hand in hand and together will permit prompt windup of the program.

I might just say a word or two in addition to my prepared statement.

This photograph is very typical of the area along the boundary. It is a country intermingled with lakes and islands, and so on. This is a map of the area on a very small scale. You can from this get the general picture.

When this area was first declared a recreational area, back in 1926 or 1927 by the Secretary of Agriculture, this map shows the pattern of private landownership, scattered throughout the area. You see this is the international boundary up here. Then between 1927 and 1948, through donations, exchange, and purchases we acquired something over 300,000 acres of this land, cutting this red area down to about like this [indicating]. There were about 30,000 acres at that time of private land.

This map does not show the State or county or other lands that are owned in here.

From 1948 to 1960, about one-half of this had been purchased, and we have now the remaining isolated tracts of private land, totaling about 15,800 acres.

I have a more detailed map here. This shows the individual tracts and the ownership of them which I can show the committee, if you would like to see it.

MR. GRANT. Does that complete your statement?

MR. CRAFTS. That completes my statement.

MR. GRANT. Thank you very much, Mr. Crafts. I note one thing from your printed statement which is a little unusual in that you have utilized both side of each page of the paper. I believe that if all governmental agencies and the Congress would do that we could recoup these \$2 million rather rapidly.

MR. CRAFTS. Congressman Grant, we are from the Forest Service, and we have estimated that in the year 2000 we will need twice as much wood as we now need, and we are trying to save paper now.

MR. GRANT. I notice from a statement in your paper, you speak of removing this restriction on the use of the power of eminent domain. I wish you would comment on that a little bit more, if you will.

MR. CRAFTS. It is the law and it comes from the 1948 act which I can read to you verbatim, but in substance it means that as to ownerships of less than 500 acres in size, if they had on them a permanent type of structure suitable for habitation at the time the 1948 act was passed we are not privileged to condemn those properties, except with the consent of the owner. The significance of this is that most of these resorts and cabin sites are on tracts of less than 500 acres, most of them were started or were built before 1948, and that means that we cannot exercise the power of eminent domain to acquire

those properties unless the owner consents. And as I have pointed out in my statement this is a vital part of the completion of this program, because, naturally, these owners, as they see their competition decrease as others sell out their properties, also see their own properties increase in value. So many of them are not willing to sell to us to permit the completion of this program.

Let me say to you, also, that this is a special situation. We are not against private ownership. We are not against resort developments. We are not against recreational use of the national forests, as I think all of you gentlemen and the lady on this committee know. There are corridors up into this area which this map shows. There are other lands of this same type that are outside of this special area which are subject to normal national forest administration and one which we do issue permits for recreational use, if we think it is desirable to do so. We do this in accord with the general regulations governing the national forests. So this is a special situation.

Mr. GRANT. However, would the removal of this restriction on condemnation not only apply to this but to all future cases?

Mr. CRAFTS. It would apply to all future cases in this particular area only.

Mr. GRANT. But to no other place?

Mr. CRAFTS. Only to this area.

Mr. TEAGUE of California. What would be the plan as to what would be done with the summer homes? Would the Government be able to use them?

Mr. CRAFTS. What we normally do—and we do this because of the requirements of the 1948 act and the fact that the general objective of this area is to restore the area to wilderness conditions. Over time the improvements would be taken off.

Mr. TEAGUE of California. They would be torn down?

Mr. CRAFTS. They would be torn down and the land would be restored to its primitive condition, insofar as we are able to do so.

Mrs. MAY. As to these summer homes, if this restriction were removed, would you make any attempt to move them to some other part of the national forest?

Mr. CRAFTS. If the owners wanted to, we would try to be of some help. We try to be reasonable. We have a policy here even in this area that in some cases we might give them tenure for a few years. If they were elderly people, perhaps, a life tenure; if they were not, we might give them a tenure of 5 years or something like that, in order to give them time to readjust. This is not a ruthless proposition. We would try to find sites for them elsewhere, not in this area, if they wished them.

Mrs. MAY. I realize from your testimony that there are at present 57 summer homes.

Mr. CRAFTS. Yes.

Mrs. MAY. On the average, how long have these people been in these summer homes?

Mr. CRAFTS. I could not tell you that, Mrs. May. On the average, I would say that it has probably been quite a few years, because, you see, from this ownership map here, this program has been underway rather actively, dating back for 30 years, and people have known that this dispossession was going to happen. The 1948 act goes back

for some years. There has not been very much in the way of new development during that time, I think. I would like to have the privilege of correcting that if I am wrong, but I think that is correct.

Mrs. MAY. When these people went in to build these summer homes, they were told about this?

Mr. CRAFTS. If they built them after the passage of the 1948 act, yes, they were told.

Mrs. MAY. They were told about this?

Mr. CRAFTS. I think that they were. They, certainly, should have been, and I am sure that they were.

Mrs. MAY. Often times, I know, from experience in my own State where this happens we have a serious problem, and I was wondering how much of a problem this is going to be.

Mr. CRAFTS. I think that our major problem in this area is with some of the resorts more so than with the individual cabin developments.

Mrs. MAY. On the State- and county-owned lands, what difficulties do you anticipate there in acquiring those lands, or do you have an advance agreement on the acquisition of such lands?

Mr. CRAFTS. On the county land which is about 16,000 acres we believe that we can acquire about one half of it through exchange. The remaining land we believe we would have to purchase.

On the State lands, of which there are about 110,000 acres, the situation is somewhat different. The State lands are managed under a State act which is called the Little Shipstead-Nolan Act. This requires I believe, that certain of the State lands be managed under a policy that is similar to the management of Federal lands. And our policy with respect to State lands would be that we would acquire these only by exchange and only where it was of mutual advantage to both the State and Federal Governments to carry out this exchange.

As I said before you came in, Mrs. May, Dr. Selke, who is now assistant to Secretary Freeman is here in the audience this morning. He was formerly Conservation Commissioner of Minnesota. I do not know Dr. Selke, whether you care to elaborate on that point or not, from the standpoint of the State lands, but that is my understanding of it.

Mr. SELKE. It is, so far as the Federal or State land is concerned, that the exchange would be granted in that fashion, but it will take time. It would require getting land of equal value, and, of course, land in which the State is interested and in which the Federal Government is interested; in other words, we will try to do that in such areas where it will be easier to do so.

This is a slow-moving program and is very definitely worthwhile. I do not think that there will be any difficulty in respect to the State lands. It is time that it takes to develop this program.

Mr. McINTIRE. Are there any privately owned or leased cottage sites or resort sites within those areas in State lands or are all of the titles from the Federal Government?

Mr. CRAFTS. There are some on State lands, a very small amount. I am not sure as to county lands. I believe there are some cabin sites and private improvements on country lands, and there always could be more. This is one reason we are anxious to acquire the county lands. How much there is, I do not know, Mr. McIntire. I

would have to find that out for you. I know that they are not entirely free of encumbrances.

Mr. McINTIRE. The authorization of \$2 million that this bill provides for would be used solely for acquisition or other purposes for which this authorization would be used?

Mr. CRAFTS. It would be used solely for acquisition—acquisition of the resort properties, the cabin properties, and unimproved properties, etc.

Mr. McINTIRE. Do they have a similar primitive area on the Canadian side that they, the Canadians are developing, that will work in conjunction with this?

Mr. CRAFTS. Yes sir, this is the Quetico Provincial Park that parallels the international boundary just north of this—it does not entirely jibe with the length of the canoe area. Although I am not intimately familiar with their policy of development, I believe that I am correct in saying that the policies are generally similar. It likewise is managed as a wilderness canoe area.

Mr. McINTIRE. Thank you.

Mr. GRANT. Mr. Heimbürger wants to ask a question.

Mr. HEIMBURGER. I am interested by your use of the word “wilderness” in connection with this area. Has this been reclassified as a “wilderness area”?

Mr. CRAFTS. No. Mr. Heimbürger, this is a unique area. There is only one of its kind both as to the character of the country and the character of its classification. This is the Boundary Waters Canoe Area, which we have not classified as a wilderness area per se. The problem here is different in this respect. Most of our wilderness areas we establish and classify to maintain the original wilderness and primitive conditions. Here the situation was different. Here the land had been cut over or burned over. Here our problem was to restore the wilderness.

Mr. HEIMBURGER. The wilderness was gone when you got it.

Mr. CRAFTS. Yes. And our problem was to restore the wilderness. We have not classified it as a wilderness area per se. It is included in the wilderness system under the provisions of the wilderness bills that are now pending, but with special wording in the language of that bill to permit the continuation of our existing regulations.

I might say that this area is divided into two zones. We have a no-cut zone and a cut zone. As depicted in this map I think that roughly a third of the area nearest the international boundary, where the occurrence of waters is the heaviest, which is the no-cut zone. That portion is managed as we manage our wilderness areas or will be if and when we complete our program.

In the cut area we do practice timber harvesting. We have temporary roads in that area, not public roads. They are locked, with chains across them. We put them to bed when we are through with them. We do not harvest timber within 400 feet of the waters. And when traveling, which is by water, the travelers do not see that this harvesting is occurring in the lower part of the area.

Mr. HEIMBURGER. As you may recall, a former member of this committee and myself were up there a few years ago.

Mr. CRAFTS. I remember.

Mr. HEIMBURGER. Has your policy of managing this area changed since that time?

Mr. CRAFTS. How long ago was that?

Mr. HEIMBURGER. I think it was about 5 years ago.

Mr. CRAFTS. No, it has not.

Mr. HEIMBURGER. I thought it was a very good policy at that time.

Mr. CRAFTS. It is just the same.

Mr. HEIMBURGER. In other words, to get into the area and enjoy it, there must be certain assists to the people who are going in. The average person is not capable of taking a canoe and starting out on a month or a 6-week trip without some assistance in the meantime.

Does your description of this as a wilderness area mean that you are going to remove the sanitation facilities which were built at various places—that you are going to remove the improved portages and things of that kind?

Mr. CRAFTS. No, we are not changing these things.

Mr. HEIMBURGER. In other words, it will still have these assists to the traveler.

Mr. CRAFTS. It will have the portages and the occasional areas improved for sanitation. We have some developed camp grounds. We will rotate those and keep their use from being too heavy. There is very heavy use of this area.

Mr. HEIMBURGER. But this will continue?

Mr. CRAFTS. This will continue.

Mr. HEIMBURGER. This type of assist for persons going into the area?

Mr. CRAFTS. That is right.

Mr. HEIMBURGER. Will there be takeoff spots permitted along the edge of this area, let us name one specifically, Gun Point Lodge, where Mr. Watts and I stayed—will that be permitted to remain?

Mr. CRAFTS. It is located outside the canoe area, that is right.

Mr. HEIMBURGER. This area is so large, I might say, that without some takeoff spots, without some place to get provisions, people could just not get in there.

Mr. CRAFTS. As I said earlier, we have what we call three corridors or avenues of access and egress, where resorts and summer homes are permitted, where there are takeoffs, and such places as you mentioned. This point on the map shows one of the corridors. The lodge is some place up in here—I do not know exactly where. You see, there are jumpoff points all along here. Here is another one—here is another one. They will continue.

Mr. HEIMBURGER. Is this white area on this map there part of the national forest but not part of the restricted area?

Mr. CRAFTS. That is correct.

Mr. HEIMBURGER. And on this regular national forest area, these resorts and takeoff places will be permitted to remain?

Mr. CRAFTS. That is correct; yes sir. This area covers something less than about half of the total Superior National Forest. All of this area down here in white is not colored, but is also national forest.

Mr. HEIMBURGER. Where is Ely on that map?

Mr. CRAFTS. Ely is right here [indicating].

Mr. MCINTIRE. The international boundary is right there?

Mr. CRAFTS. This is Lake Superior which is down here [indicating] and it goes along there [indicating], and Rainy Lake, and International Falls, and Lake of the Woods are beyond.

Mr. McINTIRE. Is that water boundary open?

Mr. CRAFTS. This is, primarily, a water boundary. This was the route that the fur traders used to get to the Northwest Territory years ago.

Mr. McINTIRE. How many visitors do you have in there now?

Mr. CRAFTS. In 1960 we had 360,000 man-days of use, as we estimate. This year we expect 400,000 to 450,000. Five years ago we had 150,000. It has increased rapidly. About one-third of this use is organizational use—trips by Boy Scouts, Girl Scouts, private summer camps and that sort of thing. At some of the points, which are ports of entry where the travel funnels together, as it does in one or two places, you can stand there for an afternoon and there is just a constant parade of canoe parties coming into that point. The use is really astounding. And yet the canoe area is large enough so that after they get a few miles out and fan into these various lakes and behind the islands, you would think that there was nobody in the whole area. But there are many, many people who use it.

Mr. McINTIRE. Is there any white water in this area?

Mr. CRAFTS. There is a lot of white water, and a lot of portages.

Mr. HEIMBURGER. And some rapids?

Mr. CRAFTS. Yes.

Mr. McMILLAN. Mr. Crafts, do you know whether the Secretary or the Department of Agriculture has received many letters in opposition to this proposed legislation from people who reside in the area affected by this proposed bill?

Mr. CRAFTS. So far as I know, Mr. McMillan, I do think that we have not received any.

Mr. McMILLAN. Have the members of the committee received any letters in opposition to this bill? I know that I have not received one letter against this proposed legislation. I just wondered if anybody had heard of any opposition.

Mr. GRANT. Mr. Matthews.

Mr. MATTHEWS. I would like to say to Mr. Crafts I assume all of these State authorities in the area concerned are for this bill?

Mr. CRAFTS. The only State authority would be the State of Minnesota. I believe I am correct that the State is for this.

Mr. MATTHEWS. They are in favor of the legislation?

Mr. CRAFTS. Yes.

Mr. MATTHEWS. Thank you, that is all.

Mr. GRANT. Thank you very much.

Mr. CRAFTS. Thank you, Mr. Chairman.

Mr. GRANT. Our next witness is Mr. Paul Clement. We will be glad to hear from you now.

STATEMENT OF PAUL CLEMENT, MINNEAPOLIS, MINN.

Mr. CLEMENT. Mr. Chairman and members of the committee, I have a prepared statement. And from the intelligent questions and comments before this committee, I doubt it is necessary to read it.

I would like to touch on a few high points.

Mr. GRANT. You may include it in the record. And summarize it.

Mr. CLEMENT. I would like to do that, Mr. Chairman.

I rather doubt that it is necessary to go through the history of this thing, because I think from what I have heard here that you members are fairly familiar with it.

I am here representing or as a member of the President's Quetico-Superior Committee which has been a continuing committee since 1934, I believe, when President Roosevelt appointed it. And I am, also, representing the Federated Sportsman's Clubs, that is, the conservation clubs of Minnesota, the Izaak Walton League, the Nature Conservancy Headquarters here in Washington, and I am, incidentally, the chairman of the State division of Minnesota; and I am, also, a member of the chambers of commerce of Minneapolis and St. Paul and the national chamber; and I am, also, on the resources committee of the National Association of Manufacturers. I do not presume to speak for those organizations, but I want to say that in Minnesota the overwhelming majority of both of them are in favor of this program.

The money we are asking for, the final \$2 million of the \$4.5 million, is not really money to be spent—and I would not say that it is like the gold in Fort Knox, because that remains at a fairly static value—it is an investment in the future of America. We are not really spending the money, but putting the title in the unborn generations in the land which they are going to need and are needing increasingly more all of the time.

As the lady member asked before, about private holdings, we have had a very refreshing response from the private owners in this area who have for the most part cheerfully joined in this idea. Many of them have given us their land with the understanding that the program would eventually be completed and they were glad to be part of it. In fact, one gentleman who had large holdings up there acquired back 40 years ago and just unfortunately died the other day, Mr. Josiah H. Chase, sold to us many of the holdings, including an island or two, and a portage, at its bare cost, at the cost he paid for them, and he has given us or is giving or was giving in the process, when he died, an island, a substantial island of 7 or 8 or 9 acres, and his wife has assured me that she is going to go through with the gift as soon as the probate of his estate is completed.

So that the residents up there and the folks around that area largely are in full accord and in sympathy with this project.

In the 10 years with which we are concerned with these appropriations and which this money has been used in, the private holdings have been reduced from 100 percent, or 116,000 acres, now to about 13 percent. We have reduced them by 87 percent, so that this last 13 percent or about 15,000 is what this final \$2 million will be used to close out.

And if this money is granted, as I hope it will be, it will suffice at this time to clean up the entire program. It will carry out the obligation that was assumed when it was started.

I think we are doing something here for unborn generations that can hardly be measured in money. It is not an appropriation that might leave the country or go down the drain in some manner, but this land is of increasing value. That is one of the odd things that confronts us is that you might say as we acquired 87 percent of it 10 years ago that we could not clean up the remaining 13 percent at the

same rate of speed. These folks who own this final 13 percent, at least, the resort owners are well aware of the whole program—they know about what we are doing and they are hanging simply to see the value of their lands increase, because they are holding out for a higher price. Unfortunately, as the thing narrows down to the remaining few, and they approach a monopoly status, their lands do increase tremendously, so we are going to have to pay more per square foot for these last few resorts than we have paid for any before, but that is the nature of the beast, because it is human beings we are dealing with, but I think that for the most part—Mr. McMillan asked if there was any opposition—there is no opposition.

I think the resort owners are reconciled to it. They are very much in favor of it, but they want to get all they can get which, perhaps, you cannot blame them for.

The history of this is in the brief you have before you there. If there are any questions that I can answer I will be glad to do so.

Mr. GRANT. Thank you very much for your statement. Are there any questions? Your statement will be made a part of the record.

(The statement referred to follows:)

STATEMENT OF PAUL CLEMENT, MINNEAPOLIS, MINN.

My name is Paul Clement, my home is in Minneapolis, Minn., where I am in the insurance business.

About 30 years ago I became familiar with what is known as the Quetico-Superior country, a land of lakes, rivers, and forests lying astride the international boundary between Minnesota and Ontario, Canada. This was in the 1930's. At that time I became interested in preserving the wilderness character of this region and have continued my interest ever since.

Since 1954 I have served as a member of the President's Quetico-Superior Committee, originally established in 1934 by Franklin D. Roosevelt. The committee was created for the purpose of protecting the public values in the Quetico-Superior region through the development of proper zoning and a sound program of resource use and management in cooperation with the U.S. Forest Service administering the Minnesota side of the area. We are also cooperating with the Department of Lands and Forests on the Canadian or Quetico side of the border.

While I speak for this committee, only, I also reflect the views of many cooperating civilian groups from all over the Nation, including the Izaak Walton League of America of which I am a past president, who during this long period have been concerned about this area and its problems.

The need to preserve this lakeland became evident when a roadbuilding program threatened to destroy it in the early 1920's. After several years of controversy, Secretary Jardine of the Department of Agriculture stopped this development and prepared the way for the establishment in 1926 of a primitive area of over 1 million acres on the U.S. side of the border.

No sooner had this issue been resolved than another threat loomed—a plan to construct a series of dams to impound the watershed of the Minnesota-Ontario border for power, a proposal which would have raised the levels of some of the lakes many feet, flooding shorelines, rapids, waterfalls, and islands. After 9 years of exhaustive research, litigation, and hearings, the International Joint Commission in 1934 denied the application and advised both Governments that the recreational and wilderness values of the region were more important than the industrial.

During this time another effort was made to achieve congressional legislation to protect the shorelines of about two-thirds of the Superior National Forest from logging and the manipulations of water levels for any purpose. This issue was solved by the passage of the Shipstead-Nolan Act in 1930 and a similar act by the Minnesota State Legislature covering State lands within the same area in 1933.

It was due to the wide national interest generated by these efforts that Franklin D. Roosevelt then created by Executive order the first Quetico-Superior Committee to coordinate the protection of this area and to work toward what has

become known as the Quetico-Superior program, having as its basic objectives a sound plan of management, acquisition of all privately owned lands within the roadless areas (as the wilderness region was then called), and finally to work with Canada toward the achievement of similar objectives north of the border. The President's Committee, as it is still designated, has been reappointed at 4-year intervals by each succeeding President. It is nonpartisan and nonpolitical.

Immediately after World War II, a new form of exploitation developed when aircraft started to use the many lakes of the wilderness interior. Owners of private land far in the hitherto inaccessible back country began the building of resorts. The adjacent town of Ely, Minn., ranger headquarters for the Superior National Forest, came to be considered the largest inland seaplane base in America. The wilderness character of the area was disappearing swiftly, and it began to look as though all the previous efforts to preserve it were for nothing.

To counter this threat, President Truman, with the approval of Federal and State agencies, backed by nationwide public support, issued an Executive order establishing an airspace reservation over the roadless area, the first of its kind in history. The order was violated repeatedly until the validity of it was tested in all the courts, and was finally upheld by the Supreme Court of the United States.

The airplane issue emphasized the vital importance of immediate acquisition of all private lands in the canoe country. In 1946, when the airplane threat developed, there were approximately 117,000 acres of privately held land within the borders of the roadless areas. Up to this time, the U.S. Forest Service had lacked funds for acquisition. Some progress had been made under the Weeks Act and through land exchanges, but the real problem had barely been touched. The Izaak Walton League of America, a national organization which has been active in every battle to preserve the area since 1922, raised a fund in 1945 of over \$100,000 through popular subscription for this purpose, later transferring the lands it acquired to the Government. This, however, while valuable and demonstrating the public interest, was only a start. In 1948 Congress passed the Thyé-Blatnik bill (Public Law 733) which authorized \$500,000 for the acquisition of private lands in the roadless areas.

In 1956 the Thyé-Blatnik-Humphrey-Andresen bill (Public Law 607) authorized an additional \$2 million for acquisition. The present Congress has just appropriated the last \$250,000 remaining from this authorization in the current U.S. Forest Service budget.

Since the acquisition program began with the initial appropriations under Public Law 733 and Public Law 607, a total of 207 private ownerships have been acquired, leaving a balance of 15,400 acres of land in which still exist 13 resorts and 57 summer cottages. Within the approximately 1 million acres of what is now known as the Boundary Waters Canoe Area also exist 125,400 acres of State and county land which, it is hoped, may eventually be acquired through land exchanges. Progress has reached a point where about 98 percent of the total acreage is now under some form of Government ownership and control. We are close to the termination of this long program. If this Congress authorizes another \$2 million and appropriates it at once, acquisition of the small remaining private holdings can be completed soon, and in part by condemnation if the private negotiations fail.

Before this committee is a new authorization bill, S. 302, which passed the Senate on May 12. It is identical with H.R. 3052 originally introduced by Congressman McMillan. The authorization of this amount has been approved by the Bureau of the Budget.

Owners who have already sold out did so in large part in the belief the Government intended to acquire all private lands in the area. Many who remain are also waiting for negotiations to be completed so they can voluntarily dispose of their properties.

So far, it has been possible to acquire lands and developments through negotiation between the U.S. Forest Service and private owners, and it is the hope that the program can be completed in this way. It is inevitable, however, with the program drawing to a close that in some cases it may be necessary to use condemnation procedures inasmuch as the remaining resorts would have what approaches a monopoly status created for them by the Government.

This program of protection of the wilderness character of the Boundary Waters Canoe Area had gone on for almost 40 years. It is irrevocably involved now as it has been in the past with the idea of 100 percent Government ownership now close to achievement. Being the only region of its kind on the continent and

accessible to some 50 million people within a radius of less than 1,000 miles, its recreational potential is very great. It is the only easily accessible real wilderness between the Atlantic and the mountains of the West.

Each summer over 100,000 persons travel through it and even more use its peripheral lakes. The Boy Scouts of America have a canoe base there from which 2,500 boys from all over the United States embark each year on canoe trips of a week to 10 days duration. Camps for boys and for girls from all over the Midwest consider a canoe trip the crowning achievement of their summer programs. Adults use it too and enjoy as much as the young the delights of paddling down its waterways. Last summer the Sierra Club of California sent in a group numbering several in their late 50's and 60's. The American Forestry Association of Washington, D.C. has taken groups in for many years. Families with young children go on extended camping trips without guides. It is the type of country all Americans can enjoy.

Much has been done to preserve this region, but as long as any private land remains within its borders, its wilderness character can be damaged. Though one of the most beautiful lake and forest regions on the continent, it is the wilderness that gives it significance.

This is the magnet that draws people to the Quetico-Superior country. Federal ownership must be accomplished before it is too late.

Canada has done much north of the border where fortunately all lands of this nature belong to the Crown. Cooperating closely with us on many matters, it is of interest that last year, through a formal exchange of notes between the Dominion of Canada, the Province of Ontario, and the United States, two committees were created representing Ontario and the United States further to coordinate policies toward better wilderness protection and sound land and water use. While encouraging, this still leaves incomplete the final job of land acquisition in the Boundary Waters Canoe Area of the Superior National Forest.

S. 302, and its companion H.R. 3052 being considered today amend Public Laws 733 and 607. Those bills will authorize \$2 million in addition to the \$2,500,000 already authorized under these previously measures. Passage by the House should bring us to the goal we have been working toward for many years. It is our hope, and I know the hope especially of the youth of America, that this wilderness lake region of the Quetico-Superior will always be theirs to enjoy.

Mr. McINTIRE. I have just one question. I was interested in your statement that it will increase in value, that is, the holdings there. What is the top value of some of these resorts, \$150,000 or \$200,000, something of that nature, or is it smaller in value than that?

Mr. CLEMENT. I would not be competent to say. Perhaps, any figure I did give you would change over night; there are some fairly fabulous things. I know that one man made such a terrific claim as to the value that they inquired as to what his Federal income tax was this year, that he made such a fabulous income, and he quickly deflated it and came down to reasonable proportions.

Naturally, those fellows have something to sell. The forestry men can tell you much better than I as to the actual mechanics of this, but these boys have learned as they have come along and they are not so ill equipped so that they cannot handle these fellows who think they have a financial bonanza. That they will unload on the Government. I would rather have the forestry boys tell you about it.

You can appreciate that as you narrow this down to the last few the fight gets tougher. You do not buy for the same dollar you did when it started, and when we had willing and acquiescent parties cooperating.

Mr. McINTIRE. Thank you.

Mr. GRANT. Are there any further questions?

Mr. JENNINGS. Does this join the area up in Canada, and are they doing the same thing in their area?

Mr. CLEMENT. Yes, indeed. I am glad you asked that, because the Canadians have a committee dealing with this. And in dealing with Canada it is a rather touchy business, because they do not like this big brother aspect and we have a hard time selling them on the idea that the wilderness should be preserved, when they say, "that is all we have got," and they want to get rid of it. However, we have been very fortunate in getting sympathetic acquiescence and cooperation on that side and, in fact, in all of our meetings of the President's Committee we have had a substantial number of Canadian officials present, and they cooperate. The man I am representing, Mr. Charles Kelly on the President's Committee, is not here because he is with a group of Canadians surveying some of their problems up there on the other side of the border.

The Canadians, although they are not nearly as well off financially as we are, in some respects have had greater success in selling their corporations up there. Sears, Roebuck in Canada is a very heavy contributor to this. We have not succeeded in getting Sears, Roebuck on our side of the line to put in very much. They have duplicated practically everything we have done on this side and in many cases they have gone us one or two better.

When President Truman instituted the air ban, when the airplane was going to upset the appcart there, they put one in immediately, too, because up there the head of government picks up a pen, and that is it.

Incidentally, all of the land up there is federally owned—it is owned by the Province of Ontario or by the Dominion, and by whatever they call the division in the land, parks, and forests.

So their acquisition is practically nil. However, they are cooperating with us 100 percent; in fact, they are anxious to get ahead of us.

Mr. GRANT. Thank you very much.

Mr. CLEMENT. Thank you very much.

Mr. GRANT. Our next witness is Mr. J. W. Penfold, conservation director of the Izaak Walton League of America. We shall be glad to hear from you now.

Mr. PENFOLD. I would like to bring to the table with me Mr. Alden J. Erskine, who is the national president of the Izaak Walton League.

Mr. GRANT. You may do so. We are happy to have you here.

STATEMENT OF J. W. PENFOLD, CONSERVATION DIRECTOR, IZAAK WALTON LEAGUE OF AMERICA

Mr. PENFOLD. Mr. Chairman and members of the committee, I have a prepared statement. With your permission I will go through it briefly, leaving out those parts that are repetitious.

I am J. W. Penfold, conservation director of the Izaak Walton League of America. The league is a national membership organization dedicated to the conservation and wise use of the Nation's natural resource wealth—its soil, woods, waters, wildlife, and outdoor recreation opportunities.

The Izaak Walton League has had a deep interest in this historic and unique area since the league was organized 40 years ago. It is an exaggeration to state that the problems and the opportunities presented by the area furnished motivation for establishment of the league and helped shape its basic purposes, objectives, and policies.

Thus, our interest in the present legislation, Mr. Chairman, is based on four decades of first hand study and knowledge of the area, and on consistent, active support for protection of its great values.

In our small way, Mr. Chairman, the Izaak Walton League has played its part as a public-spirited organization of dedicated citizens. In 1943 it established an endowment fund and undertook a fund-raising program among our own members and with the interested public. Something like \$130,000 was raised, almost all of which was earmarked for use in a revolving fund for purchase of private holdings within the area.

With cash money available the league was able to purchase these properties as they came on the market or at the moment some owner decided he would sell—even if the Forest Service happened to have no appropriations for the purpose available at the time. Later on, then, when the Forest Service did have funds, it in turn purchased the property from us.

The public has benefited in three ways from the IWLA program:

1. We were able to purchase key properties at the psychological moment the owner was in a mood to sell. That moment might never had come again, and the property might never have come into public ownership.

2. We had to hold many of the properties bought under the program for considerable periods of time until the Forest Service had funds. During such periods property values continued to go up, and if bought later would have cost more.

3. Some of the properties carried improvements for which we had to pay the owner, naturally. However, when such properties were conveyed to the Forest Service the league was reimbursed only for the value of the raw land.

In total, the league has purchased something like 6,400 acres, and lost over \$60,000 in the transactions. We consider this no loss, however. The funds were contributed to help carry through on this essential program, and for every dollar lost, the American public has gained 10 times 10 in quality of the area's recreation potential.

Of the land purchased by the league, all but about 80 acres have already been conveyed to the Forest Service. I mention this, though I am sure needlessly, in case anyone might think we are interested in H.R. 3052 so as to get our own investment back. To the contrary, our endowment fund program will continue to be available for this purpose as long as needed.

It is understandable that those who have already sold out are wondering whether or not we shall keep faith with them and proceed quickly to acquire the remaining properties.

In conclusion, Mr. Chairman, may I state that I have made several canoe trips in the boundary waters, and I am not unfamiliar with recreation opportunities throughout the United States. I consider the area one of America's finest—unique, wonderful. In this I echo what hundreds and hundreds of other league members have seen for themselves, and what tens of thousands of Boy Scouts, Girl Scouts, other organized youth groups, and hundreds of thousands of other citizens have found out in firsthand experience.

We most earnestly and respectfully urge early and favorable action on the bill by this committee and by the House of Representatives.

We appreciate the privilege of expressing our views.

Mr. GRANT. Thank you very much for your excellent statement. Does your associate wish to make a statement at this time?

**STATEMENT OF ALDEN J. ERSKINE, PRESIDENT, IZAAK WALTON
LEAGUE OF AMERICA, INC., SIOUX CITY, IOWA**

Mr. ERSKINE. Mr. Chairman and members of the committee, I did not bring a prepared statement. I would like to substantiate Mr. Penfold's statement and Mr. Clement's statement and say that I enjoy a real degree of pride in the interest and action that the league has taken in the last 30 years in this program.

I feel, particularly at this time, due primarily, or reasonably so, at least, to the increased population that our recreational opportunities for the young people is shrinking by the very fact that our population is increasing. And, certainly, we as citizens of 1961, of this century, have, I think, a very real obligation not only to perpetuate this thing, but to guarantee its continuance and endurance for the generations to come.

My particular area is about 650 miles from this area. And even in my own area that far away it is very common to see a Boy Scout leader with his car or station wagon, with a canoe on top, and Boy Scouts hanging out of every window, three or four of them in a convoy, heading you know where and I know where, because I am familiar with the program for the area. I feel it is one of the very few areas in the United States where we are doing very much particularly for the youth. I say this and say it often because I feel very strongly about it that all too often we as citizens manage things for our own convenience and for our own age. Generally speaking, the people who make laws in the communities and the States, et cetera, are people above the youth age, in the 30's or 35's or 40-year bracket, and all too often we think of something for recreation that, particularly, appeals to us. That was one of the reasons I was particularly interested in seeing the air ban put on the Quetico area because people were abusing the privilege in the area because they had the dollars and cents to fly into the area and would ultimately deprive the youth of the opportunity to use this area.

I think the other points have been pretty well covered.

It is a real honor to appear before this committee and to see your earnest interest and attention in this matter. I do think it is very vital in our overall recreational program of our country what you do to our continuing increase in delinquency in America means we are going to have to think a great deal more about the recreational opportunity and clean recreational opportunities, opportunities that are not only going to build up the minds, but the muscles of our American youth. I do feel very strongly that when a group of boys go into the Quetico area and paddle a canoe as the gentleman here pointed out and they are in there for 3 days or a week or a month, they cannot come out without being better boys or better girls, both physically and mentally.

Thank you.

Mr. GRANT. Thank you for your statement. Your statement, Mr. Penfold, will be made a part of the record at this point.

(The document referred to follows:)

STATEMENT BY J. W. PENFOLD, CONSERVATION DIRECTOR OF THE IZAAK WALTON LEAGUE OF AMERICA

Mr. Chairman, I am J. W. Penfold, conservation director of the Izaak Walton League of America. The league is a national membership organization dedicated to the conservation and wise use of the Nation's natural resource wealth—its soil, woods, waters, wildlife, and outdoor recreation opportunities.

H.R. 3052, and S. 302, an identical bill already passed by the Senate, would further amend the act of June 22, 1948, by increasing its authorization from \$2½ to \$4½ millions. The funds would be used to complete the land acquisition program within the Boundary Waters Canoe Area of the Superior National Forest in Minnesota.

The Izaak Walton League has had a deep interest in this historic and unique area since the league was organized 40 years ago. It is not an exaggeration to state that the problems and the opportunities presented by the area furnished motivation for establishment of the league and helped shape its basic purposes, objectives, and policies. Thus, our interest in the present legislation, Mr. Chairman, is based on four decades of first-hand study and knowledge of the area, and on consistent, active support for protection of its great values.

Protection of the Boundary Waters as a roadless, primitive area, has been a policy of both the United States and Canada for a long time.

A wholly unimaginative plan to lace the entire area with roads was proposed about the end of World War I. A comprehensive survey was undertaken in 1919 and 1920 by Arthur Carhart, of Denver, then a Forest Service recreation planner, and a close cooperater with the IWLA ever since. His conclusions shared by others intimately knowledgeable of the area, were that the area could serve its highest purpose for the public, if retained in its primitive condition and managed primarily for recreation as canoe country.

The recommendation was accepted, the road plan was eliminated, and the Secretary of Agriculture established the primitive area in 1926.

Not long after, there came a proposal by some power interests to construct a series of dams, which would convert this most scenic panorama of lakes and rivers into fluctuating reservoirs, inundating shorelines, rapids, waterfalls, and islands. After years of study and litigation, a joint International Commission in 1934 denied the power application, stating that the recreational and primitive values of the region were far too important to be destroyed.

Meanwhile the Shipstead-Nolan Act and a similar act of the Minnesota State Legislature in 1933 assured protection of the U.S.-owned shorelines from logging or manipulation of water levels for any purpose.

In 1934 President Roosevelt created the Quetico-Superior Committee to coordinate protection of the area within the United States and to work with Canada toward establishment of an international program for the area, on both sides of the border. Great progress has been made on the international aspects of the Quetico-Superior.

Following World War II a new threat to the primitive character of the area came in the form of aircraft used for access. Owners of private lands in back country sections began to build resort properties serviced by aircraft. In short order it became apparent that the primitive character of the country and its high recreation values were doomed, unless positive action was taken.

President Truman, with the agreement of Federal and State agencies and vigorously backed by nationwide public opinion, established an air space reservation over the roadless area, the first of its kind in the country. The validity of the President's order was tested and upheld in all courts and by the Supreme Court of the United States.

The aircraft problem underscored and emphasized again the vital need to acquire as quickly as possible the private lands within the borders of the roadless area—they totaled some 117,000 acres. Some small progress had been made previously by the Forest Service through land exchanges and under the Weeks Act. But the core of the problem simply had not been touched. Furthermore, it was evident that with delay acquisition costs would pyramid.

In 1948 Congress passed Public Law 733, the Thye-Blatnik bill, which authorized \$500,000 for the acquisition program. Public Law 607 of 1956, the Thye-Blatnik-Andresen bill, provided an additional \$2 million. The bill now before you would increase the authorization by another \$2 million.

Mr. Chairman, we have in this country too often acted on problems too late and with too little. Certainly most glaringly can be cited our actions in trying to acquire for public use and public welfare areas of prime recreation value. This has been true also in the program to acquire private lands within the Boundary Water Canoe Area. Year by year these private holdings increase in value—the cost to acquire them inevitably will go up year after year. It is in the public interest that we move as quickly as possible to acquire the small percentage of properties still in private ownership.

In our small way, Mr. Chairman, the Izaak Walton League has played its part as a public-spirited organization of dedicated citizens. In 1943 it established an endowment fund and undertook a fund raising program among our own members and with the interested public. Something like \$130,000 was raised, almost all of which was earmarked for use in a revolving fund for purchase of private holdings within the area.

With cash money available the league was able to purchase these properties as they came on the market or at the moment some owner decided he would sell—even if the Forest Service happened to have no appropriations for the purpose available at the time. Later on, then, when the Forest Service did have funds, it in turn purchased the property from us.

The public has benefited in three ways from this IWLA program:

1. We were able to purchase key properties at the psychological moment the owner was in a mood to sell. That moment might never have come again, and the property might never have come into public ownership.

We had to hold many of the properties bought under the program for considerable periods of time until the Forest Service had funds. During such periods property values continued to go up, and if bought later would have cost more.

3. Some of the properties carried improvements for which we had to pay the owner, naturally. However, when such properties were conveyed to the Forest Service the league was reimbursed only for the value of the raw land.

In total, the league has purchased something like 6,400 acres, and has lost over \$60,000 in the transactions. We consider this no loss, however. The funds were contributed to help carry through on this essential program, and for every dollar lost, the American public has gained 10 times 10 in quality of the area's recreation potential.

Of the land purchased by the league, all but about 80 acres have already been conveyed to the Forest Service. I mention this, though I am sure needlessly, in case anyone might think we are interested in H.R. 3052 so as to get our own investment back. To the contrary, our endowment fund program will continue to be available for this purpose as long as needed.

If our information is correct, there remain about 15,000 acres in private ownership which contain 13 resorts, 57 summer cottages, and 63 unimproved properties. In addition, there are about 15,000 acres of county land—half of which can likely be secured through exchange, and half will need to be purchased.

The resort properties particularly will be expensive to acquire. Recreation properties, of course, continue to appreciate in value. More significant, however, is the fact that with the purchases already consummated the remaining properties have been given a virtual monopoly and their economic value to the owners is thereby greatly enhanced.

It is understandable that those who have already sold out are wondering whether or not we shall keep faith with them and proceed quickly to acquire the remaining properties.

It is also understandable that as the acquisition program nears completion the difficulties of negotiation with the remaining landholders will increase. In fact, in perhaps a third of the cases, negotiation may be just about impossible, unless the ordinary Federal right to condemn is permitted. This would be accomplished by elimination of the proviso in section 1 of the 1948 act as is proposed in H.R. 3052.

In conclusion, Mr. Chairman, may I state that I have made several canoe trips in the boundary waters, and I am not unfamiliar with recreation opportunities throughout the United States. I consider the area one of America's finest—unique, wonderful. In this I echo what hundreds and hundreds of other league members have seen for themselves, and what tens of thousands of Boy Scouts, Girl Scouts, other organized youth groups, and hundreds of thousands of other citizens have found out in first-hand experience.

We most earnestly and respectfully urge early and favorable action on the bill by this committee and by the House of Representatives.

We appreciate the privilege of expressing our views.

Mr. GRANT. Are there any questions of either of these gentlemen?

Mrs. MAY. I wish to offer a word of commendation and appreciation for the great public service that has been offered the public by the activities of the Izaak Walton League. I think that they are certainly entitled to such commendation.

Mr. ERSKINE. Thank you. I will reiterate this statement made by Mr. Clement, that we do not consider this expenditure a loss—we consider it an investment in future generations.

Mrs. MAY. That is a very commendable attitude.

Mr. GRANT. Thank you very much, gentlemen.

Mr. PENFOLD. I was going to offer for the record, Mr. Chairman, a letter addressed to you by Mr. Thomas L. Kimball, executive director of the National Wildlife Federation.

Mr. GRANT. Without objection, it will be received for the record.

(The document referred to follows:)

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., August 7, 1961.

CHAIRMAN,
House Committee on Agriculture,
New House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The National Wildlife Federation, a private conservation education organization composed of 50 affiliates in 49 States and the District of Columbia, wishes to make these brief comments upon H.R. 3052, relating to the Superior National Forest in Minnesota.

We would appreciate it if this letter could be made a part of the record for hearings being conducted on H.R. 3052 by the Subcommittee on Forests.

Primary purpose of this proposal is to remove the restriction upon the acquisition of lands by the authority of eminent domain. It also increases the authorization from \$2.5 to \$4.5 million.

Involved in this proposal is the Boundary Waters Canoe Area, composed of approximately 1 million acres of land and water along the international boundary with Canada. Federal acquisitions thus far have been voluntarily negotiated. However, as the consolidation of Federal ownership nears completion, negotiations with the owners become more difficult. Unless the language requiring the approval of the local government is removed, the entire program will be defeated. This is one of the most important wilderness areas in the Nation and should be fully protected in the best public interest.

The Minnesota Conservation Federation, our affiliate in that State, is in complete accord with the principles of H.R. 3052.

Thank you for the opportunity of making these comments.

Sincerely,

THOMAS L. KIMBALL, *Executive Director.*

Mr. PENFOLD. And, also, a letter addressed to you, Mr. Chairman, by Mr. Philip A. Douglas, executive secretary of the Sport Fishing Institute.

Mr. GRANT. Without objection, that will be made a part of the record.

(The document referred to follows:)

SPORT FISHING INSTITUTE,
Washington, D.C., August 7, 1961.

HON. GEORGE M. GRANT,
Chairman, Subcommittee on Forests and Committee on Agriculture, House of Representatives, Washington, D.C.

Mr. CHAIRMAN: I am Philip A. Douglas, executive secretary of the Sport Fishing Institute. The institute was set up in 1949 as a professionally staffed nonprofit fish conservation organization to help fishing and fishermen. Over 200

manufacturers of fishing tackle, fishing accessories, outboard motors, boats, trailers, sporting goods, and chemical, glass, cork, paper, and metal products used directly or indirectly by anglers now contribute funds to the institute. In addition, many individuals contribute token funds, as well.

Our overall objective is to help improve sport fishing. With rapidly deteriorating fish habitat due to man's activities, and with demands constantly increasing at the same time, good fishing can no longer be left to chance. It must be created and protected by professional fishery workers, such as constitute our small staff of three men.

H.R. 3052 and its Senate counterpart, S. 302, propose amendments to the act of June 22, 1918, to increase land acquisition funds within the Superior National Forest, Minn., from \$2½ to \$4½ millions. Fortunately, I enjoy some personal familiarity with this area involved. As an assistant counselor at YMCA Camp Warren (in the early 1930's), I took many boys through this wonderful primitive canoe country. Fishing for pike and lake trout in those days was unexcelled. Continuance of commercialism and private exploitation of this area can ruin it completely for future generations.

I am pleased to state that the Sport Fishing Institute wholeheartedly supports the Izaak Walton League of America in this acquisition proposal to make this a unique entity for conservation to manage for the enjoyment of future lovers of the wild areas bordering Canada.

We commend the Izaak Walton League in this their pioneer effort and trust that it will be brought to fruition through passage of H.R. 3052 and S. 302.

We respectfully request that this letter be made a part of the official record.

Respectfully yours,

PHILIP A. DOUGLAS, *Executive Secretary.*

Mr. McINTIRE. In the last statement reference was made to the fact that this was presented to the Congress in 1960, in the month of December. The executive communication at that time I believe is dated December 15, 1960, and is a communication signed by Clarence L. Miller, Acting Secretary. And I ask consent that it be made a part of the record at this point.

Mr. GRANT. Without objection, it will be received in the record. (See p. 2.)

Mr. GRANT. We thank you very much, Mr. Penfold.

Mr. PENFOLD. Thank you.

(The following letters and statements were also submitted to the subcommittee:)

STATEMENT OF HON. JOHN A. BLATNIK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman, today the Subcommittee on Forests of the House Committee on Agriculture is considering H.R. 3052, which authorizes additional funds for the acquisition of lands in the Superior National Forest, and deletes the proviso in (16 U.S.C. 577c) relating to the condemnation of lands not exceeding 500 contiguous acres under one ownership.

The lands in question are located in the wilderness canoe country of the Superior National Forest. This beautiful national forest is located along the Minnesota-Ontario boundary between Lake Superior and Rainy Lake—a part of the Eighth Congressional District, which I have the privilege to represent.

The Boundary Waters Canoe Area is one of the few remaining primitive wilderness areas—protected in its natural state by the act of 1948 so that all Americans now, and in years to come, would be able to enjoy its beauties and benefit from association with nature in a great, unsullied wilderness preserve.

Thousands of lakes spangle this great wilderness which was once used as a highway to the West by the early explorers and voyageurs. Today, as a result of the farsighted action of Ontario and the United States, more canoes travel Quetico-Superior waters than any other place in the world.

The intent of the act of 1948 was that the privately owned lands within this area be purchased from their respective owners as rapidly as possible in order to be consistent with the expressed purpose for creating the wilderness canoe country—that is, to protect the unique qualities and natural features of the

remaining wilderness canoe country in an unmodified state of nature. The intent of this act quite clearly precludes the permanent existence of commercial and private establishments within the Boundary Waters Canoe Area.

I strongly support this bill, and urge this committee to give it expeditious attention so that the purchase of these lands can be accomplished without further delay—a delay which has already caused considerable additional expense to the Government through the appreciation of property values which has taken place since the passage of the act.

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS COMMITTEE ON NATURAL RESOURCES

Mr. Chairman, I am Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources. The Citizens Committee on Natural Resources is a national conservation organization with offices in Washington, D.C. It is my very great privilege to represent an organization comprised of some of the country's most outstanding conservationists.

We support strongly, H.R. 3052, a bill to increase the authorization for acquisition of certain commingled lands in the Superior National Forest. The Superior National Forest is that part of the Quetico-Superior area within the United States. The Quetico-Superior country comprising large rivers, forests, and lakes, is in two countries. The area in the United States is mostly in Minnesota, while the Quetico is mostly in Ontario, Canada.

In 1934, the Quetico-Superior Committee was established by President Franklin Delano Roosevelt, for the purpose of preserving the general wilderness character of this region. The implementation of this goal required a program of resource management, which was to be achieved in cooperation with the Forest Service of the United States and the Department of Lands and Forests of Canada. The Chairman of this Committee, from the outset, has been Mr. Charles S. Kelley, an outstanding conservationist, and one who has devoted much of his life to the well-being of this region. It was through Mr. Kelley's vigilance, long before the establishment of the Quetico-Superior Committee, that this area was able to overcome a number of threats which would have destroyed its overall character. Roads and dams were the primary threat, and in one case litigations and hearings lasted for over 9 years. The first protective measure by either Government was taken by Secretary Jardine of the Department of Agriculture in 1926, which established a primitive area of over a million acres on the American side of the border. The passage of the Shipstead-Knowland Act of 1930, coupled by a similar act by the Minnesota State Legislature in 1933, protected the shorelines of about two-thirds of the Superior National Forest from logging and other practices effecting the water level.

With characteristic imagination and considerable vision, Franklin Delano Roosevelt in creating, by Executive order, the Quetico-Superior Committee, gave the Committee a mandate to strive for sound management, acquire all private lands (for he felt the character of the area could only be preserved in this manner), and to work with Canada in achieving these same goals on the Canadian side of the border. It is a tribute to all of those concerned, that the Commission has been reappointed in every succeeding presidential term and that the Forest Service had labored mightily to effect the goals set forth at creation of the first Commission.

The splendid way in which the management of this area has gone forward was not free from difficulty. For example, the area was known for its fabulous grandeur and production of fish and game, and after World War II, it became one of the largest inland seaplane bases in the country. It was a popular thing to fly from the many dense metropolitan areas for a weekend of fishing. In order to meet this new threat to the area, President Truman acted with his customary dispatch and issued an Executive order reserving an airspace over these roadless areas. This order was without precedent. Many contended that it would not be upheld in the courts, but after a series of tests in all the courts, the Supreme Court upheld President Truman's Executive order. It also created another precedent in so doing, since it gave credence to the policy of the Federal Government of protecting the wilderness values of this area. A difficult and last step had to be taken however, for there was still about 117,000 acres not in Federal ownership.

The problem of acquisition had been a formidable one, since the Forest Service had minimum funds to acquire these lands. The Weeks Act authorized the Forest Service to purchase lands of this type, but it has always been difficult to appropriate money under this authorization. Also, land exchanges were effected and some private organizations, notably the Izaak Walton League, purchased some inholdings and deeded them to the Government. By 1948, the Congress was aware that such measures would not solve the basic problem and Public Law 733, the Thyse-Blatnik bill, authorized \$500,000 for acquisition of these private inholdings. The half-million authorization proved to be inadequate in view of rapidly rising land prices. Eight years later (1956), Public Law 607 (Thyse-Blatnik, Humphrey, and Andresen) amended the original Public Law 733, to increase the authorization to \$2 million for acquisition. This fund has now been fully appropriated, and about 98 percent of the total acreage is now under some form of Government ownership or control. It is true that the Boundary Waters Canoe Area, consisting of some 1 million acres, has about 125,000 acres of land owned by State and county, but this is not viewed as of now, as a threat to the wilderness character of the area and it is hoped that these lands will be acquired through land exchanges.

Despite the record of accomplishment, which shows 207 private ownerships acquired, there is the critical problem of acquiring the remaining 15,400 acres of private inholdings which consist of 13 resorts and 57 summer cottages.

Some may question why H.R. 3052 would increase the authorization from \$2,500,000 to \$4,500,000 for the remaining and relatively small private inholdings. The answer is the high relative value of the remaining land. When the Government purchases private inholdings, more and more wilderness areas become available and by the same token those who continue their resorts and inholdings find their own properties to be more and more valuable. This is ironic, since it places the Government in a position of creating a private monopoly on the wilderness areas surrounding the private inholdings. The people who have these areas have fought the Government acquisition with increasing vigor for two obvious reasons. First, by so doing they increase the value of their land, so if final acquisition is effected they will receive a higher price, and second, the monopolistic position relative to this area is providing them with lucrative commercial returns. Such practices are in direct conflict with the goal and purposes that have been pursued some three decades, and it does serious disservice to those who, in good faith, have sold their land to the Government.

Acquisitions heretofore have been carried out by negotiations between the private landholders and the Forest Service. Obviously the Forest Service must be armed and encouraged to use, if necessary, the power of condemnation. This is in all probability the only way by which the remaining land can be acquired at fair appraisal prices. This, too, is the compelling reason for increasing the authorization before price increases further frustrate our abilities to achieve 100 percent Government ownership.

The committee is acutely aware of the need for recreational areas of this character, and our words are not needed to dramatize this great need or the extraordinary ability of this majestic area to fill this need.

The Quetico Superior Area has had bipartisan support from the outset. The present posture of the legislation before the committee was supported by the previous administration, as well as the present one. It has likewise been supported by those on both sides of the aisle in Congress. We hope the committee will favorably report H.R. 3052.

THE AMERICAN FORESTRY ASSOCIATION,
Washington D.C., February 20, 1961.

Re H.R. 3052.

HON. HAROLD D. COOLEY,
Chairman, House Committee on Agriculture,
House Office Building, Washington, D.C.

DEAR MR. COOLEY: At a board meeting on February 17, 1961, the directors of the American Forestry Association recommended that the remaining private holdings within the Boundary Waters Canoe Area be acquired by the Federal Government. In order that this may be accomplished the board recommended that—

1. The authorization for appropriations under the act of June 22, 1948, as amended (16 U.S.C. 577c-577h) be increased from \$2,500,000 to \$4,500,000.

2. That the Federal Government be permitted to exercise the power of eminent domain in acquiring any land within this area that cannot be obtained by negotiation.

3. That the Congress remove the provision in the appropriation act which requires local county governments to approve local acquisitions within the Boundary Waters Canoe Area.

4. Any funds appropriated for this purpose be made available until expended.

When hearings are held on H.R. 3052, please make these recommendations a part of the permanent record.

Very truly yours,

KENNETH B. POMEROY,
Chief Forester.

MINNESOTA DIVISION,
IZAAK WALTON LEAGUE OF AMERICA, INC.,
Grand Rapids, Minn., March 3, 1961.

HON. GEORGE M. GRANT,
Chairman, Subcommittee on Forests, House Agriculture Committee, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE GRANT: The Minnesota division of the Izaak Walton League strongly supports H.R. 3052 concerning the acquisition of private lands in the Boundary Waters Canoe Area in Minnesota.

We feel that the preservation of wilderness conditions in this area is of vital importance to the entire Nation as well as to our own State of Minnesota.

We would like to have this statement made a part of the legislative record.

Respectfully yours,

ADOLPH T. ANDERSEN,
Chairman, Wilderness Committee.

MINNESOTA DIVISION,
IZAAK WALTON LEAGUE OF AMERICA, INC.,
Minneapolis, Minn., March 8, 1961.

Congressman GEORGE M. GRANT,
Chairman, Subcommittee on Forests of the House Agriculture Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN GRANT: The Minnehaha Women's Chapter of the Izaak Walton League of America, wishes to express its complete support of the proposed wilderness bill, H.R. 3052, which is now before your committee.

Sincerely,

LEE CUMBERLAND,
Conservation Chairman.

GREEN LAKE CHAPTER,
THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Ripon, Wis., July 29, 1961.

Re H.R. 3052.

HON. GEORGE M. GRANT,
Chairman, House Subcommittee on Forests, House Office Building, Washington, D.C.

DEAR CONGRESSMAN GRANT: Our members endorse H.R. 3052 and as secretary of the chapter I am taking this means of informing you of our views.

A number of our members including myself have been on canoe trips into the Boundary Waters Canoe Area thoroughly enjoying the unspoiled, natural scenery. We thought the Forest Service was doing an excellent job in preserving this unique wilderness area until we got into Basswood Lake where we noted cottages and private holdings. The Forest Service should purchase these private lands as quickly as possible.

H.R. 3052 should be enacted so that the Forest Service has the funds as well as the right of eminent domain.

We request our views be made part of the record at the August 7 hearing on the bill. And urge favorable action by the committee.

Respectfully yours,

JOE MILLS, *Secretary.*

MILWAUKEE AUDUBON SOCIETY,
Milwaukee, Wis., July 30, 1961.

Congressman GEORGE GRANT,
Chairman, Subcommittee on Forestry,
House Committee on Agriculture,
Washington, D.C.

DEAR SIR: The board of directors of the Milwaukee Audubon Society, on behalf of its members, wishes to advise you of their request to include the following remarks in the record of the hearing on H.R. 3052.

The Boundary Waters Canoe Area is the only sizable wilderness area left in the upper Midwest. For an area to remain wilderness in character there must be a block of land large enough to withstand the jolts of civilization at its borders. At present the Boundary Waters Canoe Area is indeed beset by great pressures at its borders in terms of the superhighways replacing the original roads (Ely-Buyck, Fernberg Trail and Gunflint Trail) that are located in the corridors which provide access to the canoe country. Because of public indignation throughout the United States, the U.S. Forest Service is reviewing its road standards in this area, and will modify them to provide the public with roads in keeping with the countryside.

Pressures on the Boundary Waters Area, however, come from within as well. Private holdings have either been exploited for commercial purposes or may well be in the future. Commercial enterprises and most private establishments require services and facilities which cannot be provided without sacrificing the wilderness quality to a considerable extent. Congress has recognized this by providing money in the past to buy out these private holdings.

The Boundary Waters Canoe Area is really not sizable at all. On a map of the United States it becomes microscopic in terms of land area. Those of us who have been there can testify to the numbers of people who use it, numbers which will inevitably increase. Wilderness and hordes of people cannot exist together. Therefore, it is mandatory to stretch wilderness in every way possible. Prohibiting motors and limiting road access are surely two excellent methods. But eliminating private holdings, which almost always downgrade wilderness, is an excellent method also, without which the other two methods might well be nullified.

In the interests of those who need wilderness areas to stay alive spiritually and in the interests of a physically strong American population who are challenged to use their muscles by wilderness travel, we urge prompt and unanimous approval of H.R. 3052 both by your committee and by the entire House. The Senate has already given its stamp of approval to this project.

Sincerely yours,

Mrs. JOHN McEWAN,
Corresponding Secretary.

MINNEAPOLIS, MINN.,
August 1, 1961.

HON. GEORGE GRANT,
House of Representatives,
Washington D.C.:

We as members of the North Minneapolis Chapter of the Izaak Walton League hereby request your immediate attention to the possibility of bringing about passage of H.R. 3052 as soon as possible.

CARL H. PERSON,
Secretary, Izaak Walton League.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 10, 1961.

HON. GEORGE M. GRANT,
House Office Building,
Washington, D.C.

DEAR COLLEAGUE: As you know the Subcommittee on Forests of the House Committee on Agriculture on which you serve, has concluded hearings on H.R. 3052. This will increase the authorization for funds to be used for the purchase of private lands within the Superior National Forest which is within my district.

I would very much appreciate your assistance in getting this bill favorably reported as quickly as possible. It is important that purchase of these lands be

accomplished without delay to avoid further appreciation in the value of the lands involved.

Very frankly, it is very important to me that these purchases be completed. I have been working on this problem for 14 years, and delay only serves to create more problems in acquisition.

With kind regards,

Sincerely yours,

JOHN A. BLATNIK,
Member of Congress.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., August 4, 1961.

HON. GEORGE M. GRANT,
Chairman, Subcommittee on Forestry,
House Committee on Agriculture, House Office Building,
Washington, D.C.

DEAR CONGRESSMAN GRANT: We appreciate the invitation to submit a statement in support of the Superior National Forest bill, H.R. 3052. The institute believes that this legislation is urgently needed, and is in the public interest. A statement is being submitted by the Izaak Walton League of America, and we wish to endorse that testimony.

We will appreciate having this letter made a part of the record of the hearing. Thanks for your courtesy and your continued cooperation.

Sincerely,

C. R. GUTERMUTH, Vice President.

THE WILDERNESS SOCIETY,
Washington, D.C., August 4, 1961.

HON. GEORGE M. GRANT,
Chairman, Subcommittee on Forests, Committee on Agriculture,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: The bill H.R. 3052 and its companion measure already passed by the Senate (S. 302) are important measures to the preservation of the great canoe wilderness in our Superior National Forest, a program well serving the public interest that the Wilderness Society seeks to represent. Accordingly, I should very much appreciate being associated with Mr. Joseph Penfold, conservation director of the Izaak Walton League, in the testimony which he is presenting to your subcommittee on August 7, 1961, in support of this proposed legislation. Will you please enter this letter in the record of the hearing on this legislation as urging both the proposed increase of the authorization from \$2½ to \$4 million and the removal of the restriction that now prevents condemnation of key areas now requiring such a process for acquisition.

Sincerely yours,

HOWARD ZAHNISER,
Executive Secretary and Editor.

Mr. GRANT. Our next witness is Mr. Florance. The committee now has under consideration H.R. 4934, submitted by Mr. Siler. We will be glad to hear from you at this time, Mr. Florance.

STATEMENT OF REYNOLDS G. FLORANCE, DIRECTOR, DIVISION OF LEGISLATIVE REPORTING AND LIAISON, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. FLORANCE. Mr. Chairman and members of the committee, I do not have a prepared statement. The Department reported on this bill by letter dated June 30, 1961, signed by Orville L. Freeman, Secretary of Agriculture.

This is a bill which would authorize the Secretary of Agriculture to amend any lease entered into before November 1, 1956, providing for the construction, maintenance, and operation of commercial recreational facilities at a water

resource development project under the jurisdiction of the Secretary of Agriculture so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease.

In the Department's report it is stated that—

this Department would not object to enactment if the bill is amended as hereinafter recommended.

The purpose of this bill, as stated in its language, is to permit adjustments to be made in various concessionaire agreements that the Department may have entered into around water reservoir projects. At the present time the concessionaire agreements that the Department enters into contain provisions for periodic readjustments of the rates. This is a practice that was started several years ago, but back of that many of the concessionaire agreements did not contain a provision for the readjustment of rates.

Normally, the concessionaire agreements, where there is apt to be a competitive interest for obtaining them, are let on the basis of a prospectus with a stated base rate to be paid, plus a provision for the bidder to bid on an additional rate of gross return to be paid a percentage of the gross return which he would receive in the operation of the concession that is covered by the prospectus.

One of the basic purposes of these agreements is to provide for the public the necessary services and facilities that are needed around these reservoir projects.

Of course, it is considered to be in the interest of the Government to have these projects operated by persons who are both capable and willing to operate them efficiently and to provide the service which the public will demand in the recreational use of the area. Where the concession agreement makes no provision for adjustment in the rates that are to be paid, experience sometimes discloses that the rate at which the original agreement was entered into does not permit the concessionaire to operate an efficient place and it is understood that under those circumstances this bill would permit adjustments either upward or downward as the case may be.

In the Department's report, it recommended certain amendments basically because many of these reservoirs, in fact, the majority of these reservoirs, are not actually under the jurisdiction of the Department of Agriculture but are constructed either by the Corps of Engineers or by the Bureau of Reclamation, with the Department of Agriculture having jurisdiction of some of the land around the reservoir. In those instances the reservoir itself is not under the jurisdiction of the Department of Agriculture; that is, the reservoir project. Therefore, the Department's proposed recommendations for amendments would provide that the adjustment could be made on agreements entered into by the Department of Agriculture on lands that are under its jurisdiction around any Federal reservoir project.

Also, another change is suggested because the authority to enter into these agreements runs to the Secretary, whereas the language in the bill would have that authority to adjust them, run to the Chief of the Forest Service.

As I understand it, the particular instance that may have prompted the introduction of this bill arose around a Corps of Engineers project in Kentucky which created the Cumberland Reservoir, around

which the Department of Agriculture has in the national forest a good part of the shoreline. There are two agreements around that reservoir that the Forest Service has entered into. One of those was entered into without any provision for readjustment in rates. This would give the Secretary authority to adjust those rates if an adjustment is proper.

Mr. GRANT. We thank you very much for your statement. As I understand it, it is not contemplated that there would be any cost to the Government; in other words, in some cases there might be a little increase and in other cases there might be a decrease, which would at the end of several years equalize itself.

Mr. FLORANCE. That is correct.

Mr. GRANT. Thank you. Are there any further questions?

Mr. McINTIRE. I have had a little experience in some of this matter of Government building. As you were explaining this bill, if I understand it correctly, you said that the prospectus mentions what is to be required in the area for servicing, and the concessionaire would bid, setting forth the percentage of the gross that he would pay as his price for the concession?

Mr. FLORANCE. That is correct.

Mr. McINTIRE. And the bill would provide for the subsequent adjustment in this percentage of the gross?

Mr. FLORANCE. That is right.

Mr. McINTIRE. The question which comes to my mind is this: How would you avoid a bidder setting a higher percentage of the gross than he knew he could get at the time of the bid and thereby getting his arm around the bid, and then coming back for an adjustment later, when he knew full well that his original bid would keep out the other bidders—how would you propose to avoid that kind of a thing?

Mr. FLORANCE. In advertising for bids for this particular type of permit a prospectus is issued, and the percentage of the gross that a bidder may indicate is taken into consideration, but is not necessarily controlling in determining the permittee to whom the concessionaire agreement is awarded.

Mr. McINTIRE. You are not obligated to take the high bidder?

Mr. FLORANCE. That is correct. In this instance we are not.

Mr. McINTIRE. So you evaluate these bids. If they are within the competitive range, you pick the one that you think is going to prove to be more constructive as a concessionaire?

Mr. FLORANCE. That is correct.

Mr. McINTIRE. And then if this does not prove to be a practical bid, under this bill the Secretary would be authorized to readjust it?

Mr. FLORANCE. That is correct; actually, that is the procedure we now follow in entering into all of these agreements. In other words, we have provisions in them for periodic adjustments in the rates. That is, normally, about once every 5 years.

Mr. McINTIRE. That prompts my question. Oftentimes in some of the construction projects you will find a contracting firm that is bidding below cost, because the figures in the area of subsequent bidding he will gain—you find all kinds of arrangements in relation to bidders, and I wonder just how you would make sure that such a situation does not develop in receiving such bids.

Mr. FLORANCE. In addition to the bid rate, the qualifications of the bidder to operate the type of resort, the experience that he may have had, and other relevant things are taken into consideration, as well as the actual bid rates.

Mr. McINTIRE. Thank you.

Mr. TEAGUE of California. As I understand this bill it would result in this situation, a bidder gets a lease whereby he pays the Government 50 percent, let us say, of the gross and this bill will authorize the Secretary of Agriculture when he determines it is in the public interest to adjust the bid, that he might determine the lessee should pay 75 percent of the gross. That may be all right, but I just raise the question, are lessees ordinarily willing to enter into such agreements, giving the Federal Government that authority to change the contracts?

Mr. FLORANCE. Yes, sir. That is the normal procedure under which these agreements are entered into at the present time. They provide for periodic adjustments in the rates.

Mr. TEAGUE of California. Is that not one-sided?

Mr. FLORANCE. It is in this sense, that the final decision is made by the Secretary, but it is done after consideration of all of the facts that may be presented by the concessionaire and all other relevant matters.

Mr. TEAGUE of California. Thank you. I did not know that people would be willing to enter into such.

Mr. GRANT. How often do you go into this question?

Mr. FLORANCE. Our present practice on that is that these adjustments take place every 5 years.

Mr. GRANT. Are there any further questions?

Mr. MATTHEWS. About how many of these concessionaires might be involved in this particular problem, do you think?

Mr. FLORANCE. Actually, insofar as this particular problem is concerned I do not know of but one. I was going to try to get the number of agreements that we may have of this kind outstanding, and I had planned to get that before the day was out, but since the bill was called up to day I do not have it with me, Mr. Matthews.

Mr. MATTHEWS. May I ask that when he gets that, that he insert it in the record at this point?

Mr. FLORANCE. I will try and do that.

Mr. GRANT. Very well, you may call the clerk when you do get the information, and it will be made a part of the record.

(The information referred to follows:)

Mr. Florance reported that four concessionaires are involved in this type of agreement.

Mr. GRANT. Are there any further questions?

Mr. JENNINGS. I have just one question. Are there other departments that might be affected other than your Department?

Mr. FLORANCE. Insofar as this particular bill is concerned it would not affect any other Department, Mr. Jennings.

Mr. JENNINGS. Why would it not?

Mr. FLORANCE. The need for this bill arises out of the fact that if these concessionaire agreements exist and an adjustment in the rates is not provided for in the agreement the Secretary of Agriculture does not now have authority to make an adjustment, even though it may be equitable to do so.

Mr. JENNINGS. In other words, those which are under your jurisdiction the Secretary does not have the authority?

Mr. FLORANCE. That is correct.

Mr. JENNINGS. In some cases, is there joint jurisdiction in the area?

Mr. FLORANCE. You are speaking, I believe, of the jurisdiction of the area around the reservoir in many of these?

Mr. JENNINGS. Yes.

Mr. FLORANCE. The reservoir may be constructed by the Corps of Engineers or by the Bureau of Reclamation, and a good part of the shoreline will be national forest land. Except for the reservoir project purposes the national forest area remains under the jurisdiction of the Secretary of Agriculture and any agreements of this kind with respect to those national forest lands would be entered into by the Secretary of Agriculture and not by the Corps of Engineers or by the Bureau of Reclamation.

Mr. JENNINGS. Would this apply to both Departments?

Mr. FLORANCE. The bill at the present time would apply only to water resource development projects under the jurisdiction of the Secretary of Agriculture and that is the reason the Department recommended the amendment that it did.

Mr. JENNINGS. Have you checked with the other Departments to see if it meets with their approval?

Mr. FLORANCE. We did not check. As I say, the situation we are discussing does not actually involve another Department. The particular concessionnaire agreement that I am sure prompted the introduction of this bill is one that is on national forest lands issued by the Department of Agriculture, but along the shoreline of the project that was constructed by the Corps of Engineers.

Mr. JENNINGS. In the letter that was written to the chairman of the committee it says:

Page 1, lines 7 and 8. Strike the words "water resource development projects under the jurisdiction of the Secretary of Agriculture" and insert in lieu thereof the words "Federal reservoir projects."

As I would interpret that, if the amendments were adopted to this bill, you would then be giving to the Secretary of Agriculture jurisdiction over Federal reservoir projects where the shoreline was controlled by the Forest Service, whether it was jointly controlled by the Corps of Engineers or other agencies.

Mr. FLORANCE. The other language in the bill would still restrict this authority to agreements entered into by the Secretary of Agriculture, so we could only amend agreements that the Secretary of Agriculture had issued.

Mr. MATTHEWS. Will you yield right there?

Mr. JENNINGS. Yes.

Mr. MATTHEWS. In other words, it is my understanding that under either language you would not be getting any more authority than you have right now?

Mr. FLORANCE. That is correct. We would have no more authority over the reservoir project than we now have.

Mr. JENNINGS. Is that right?

Mr. HELMBURGER. The amendment just before the one you referred to, Mr. Jennings, adds language on line 5, which says, "with respect to lands under the jurisdiction of the Forest Service."

That is part of the restriction on this. It takes the place of the language which was knocked out of lines 7 and 8.

Mr. GRANT. Are there any further questions? If not, we thank you very much.

Mr. FLORANCE. Thank you.

Mr. GRANT. We will leave the record open and continue the hearing on H.R. 4934 at 10 o'clock tomorrow morning.

The committee stands adjourned until then.

(Whereupon, at 11:30 a.m., the committee adjourned to reconvene at 10 a.m., Tuesday, August 8, 1961.)

FOREST LANDS

TUESDAY, AUGUST 8, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS,
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 1310, New House Office Building, Hon. George M. Grant (chairman) presiding.

Present: Representatives Grant, McMillan, Jennings, Matthews, Harding, McIntire, Teague of California, Short, and Mrs. May.

Also present: Christine S. Gallagher, clerk, and John Heimburger, counsel.

Mr. GRANT. The subcommittee will come to order, please.

On yesterday, when we adjourned, we had under consideration H.R. 4934 by Mr. Siler. Mr. Siler is here this morning. We will be glad to hear from you now.

STATEMENT OF HON. EUGENE SILER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. SILER. Mr. Chairman and members of the subcommittee, I am gratified to have this privilege to appear before you. I am not going to take up much of your time, only a very few minutes.

This bill introduced by me, H.R. 4934, is in the nature of an enabling act. It would enable the Chief of the Forest Service to amend either up or down leases that have been entered into for the purpose of permitting recreational business operators or fishing operators all over the United States not only in my district but in every district in the United States, to have help to eliminate hardships on these operators whenever they show that they are operating under conditions of financial hardship. As I say, this is merely an enabling act. The Chief of Forest Service would make changes in these leases under the supervision and jurisdiction of the Secretary of Agriculture, and this would be done only when a proper showing has been made by the business operator that he is taking a financial loss, having a financial hardship. As a matter of fact, some of them have had to go out of business in various parts of the country because they could not make ends meet.

And I am sure that this is not the purpose of the Department of Agriculture.

There has been some doubt as to whether or not the Department had this authority. Some have had the opinion that they already have the authority, but in order to make it certain, and out of an abundance

of precaution, this enabling act was introduced in Congress for the purpose of adjusting these leases in order to eliminate hardship and to permit some of these business operators to remain in business.

I will be glad to answer any questions I can if you have any, sir.

Mr. GRANT. Thank you very much, Mr. Siler, for your statement. I want to commend you for presenting this legislation. I believe we have a favorable report from the Department in regard to this bill. And if it has not already been made a part of the record, without objection, the report from the Department will be filed in the record.¹

I believe there are two or three, at least several suggestions made by the Department as amendments to the bill. Do you have a copy of that report?

Mr. SILER. No, sir, I do not have a copy with me. I understand the substance of those suggestions. Insofar as I know, they would be perfectly agreeable to me.

Mr. GRANT. Thank you very much for your presentation.

Mr. TEAGUE of California. I have just one question. This would work both ways, of course?

Mr. SILER. Yes.

Mr. TEAGUE of California. The operators are not the only ones concerned, and they are not concerned about the Secretary of Agriculture having the right to adjust these rental payments downward, are they?

Mr. SILER. They are willing to take their chances on that.

Mr. TEAGUE of California. They are willing to take their chances on that?

Mr. SILER. Yes.

Mr. TEAGUE of California. Thank you. That is all.

Mr. GRANT. Thank you again.

Mr. SILER. Thank you.

H.R. 6289

Mr. GRANT. The next bill we have before us is H.R. 6289, which we will consider at this time.

(See p. 9 for bill and the Department report.)

Mr. GRANT. Our first witness is our colleague, Mr. Curtis of Missouri. We will be glad to hear from you now.

STATEMENT OF HON. THOMAS B. CURTIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. CURTIS. Mr. Chairman and members of the committee, let me express my appreciation to the subcommittee for holding hearings on this important matter, because I think it goes way beyond the problem we have in the Ozark area of Missouri.

I want to thank you and your subcommittee for this opportunity to come before you and discuss this proposal for the Ozark Scenic Riverways which is now under consideration. I am very happy that the subcommittee has seen fit to undertake the study of this proposal and I hope that the consideration which you give and which is given to the alternative proposals for the preservation and development of the Current and Eleven Point Rivers area in southern Missouri will result in achieving the goals that everyone interested in the area seeks.

¹ See p. 4 for Department report.

It is important to note that there are alternative proposals in this area. The National Parks Subcommittee of the House Interior and Insular Affairs Committee has held hearings on the other proposal, one which would establish the Ozark Rivers National Monument under the National Park Service. The proposal currently under discussion would create the Ozark Scenic Riverways to be administered by the U.S. Forest Service. There are specific differences between the measures, and I believe that these will be discussed in some detail by the later witnesses who will appear.

Rather than going into this area, I should like to comment on the background of this bill and the basic considerations which I feel are of greatest importance in studying it.

In the last Congress, in its closing days, I introduced a bill substantially the same as the present bill H.R. 5712, which would establish the Ozark Rivers National Monument. I did this in order to stimulate thinking about the Ozark Rivers area and its future and to get the program going. In the exchange of comment which followed upon the introduction of this bill, mention was made of the work that the Forest Service was doing in the Clark National Forest, within the boundaries of which a good deal of the proposed wilderness recreational area lies. People in the area and people interested in the area were unanimous in their—and I might say this, that this is not in my congressional district—it lies in the congressional district represented by, at that time, Mr. Carnahan, and in the present Congress by Mr. Ichord, but many of the people in my district, in the St. Louis area, own property in this area and, certainly they use this area extensively for recreation—praise of the Forest Service and critical of certain aspects of the national monument proposal. There was agreement on all sides that action to preserve and develop the area is necessary. Wilderness recreational areas throughout the country are being used more and more as our growing population, with greater leisure time and greater means for enjoying recreational time, seek the pleasures and beauties of nature. Some planning and control is essential if we are not to find that uncontrolled utilization and development have destroyed the very things for which we seek in these areas. The proposal for the establishment of the Ozark Rivers National Monument was introduced in this Congress by another member of the Missouri congressional delegation. In order to give the Congress an alternative plan to study, and because I sincerely believe that the plan which the Forest Service offers is the better plan, I subsequently offered the proposal which is now before this subcommittee. The important thing is that we find an effective plan by which the Current and Eleven Point Rivers area can be retained as an area of natural beauty for the benefit of all Americans.

It is not the Ozark Rivers area alone that must be considered in this study. There is a larger context, that of preserving and developing the recreational areas, wilderness and parks as well, that we need for Americans of today and of the future. To make these available, Congress must look for new methods to administer such areas and ways to improve the methods that already exist. Certain approaches to the problem are well established. There are situations, however, in which the approaches that we now have are inadequate for the ends sought. This bill explores one of the experimental methods of pro-

viding for these needs. It is my hope that the discussion and study of this issue will bring progress both for the Ozark Rivers area and for the other recreational areas of this country.

I think it is very obvious that in certain developments, that is, in the development of certain areas, the Parks Service approach is the correct approach. We do need parks. On the other hand, I think there are other areas that lend themselves more to the development of multiple use that the Forestry Service has developed.

Part of our problem here is to take a look at the Ozark Rivers area and see whether it is the kind of area that the Park Service technique, which is a valuable one for us and very good, is better suited for this development and preservation than the Forestry Service techniques. And those who seek to preserve the natural state of the area, that is, the streams as they now presently exist and are used for float trips and fishing and hunting, I think would find that the Forestry Service approach would preserve the area as we know it. The Park Service approach would develop it in line with a lot of our recreational ideas. We would, certainly, change the character of the area considerably by that which may be the proper economic thing to do, but it would change it.

The suggestion that I made to the Park Service originally when I talked to them was to try to develop the idea of scenic easement. I said that it is not necessary to buy up all of the land. We are getting now into a situation where I think that we might call rural zoning is indicated in some places. It, certainly will develop in this country. If we took these rivers from the standpoint somewhat along the lines of the setback laws that we know about in the urban areas, telling people, "You can build on your lot, all right, but you must set it back, that is, you must set your building back at least 25 feet or 50 feet from the sidewalk." So we would say to people who owned the river bank, "You can own the land, all right, but you must preserve the river bank in such a state that it is attractive, with the trees and the forests which have grown up." And that would be more or less in the nature of a scenic easement granted to the State authority or the Federal authority, but by mutual agreement you and your neighbors would agree to use your property in such a way that it enhances the value of all of the property.

The Park Service was not inclined and felt that their technique for parks were not well suited toward this development.

I was most pleased when I presented this to the Forestry Service to find that not only did they think this technique was valuable and needed for the development, but they had already gone along a long way toward developing the idea of this kind of mutual scenic easement.

That is why I suggest that engrained in this problem in the Ozarks area are solutions for other areas throughout the United States, as we go about trying to preserve our wilderness areas and to develop them for recreation.

There are two things which are very valuable, in my judgment. One, the Park Service approach which we, certainly, need, to develop further and the other is the Forestry Service approach which again may fit other areas better. And we need to further develop them. And in developing both ways we should have the idea of implement-

ing new ideas, moving toward possibly somewhat this rural zoning idea.

So far as the specific problem, again I think it is a matter of which would be the best for doing what should be done in preserving this area—would the Park Service technique be better than the Forestry Service technique? And I am happy to have this subcommittee look into this problem and the implications here which would possibly serve as a guiding light for other areas in the country.

I thank you.

Mr. GRANT. From your statement here it does appear that you have given long and considered attention to this problem. I believe you stated that you introduced this bill in the last session of Congress.

Mr. CURTIS. Yes.

Mr. GRANT. And after more study and thought on the subject you did decide that it would be best to be in the Forest Service, and so you introduced the bill which is before this subcommittee this morning.

Mr. CURTIS. That is correct, although I want to say this, that I think my objective, and the objective of most people who are concerned, is to preserve the area.

We are not wedded to one or the other, really, as much as we are interested in getting the job done. And the suggestion and thought on my part was that it is better done through the Forestry Service approach. However, if in the judgment of the subcommittee and others, after they have reviewed it, for other reasons they think that the Park Service approach is better, I, certainly, would go along with that.

I know that Mr. Jones of Missouri is on your committee, who represents some of the other areas concerned. I think that it is a fair statement to say that the overwhelming majority of the people in the countries involved favor the Forestry Service approach.

Mr. GRANT. Have you made any study of the estimated cost as between the two plans that are being offered?

Mr. CURTIS. I have not, but the studies are available. I know that the Park Service has developed some cost estimates. I believe the Forestry Service has, too.

There is no question that the Forestry Service approach is considerably less expensive than the Park Service approach. Of course, the Parks Service is trying to do a great deal more. They would actually be developing new recreation in these areas, while the Forestry Service would really be trying to preserve the kind of recreation that presently exists in these areas.

Mr. GRANT. Thank you. Are there any questions?

Mr. McINTIRE. I want to express appreciation for the opportunity to look into the proposal which you have made as presented by the introduction of your bill. I am sure you appreciate one interest of this subcommittee in taking up this matter, as you have pointed out so well, is that while it is a question concerning your particular area, this whole concept and the appropriate way to resolve this may affect other areas around the country. So this bill does have considerable interest besides its application to the Ozark region.

As to the number of travelers in this area, that is, that this area serves, about how many people will that consist of—have you struck off a figure as to that?

Mr. CURTIS. Again, I have not, but I know that both the Park Service and others—I know particularly the Park Service has made estimates on the assumption they would develop these other recreations which we are familiar with in the usual park, that is, a national park. The Forest Service, I think, has some estimates. I do not have those.

I do not think that there is any question but what the Park Service approach was designed to attract a great deal more people into the area. That is one of the reasons some people think that from Missouri's standpoint it would economically be more valuable. On the other hand, those who are trying to preserve the kind of recreation, the float trips, and the natural status of it know that the Park Service technique would actually tend to destroy some of the recreation, that is, the type of recreation this area now serves.

However, I think from the standpoint of attraction there is no question that the Park Service is designed to provide more recreation for more people than the Forest Service approach would develop.

Mr. McINTIRE. This river course is suited for float trips?

Mr. CURTIS. Not just the Missourians, but people in all of the country have heard about the float trips on the Current. I myself have floated the Current many, many times. And my father before me. My father, I think, was one of the first to float it in a canoe.

Mr. McINTIRE. What is the size of the area involved—what proportion of it is privately owned and what proportion is federally owned?

Mr. CURTIS. The Forest Service has some river frontage. However, I think that they can give you the actual breakdown. I would say that predominantly it is in private ownership. There are farmers still in this area. It is good agriculture. You gentlemen could tell me more about this than I know about it, but I have heard from people like yourself and from my own observation, that it is not good farming to plow up to the edge of the riverbank. I have seen the erosion that occurs as a result of that. So I think, probably, the Forest Service approach, actually, is a good agricultural approach.

I do know this, that we have developed under the leadership of the Department of Agriculture tree farming in the Ozark areas where many of these small farmers today realize that they can have trees as a part of their crops.

This conforms to that and does not remove these people from the land which, of course, the Park Service approach would. There we get into the human element of the people already in the area and why they, by and large, are in favor of the Forest Service approach, rather than the Park Service approach.

Mr. McINTIRE. Thank you.

Mr. TEAGUE of California. Mr. Curtis, I have an idea. There is pretty good fishing down there?

Mr. CURTIS. Yes, this is good fishing country.

Mr. TEAGUE of California. I would suggest then that—

Mr. CURTIS. I have a better expert behind me on that. [Laughter.]

Mr. TEAGUE of California. I would suggest that it would be a good idea to invite Representative Clare Hoffman to make a trip down some of those rivers and report back.

Mr. CURTIS. Yes. And to report back. [Laughter.]

Mr. TEAGUE of California. And I also have an idea that the Izaak Walton League and the conservation groups who communicate with us so frequently on such matters might very well favor the Forest Service approach, rather than the National Park Service approach.

Mr. CURTIS. I think many of them do, as a matter of fact. I think you will have some testimony along that line.

Mr. TEAGUE of California. Thank you.

Mr. SHORT. Mr. Curtis. I am sorry that I was late in arriving at the hearing this morning and I did not hear the first part of your presentation.

We are dealing here with something I think that is extremely important, not only in this particular instance, but to provide a pattern, I hope, for the utilization of recreation areas all over the United States in the context of a combination of use. What we are dealing with here, it seems to me, as I get the picture, is that you have some Federal land along these waterways.

Mr. CURTIS. The Forest Service owns considerable acreage down there. I think the testimony shows the exact amount, but it is a considerable amount.

Mr. SHORT. And you, also, have some privately owned lands bordering this stream?

Mr. CURTIS. That is right.

Mr. SHORT. And in this consideration the important thing is to provide some means or some method for this multiple use. You start, I think, with having recognized that tourists and livestock are not very compatible on the same land. However, I think they are not completely incompatible. As one who happens to be a rancher, a landowner, in an area where we have vast numbers of deer—and, incidentally, I want to put in a plug if there are any here who want to go deer hunting, to come out to my part of the country—we have the finest hunting in the country, bar none, with all kinds of deer—and as a result I think there is an area of compromise that must be reached.

What you are trying to maintain here, as I visualize it, is freedom of use of the stream for these float trips?

Mr. CURTIS. That is right.

Mr. SHORT. It would seem to me that it would not completely preclude private ownership bordering the stream. You have in public ownership some of the land which would provide the opportunity along the stream for sites for people to camp and to stop and picnic and all of that. I might say that most farmers do not completely close the door or forgo the possibility of anybody picnicking on their land, if they will just conduct themselves in a normal fashion and not abuse this privilege by leaving a lot of litter and what have you on the land which is used for picnicking.

I think the Forest Service approach, in my experience with that administration, in their administration of the lands for recreation purposes as compared to the Park Service means, that you will have to keep this one premise in mind: Usually the Park Service precludes any hunting on the park land.

Mr. CURTIS. That is correct—that is one of the issues.

Mr. SHORT. And you have to keep in mind that this is a possibility that should be preserved in this area.

Mr. CURTIS. May I interject there, that that is a very important problem here, to the extent that the Park Service has actually made the statement that they would grant hunting privileges, but I know that is directly contrary to the whole Park Service concept. I suspect that it would be contrary to the park approach, but for some reason or other, because hunting was an important thing involved in this area, the Park Service has indicated they might change their ruling or would change their ruling by agreement with the State of Missouri recreational people on this. I think it poses a policy question they have not thought through as to whether we should have hunting in a national park, because it is trying to serve another purpose, a purpose other than the kind of purpose that could be served here as I see it.

Mr. SHORT. Thank you, Mr. Curtis.

Mrs. MAY. I would just like to say that I share the views of the members of the subcommittee about the beautiful recreational part of your part of the country. We have had outstanding success with multiple-use forest management in the State of Washington. We came into the program comparatively late from a multiple-use management standpoint and profited by experiences in other States. We are getting along very well out there under this policy which has ironed out a great deal of conflict and controversy from various interests.

Missouri is now in a similar position in this Ozark scenic area, with a need for multiple-use management, and resolving of conflicting interests. And as Mr. Short has said these are conflicts that can be resolved, we are sure, by wise, intelligent management. I would, certainly, wish you well in accomplishing your very fine goal of the preservation and proper use of this area and its beauty, and at the same time protecting the private interests that are already there. They must be considered.

I compliment you and those you represent in attempting to reach a solution to the problem in this way.

Mr. CURTIS. Thank you.

Mr. GRANT. Are there any further questions? If not, thank you very much, Mr. Curtis.

Mr. CURTIS. Thank you.

Mr. GRANT. Our next witness is Dr. George A. Selke, Assistant to the Secretary of Agriculture. We will be glad to hear from you now.

STATEMENT OF GEORGE A. SELKE, ASSISTANT TO THE SECRETARY OF AGRICULTURE

Mr. SELKE. Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you and make this statement on behalf of the Department of Agriculture concerning H.R. 6289, a bill to establish the Ozark scenic riverways in the Clark National Forest in the State of Missouri, and for other purposes.

This Department in its report has recommended against the enactment of H.R. 6289. Instead we have recommended the enactment of H.R. 5712, a bill to authorize the establishment and development of the Ozark Rivers National Monument in the State of Missouri, and for other purposes.

At the request of the House Committee on Interior and Insular Affairs, we recently submitted to that committee a report concerning

H.R. 5712. Also recently, this Department, in response to a request from the Senate Committee on Interior and Insular Affairs, submitted a report on S. 1381, a bill virtually identical to H.R. 5712. On July 6, 1961, I testified before the Public Lands Subcommittee of that committee concerning S. 1381.

H.R. 6289 and H.R. 5712 have the same general purpose of conserving, developing, and interpreting for the use and enjoyment of the people of the United States the unusual recreation, scenic, and other natural and physical values along the Current and Eleven Point Rivers in the State of Missouri, including their preservation as free-flowing streams. The Department of Agriculture is heartily in favor of this objective. The bills propose to attain the objective in different ways.

I would say that many years ago I happened to be a member of the staff at the University of Missouri. In those days I enjoyed this area as much as any Missourian, I think ever enjoyed it. That was in the days when President Brooks headed the University of Missouri. I left the university in 1926.

Briefly, H.R. 6289 for this purpose would establish the Ozark scenic riverways, which would be designated and administered by the Secretary of Agriculture as a part of the Clark National Forest. H.R. 5712 would direct the Secretary of the Interior to establish the Ozark Rivers National Monument to be administered in connection with the national park system.

The two bills would affect the same general area. H.R. 6289 describes the area within which the Secretary of Agriculture would designate the riverways. Under H.R. 5712, the Secretary of the Interior would designate as the monument not more than 113,000 acres, as generally shown in the National Park Service publication referred to in the bill. Either the riverways or the monument would be generally comprised of relatively narrow strips of land along the Current and Eleven Point Rivers.

Under H.R. 6289, the exterior boundaries of the Clark National Forest would be changed to include the parts of the designated riverways area outside the present boundaries. Within the riverways, the Secretary of Agriculture could acquire needed lands and interests in lands, including scenic or conservation easements. Under H.R. 5712, the Secretary of the Interior could, subject to certain requirements, acquire lands and waters, or interests therein, within the monument area. Federally owned lands or waters therein, including Clark National Forest lands, would be transferred to his jurisdiction, under that bill.

There are a number of other provisions of substance in both bills.

Similar management would be applied to the area under either bill. Each would provide for the preservation of portions of the rivers as free-flowing streams. The bills would provide for conserving and interpreting the scenic and other natural values of the area for public enjoyment. Recreation would be a paramount use and appropriate facilities would be provided.

Under either bill the proposed area would be comprised of five sections. Two of these would include some lands of the Clark National Forest, under the jurisdiction of the Department of Agriculture. The other three sections, which would make up about three-fourths of the

area, are entirely outside the national forest boundary, and do not adjoin it.

The two sections which include national forest lands are referred to in the National Park Service publication as the Eleven Point section and lower Current section. Together, these two sections contain not more than one-fourth of the proposed area. About 3,000 acres within these sections are federally owned and are administered as a part of the national forest at the present time. Therefore, from the standpoint of the acreage involved, their transfer to monument status would not be significant.

I should add that in the Clark National Forest we have under the direction of the U.S. Forest Service something in excess of 900,000 acres of land; therefore, the 3,000 acres of land that would be taken and transferred into the Park Service under the other bill which the Department of Agriculture has endorsed would not be of any particularly great loss to the Forest Service.

The proposed areas would include nearly 200 shoreline miles along each side of the Eleven Point River, the Current River, and Jacks Fork. Some 20 percent of this distance is within the Clark National Forest in the lower Current section and Eleven Point section. Within the national forest boundary in these sections, less than 15 miles of shoreline land is under Federal ownership. Thus, the relative amount of shoreline which would be transferred to monument status is minor.

As early as 1936, this Department recognized the unusual recreation, scenic, and other natural physical values of the Current and Eleven Point Rivers area, and the need for their conservation, development, and interpretation for public use and enjoyment. Protection and development of these values were first provided for then, in special management provisions made by the Forest Service for the federally owned portions of the area within the Clark National Forest. More recently these portions were formally designated as national forest recreation areas.

Not only in these areas, but also in the many and varied other areas within the national forests and national grasslands where water-related and other recreation and scenic protection are important functions, the Forest Service has long demonstrated that it has the knowledge, skills, and experience to administer such areas for public use and enjoyment. In the Boundary Waters Canoe Area, in the Superior National Forest in Minnesota—my home State—that agency has for many years administered the sort of scenic recreation which is closely akin to the floating and canoeing done on the Current and Eleven Point Rivers. We regard scenic protection and enjoyment and recreation development and use, including that associated with shoreline areas, as important functions and multiple uses of the national forests and national grasslands. We think it essential that the recreation and scenic resources be protected and developed in correlation with the development of other resources of these lands.

Either H.R. 6289 or H.R. 5712 would make it possible to achieve the objectives recognized by the Department of Agriculture as important along the Current and Eleven Point Rivers, not only in the relatively small area under this Department's jurisdiction, but also in the much larger additional area included in the bills. We would be happy to see these objectives reached in the larger area.

In this particular case, it would not appear desirable for this Department to seek to enlarge the area under its jurisdiction in order to be able to administer narrow strips of land along the large sections of the Current and Eleven Point Rivers area which are presently outside the national forest boundary. Under the circumstances in this situation, the establishment of a national monument appears to be desirable.

For the reasons previously mentioned, we do not favor enactment of H.R. 6289, but instead have recommended enactment of H.R. 5712.

If H.R. 5712 were enacted, the national forest lands within the designated monument area would be transferred to the jurisdiction of the Secretary of Interior. Adjoining and adjacent lands of the Clark National Forest would continue to be protected and developed by the Forest Service under its existing and planned programs, using its experienced organizations with established facilities in nearby communities.

Mr. GRANT. Thank you, Mr. Selke. May I ask you if the cost consideration had any bearing on the decision reached by the Department in recommending an adverse report on this bill?

Mr. SELKE. Yes. I think it would be fair to say that one of the things that was considered in connection with this was whether or not the acquisition of more thousands of acres of land by the Forest Service, that is, land outside of the present forest area in the Clark National Forest in Missouri, whether we would justify the purchase of that for the many-sided uses to which we often put forest lands; in other words, the question did arise whether there were not 100,000 acres elsewhere that might be more valuable for the forest program than the acquisition of the 100,000 acres that would be necessary in order to round out what is proposed under the bill under consideration by your subcommittee this morning.

Mr. MATTHEWS. Mr. Chairman, I might follow your question with this: Has anybody estimated what the cost of this land would be?

Mr. SELKE. Yes. I wish I could remember exactly. I was somewhat under the impression—perhaps I should not say that—I think it was valued at about somewhere, depending upon the area, between an average of \$70 and \$90 per acre.

Mr. MATTHEWS. In other words, according to your testimony the size of the monument would be about 113,000 acres?

Mr. SELKE. Yes.

Mr. MATTHEWS. There are now 3,000 acres owned by the Forest Service?

Mr. SELKE. That is right.

Mr. MATTHEWS. That would mean that the Federal Government would have to purchase approximately—

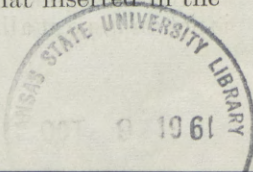
Mr. SELKE. 110,000 acres.

Mr. MATTHEWS. And the cost would be, as you recall, about \$90 an acre or what was that figure?

Mr. SELKE. Somewhere between \$70 and \$90. There are different estimates.

Mr. MATTHEWS. If you would please, would you verify that amount?

Mr. Chairman, may I have permission to have that inserted in the record at this point?



Mr. SELKE. I will be glad to get the figures for you. Do either of you have them with you here?

I have some folks here from the Forest Service. However, I will see that the information is furnished.

Mr. MATTHEWS. Thank you very much.

Mr. GRANT. Without objection that may be made a part of the record at this point.

(The information follows:)

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., August 11, 1961.

HON. GEORGE M. GRANT,
*Chairman, Subcommittee on Forests,
Committee on Agriculture,
House of Representatives.*

DEAR MR. GRANT: This is in response to the request, made on August 8, 1961, at the hearings held by your subcommittee on H.R. 6289, for information concerning the cost of acquisition of lands and easements for the proposed Ozark Scenic Riverways.

About 75 percent of the proposed riverways area lies outside national forest boundaries. In that portion of the area, we have had no occasion to obtain detailed evidence for making firm estimates of acquisition costs. However, in many respects these "outside" lands are similar to those within that part of the proposed riverways inside of the Clark National Forest.

For acquisition of fee title, costs per acre would vary widely, depending upon the location and the present and possible future resources and uses of each tract. As low as \$30 or less per acre and up to \$110 per acre or more might be required for outright purchase. Available information indicates that in other Midwestern areas scenic easements have been acquired for considerably less per acre than fee title would have cost.

Applying to the proposed riverways area as a whole such applicable appraisal data as is readily available, we estimate that the cost of acquiring the lands and interest in lands (including scenic easements) for the proposed riverways area would be about \$3,700,000.

Sincerely yours,

EDWARD C. CRAFTS, *Assistant Chief.*

Mr. GRANT. Are there any further questions?

Mr. McINTIRE. As to this point of the cost, it will not cost any less for the Park Service to acquire it, will it?

Mr. SELKE. I do not know that—that is their problem.

Mr. McINTIRE. Would it?

Mr. SELKE. Beg Pardon?

Mr. McINTIRE. In your opinion, do you think it would?

Mr. SELKE. I suppose if they are going to finish it, they would have to acquire that number of acres.

Mr. McINTIRE. Does their proposal set forth less acres than they will have to acquire?

Mr. SELKE. The proposal is not to exceed 113,000 acres, as I understand it.

Mr. McINTIRE. Then their proposal would be the same as under this bill?

Mr. SELKE. Yes.

Mr. McINTIRE. It would cost no more for the Forest Service to acquire it than to would for the Park Service, would it?

Mr. SELKE. I think that it would cost about the same for the Federal Government to acquire it.

Mr. McINTIRE. So far as the public expenditure is concerned this is not an issue at all, is it?

Mr. SELKE. It is not an issue, so far as the Federal Government is concerned, but the question is whether the Forest Service would want to spend the money here or somewhere else.

Mr. McINTIRE. You are taking that position in relation to the Forest Service. What difference does it make whether it is acquired through the Forest Service or through the National Park Service so far as the public interest is concerned?

Mr. SELKE. I do not think it makes much difference, except if we were asking for the money we would ask for it for something else.

Mr. McINTIRE. So then cost is not an issue, is it, Mr. Selke?

Mr. SELKE. As to the purchase of land, so far as the Forest Service is concerned, or the Department of Agriculture is concerned, it is whether if we are going to ask for a certain amount of money we want to use it for some more desirable land or some less desirable land. There is always that question.

Mr. McINTIRE. Yes. Do I understand correctly, or did I understand correctly that one of the reasons the Secretary supports the other bill is that he does not, as in this particular proposition, have to answer for the money for the purchase of this land?

Mr. SELKE. He would need to ask for it if it were to be acquired by the Forest Service.

Mr. McINTIRE. Is that not one of the reasons among many other reasons?

Mr. SELKE. The Forest Service is one of the reasons, yes.

Mr. McINTIRE. I would like to ask a couple of other questions on several other points here. Would you clarify for me what your understanding is of the purpose of the national monuments? I know that there are many around the country. What do you understand the policy of the Secretary to be in relation to national monuments—what is the major criteria?

Mr. SELKE. I have never worked for the Park Service. I do not know what the criteria is.

I am sure that the people in the Park Service can give you that information, Mr. McIntire.

Mr. McINTIRE. As to the difference between the two bills as I have studied them, is the opinion that this particular proposal fits more closely to the Park Service national monuments approach, than it does to the multiple-use idea of the Forest Service—is that their opinion also?

Mr. SELKE. I do not know.

Mr. McINTIRE. Do you mean that the Department did not evaluate whether this particular area is better suited as a national monument than as a recreation area—that this was not a consideration on the part of the Department in relation to this?

Mr. SELKE. The Department of Agriculture, of course, does not deal with the problem of establishing monuments or administering them.

Mr. McINTIRE. No, but in their favoring a national monument, just as a matter of public policy, because the Department is involved in public policy, too—it was their conclusion that this particular area was better suited as a national monument. Is that your understanding?

Mr. SELKE. No, I did not make the statement.

Mr. McINTIRE. I know that you did not, but I am trying to find out.

Mr. SELKE. I do not think I am qualified to answer your question in regard to that.

Mr. McINTIRE. I realize in your statement you say that there are only about 15 miles of the shoreline under Federal ownership, but there are a few thousand acres involved here of lands which are now in the Forest Service.

Mr. SELKE. Yes.

Mr. McINTIRE. By virtue of the Department deciding, as it has, that it favored the establishment of a national monument, am I correct in assuming that this decision, also, involved a policy decision of the Department that the recreation areas and the particular recreation area in the Forest Service can better be administered in the public interest if it is transferred to the Park Service—am I correct in that assumption?

Mr. SELKE. I think that I should say that it is the acquisition of the other 110,000 acres which we felt need not be added into the Clark National Forest—it is not the desire of the Department of Agriculture to acquire that and include it in the Clark National Forest.

Mr. McINTIRE. Yesterday the Department was favoring authorization to acquire additional land to develop and expand and bring under their supervision recreational areas.

Mr. SELKE. I happened to be present when that was presented here. That was in the Canoe area in the Superior National Forest. That area is entirely surrounded by federally owned lands; in other words, these segments within the Superior National Forest are entirely surrounded by other nationally owned land. I think the situation is entirely different.

This is a small area within a large national forest, whereas the 3,000 acres involved here are 3,000 acres against the 110,000 acres that would have to be purchased in addition.

Mr. McINTIRE. Then am I correct in assuming that it is a policy of the Department that in those areas where there are recreation areas needing development and expansion by the acquisition of additional land, where the Forest Service has the predominant acreage involved, that it is the policy of the Department in those instances to acquire this, but that the Forest Service, where it does not have predominant acreage, it is the policy of the Department to put them over under other management—is that the policy?

Mr. SELKE. I think I can explain it this way: In Minnesota, for example, we have State forests. We have the Superior and the Chipewewa National Forests. We find within the national forests there are pieces of State land. We, also, find there are pieces of Federal land within some of the State forests.

We like to exchange those pieces of land, so that we have an administrative complete block under the administration of the U.S. Forest Service whenever possible. Yes, we like to have solid blocks of land.

Mr. McINTIRE. This would be a solid block, would it not?

Mr. SELKE. No, this would be strung out along the river banks, as I stated in my remarks.

Mr. McINTIRE. There would be three tracts?

Mr. SELKE. There would be three tracts. The two tracts that we have in one piece of the Clark National Forest. The Park Service

in the establishment of the monument, of course, would take over the supervision of the land that would be included.

This is largely land that is contiguous to the river involved.

Mrs. MAY. Will you yield?

Mr. McINTIRE. Yes; one other question and I will yield.

I am very much interested in your statement where you make reference—and it is in the report too—to this statement:

In these areas and in the many other national forest areas where water-related or other recreation and scenic protection are important functions, the Forest Service has long demonstrated that it has the knowledge, skills, and experience to administer such areas.

Mr. SELKE. That is right.

Mr. McINTIRE. Then what is the base, please, other than just the matter whether you acquire the land or not—what is the basic reasoning why this report on this bill is adverse and is in favor of the land being taken over, including Forest Service lands, by the Department of the Interior as a national monument. What is the basic reasoning for that?

Mr. SELKE. This would mean that the Department of Agriculture would have to acquire narrow strips of land in these three areas that are not contiguous at all to the present national forest in Missouri, Clark National Forest, and have these narrow strips that extend for miles along the river. We believe it would be very fine to acquire this land and save it for the future use of the public, but we do not think that it would be a sound forestry policy to acquire these long narrow strips of land on the banks of a river.

Mr. McINTIRE. That is all, thank you.

Mrs. MAY. Do you have a chart showing the various ownerships of the land involved here, the State, Federal, and private?

If so, could we have that put into the record?

Mr. SELKE. I think we have it right here.

Mrs. MAY. We could have it made a part of the record. I think it might help us to have that. We can then understand what type of land is involved.

Mr. SELKE. These are large maps. This only shows what we have in the national forest. This is the forest area. This is within the national forest. We would have to have on the riverbanks outside of the national forest if we completed—we have about 15 or 20 miles of it now, I think—about 200 miles of this kind of an area following the river outside of the national forest.

Mrs. MAY. That is what I was trying to find out.

Mr. SELKE. I do not have the map on that.

Mrs. MAY. You do not have what is in the national forest and what is in the park?

Mr. SELKE. No; we have here what is in the national forest.

Mrs. MAY. What is the shaded area?

Mr. CRAFTS. This is one of five units.

Mr. SELKE. Of the national forest.

Mr. CRAFTS. This is one of five units altogether. Two of the units are inside of the national forest boundary. This is the national forest boundary, the black line [indicating]. Everything you see here is national forest. The shaded lands are lands in Federal ownership. The uncolored part are the lands in private or State or other non-Federal ownership.

Mrs. MAY. Is it all contiguous or connected with the national forest?

Mr. CRAFTS. On this particular unit it is. We have another unit here which I can show you that shows another unit that is inside of the national forest.

This purple line [indicating] is the line that would be the national monument proposal for this particular unit.

The green line is the recreation area which we have established administratively.

Mr. SELKE. I would like to point out one other thing. This is outside the national forest. This is the kind of area that I am referring to where it follows the river for miles. Then in the other three sections there would be similar areas like that. And much of the 100,000 acres would be just strips of land along the river for miles. Do I make myself clear in regard to that?

Mr. MATTHEWS. If you will yield there for just this one question.

Mrs. MAY. Yes.

Mr. MATTHEWS. If I understand it, 20 miles of this river shoreline are within the national forest?

Mr. SELKE. That is right.

Mr. MATTHEWS. Is that 20-mile part that you are showing there all of the 20 miles of the national forest that is within this proposed monument—is that what you are showing us now, is that all of the 20 miles? As I understand it, you said that it was proposed that there would be 200 miles of shoreline in your national monument.

Mr. CRAFTS. That is right.

Mr. MATTHEWS. As I understand it, you said about 20 miles of that was now in the national forest; am I correct?

Mr. CRAFTS. I think that your understanding is wrong. There would be about 200 miles in the national monument proposal or in the scenic riverways proposal on each side of the river, inside and outside of the forest—200 miles on one side and 200 miles on the other side. Twenty percent of that 20 miles, or roughly 40 miles, would be flowing through national forest boundaries.

Mr. MATTHEWS. How much of that 40 miles is represented in that?

Mr. CRAFTS. A little less than one-half.

Mr. MATTHEWS. Thank you.

Mr. CRAFTS. Because this map shows the rest of it.

Mr. SELKE. This would be about 20 miles of it.

I wonder if you understand what I mean. This would be the shape then of the national forest outside of the present block that it owns [indicating].

Mr. McINTIRE. Referring to Mr. Selke's testimony, on page 3, he states:

less than 15 miles of shoreline is under Federal ownership.

Mr. SELKE. That is right. All of the land within the block is not federally owned. That much goes in there, but about 15 miles of that is federally owned. The other is privately owned land. Here you have an idea what I mean [indicating].

Mr. CRAFTS. You see, although this is inside of the national forest boundary, it is mostly non-Federal land along the river and there are 15 miles of national forest land and on this unit and in the other units which are over here.

Mrs. MAY. As to the private ownership within that part, what type of use is made of it?

Mr. CRAFTS. It is mostly farmland and forest land, various types—large and small ownership.

Mr. GRANT. Mr. Harding.

Mr. HARDING. As I understand it, the land to be acquired would just extend to a distance of about a mile on each side of the river?

Mr. SELKE. It would vary in various places. In some places the widest space that would be acquired would be that.

Mr. CRAFTS. On the riverway, I think it is about $1\frac{1}{2}$ miles.

Mr. SELKE. It would vary, of course. I would imagine that it would not be a line which would be parallel the same distance from the river, you see. It would follow the boundaries of the different plats and plots of ground.

Mr. HARDING. How much of this land is owned by the State of Missouri at the present time?

Mr. SELKE. I do not know.

Mr. HARDING. Could you tell us, Mr. Curtis?

Mr. CURTIS. I do not know—I do not know about that. Those figures are available, however.

Mr. HARDING. We know that 15 miles along each side of the river is owned by the Federal Government.

Mr. CURTIS. Somebody here would know that from the Department. Perhaps Mr. Drey who will be a witness, might be able to tell us.

Mr. DREY. In the monument proposal they say that it would only be about 15,000 acres. The boundaries are somewhat the same, but it would be the same thing.

Mr. HARDING. Thank you. How does that compare, Mr. Selke, with the amount of land owned by the Forest Service, the Federal Government acreage? How many acres of Federal land do we propose to go into the monument or the waterways?

Mr. SELKE. About 3,000 acres.

Mr. HARDING. If the Federal Government already has only 3,000 acres, then the State of Missouri has five-times as much land as the Federal Government in the proposed waterways or monument, is that right?

Mr. CURTIS. I think that is correct. I would say that is about correct. I do not know, however. I have never heard it put that way.

Mr. HARDING. And since the State owns five times as much land as the Federal Government, have you ever given any thought to having a State park here? Do you have any State parks in the State of Missouri?

Mr. SELKE. There are State parks in the State of Missouri. I have visited some of them, but I do not know their system there at all. I am not acquainted with it.

Mr. HARDING. In the bill introduced by Mr. Curtis it states:

In acquiring lands and interest therein the Secretary shall give preference to easements and development restrictions as described in section 4(b) with a view to minimizing the expenditures necessary for the accomplishment of the purposes of the Act.

Is it possible that the Secretary would be able to obtain easements on all of this land and not require the Federal Government to purchase any land?

Mr. SELKE. I do not know. If he could exercise the right of eminent domain in regard to it, then he would have the authority to do it. Then I suppose he could. That would be a long program to acquire all of the land, however, I do not know how long it would take.

Mr. HARDING. Thank you, Mr. Selke.

Mr. Chairman, I would like to direct one more question to the gentleman from Missouri, Mr. Curtis. Have you given any thought to a State park?

Mr. CURTIS. There has been some thought. One reason it was suggested that it be the National Forest Service was that they own so much land in this area, right on the river—it may not be right on the river, but right around it, and they are the primary landholder in the area. I could not agree with the gentleman more than to get the State to do some of it would be a very desirable thing. There has been some consideration given to it. I do not know what the decision on this has been.

Mr. HARDING. It could solve your hunting problem by establishing a State park. That is all. Thank you.

Mr. GRANT. Are there any other questions?

Mr. SHORT. Mr. Selke, would H.R. 5712 require that all of these lands bordering the stream for the entire 200 miles be acquired by the Government?

Mr. SELKE. I am sorry, I do not have a copy of the bill with me, but as I recall it, it says that it should not exceed an amount, and we give the maximum number of acres that would be authorized for purchase. Of course, the Forest Service before purchasing it, the money would have to be appropriated, et cetera. And usually land of that kind is purchased over a period of years. Whether it is a monument or whether it is to be a U.S. forest. There would have to be, in order to round out the area, approximately 110,000 or 113,000 acres acquired. That is the plan within the concept of whether the monument or the Forest Service would get it.

Mr. SHORT. What I wanted to get clear in my mind is whether or not the proposal under H.R. 5712, and the proposal in Mr. Curtis' bill both involve an acquisition of the same amount of land, or does H.R. 5712, also, contain a provision that is included in Mr. Curtis' bill that is, the accomplishment of the objective by easements on some of this land which would not mean necessarily the acquisition of the title?

Mr. SELKE. I do not know whether the expressions are the same but for all practical purposes it would deal with the same area, about the same acreage.

I do not recall now whether the other bill which we have endorsed states definitely easements instead of acquisitions.

Mr. SHORT. To me we are here getting into the crux of the opposition, the local opposition in regard to the establishment of this recreation area. I can understand as to some of the farms adjoining the river here their resistance if we would pass a bill which would make it mandatory that the land bordering the stream be acquired by the Federal Government.

Assuming that all of the land is going to be acquired, the Forest Service approach would be much to be preferred, inasmuch as the Forest Service ownership of the land would make possible multiple use

whereby the farmer who had to give up the land adjoining the stream might still be permitted to utilize the land for grazing purposes. You will have farmers who have land bordering this stream where if they have to divest themselves of ownership and the complete use of this land, they are going to object because it will have an adverse effect on the economy of the rest of the farm.

This to me seems to be the thing that is in favor of the Forest Service acquiring this land.

To go a little bit further on that premise, I get back to what I was saying awhile ago when Mr. Curtis was testifying that I do not think the possibility of allowing some of this land to remain in private ownership should be completely foreclosed. I do not think it would be unworkable due to the fact that some of the land will remain in private ownership. I have seen this sort of thing happen in other areas. It happened in my own State, and public ownership had an adverse effect on the economy of the locality, and that becomes the biggest primary consideration as you proceed with the acquisition of the land in the establishment of such an area. It would seem to me that if this can be done with as little adverse effect on the local economy as possible, the more local support you will have for the project.

Mr. SELKE. Yes.

Mr. SHORT. And it would seem to me, again, that the Forest Service approach would be the one to be desired, rather than the Department of Interior approach, where, if my understanding is right, it would require that the land be used only for recreation purposes.

Mr. SELKE. If I may try to answer the question you asked a few moments ago, I refer now to H.R. 5712, which says, "The Secretary of the Interior"—this is the bill which has been endorsed by the Department of Agriculture—"The Secretary of Interior may within such area"—indicated above—"acquire lands and waters or interests therein," which, I assume, would also mean easements and even rentals, if you understand what I mean.

Mr. SHORT. Is that not a rather unusual procedure for the Park Service, however?

Mr. SELKE. That I could not say.

Mr. SHORT. That is all I have. Thank you.

Mrs. MAY. One more question, Mr. Chairman.

Mr. Selke, in arriving at the decision to recommend that this area become a part of the national monument, did you sit down with the Park Service and discuss this in arriving at your decision to recommend this approach?

Mr. SELKE. I do not know. I did not sit in with Park. I did sit in with representatives of the Forest Service, however. I did not sit in with the people in Park Service.

Mrs. MAY. So far as you know, no representatives of the National Park Service met with USDA to discuss which would be the best way to approach this?

Mr. SELKE. At least I did not discuss it with them.

Mrs. MAY. Thank you.

Mr. GRANT. Mr. Heimbürger has a question.

Mr. HEIMBURGER. The question I wanted to ask was brought out by Mr. Short as to private ownership of land within a National Park area. If that policy is going to be continued, then no private owner-

ship would be permitted in the riverways area, I assume. If private ownership is to be permitted then this means a change in National Park Service policy for this particular area.

And then, just one question on the subject raised by Mr. Harding. Is it the intention of the Park Service to permit hunting in this area?

Mr. SELKE. That I do not know.

Mr. HELMBURGER. Did they not discuss that with you when you testified in favor of their bill?

Mr. SELKE. I did not ask them the question, but I discussed it with them and I urged that the Park Service provide for hunting opportunities along this area.

Mr. HELMBURGER. This would be a deviation from the established National Park Service policy, too, would it not?

Mr. SELKE. That is right. Usually in the Park Service they do not permit hunting, as I understand it.

Mr. HELMBURGER. That is all.

Mr. GRANT. Thank you very much.

Mr. SELKE. Thank you.

Mr. GRANT. We will next hear from Mr. Kenneth Pomeroy, chief forester of the American Forestry Association.

STATEMENT OF THE AMERICAN FORESTRY ASSOCIATION, PRESENTED BY KENNETH B. POMEROY, WASHINGTON, D.C.

Mr. POMEROY. Mr. Chairman and members of the committee, I am Kenneth B. Pomeroy, of the American Forestry Association, Washington, D.C. This is a citizens organization. It contains about 33,000 people from all walks of life in every portion of the United States.

We are interested in the proposals to develop the recreational potential of the Current River-Eleven Points area in Missouri because several basic questions regarding natural resource management are involved. These questions also pertain to other areas scattered from Maine to Hawaii. During succeeding years Congress will be called upon again and again to consider them. Perhaps some of them can be brought into focus now.

According to our understanding of the present proposals, the citizens of Missouri hope that upward of \$10 million will be invested in development of the Ozark rivers for the benefit of the local economy. Some of the people desire that the area be administered by the U.S. Forest Service under H.R. 6289, a bill to establish the Ozark Scenic Riverways. Others wish to establish an Ozark Rivers National Monument (H.R. 5712) under the jurisdiction of the National Park Service. Both groups want the Federal Government to do it. This raises our first question.

What are the responsibilities of the various levels of government, Federal, State, county, and municipal? It is the feeling of the American Forestry Association that the lower levels of government should try to do more for themselves. The Federal Government should only be called upon in matters that are clearly beyond the capabilities of other groups.

If it is determined that development of recreation on the Ozark rivers is primarily a Federal responsibility, then what agency should undertake it?

The proposed development is within and adjacent to the Shawnee National Forest. Last year Congress, in the Multiple-Use Act, recognized recreation as one of the primary functions of national forest management. If the Ozark rivers area now is withdrawn from the jurisdiction of the Forest Service, we would consider such action as a weakening of the multiple-use policy which Congress previously endorsed.

On the other hand, if jurisdiction is placed under the National Park Service, where does it fit in the criteria governing establishment of parks and monuments? The sponsors of H.R. 5712 have indicated they do not think the Ozark rivers contain the superlative scenic vistas or grandeur of nature necessary for qualification as a national park. They have chosen the designation "national monument." National monuments, however, are intended to protect areas of historic, prehistoric, or scientific significance. While such values are present in Missouri, the primary purpose of the proposed legislation is to establish a recreational development for economic benefit. In this respect the proposal is similar to those pertaining to areas in other States. We conclude that it is the intention of the sponsors of the national monument proposal to make the National Park Service a recreational agency. We believe such a course would tend to downgrade the national park system.

As long ago as 1929, the executive director of the American Forestry Association asked this question, "Wherein lies the difference between national parks and national forests?"

He answered himself by saying that national parks were established for the "preservation of nature's masterpieces, unmarred by man." "National forests," he said, "typify nature controlled by man." There "land management for the economic welfare is the basic idea."

The executive director went on to say:

When one clearly realizes these basic differences between national parks and forests, one may the more easily appreciate the dangers of public confusion as to what are parks and what are forests. Once the former lose their higher identity of purpose, the system will speedily degenerate to the plane of State parks and playgrounds.

These precepts have served us well for many years. They provide a clue to solution of the present problems. Development of the Ozark rivers is for economic benefit. Therefore, if it is to be done by the Federal Government, the task should be assigned to the Forest Service. Our final question pertains to the acquisition of land by the Federal Government. It is our understanding that the proposal for creation of a national monument calls for the purchase of approximately 100,000 acres. On the other hand, if the area is designated a scenic riverway much of the land might be controlled by easements while still remaining in private hands.

I have been told since I came to the meeting that a scenic riverways would only involve about 30,000 acres, most of which would be covered by easements rather than purchase of title in fee.

It is the opinion of the American Forestry Association that the latter method is preferable. This decision was arrived at several years ago in an American Forest Congress. Held right here in Washington.

It was substantiated by a referendum to all members of the association. Of those who cast a vote, 93.1 percent endorsed the following statement:

As a general rule, it should be the national policy to leave in private ownership most forest land having reasonable prospect of effective management thereunder.

The significance of this policy is evident in two recent surveys. Last year representatives of this association contacted hundreds of small landowners in North Carolina. They found that 84 percent of these people permitted the public to use their land for recreational purposes. A similar survey, nationwide, of industrial forest ownerships by another organization revealed that 92 percent of all company land was open to hunters and fishermen.

In view of these findings we believe that private landowners should be encouraged to continue modification of their management practices in ways that will benefit the public. Private land should not be taken away from the owners unless there is no other way to safeguard the public's interest.

Mr. GRANT. Thank you very much for your statement. Are there any questions?

Mr. McINTIRE. I do not have any questions. It is always a pleasure to have Mr. Pomeroy before us.

Mr. POMEROY. Thank you.

Mr. MATTHEWS. He used to be a constituent of mine. I am glad to see you here.

Mr. POMEROY. Thank you.

Mr. GRANT. Thank you very much.

Mr. POMEROY. Thank you, Mr. Grant.

Mr. GRANT. Our next witness is Mr. Leo Drey, of St. Louis, Mo. We are glad to have you here and shall be glad to hear you now.

STATEMENT OF LEO DREY, ST. LOUIS, MO.

Mr. DREY. Mr. Chairman and members of the committee, my name is Leo Drey. St. Louis is my home, but for many years I have enjoyed the lovely region whose future is being considered here today. The Current and Eleven Point Rivers lie about 150 to 200 miles south of St. Louis, in the land of streams, bluffs, and springs that is at least 80 percent timbered. About 10 or 12 years ago I began to buy land in that area, and I now own some 135,000 acres of Missouri Ozark timberland. This land we are endeavoring to manage along the best conservation lines, and we call it Pioneer Forest. All of Pioneer Forest lies within the counties mentioned in H.R. 6289. I am, I believe, not only the largest private landowner in Missouri, but also the individual owning more miles of the shoreline involved in this legislation than does anyone else.

The U.S. Forest Service, however, is the dominant element in the region. Of the million and a half national forest acres in Missouri, probably 600,000 lie in this Ozark region, of which about 300,000 are in close proximity to the Current and Eleven Point Rivers. I might say here that it was suggested that a dam be built on the lower Current River. Ninety-five percent of the shoreline of that dam, of the backedup waters from that dam would be owned by the Forest Service. While I do not own everything right along the bank, because I have

not chosen to dispossess the farmers, they are right next to the bank. These streams are, of course, the product of their timbered watersheds, and the vistas to be seen from a canoe or john-boat as you float them were not always as lovely as they are now. After the virgin forests were cut some 50 years ago, the land was subjected to many abuses. Having but cut over, it was then burned over repeatedly, and overgrazed and overfarmed. This exploitive pattern first began to be broken up when the Forest Service moved into the area about 27 years ago. The practices they initiated in control of fire and the example they set in wise land management, have wrought vast changes. As a result of their pioneering efforts, the area is now becoming attractive to the wood-using industry, to canoeists, hunters, fishermen and other outdoorsmen, and also, apparently, to other governmental agencies.

This Ozark region is not empty of people. It has been settled for generations by fiercely independent individualists who still today retain many of their unique and colorful customs and traditions. To ask these people to surrender their homes and livelihoods, and to take land—the best land in the area—out of production, are not trivial decisions. Our population is growing, but our landbase is fixed and static and it is my considered opinion that the legislation before this committee today is imaginatively designed to reconcile the conflicting needs for farm products, timber, and recreation.

I understand, however, that the Secretary of Agriculture may not share my enthusiasm for this Forest Service bill. It happens that I'm a Democrat, and his stand came as quite a disappointment to me as it did, I assure you, to many other people. In justification of his viewpoint, the Secretary pointed out, at other recent congressional hearings (and through Dr. Selke again today) that only some 20 percent of the total maximum acreage which might become a part of the Ozark scenic riverways (or of a national monument) is within present national forest boundaries. But it should be recognized that the agency to which the national forest land within those boundaries would be ceded owns zero percent of the region's land. I might, also, add that mention has been made that the Forest Service only owns land in several sections. Of course, those sections proposed under the monument proposal are quite arbitrary, as parts of the river were just given a name and followed a section, but the river is an entity—the river with its watershed is an entity and it is all contiguous. The point was made, I think, that some of these areas were not contiguous to the national forest. Well, if the Forest Service owns land within the national forest boundaries along the river and the river flows in that national forest boundary, why it is all contiguous.

The Secretary at the same time expressed one other objection of the Ozark scenic proposal, this being that the Forest Service would be called on to enlarge the Clark National Forest in order to administer a narrow strip of land which is now outside national forest boundaries. While it may be true the problems will arise in administering strip areas, it should be noted that the other Federal agency, in whose favor the Secretary would seem to be choosing to abdicate, would be willing to administer similar narrow strips—and to do this even though it has no present ownership in the area whatsoever, and would not have the Forest Service's long experience with the region's watersheds and people to help guide it in its decisions.

This experience, both in this region and in administering the Minnesota Boundary Waters canoe country, where the recreational emphasis is so similar, should not be lightly cast aside.

So that this experience may be put to good use, H.R. 6289 proposes that the Forest Service boundaries be extended to take in most of the remaining parts of the shoreline of the Current and Eleven Point Rivers, the principal exception being land within 2 miles of the three river towns: Eminence, Van Buren, and Doniphan.

To minimize acquisition costs, preference is to be given to the use of conservation easements, or development restrictions, rather than purchase of the fee title. Present uses not destructive of scenery might continue, but usages, including the cutting of timber, would be controlled so that the present attractiveness of lands to be seen from the rivers would be maintained. In other words, conditions along the riverbanks would be frozen through acquiring from the owner his right to develop the land and use it more intensively.

Since most river frontage is inaccessible and therefore hardly subject to development on an economic basis, the value of development rights would be small. Many owners might even donate them—I myself would give this serious consideration—but their cost in any event would be but a small fraction of the cost to buy the land outright. Adoption of this legislation, moreover, might serve as an economical and far-reaching precedent for preserving other beautiful areas lying within settled country, which are so badly needed for the enjoyment of our growing population.

While it seems evident that, in our Ozark area, the Forest Service is the logical agency to administer such easements, this would not necessarily be true in other places. In Maine's Allagash country, for example, perhaps such rights might be granted to the State government, or they might be put into a trust to be administered by designated trustees.

But if the quality of the rivers and of the recreational experience they afford is to be maintained, it is not enough that the shorelines be protected, whether it be by easement or purchase of the fee title. Continuing abuse of the timbered watersheds, as by overgrazing, would still result in erosion and cause the streams to deteriorate. H.R. 6289, however, proposes that the Forest Service should take the lead in developing plans for the watersheds. A primary objective would doubtless be to develop markets for timber which is presently unmarketable as saw-logs. If it could be utilized as cellulose, land and timber would appreciate in value, and the adoption of good management practices would thus be further encouraged.

This desirable result would be attained in an appropriate fashion and without overwhelming the rivers, which are an asset too priceless to be exploited for local gain. Here we do not have awe-inspiring spectacles of breathtaking grandeur, to be viewed and appreciated from a distance, but rather an intimate beauty based on a wildness that is fragile and ill suited to withstand the consuming pressures of mass use. Another agency might have no other choice but to bring hordes of casual visitors right to the rivers and their immediate shorelines and, by having more people than the resource can accommodate, would thus impair it. The Forest Service, however, would tend to attract the sort of person who would most appreciate the simple, rugged, forest-type recreation appropriate to the area.

And the Forest Service could use its present immense holdings in the immediate vicinity to maintain the feeling of wilderness by diverting people from the streams themselves. This it could accomplish not only by the construction of additional rustic campgrounds out of sight from the rivers, but, primarily, because recreation in Missouri's summer heat seems to revolve around water, through the construction of a number of small impoundments back in the hollows and on tributary creeks. While the more adventuresome might still wish to float the rivers, lakes like those suggested in this bill would furnish an alternate form of recreation, including boating and swimming, which family groups could pursue in safety as so many already have on the handful of lakes the Forest Service has previously constructed in the region as funds became available. I might add here that the statement was made, I think, that the recreation opportunities would be the same under either approach and that the Forest Service would not be developing any new recreation, but I would say that the Park Service would not be developing any new recreation opportunities, whereas the Forest Service could utilize these other lands in the area through constructing lakes and other desirable attractions, deep trails, et cetera, which already exist to a large extent and, actually, provide new recreation.

By using only a fraction of the public funds which would be saved through acquiring easements, instead of the fee title, a large number of lakes could be constructed, at an average individual cost of perhaps \$25,000. These lakes would not only provide recreation, but would also be useful in stabilizing the rivers—and thus be helpful in preventing floods in Missouri, Arkansas, and farther downstream.

If this committee, together with other committees studying alternative plans for the region, would hold hearings in the area affected, as many of us hope that you will, you would not only be able to familiarize yourselves with its character and beauty, but you would also, I believe, find that the great majority of the local residents recognize that the Ozark scenic riverways bill best provides for the appropriate use of all the resources of the area, in accordance with their capabilities and carrying capacity. Though there are some who may prefer another solution, I think nowhere will you find the bitter opposition to the Forest Service approach which all other proposals have engendered.

Whether you come to consider H.R. 6289 the best possible solution, or the best possible compromise, I urge that you give it your favorable consideration.

That concludes my statement, but I have a written statement in which I examine in more detail some of the features of this bill. I would like to submit it to you, and ask that it be made a part of the record of this hearing.

Thank you.

Mr. GRANT. Without objection, it will be entered into the record at this point.

Mr. DREY. It does answer some of the questions that have been asked, Mr. Chairman. I made notes of them as we went along. I will be glad to run through some of them now or just wait for your questions, if you prefer.

(The prepared statement of Leo A. Drey follows:)

My name is Leo Drey. St. Louis is my home, but for many years I have enjoyed the lovely region whose future is being considered here today. Then about 10 or 12 years ago I began to buy land in that area, and I now own some 135,000 acres of Missouri Ozark timberland. This land we are endeavoring to manage along the best conservation lines, and we call it Pioneer Forest. All of Pioneer Forest lies within the counties mentioned in H.R. 6289. I am, I believe, not only the largest private landowner in Missouri, but also the individual owning more miles of the shoreline involved in the legislation now under consideration than does anyone else.

HISTORY OF THE TIMBERED WATERSHEDS

The U.S. Forest Service, however, is the dominant element in the region. Of the million and a half national forest acres in Missouri, probably 600,000 lie in the region, of which about a half is in close proximity to the Current and Eleven Point Rivers. These streams are, of course, the product of their timbered watersheds, and the vistas to be seen from a canoe or john boat as you floated them were not always as lovely as they now are. After the virgin forests were cut some 50 years ago, the land was subjected to many abuses. Having been cut over, it was then burned over repeatedly, and overgrazed and overfarmed. This exploitive pattern first began to be broken up when the Forest Service moved into the area about 27 years ago. The practices they initiated in control of fire and the example they set in wise land management, which are now appreciated and followed both by our fine Missouri Conservation Commission and by increasing numbers of private landowners, have wrought vast changes. As a result of their pioneering efforts, the area is now becoming attractive to the wood-using industry, to canoeists, hunters, fishermen, and other outdoorsmen, and also, apparently, to other governmental agencies.

The 86th Congress, recognizing the ever-mounting demands on a land base which is fixed and static, wisely passed the so-called multiple-use bill, under which the Forest Service is directed, on its land, to reconcile and satisfy, to the maximum extent, the demands for wood, water, wildlife, forage, and recreation. The area and region affected by H.R. 6289 are being used for all these purposes today, and it seems to me that the decision which now confronts us is whether these compatible usages are to be continued and augmented, in a region which is 80 percent timbered, under the able jurisdiction of the U.S. Forest Service, whose initiative, policies, and actions have been instrumental in rejuvenating the area, or whether we are to bring in a second agency with a different philosophy to administer a part of it. If the latter course were chosen it would mean, in my opinion, that either the character of the region or the character of this other agency would inevitably be altered, and not for the better.

THE STORY OF THE PEOPLE

This Ozark region is not empty of people. It has been settled for generations by fiercely independent individualists who still today retain many of their unique customs and traditions. Wealth means far less to them than do the old home place and their kinship relations. It is true that in years past they may sometimes have abused the land; in that respect this region is little different from many others. But it has always been an area of many uses, and its residents are in large measure responsible for its character today. They did not create the timbered hills and their springs and rivers, but they are living there because they and their forebears were the ones who settled the country and who perhaps appreciate it the most. Why else would they be there?

To ask these people to surrender their homes, and to take land—the best land in the area—out of production, are not trivial decisions. Such actions should not be taken merely to suit the convenience of a prospective administrator, but only if the benefits are more than offsetting and can be achieved in no other way. It is my considered opinion that the legislation before this committee is imaginatively designed to reconcile conflicting uses and to afford protection wherever it is essential: to everything—and everyone—requiring such protection.

THE POSITION OF THE DEPARTMENT OF AGRICULTURE

I understand that the Secretary of Agriculture may not share my enthusiasm for this Forest Service bill. It happens I'm a Democrat, and his stand comes as a disappointment to me. In justification of this viewpoint he pointed out, at other recent congressional hearings, that only some 20 percent of the total maximum acreage which might become a part of the Ozark scenic riverways under H.R. 6289 is within present national forest boundaries. But it should be recognized that the agency to which the national forest land within those boundaries would be ceded owns zero percent of the region's land. It is, of course, a fact that the Forest Service does not own all the riparian lands within those Forest Service boundaries, but this is the result of conscious design, and the Forest Service is to be commended for having refrained from acquiring productive river-bottom farms, whose owners did not and do not wish to be dispossessed, to let them grow up first to weeds and brush, and finally to an unmanaged forest of overmature and dying timber.

In all fairness, however, it must be noted that the Secretary at the same time expressed one other objection to the Ozark scenic riverways proposal, this being that the Forest Service would be called on to enlarge the Ozark National Forest in order to administer a narrow strip of land which is now outside national forest boundaries. In Minnesota, however, as you gentlemen are well aware, the Forest Service is acquiring more land in the Boundary Waters Canoe Area, which is quite similar in many of its recreational aspects to the Current-Eleven Point canoe country—at least it has more in common with it, to my best knowledge, than has any area being administered by any other Federal agency. And while it may be true that problems will arise in administering strip areas, it must be pointed out that the other Federal agency, in whose favor the Secretary would seem to be choosing to abdicate, would also be administering narrow strips and apparently is willing to make the effort to do so even though it has no present ownership in the area whatsoever, and would not have the Forest Service's long experience with the region's watersheds and people to help guide it in its decisions.

This experience, both in the region and in administering canoe country as well, should not be lightly cast aside. Before turning to a detailed examination of the Forest Service bill, H.R. 6289, I would like to quote from a letter signed by Frank J. Welch, Assistant Secretary of Agriculture, written on May 5, 1961, and therefore shortly before the Secretary took his regrettable position. It contains this admirable summary of the entire situation:

"Since the creation of the Clark National Forest in 1939, the Forest Service, through its forest supervisors and rangers and their organizations established in nearby communities, has been protecting, rehabilitating, and developing national forest lands within the proposed riverways area. National forest lands in the proposed riverways area have been formally designated as the Current and Eleven Point River National Forest Recreation Areas within the Clark National Forest by the Forest Service. Within these recreation areas, recreation and scenic values are recognized as paramount, but other harmonious uses are encouraged.

"The Forest Service has long recognized that the conservation and interpretation of the scenic and other natural values of portions of the Current and Eleven Point Rivers, including their maintenance as free-flowing streams, with their shoreline areas insofar as practical in a natural condition, are essential for the permanent use and enjoyment of the people of the United States. That agency has also recognized that the development of appropriate recreation facilities adequate to serve the public enjoying these streams is necessary. Established plans and programs of the Forest Service are designed to meet such immediate and future needs within the National Forests along the rivers.

"At the same time, under the principles of multiple use, which guide the Forest Service in the administration of lands under its jurisdiction, the development of other harmonious uses of the part of the proposed riverways area within the Clark National Forest has been encouraged. Under this multiple-use philosophy, it is proper and essential for the Forest Service to recognize that within such an area certain uses are the major ones and that other compatible uses are also permitted and encouraged.

"The provisions for multiple-use management contained in H.R. 6289 are consistent with the principles applied by the Forest Service. The bills' provisions for carrying out a program of conservation, development, and interpretation in

the riverways area in a great many respects are compatible with existing and planned Forest Service policies and programs for that part of the area within the Clark National Forest. The use of experienced organizations and established facilities of the Forest Service already functioning in local communities near the riverways would avoid the unnecessary expense of duplicating facilities and organizations of a new agency in the area.

"The concept of using scenic or conservation easements along the proposed riverways would appear to offer an effective and economical way of handling some of the problems involved in meeting public needs in this area. Under some easements, the public interest in maintaining certain scenic and recreation values could be protected while at the same time the landowners could carry on other desirable uses of the lands and their resources, so long as these other uses would not jeopardize the dominant scenic and recreation values. Furthermore, where the necessary interests in land to meet public needs can be secured through such easements rather than through outright land purchase, important reductions in cost would result."

ADVANTAGES OF THE FOREST SERVICE PROPOSAL

There have been some unrealistic and impractical proposals for the Current-Eleven Point country. H.R. 6289, however, has been carefully tailored to take existing conditions into account, to preserve the essentials but to do so in the most economical way, to provide for the harmonious development of all the assets of the region to as great an extent as their conservation will permit, to create new recreational attractions rather than merely to exploit and ruin the present natural beauty, and at the same time to reduce to a minimum any possible disruption of the lives of the people of the area, and of their economy and culture. I would like to expand a bit on some of the features of this bill.

H.R. 6289 recognizes that the scenic values of the Current-Eleven Point country should be preserved for public enjoyment. Some of the most outstanding springs, including the largest, are already included in one of the four State parks of the area. These parks, which are readily accessible and already enjoyed by hundreds of thousands of persons each year, would remain undisturbed. Parts of the shoreline of the rivers being considered under H.R. 6289 are owned by the Missouri Conservation Commission, which is the State agency charged with hunting, fishing, and timber management responsibilities. Conservation commission land likewise could only be acquired with the consent of the State, and the commission would continue to supervise hunting and fishing on land throughout Missouri, including national forest lands, as it does at present.

The boundaries of the Clark National Forest, however, which now include land along the lower Current and the Eleven Point, would be extended to take in most of the remaining shoreline of the rivers, the principal exception being lands lying within 2 miles of the three river towns: Eminence, Van Buren, and Doniphan. These riparian lands, which lie in most cases within about a half mile of the riverbanks, could be acquired with the consent of the owner either through negotiated purchase, negotiated purchase plus lease-back, or exchange of equivalent land.

THE CONSERVATION EASEMENT—AN ECONOMICAL PRECEDENT

If a piece of land is considered essential for administrative purposes or if it is considered essential that an easement be acquired and its owner does not choose to sell, then the required land or easement could be acquired by condemnation, though even for an easement efforts would, of course, first be directed toward negotiating one. There could be no condemnation of an easement on lands which lie farther than one-eighth mile from the river unless they are visible from a boat, and because it is rarely possible, even in winter, to see through the fringe of trees lining the banks for even a hundred feet, the one-eighth mile would appear to be ample. (It would seem to be the intention of H.R. 6289 that the condemnation of land itself be similarly limited, but to make this intent unmistakable, I would recommend that the words "land or" be inserted at line 19, p. 9, of H.R. 6289, after the word "any".) Eminent domain would be exercised only with the advice of an "advisory commission."

These easements would be in the nature of a development restriction. Present uses not destructive of scenery might continue but usages, including the cutting of timber, would be controlled so that the present attractiveness of

lands to be seen from the rivers would be maintained. In other words, conditions along the riverbanks would be frozen through acquiring from the owner his right to develop the land and use it more intensively.

These restrictions would run with the land. If they were violated by the owner or his grantee, prosecution for trespass would be in order. The Forest Service is already patrolling parts of the rivers against litter and litterers, and probably could generally spot any violation of these agreements in the course of their patrol activities.

The needed control would, no doubt, be accomplished through a deed which would explicitly list the restrictions to which the owner was subjecting himself. It would result from individual negotiations which would take the existing situation and present conditions into account, so its terms might vary slightly from one deed to another. Although I am no attorney, I have endeavored to draft a sample of the sort of conveyance the Forest Service might use. While it is only a rough outline, I am attaching it for your consideration. It is based on William H. Whyte, Jr.'s, impressive study, made for the Urban Land Institute of Washington, D.C., entitled "Serving Open Space for Urban America: Conservation Easements," and published in December 1959, as their Technical Bulletin 36.

Since most river frontage is inaccessible and therefore hardly subject to development on an economic basis, the value of development rights would be small. Many owners might even donate them—I myself would give this serious consideration—but their cost in any event would be but a small fraction of the cost to buy the land outright, and this is one reason why H.R. 6289 directs that easements should, by preference, be acquired rather than the fee title.

These easements are, you will note, a key provision of H.R. 6289, and adoption of this legislation might serve as a precedent for their use in conserving other beautiful spots which lie in settled country. While it seems evident that, in our Ozark area, the Forest Service is the logical agency to administer such easements, this would not necessarily be true in other places. In Maine's Allagash country, for example, perhaps such rights might be granted to the State government or a regional authority, or they could be put into a trust and administered by designated trustees.

To help make the easement device work out in actual practice, H.R. 6289 would set up an Ozark Rivers Advisory Commission to advise the Forest Service. The majority of its members would come from the affected counties, and one function of the commission would be to serve as an intermediary between the residents and the Forest Service. County members would doubtless be intimately familiar with their localities, and so would be helpful in ironing out any problems which might arise. They might review changes in use, for example, should any be proposed by the owner, and assist the Administrator in determining whether they are in conformity with the purposes of the Ozark scenic riverways and so might be allowable.

MULTIPLE-USE PLANNING

The entire area having been in multiple use from time immemorial, the bill proposes that such uses might be continued, though the enjoyment of recreation and scenic values would be recognized as the dominant use for the shoreline areas. These watersheds being about 80 percent timbered as previously noted, the Department of Agriculture and its Forest Service, with unparalleled experience in the management of such timbered watersheds, would be best able to help develop comprehensive plans for their conservation and wise use, and surely are the most appropriate agency to make the attempt as suggested in H.R. 6289.

The Forest Service's experience with timber management would furnish them with the incentive to be zealous in such river basin planning. It is handicapped today, as are all other owners of forest land on the timbered watersheds throughout the region, by the local lack of market for cellulose. The region now has a saw log economy, but there is a wealth of thrifty young timber and the forests have just about been sufficiently regenerated to support a mill which might produce wallboard or composition board, or pulp in another form that would not also produce pollution, which of course could not be tolerated.

If such markets were developed, it would be of the greatest benefit to the rivers. Land and timber would appreciate in value following the establishment of these markets, and the small landowner would thus have further incentive to reduce or eliminate completely the remaining abuses of the land, including fire and open-range grazing. While any designated agency could pick up trash and

control nonconforming uses along the banks, it is the Forest Service which would be in the best position to eliminate those practices on the watersheds that are harmful to the streams. And the condition of the streams, of course, is governed by what happens on their watersheds.

Almost equally important would be the economic benefits to the regional economy. These advantages, moreover, would be attained in an appropriate fashion and without overwhelming the rivers, which are an asset too priceless to be exploited for local gain. By growing and then utilizing timber we are creating an economic asset, but should we devote our efforts to the attraction of tourists we shall merely induce them to spend here the dollars they might otherwise have spent elsewhere.

PRESERVATION OF NATURAL BEAUTY—LAKES TO DIFFUSE PRESSURE

Sightseers could themselves become a threat to natural values. If too many are attracted to the area and then funneled right to the rivers, the inspirational qualities of the streams, which stem from an illusion of wilderness, would be utterly destroyed, and it is their quiet charm, after all, which is perhaps the very quality whose preservation is most imperative. Here we do not have awe-inspiring spectacles of breathtaking grandeur to be viewed and appreciated from a distance, but rather an intimate beauty based on a wildness that is fragile and ill suited to withstand the consuming pressure of mass use. Another agency might have no other choice but to bring hordes of casual visitors right to the rivers and their immediate shorelines and, by having more people than the resources can accommodate, would thus impair it. The Forest Service, however, would tend to attract the sort of person who would most appreciate the streams, and would enjoy the simple, rugged, forest-type recreation appropriate to them, together with the rustic campgrounds like those the Forest Service has already constructed in the area and for which it is so justly noted. And the Forest Service could also use its present immense holdings in the immediate vicinity to divert pressure from the streams themselves.

This it could accomplish not only by the construction of additional campgrounds out of sight from the rivers but primarily, because recreation in Missouri's summer heat seems to revolve around water, through the construction of a number of small impoundments back in the hollows and on tributary creeks. While the more adventuresome might still wish to float the rivers, lakes like those suggested in H.R. 6289 would furnish an alternative form of recreation, including boating and swimming, which family groups could pursue in safety as they already do with such pleasure on the handful of lakes the Forest Service has previously constructed in the region as funds became available. By using only a fraction of the public funds which would be saved through acquiring easements instead of the fee title, a large number of lakes might be constructed, at an average individual cost of perhaps \$25,000, and these lakes would not only provide recreation that would attract visitors and hold them in the area, but might also be useful in stabilizing the streams—they often rise 15 to 20 feet after a heavy rain—and thus helpful in preventing floods in Missouri, Arkansas, and further downstream.

Pressure might be further diffused, and scenic values preserved on additional acreage lying further back from the riverbanks, if this proposed legislation were amended to provide that a landowner might submit to the administering agency a plan of management for his lands near the rivers—perhaps providing, for example, that campgrounds or small reservoirs be built where appropriate, with trash removed at stated intervals—and if his plan were approved, he be granted in return some sort of recognition or reimbursement for making recreational facilities available to the public.

An incidental advantage of the easement approach is that, while it furnishes protection against possible nonconforming uses of the landowner, it would confer no right on the Forest Service to construct facilities itself on lands thus controlled, and so it would give a measure of protection against excessive development should the Forest Service ever become so inclined. There is an advantage in leaving some beautiful areas completely undeveloped and thus offering a diversity of recreational experience, and with some of the finest springs already in State parks that are developed for mass use, I believe it is highly desirable there should be such a restriction for the benefit of the minority, the substantial minority, who find inspiration in such peaceful surroundings. What is needed is a proper balance between areas left wild and those developed for heavier use, and in this connection it might be noted it is said that the owners

of Blue Spring on Current River, which is one of the very finest springs still in private hands, open to the public but undeveloped, offered to give it to the State a few years ago for a park, but were informed that the State thought it already had all the parks in the area that it should have.

BENEFITS IN RELATION TO COST

H.R. 6289 also provides that the affected counties be reimbursed for 2 years for tax losses due to Forest Service acquisitions for the Ozark scenic riverways. But the Forest Service could, in general, condemn no more than a conservation easement on lands lying within an eighth of a mile of the banks. The land right along the streams is, after all, the sensitive area, and the Forest Service, with all its present holdings, would probably be content to control just this additional essential strip. Including the lands within it already owned by the Forest Service, the strip would total only about 30,000 acres, and because development rights would customarily be obtained rather than the far more valuable fee, the counties would not find their revenues much reduced.

Finally, H.R. 6289 provides for the appropriation of the necessary funds. No amount is specified and since, with easements, we are dealing with a device which has had little application outside of California, it is hard to estimate precisely what the eventual cost might be. But land covered by easements would, in effect, be conserved by the owner; severance costs would virtually be eliminated and there would be no necessity of the Forest Service's buying land for a headquarters site. While there would be some supervisory expense, it seems likely that the purposes of the bill might be accomplished for an extremely modest sum, though the exact cost would of course depend on the number of lakes constructed. Surely the benefits to be achieved far overshadow the cost, and I most earnestly solicit your favorable consideration of H.R. 6289. It offers the best opportunity yet presented for the preservation and development of this area in accordance with its capabilities and carrying capacity.

DESIRE FOR EARLY ACTION AND LOCAL HEARINGS

In closing, may I give it as my opinion that most of us in Missouri wish to see action taken to preserve our Ozark streams. The Missouri Legislature has passed a number of resolutions to this effect, the first a joint resolution by the 70th general assembly asking that a national recreation area be established on the Current and Eleven Point Rivers as proposed by the National Park Service and U.S. Forest Service, with the land to be acquired without exercising the power of eminent domain. This was followed by H.R. 33 of the present 71st general assembly, which again called for the establishment of a national recreation area without condemnation of land, but with the inclusion of a "multiple-use land program." This in turn was followed by yet another resolution of the same body of the 71st general assembly, H.R. 222, which requests the establishment of a national monument through eminent domain. In addition, a number of the conservation organizations with which I am associated wish to see that immediate steps be taken to preserve the existing natural beauty of these streams, and I echo their desire for early action.

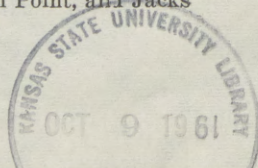
If you would hold hearings in the area affected, as many of us hope that you will, you would not only be able to familiarize yourselves with its character and beauty, but you would also, I believe, find that the great majority of the people of the area affected, contrary to certain representations which have been made, do recognize, if sometimes intuitively, that H.R. 6289 best provides for the appropriate use of all the resources of the area. Though there are some who may prefer another solution, unless conditions have changed remarkably in the past few weeks while I have been away on vacation I think nowhere will you find bitter opposition to the Forest Service approach as has been engendered by all other proposals. Whether you come to consider H.R. 6289 the best possible solution or the best possible compromise, I urge its adoption for these many compelling reasons.

LEO DREY—SAMPLE DEED

This indenture, made this _____ day of _____, 19____, by and between _____, grantor, and the U.S. Forest Service, grantee,

WITNESSETH:

Whereas the grantor wishes to cooperate with the said U.S. Forest Service in conserving the picturesque surroundings of the Current, Eleven Point, and Jacks Fork Rivers in Missouri as places of rare natural beauty; and



Whereas the said grantor is willing, for the consideration hereinafter named, to grant the said U.S. Forest Service the scenic use, as hereinafter expressed, of his said land, and thereby protect the present scenic attractiveness of said area, which will result in the restricted use and enjoyment by the grantor of his said property because of the imposition of the conditions in connection therewith hereinafter expressed,

Now, therefore, for and in consideration of the premises and 1 dollar paid, the receipt of which is hereby acknowledged, said grantor does hereby grant and convey to the U.S. Forest Service the scenic easement hereinafter expressed on his land in section ----, township ----, range ----, ----- County, lying within a distance of one-eighth mile of the shoreline of ----- River, to accomplish the will of the parties hereto, said grantor therefore covenanting on behalf of himself, his heirs, successors, and assigns, to do and refrain from doing upon said property the various acts hereinafter mentioned. The restrictions hereby imposed upon the use of said property, and the acts the said grantor covenants to do and to refrain from doing upon said property are and shall be as follows:

RESTRICTIONS ON LANDOWNER

- Erect no buildings or structures or signs or advertising.
- Make no structural changes or additions to existing buildings.
- Do no inharmonious painting of present structures.
- Make no excavation or change in topography that will alter the landscape or scenery.
- Clear no land and cut no living timber, and remove no shrubs or plants, except for safety or to control serious outbreaks of insects or disease.
- Place no additional land in cultivation, and if no row crops are planted on land now cultivated for 3 successive years, the right to plant row crops there is to lapse.
- Build no more roads or fences.
- Burn no brush without a permit.
- Access and essential use not to be prohibited the public directly from the river or over existing trails.
- No further watergates to be built.
- Dump no trash, waste, or other unsightly materials on the land, or impurities in the river.

WITH THESE EXCEPTIONS AND RESERVATIONS

- The right to maintain existing structures, and to replace with buildings of the same type and design if destroyed by fire, wind, high water, or other casualty.
- The right to build wells and septic tanks for existing buildings.
- The right to mine by underground shafts, whose outlet and tailings are to be screened so that the scenery is not impaired.
- The right to continue to water stock at existing watergates.
- The right for grantor and his agents to enter on and cross the land.
- The right to remove annual crops.
- The right to apply to the U.S. Forest Service for exceptions to the above restrictions, the U.S. Forest Service to have authority to give written consent to the requested exceptions in its discretion if it determines that the scenic attractiveness of the landscape will not thereby be materially altered.
- To HAVE AND TO HOLD unto the U.S. Forest Service, its successors and assigns forever, it being understood, however, that the estate herein conveyed is to revert to the said grantor, his heirs, successors, and assigns, if the purpose for which this deed is granted is abandoned and the land is appropriated to another purpose.

This grant shall be binding on the heirs, successors and assigns of grantor, and shall constitute a servitude on the above described land.

IN WITNESS WHEREOF, the grantor has hereunto set his hand this ----- day of -----, 19---

Mr. GRANT. We appreciate that very much, but we have about 12 minutes left for four more witnesses, so we will have to go along. I should like to suggest to the other witnesses they may, if they so desire, include their full statements in the record and comment on anything they wish to.

We will next hear from Mr. R. D. Shaw of the Current and Eleven Point Rivers Association.

Do you have a prepared statement?

STATEMENT OF R. D. SHAW, REPRESENTING CURRENT AND ELEVEN POINT RIVERS ASSOCIATION

Mr. SHAW. Mr. Chairman and members of the committee, I do not have a prepared statement. My name is Roger D. Shaw. I will be very brief.

I happen to be a resident of the area, although I was not born in the area. I have owned my property since 1933.

The situation we have down there, I believe, would lead to an invitation from me to as many of you as can come down there to come down and see what we have.

Chairman Rutherford in the other hearing I appeared in, the Insular Affairs Committee, indicated that is what he intended to do.

I think this thing is a difficult thing to tell people about. What we do have down there is a stream.

I happen to be in the cattle business. The bottom lands we use to raise feed for the cattle. We graze the upland. To give you an example of that very quickly, I have 300 acres of bottom land on which I raise feed on a rotation basis. We have over 2,000 acres of improved pastureland. That is on the uplands on which we graze the cattle. Without the 300 acres of bottom land we would have to use, approximately, 600 or 700 acres of the upland to raise the feed for those cattle. That is part of our economy. The other part of our economy is timber.

It was suggested very gently by Chairman Rutherford that I should definitely be in favor of the Forest Service bill because they, undoubtedly, had given me help in my timber operations. They have, and I hope that they can continue to do that.

In my judgment the narrow confines of the stream are not adapted to a mass type of recreation. If you are putting this in for purely recreational purposes it would be a fraud on the public. Only experienced boatmen can use that river. It is dangerous. We fish people out of there all of the time.

The Forest Service has land all around that area. They have built these small dams to create small lakes. They could build more if they had the wherewithal to do it. For instance, three such lakes, one could be a camping area and the other two could be fishing lakes.

It has been amply demonstrated you can raise from five to six times as many fish in a pond area of that type than you can in a free-flowing stream.

I would, certainly, like to invite all of you down to fish in our river, but I could not guarantee that you would get fish. I consider myself somewhat of an experienced fisherman. It is difficult to know what you are doing and I would suggest that you have a good guide.

Thank you.

Mr. GRANT. Thank you so much. If we do make the trip out there and fail to catch fish I notice what you said about those beef cattle and we would expect a good steak. [Laughter.]

MR. SHAW. Yes, sir. I have shortened my testimony. If I could put this into the record, I would appreciate it. This is a summation we have made of the advantages of the Forest Service.

I would like to say one more word, if I may, and that is, it seemed to me there was some confusion about the question of the purchase of land. Mr. Curtis' bill does not contemplate the purchase of this land.

MR. CURTIS. You are correct.

MR. SHAW. Therefore, it could not possibly cost as much as the outright purchase of 113,000 acres of land which, to me, is one heck of a lot of land. It may not be to you, gentlemen, but to me it is.

MR. GRANT. Without objection, the statement will be received for the record.

MR. SHAW. Thank you.

(The document referred to follows:)

STATEMENT OF R. D. SHAW

In explanation of the position of the Current-Eleven Point Rivers Association, the board of directors has elaborated on the reasons the membership is supporting the Forest Service proposal:

1. Forest Service plan would maintain the traditional patterns

We are living here because we love this beautiful area, which was settled by our forefathers, and the Forest Service proposal would be less disruptive to our traditional way of life. The best farmland in the area would not be arbitrarily removed from production; and the men farming it, who help to form the backbone of the community, would not be deprived of their means of livelihood. This region has been settled for generations, and people should not be uprooted, when the scenery can be preserved through the Forest Service alternative, without dispossessing us. The Park Service tells us we will prosper from the tourists who will be attracted by their monument, but most of us who will be driven from our homes and present occupations do not have the financial resources necessary to build good motels, and we are not trained either to supply services for tourists or to go to the city to live and hold jobs.

2. Forest Service plan would do more for the local economy

By attracting tourists, the Park Service says that around \$5,750,000, a year will be brought into the area but this would give only a hundred-day summer tourist basis for the economy. Eighty percent of our country is in timber, which the Forest Service and Missouri Conservation Commission have been protecting from fires long enough that it is just now becoming valuable. While the report the University of Missouri prepared for the Park Service states that this timber could mean an additional \$11 to \$19 million a year to the economy, the Park Service has never brought out this fact; that is, that the timber should soon do so much more for the area than tourists could.

The Park Service prefers that timber never be cut, and therefore would tend to create an atmosphere which would probably cause wood-using industries to bypass the region. The additional market for our timber, and the accompanying increase in revenue which the University of Missouri predicts for the relatively near future is most likely to be achieved under the Forest Service. In the past the best trees have always been cut and the poor misshapen ones left standing, and we need markets for such low-grade material in order to increase the value of timberland and thus encourage better management practices. Since the Park Service thinks largely in terms of recreation, and does not have economic considerations as one of its motivating functions, the Forest Service would be far more apt to help us work out the sort of sound, comprehensive plans that are needed for the balanced development of our region. Where the Park Service would attract the casual visitor, the Forest Service probably would appeal more to the sort of person who might stay in the area longer (and the length of stay might be further extended, with accompanying benefits to the economy through the construction, back from the rivers, of small reservoirs and other appropriate recreational facilities, as is noted in the next paragraph).

3. Forest Service plan is better able to preserve scenery

The Park Service intends to publicize the rivers to attract visitors, and says that by 1965 there will be more than 26,000 there each summer day, but it is highly doubtful that preservation of natural qualities is compatible with such mass use. There are probably well under 1,500 acres of water surface in the rivers altogether (and much less than that available for floating toward the end of the summer, which is always the time of peak use), so even if only a small percentage of the people who come to see our rivers ever do get to float them, the peace and beauty we value, which the Park Service claims it wants to preserve, would actually be annihilated completely.

The Forest Service already owns 600,000 acres near the streams, on which they might build a number of additional small lakes, at relatively slight expense, back from the riverbanks. These lakes would attract visitors, thus taking some of the pressure away from the rivers, which will not stand heavy use (and which, in addition, are dangerous, being particularly treacherous to those unfamiliar with them). By thus giving family groups something they can do in safety in our Ozarks area, they would be encouraged to camp for an extended period, that is, for more than the short 2-day visit the Park Service has said they expect for the transient tourists coming to the monument (and the longer the Forest Service tempts them to stay, the more they will do for the local economy).

The Department of Agriculture, of which the Forest Service is a part has had considerable experience with sound watershed conservation methods, including the use of small impoundments to help control water runoff, and such impoundments would help to stabilize the rivers, which sometimes rise 15 or 20 feet after a rain. The Park Service says they will preserve the rivers and keep the upper stretches wild by "zoning" them and by preventing roads from being built, and yet they propose to put their headquarters high upstream on the Current River. If they attract as many visitors as they say they will, and then they do restrict the building of more roads, cars will probably be backed up for miles trying to get boats onto the streams.

4. Forest Service plan would be less costly to the Federal Government

The Forest Service plan could be put into effect and administered at a considerable saving to the Government because it would not cost as much to acquire easements as it would to buy the land outright. With the Forest Service already owning vast acreages in the area, there would be no need to buy most of the 25,000 acres the Park Service wants for a headquarters site near Owls Bend nor other substantial acreages lying well back from the shorelines. Also, there would not be the duplication in personnel that would exist if both agencies were working in the same area.

5. Forest Service has had more experience in supplying similar appropriate recreation

The Forest Service is more experienced than the Park Service in the ways that count most in our situation. They already administer canoe country in Minnesota. They specialize in the sort of simple, rustic campsites which are more appropriate to our Ozark streams than are the lodges and more elaborate facilities the public has come to expect of the Park Service. The Forest Service has already developed some campgrounds of this nature in the region and has planned others, which they should soon be in a position to build due to the passage, in 1960, of the multiple-use bill giving additional recognition to the importance of recreation on national forests.

6. Forest Service plan is more realistic in taking existing conditions and future demands into account

There are going to be more and more demands on the country's land base, not only for recreation but for other purposes as well, and where the Forest Service plan makes the protection of sensitive areas, totaling about 32,000 acres near streams and springs, its primary concern, the Park Service wants 113,000 acres or about 3½ times as much. That Park Service acreage would be in a strip whose boundaries fluctuate widely and, so far as we can determine, quite capriciously, sometimes lying just a couple of hundred feet from the riverbanks and on other occasions going back several miles or more. The Forest Service plan would permit multiple use, including farming, hunting, and the controlled cutting of timber (except along the banks of the streams) to the extent appropriate.

7. Preservation of natural beauty would take effect sooner and more completely under the Forest Service plan.

The Park Service would have no control over the rivers and our adjoining lands until some lands have been bought and the monument "established" by the Secretary of the Interior, whereas the Forest Service is already patrolling the rivers near its present holdings, and passage of the Forest Service proposal would immediately enable them to extend protection of scenic and recreational values over the balance of the rivers. No one has any idea how long it may be before a monument is "established," and as a result of this, and of the uncertainties arising from the prospective condemnation of land, we who live and own land in the watersheds find it impossible to make plans. A few of our neighbors have panicked and are selling their timber, while others are subdividing for cabin sites in an attempt to reap the maximum financial benefits; some are speculating in land in various other ways, and many are puzzled about what to do about maintenance and improvements. The Forest Service plan, on the other hand, gives rise to fewer uncertainties and its easement device gives less opportunity for speculative profits, so it would tend to discourage the present unfortunate activities.

8. Forest Service plan yields greater financial benefits to county governments

The acquisition of easements, as is contemplated in the Forest Service plan, would be less disruptive to a county's existing tax structure than the Park Service's acquisition of the fee title would be. In addition there would be the usual 25-percent payment made to counties by the Forest Service from the proceeds of timber sales or other activities permitted on lands they control (and the Forest Service would turn over the remaining 75 percent to the Federal Government). It is more likely that major wood-using industries, because of the Forest Service's attitude toward them, will choose to locate in the region under a Forest Service, than under a Park Service administration. Our local tax base would thus be broadened, not only through the construction of tourist facilities but also through the additional wood-using establishments which will be encouraged to come into our area to harvest the timber that wise management will produce.

9. Better cooperation can be maintained with the Forest Service

We have been accused of being backward, a charge usually made, we believe, by those who do not understand our ways, though we will admit that we may have a somewhat different set of values back in our hills. The University of Missouri, in its study for the Park Service, says that our "sense of security is in a home-place," not in wealth, and we will agree that we do value our "neighbor and kinship relations," as they put it. The Park Service is new to us (and they seem to have little knowledge of our ways), but the Forest Service has been working in our country for many years, we have gotten to know each other, and we have confidence in them. In addition, the advisory commission, in the Forest Service plan, would give us a little bigger say about the future of our region than the comparable Park Service committee.

The board wishes to note that the Current-Eleven Point Rivers Association would welcome the holding of congressional hearings within the area affected by the two plans so that there may be further opportunity for us to help explore their relative merits.

Mr. GRANT. We will next hear from Mr. Davis Biggs of St. Louis, Mo.

**STATEMENT OF DAVIS BIGGS, PRESIDENT, OZARK RIVERS
ASSOCIATION, ST. LOUIS, MO.**

Mr. BIGGS. Mr. Chairman and members of the committee, my name is Davis Biggs. I am a resident of St. Louis. I have submitted a written statement for the record.

Mr. GRANT. Do you wish to have that inserted in the record?

Mr. BIGGS. Yes, sir.

Mr. GRANT. Without objection, it will be made a part of the record at this point.

(The document referred to follows:)

OZARK RIVERS ASSOCIATION,
St. Louis, Mo., August 7, 1961.

Re H.R. 6289, Ozark scenic riverways bill.

CHAIRMAN OF SUBCOMMITTEE ON FORESTS OF THE AGRICULTURE COMMITTEE,
House of Representatives,
Washington, D.C.

DEAR SIR: Attached hereto is a copy of statement of Ozark Rivers Association submitted at hearings on H.R. 5712 and S. 1381, the Ozark Rivers National Monument bill. The statement was drawn with both bills in mind and while it has not been possible to hold another meeting of our association since the hearings on H.R. 5712 and S. 1381, I believe it to be a fair statement of the views of most of our members.

The area which it is proposed to preserve is of great natural beauty and is probably the only one in the entire Midwest which is still relatively untouched by the mass of urban recreation seekers who head out for the lakes and streams every weekend. All of us feel the need at times to get away from people and back to nature. This area provides such a refuge along its clear streams flowing through a rugged forest-covered landscape. The area should be used but it needs to be preserved from overuse, which is beginning to happen. Already beer cans, refuse, and other litter are cluttering up the streams and campsites. Landowners are starting to subdivide the banks into cabin sites. If this trend continues, most of the charm of the area will be destroyed and we feel that only by governmental action can the area be preserved.

It must be kept in mind that the primary objective should be preservation, not economic assistance or recreation as such. There must be reasonable recreation but overemphasis on recreation can defeat preservation. Economic benefits which may incidentally flow from preservation should not be confused with the primary objective.

The bill under consideration, H.R. 6289, offers (1) an effective means of preservation with reasonable recreation opportunities at (2) a minimum expenditure of public funds with (3) a minimum of encroachment on the rights of existing property owners in the area.

(1) The bill proposes to effect preservation by extension of the existing Clark National Forest, which includes part of the area, through acquisition of development restrictions from the private landowners. Such a restriction would prohibit cutting of timber, erection of improvements, and other activities altering the natural state of the landscape within one-eighth mile of the river bank or sight of the streams. This, plus Forest Service supervision, is all that is really necessary to preserve the area. The Forest Service has had a great deal of experience in preserving wilderness areas and providing recreation within such areas without adversely affecting their character. Regular patrols of the streams together with an educational program should effectively control the problem of rubbish and littering.

(2) The cost of such a program would be much less than any other program involving outright acquisition of property by the Government. As pointed out in the attached statement acquisition costs should not exceed \$500,000. Much of the land involved is timberland which sells at from \$10 to \$20 an acre and even if full value were paid for such lands on the basis that the restrictions would destroy all value, the cost would not be materially affected. As a matter of fact, controlled harvest and Forest Service supervision within the restriction area would probably not be harmful. The immediate banks of the streams are usually covered with willows and other unmerchantable timber.

(3) A further consideration is that this bill would not seriously inconvenience or harm existing property owners. The development restriction is similar to a building set-back line in the city which has long been recognized as a legitimate device which does no substantial harm and provides great benefits for the community as a whole. The use of such a device as compared to outright condemnation of the entire fee title would mean that the property owner could still continue to live on and use his property as in the past being limited only in new activities detrimental to the landscape within sight of the streams. There is almost unanimous bitter opposition by present owners to the prospect of forced sale or condemnation of their property, but they feel that they can live with the H.R. 6289 and many of them actively support it.

Local hearings by the committee would be most helpful in verifying the facts as contained in this statement.

DAVIS BIGGS,
President, Ozark Rivers Association.

STATEMENT OF OZARK RIVERS ASSOCIATION RE H.R. 5712 AND S. 1381, OZARK RIVERS NATIONAL MONUMENT BILL, AND H.R. 6289, OZARK SCENIC RIVERWAYS BILL

The Ozark Rivers Association has adopted resolutions in favor of H.R. 6289, the Ozark scenic riverways bill, and recommending that any bill which Congress may pass for the preservation of the Ozark streams shall include a prohibition against the use of the power of eminent domain except in instances where a landowner uses his land in a manner inconsistent with the objective of the bill. The resolution favoring H.R. 6289 is not to be interpreted as opposition to H.R. 5712, but reflects our opinion that H.R. 6289 is the better bill.

The Ozark Rivers Association was formed in St. Louis in 1960 primarily to assist in the formulation and adoption of a plan to preserve the Current, Jack's Fork, and Eleven Point Rivers of the Missouri Ozarks. The membership includes advocates of both proposals presently before Congress, advocates of conservancy districts and State or local action to preserve the streams, owners of substantial land holdings in the area affected, owners of several of the large springs in the area, residents of the area and persons generally interested in preservation of the area. Most of the members fall in the last category.

The membership is virtually unanimous in its belief that some action must be taken immediately to preserve the natural values of this area, but there is wide difference of opinion as to how this should be accomplished. It was hoped that these divergent viewpoints could be reconciled and united behind one plan but this has not been possible. While most of the membership favors the Ozark scenic riverways proposals, most of them would accept either proposal, although there are some members, mostly landowners or residents of the area, who are unalterably opposed to the national monument plan.

The following is believed to be a fair summary of the views of most of our members:

The primary objective of any bill should be preservation of the area in as near its natural state as possible. Any economic benefits, while desirable, should be of secondary importance. The plan should not be approached as a substitute for aid to a depressed area.

The area to be included in the proposed Ozark Rivers National Monument has been described in a brochure prepared by the National Park Service. It should be emphasized that the chief attraction of this area is one of quiet, solitude, and peace in contrast to the scenic wonders and curiosities of most national parks and monuments. Its beauty lies in its clear streams, quiet pools, high bluffs, and wooded hills. It is probably the only place in the Midwest where one can step into a boat and in 15 minutes leave civilization behind and float for days through a world that has not felt the touch of the 20th century. This is something that can easily be destroyed by overexploitation. Walden Pond and Coney Island are incompatible.

The National Park Service representatives, in speaking in favor of H.R. 5712, have publicly stated they expect to attract 800,000 additional visitors to the area annually, that they will build access points every 7 miles along the streams, footpaths, horsetrails, and picnic grounds along the banks, and camp grounds every 15-20 miles. Such a program is inconsistent with preservation of the national values of the streams.

H.R. 5712, S. 1381, provides for acquisition of the land involved by either negotiation or condemnation, with the possibility of retention of life estates. The condemnation feature of the bill is both unnecessary and unfair to the present owners. A traveler on the streams normally cannot see more than a few yards beyond the high banks which are covered by timber and frequently passes within a few feet of a farmer's field without being aware of its presence. Acquisition of land one-quarter to 2 miles back from the stream, as contemplated by the national monument plan, will contribute nothing to preservation of the streams but will mean the removal of land from cultivation to grow up in buck brush and will force families to move who, in many instances, have owned their farms for generations. It may be true that these are not among the finest

farms in Missouri but the riverbottom farms which will be taken are the best in the area and, even though the owners receive fair value, they will have difficulty in repurchasing elsewhere. There is bitter resentment both among those directly affected and those who sympathize with them against what they consider the condemnation of one man's property for another man's recreation.

Outright acquisition of the land in the proposed monument is not only unnecessary but unduly expensive as compared to acquisition of development restrictions as contemplated by H.R. 6289 which will be much cheaper to acquire and will not require eviction of the landowners. The total area of the proposed monument is approximately 113,000 acres which it is estimated can be acquired for about \$50 an acre or \$5,500,000. The area in the Ozark scenic riverways is less than 30,000 acres since it is a strip extending only one-eighth mile back from the banks along some 190 miles of river. Assuming that the development restrictions contemplated by the Ozark scenic riverways bill could be acquired for 25 percent of the value of the fee simple, which is believed to be a reasonable figure, such restrictions could be acquired for about \$375,000. This is less than 10 percent of the estimated land acquisition cost of the national monument plan.

In long-range planning on a national scale for the preservation of areas for their natural beauty, serious consideration should be given to the use of zoning and development restriction devices. The cost of fee simple acquisition will greatly limit or render impractical any such program. The Ozark streams are particularly well suited to the use of the development restriction device since the object to be accomplished is the preservation of the streams in their natural state and to do this it is not necessary to acquire the farms in the adjoining bottoms. As pointed out before, because of the high banks lined with timber, it is normally impossible to see more than a few yards back of the banks. In this situation there is no point in acquiring fee title to lands one-fourth of a mile to 2 miles back from the streams since the object can be achieved just as well by restricting destructive activities within sight of the streams.

We believe that any national program for the preservation of areas for their scenic beauty should set aside some areas on the basis of quality rather than the quantity of recreation they will produce. The Current-Jack's Fork-Eleven Point area is such an area and planning for its preservation should provide safeguards against overexploitation or the plan will fail in its objectives.

H.R. 6289 meets most of the objectives to H.R. 5712, S. 1381, and at the same time provides for a more comprehensive watershed planning and administration of this area by one instead of two Federal agencies.

Mr. Biggs. I have been a floater of these streams for over 30 years. My family has owned property on the Jack's Fork for some 25 years. I have an interest in the organization which owns Welch Spring which is one of the outstanding attractions in the area. I am, also, the president of the Ozark Rivers Association. Our views are set forth in the statement which I have filed.

I might say we have given this matter a great deal of consideration. We have considered both bills. We submitted to our membership summaries of both bills, and after this consideration, in our June meeting of this year, we put to the membership the question of what we should do and the membership almost unanimously endorsed the Forest Service proposal. I will not go into all of the reasons for that.

If anyone has any questions I will be glad to answer them.

I do think you are interested in costs. As has been pointed out, Mr. Curtis' bill provides for the acquisition of easements. I think it is important we consider this technique. This can be done at a greatly reduced cost. The actual easements involved, if easements were used entirely, would only involve some 30,000 acres. This, of course, would cost less than the full value of the fee.

A development restriction in this area should not cost over 25 percent of the fee, in my opinion. And most of this fee land sells for anywhere from \$10 to \$20 an acre for timber land, and that is 80 percent of it, maybe up to \$100 for agriculture land.

I think on that basis the entire program could be carried out for as little as \$500,000, as compared to an estimated \$10 million for the park service proposal.

The easement idea permits multiple use. This is an important thing down there. If you could float these streams you would see that the farms that lie on the bottoms are inconspicuous as you go down stream. Actually, you are not usually aware that they are there. They may be only 15 or 20 yards back from the banks, but the banks are lined with willows and sycamores and other timber. It is not necessary in order to preserve that stream to acquire the farm. The person floating the stream would not even know that the farm was there in many cases. There is no reason why those farms should be purchased.

This means that the job can be done for much less money if the Forest Service approach is followed.

I might say that the people in the area are very much concerned about this factor of the Park Service proposal. The Park Service people have stated they expect to bring an additional 800,000 people into this area a year, and that they will build access points to the stream every 7 miles, foot paths, bridle trails, picnic tables along the banks and campsites every 15 to 20 miles.

It is the opinion, I think, of most of the people who know those streams that this kind of usage will destroy the value that is there now. We wish to preserve that. At the present time on these streams, for example, you can float on the Current River, from the 19th highway bridge for 3 days before you come to another highway bridge. If we line the banks with tourists then this sort of wilderness would be destroyed.

I will not take up any more of your time. There are many other things that I would like to say, but I thank you for this opportunity.

Mr. GRANT. Thank you so much.

Mr. BIGGS. Thank you.

Mr. GRANT. We will next hear from Mr. William Whyte, of the National Conservation Association of New York. We will be glad to hear you now.

STATEMENT OF WILLIAM H. WHYTE, NATIONAL CONSERVATION ASSOCIATION, NEW YORK, N.Y.

Mr. WHYTE. Mr. Chairman and members of the committee, I have already filed my statement. I know that the time is very short. I would really like to talk just about one point.

My concern is the Ozark riverways per se.

I recognize the great importance of the bill in that respect, but what really strikes me as important about this bill is that the approach that is in it can stir the imagination and can lead to programs like it all over the country.

I think what has been happening in the Ozark area has raised a question that is troubling people all over.

I might say that I have been for the last 3 or 4 years talking to landowners, groups, planners, legislators across the country on their open space programs and the great thing that concerns all of them. We know that open space is going around our cities. We know we need more parks, but this is not really the answer.

What is really concerning people is how do we save so many of our key open spaces without buying it all up?

I will confine myself to what I think is the most important thing about the easement principle. It has been well tested and used in any number of different ways, in scenic uses, and so forth, and it has proved its usefulness, but I think that the really great advantage of the easement principle—and I think this brings it out—is not the saving in cost. I think that is important, but I do not think it is really the important one, but what it does is to keep land alive.

I think if we think of the stream valley, and it could be a big one like the Ozark riverways or a small one, the value is in the stream valley. We might need part of it for the park, but the chances are that in any stream valley you have good bottom land, your class 1 soil. And so far as scenic beauty that people care much more about than institutionalized open space and the parks, needed as they are. You get this wonderful benefit.

Under the easement principle you not only save this for the people, but you keep the land productive and alive. It is the very productivity of the land, well-grazed land, well-contoured farm hillsides—that is what the public at large really cares about more than anything else. The land remains on the tax rolls. The community always has the future option if that area is later needed to be developed as a park. And for his part the landowner gets the protection that he really cares about. That is one thing.

We are talking about areas that can still be saved that are not already ruined.

The easement principle is not good close up to a city where they are concerned only with the speculative value of the land. This great interest in it is coming from across the country in the rural and semi-rural areas that still have a chance of saving what they have.

I have filed a statement containing some of the pros and cons.

I do honestly feel the principle here is not one of Park Service versus the Forest Service—it is something much more universal. It opens up a way for people in the water courses and areas all over the country to save their areas, and to do it now in a practical way. I think this bill could really stir imaginations all over.

I thank you.

(The prepared statement of Mr. Whyte follows:)

TESTIMONY OF WILLIAM H. WHYTE, NATIONAL CONSERVATION ASSOCIATION, NEW YORK, N.Y.

For the past 5 years I have been studying ways and means of saving our open spaces; in particular, the application of the easement principle. Part of the answer to the open space problem seems simple enough; buy the land and make it into a park. So we should, but even if we vastly step up our park programs, there isn't the money to buy all the space we would want to save and furthermore, there are lots of areas where conventional park development really isn't the answer. The most challenging question, then, is this: what practical way is there to save open space without having to buy it all up?

This is why I wish to testify in favor of H.R. 6289. It is important for the great benefits that it promises for the Ozark riverways; it may be even more important, however, as a model that can stir imaginations and stimulate similar programs all over the United States.

The core of H.R. 6289 is its use of easement principle. It is an ancient one; under our law of eminent domain, the public can buy the full bundle of property rights from the landowner—the fee simple.

But the public does not have to buy the whole bundle of rights. In many cases, its purpose can be served by buying only one or a few of the rights in the property. As with outright purchase, the requirements are, simply, that there be a public purpose involved in the purchase and that the landowner be given fair compensation.

For example, if the Government wants to make sure that no tall buildings or towers are built around an airfield, it does not have to buy up the surrounding property; it often buys an air safety easement from the landowners—that is, the landowner's right to put up a tall building or tower.

Easements have also been very useful in protecting highways; when you drive along the New York Thruway, for example, you note that it is through a natural uncluttered landscape; one reason is that the thruway people bought scenic easements at the time they purchased the land for the right-of-way; the owners kept title to the land covered by the easement but gave up the right to develop it with signs or commercial structures.

Until recently, these precedents didn't stir much interest. It's the bulldozer that's done the job; because of the frightening rate at which our open spaces are being destroyed, planners and officials have been forced to seek new ways of saving the landscape, and in this search a new potential for the easement principle has been found.

As a basic illustration, think of a stream valley, for here you find the universals of a problem that is remarkably similar from State to State. It is a valley that has not yet been ruined; the subdividers are pushing outward from the cities toward it, but there is still time to conserve the best part of the area. The local government, let us further assume, has done a good job of surveying the assets of the region and has worked up a sound plan. One part calls for purchase in fee simple; at one end of the valley there's a national reservoir and park site and this land will be bought outright. Then there's the use of the police power; the bottom land immediately bordering the stream is a flood plain and the local government has zoned this against development. The plain is a great sponge, and it would be clearly harmful were it covered with houses. Come flood time the poor devils who lived in them would be hurt; and even more, so would be the people who lived downstream.

This, clearly, is a proper exercise of the police power. But what about the rest of the land? Here the public wants a benefit—the continued openness of the land—and it cannot compel it with the police power. Instead, the local officials go to the landowners and say something like this: we believe it will be to the public purpose to have this land kept open. We know you probably want to keep it open anyway. Nevertheless, you do have a right to chop it up into a subdivision, or otherwise develop it. We want to buy that right away from you.

You will keep title to the land, you can continue farming it, or using it, as you have in the past. You don't have to give the public access to your property; the public's equity is that it be kept unspoiled. If the public also wishes to buy access—say, for fishing rights on part of the stream—that too can be negotiated but it is not necessarily a part of the easement.

The cost? The rule of thumb in easements is that the price should be the difference between the fair market of the land with the easement and without it—in other words, the money value the landowner is giving up. This depends on time and place: in an area predominantly in farming the landowner is giving up very little; (scenic easements along the Great River Road in Wisconsin, for example, cost an average of \$15.06 per area, roughly one-fourth of the fee cost). In built-up areas near the city, however, the speculative value of the development rights is such that easements could cost as much as the fee simple. It is not a device, in short, that can save an area that is already overrun.

Advantages to the landowner:

1. Because other landowners in the area are covered by the plan, he gets flank protection.
2. Integrity of an agricultural area is assured; thus protecting him from adverse land uses.
3. Tax protection: he escapes the vicious spiral that is forcing many farms into subdivisions. Assessments cannot be raised to match value of the land for subdivision since the land legally cannot be subdivided.
4. Enhancement of value of the rest of his property; because of the guarantee provided by the easement, value of abutting land is increased.

Advantages to the public:

1. Achieves conservation of prime land without having to bear fee simple costs.
2. Land remains on the tax rolls.

3. No maintenance cost: the landowner maintains it.
4. Most important, the land remains productive and alive.

It is not institutionalized open space; it is the natural, living landscape—the kind we treasure most of all.

The Ozark riverways is a broader example of all these points than the small valley I have been using; for that reason it could prove the most important of all—and for the small valleys, too. In areas all over the country open space plans are being pushed. Thanks to a virtual wave of open space enabling acts and grant-in-aid programs, communities have at last the tools to cope with the problem. (New York, \$75 million; New Jersey, \$60 million; Wisconsin, \$50 million.) Title VII of the Housing Act, pioneered by Senator Williams, of New Jersey, by providing \$50 million in seed money is spurring States and local government to further action.

But what about the plans themselves? What is needed is a bold, imaginative example. The Ozark riverways is just that: it makes so much good commonsense and it makes it with such a broad sweep that it can spur the plans of every State, county, or township with a river or stream in it.

Mr. GRANT. We thank you for your statement.

Mr. WHYTE. Thank you.

Mr. GRANT. We will next hear from Mr. George Helmuth of St. Louis. We will be glad to hear you now.

STATEMENT OF GEORGE HELMUTH, ST. LOUIS, MO.

Mr. HELMUTH. Mr. Chairman and members of the committee, my name is George Helmuth. I am an architect residing in St. Louis.

As a matter of general background, my father was born in St. James in 1870, which is an area not too far removed from the Ozark riverways area we are talking about.

I feel the principle Mr. Whyte has just expressed is extremely important.

As an architect I am, also, the president of the St. Louis Art Commission, and our practice extends from one coast to the other of our country. I have been brought in contact with the needs and requirements of the people. I feel with the population explosion that is expected the acquiring and saving of lands that are still able to be saved is of great importance and far transcends the relative merits of these two plans.

I think the Forest Service plan would work very well.

I neglected to state that I own a couple of thousand acres in the general area. I know a great many of the people who live there, and have all my life. I know most of the people there would favor the Forest Service plan. It would work and it would do a great job.

Something that has not been mentioned so far is that one of the interests, one of the things that people like about this area, whether they realize it or not, is the people who live there. There is a culture, a sort of isolated culture that has been driven into the Ozarks. I think they came from Jamestown, across the country, and they stopped there in these hills. Elizabethan English is still used.

The Park Service plan would destroy this human value that is there now. It is a lot of fun and one of the features that everyone enjoys.

I think if their property were taken away from them and they were driven out, they would be gone forever and we would lose this great value.

I feel the Forest Service plan would do a fine job and it would point the way to what should be done all the way across the country.

Thank you.

Mr. GRANT. Let me ask you this, how far is this line, this area, I should say, under discussion from St. Louis?

Mr. HELMUTH. I would say that in general it is about 125 miles to 175 miles.

Mr. GRANT. If developed, it would be greatly utilized by the people in that area?

Mr. HELMUTH. I believe it would be, but I believe that the use would be far greater under the Forest Service plan. I think that to throw 80,000 people on that river would be ridiculous. It would not work.

By developing lakes, as Mr. Drey mentioned in the background, similar to Loggers Lake which they have already developed, would be a reasonable place for mass recreation. That would do a wonderful job for the area.

By law anybody can float the river. That has been tested. There is a State law that requires that anyone that wants to float the river may float the river, so that question is not involved.

Mr. GRANT. Thank you very much for your statement.

Mr. DREY. An answer to the question is in a clipping dated July 1961, in a local paper down there which says that—

23 percent of all Current River anglers were from the St. Louis area, with 58 percent from the local area. During 1960 there were 42,800 fishing trips on Current River between Pulltight Spring and Doniphan, of which 7,700 were float trips. Jack's Fork had 4,900 anglers on the lower 13 miles of stream, who caught an estimated 9,100 fish.

Mr. GRANT. Thank you very much for that information.

Mr. McINTIRE. I am sorry that our time has gone. I call attention to the statement filed by Mr. Drey, which contains several subjects which he did not cover here. I hope we can give that statement further examination.

Also, in connection with Mr. Whyte's statement, I would like to inquire if by chance you have a more extended presentation you may have used on other occasions elaborating in further detail the proposition you made. I believe that as you have indicated this whole issue has far greater breadth than just this area, in that it covers many areas outside this area of the Ozarks. If you do by chance have a statement in more detail, as one member of the committee I would like to have access to it, to get greater elaboration on your thoughts which you expressed very briefly to us this morning.

Mr. WHYTE. I will see if I can get a few more of these pamphlets for you. This was made up several years ago. It has not changed very much, however. There are now a number of such programs in existence that were not in existence when this was written. This does cover it in much more detail, however.

Mr. GRANT. Do you have enough for the members of the subcommittee for each to have a copy?

Mr. WHYTE. I will leave these with you.

Mr. GRANT. Thank you. The House is now in session. It will be necessary to adjourn. We have a great many statements, telegrams, and letters sent in for the record, and without objection they will be made a part of the record.

Mr. McINTIRE. I ask unanimous consent that the record be kept open for an appropriate number of days for further statements to be inserted if desired.

Mr. GRANT. That permission is granted. Five days will be granted in which to file statements.

We have a statement here from Senator Symington, which he asks to be made a part of the record, and without objection it will be made a part of the record at this point.

(The statement of Senator Symington follows:)

STATEMENT BY HON. STUART SYMINGTON, A U.S. SENATOR FROM THE STATE OF MISSOURI

Mr. Chairman, thank you for the privilege of submitting for the record a statement in reference to H.R. 6289, a bill introduced by Congressman Thomas B. Curtis of Missouri to establish the Ozark scenic riverways in the Clark National Forest in the State of Missouri.

As you know, Senator Long and I introduced on March 20, 1961, a bill (S. 1381) to provide for the establishment of the Ozark Rivers National Monument; an identical bill was introduced in the House of Representatives by Congressman Richard H. Ichord of the Eighth District of Missouri.

The Symington-Long-Ichord bill would establish a national monument under the direction of the National Park Service. The bill being considered by this committee would place the jurisdiction over essentially the same area—along the Current and Eleven Point Rivers—under the U.S. Forest Service.

We believe that the approach embodied in S. 1381 and H.R. 5712 is best designed to meet the twin needs of this area—preservation and progress.

The Ozark Rivers National Monument plan contained in our bill is the culmination of many years of work and study.

Our bill has been endorsed by the Governor of our State, the Honorable John M. Dalton, the Missouri Legislature, the Missouri State Park Board, and the Missouri Conservation Commission.

Most of the area to be affected lies within the congressional district represented by Congressman Ichord, and he has joined with Senator Long and myself in supporting the plan to place this development under the National Park Service.

The Kennedy administration has also unanimously endorsed this proposal. The Secretary of the Interior and the Secretary of Agriculture last month both sent letters of support to the Interior Committees of the Congress.

At congressional hearings held early in July, a large group from the area to be affected appeared and testified in favor of the Symington-Long-Ichord bill.

It is my considered opinion that in the area to be affected, and throughout the State, our proposal has the backing of a clear majority.

After much study, it was decided that the National Park Service could do the best job because of its long experience in preservation and development of the recreational potential of areas throughout our country. It was felt that the experience and knowledge of the Department of the Interior would be best suited to development of the prime asset of the Ozark rivers area, its natural beauty, and to provide for the wisest development of the economic potential of the area, recreation.

Our support of S. 1381 is in no way intended to reflect upon the fine work that the U.S. Forest Service has done in the State of Missouri. We have long been supporters of an expanded forestry program, and it is my hope that the Department of Agriculture will continue to develop and expand the more than 1,300,000 acres of national forest land within the State of Missouri.

According to figures supplied by the U.S. Forest Service, the total average income per acre from these forest lands is less than 20 cents per year.

During fiscal year 1960, the 25 percent payment to counties in lieu of taxes from Missouri national forests totaled less than \$50,000.

These figures indicate that the Forest Service has a big job ahead in the development of our forest potential. I will continue to support wholeheartedly the efforts to develop this great woodland resource already within national forest boundaries in our State.

Studies made of the potential development under the national monument proposal indicate that within 5 years of the establishment of this monument

\$300,000 in new tax income to counties will be gained from new facilities for tourists; visitors attracted to the area will spend \$5.5 million per year; and \$33 million in new facilities would be built. Assessed valuation of county tax rolls in the area is expected to increase by \$10 million.

We earnestly believe that the future of this area lies in the type of development proposed in our bill. In addition, every effort will be made to increase the timber reserves and yield in our State. Both the U.S. Forest Service and the National Park Service have a job to do.

The Symington-Long-Ichord bill which would place the proposed park area under the Department of the Interior, would most nearly assure both the development and preservation of one of the most beautiful and unique areas of the State of Missouri and the Nation.

Mr. Chairman, for the above reasons I would hope that your committee would not report this bill now under consideration, H.R. 6289.

Mr. GRANT. We have a statement from our colleague, Mr. Richard H. Ichord which he desires to have made a part of the record.

(The document referred to follows:)

STATEMENT OF HON. RICHARD H. ICHORD, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF MISSOURI

Mr. Chairman, I am Congressman Richard H. Ichord, of the Eighth Congressional District of Missouri. I am very appreciative of the opportunity to present this statement on H.R. 6289, relating to the preservation of the Current, Jacks Fork, and Eleven Point Rivers.

H.R. 6289 is of great interest to me as most of the area covered by the bill is situated in my congressional district. The land lies in seven Missouri counties, and six of these counties are in my district. Only a small portion of the total area is in Ripley County, which is part of the district of the Honorable Paul Jones. Although none of the area is in Congressman Curtis' district, I greatly appreciate his interest and I am in agreement with the purpose of conserving, developing, and interpreting the recreational and scenic values of the area. However, I do believe that the National Park Service, rather than the Forest Service, is the logical agency to accomplish those objectives; and, therefore, I am not in favor of H.R. 6289.

The Current, Jacks Fork, Eleven Point river country is one of the most scenic areas in the United States. It is a land of beautiful, clear, free-flowing streams, of fascinating and huge springs and caves, of scenic hills and forests, and highly interesting geographical, archeological, and ecological sites. It would be difficult, indeed, to find any area where so much beauty and variety can be preserved by setting aside so little. The area has long been considered by the Federal Government for preservation and development. In 1956 the National Park Service made its first study of the area, and in the 86th Congress funds were appropriated to the National Park Service for a more detailed study. That study was completed and a report was made in 1960. As a result of this study, I introduced H.R. 5712 to establish the Ozark Rivers National Monument on the lands covered by H.R. 6289. Senators Symington and Long, our two distinguished Missouri Senators, introduced an identical bill, S. 1381, in the Senate. Hearings were held by the Senate and House Committees on Interior and Insular Affairs on July 6 and 7 and the bills are now pending in those committees.

Prior to the introduction of H.R. 5712 and S. 1381, a development under the Forest Service was considered; however, after study was made, we came to the conclusion that the National Park Service was the logical agency to operate the project. The Governor of the State of Missouri and all interested State agencies are of the same opinion, as they have vigorously supported H.R. 5712 and S. 1381. This is what the director of the Missouri Conservation Commission has to say:

"We believe the National Park Service is the most appropriate Federal agency to operate this project on the Current and Eleven Point Rivers, in the sense of preserving the scenic, geological, and archeological values of the region. We want to emphasize that this does not represent any disagreement with the U.S. Forest Service, which also had a plan for this area, because we have worked long and harmoniously with the Federal foresters and our goals are almost identical. But it is our reasoned decision that the Park Service plan for the national

monument can best achieve the regional objectives desired by a majority of Missourians."

It has been said that a development under H.R. 6289 would be less expensive than H.R. 5712 and S. 1381, as H.R. 6289 gives priority to the acquisition of scenic easements. In this I do not concur. How are you going to ascertain the value of a scenic easement? What private uses could be made of the land after the easement is acquired? Would not the restrictions as to cutting of timber and other activities that would adversely affect the natural state of the landscape closely approach the taking of the fee? It would seem that the result would be the same as that experienced by the Army Engineers and Bureau of Reclamation who have found that there is no substantial difference in the cost of a flowage easement and the cost of the entire fee.¹

H.R. 6289 recognizes that the primary use of the lands should be enjoyment of their recreational and scenic values. Only about 30 or 40 percent of the land could be classified as forest land, and all of this is highly cut over. I commend the Forest Service for its program of developing the scenic and recreational values of lands under its management. It has done a good job and such programs should be continued; however, I do not believe that we should have the Forest Service acquire thousands of acres of nonforest land when the National Park Service, with greater experience in the field of preservation and recreational activity, is available for the project. I also submit that the designation and development of the area as part of our national park system would result in a greater tourist attraction and, thus, best promote the economy of the area.

Mr. GRANT. As previously stated, the many telegrams and letters, et cetera, will be made a part of the record at this point.

(The letters, telegrams, and statements referred to follow. Newspaper clippings may be found in the files of the committee.)

EMINENCE, Mo., August 3, 1961.

Representative GEORGE GRANT,
Washington, D.C.

DEAR MR. GRANT: I am writing you in regards the proposed Ozark monument on the Current and Eleven Point Rivers of Missouri.

First I want to state that I am the owner of near 1,000 acres of land here, some bordering on Jacks Fork of Current River. My 94-year-old mother was born only a few miles from here. I am definitely a native of this territory. Hope to continue my way of life to the end and be buried in the Ozark hills without any Government monument.

Second, I will state the objections I see to the park department being placed here by the Ichord-Long-Symington bills.

We, a segment of the world's civilization of which we are in our ways outstanding, will be displaced, scattered, and our ways be destroyed. Many tourists will tell you that our people are one of greatest attractions of the Ozarks.

That this act would displace hundreds of farm families against their wills, taking their homes by confiscation to make recreation parks for others.

That those displaced would not have means to move and purchase homes anywhere else. Must these suggested misplaced people become public charges?

That already many pieces of land are being denuded of its timber before it is ready to harvest because the owners are not sure that they will receive a fair price.

That many improvements are being obstructed because of the uncertainties such as paint roofs, additions, fertilizer, ditching, etc.

That normal land sales are stymied. Business is at a standstill because of the above.

That last but not least if this land is taken from taxation and the hoped for influx of capital fails to come it will leave the remainder of the homeowners with an unbearable taxload.

That my people do not have sufficient capital to put up motels, etc., so outside capital will come in and these independent individuals will become lackeys or serfs if you please.

¹ Proceedings of the Fourth Joint Meeting of the Outdoor Recreation Resources Review Commission, Mar. 12, 1961, p. 47.

A family that has chosen to farm has no desire to put up a wayside shop to sell souvenirs to tourists. Nor would they wish to be servants for them.

I would point out to you that the U.S. Senate August 1 voted a budget \$46,800 million to defend us against communism. I would ask you that if taking the homes of hundreds of farmers by the United States to make a playground for others does not stink to high heaven of communism?

We believe that our territory is near the saturation point so far as tourists are concerned and that an influx such as they contemplate would ruin the beauties that our country possesses.

That one-half mile along these rugged river valleys will not be sufficient to accommodate but few more than now have free access to most of the land.

That the rights of U.S. citizens are to be usurped by the U.S. Government for no particular good.

Last but not least our forefathers settled this territory and nobody wanted it. Now the world has found it beautiful and they all want it.

That we believe that if the park department once gets a foothold that they will not quit until they have secured all land and displaced all farmers from north side to Current River to south side of Eleven Points. This territory would comprise millions of acres of farmland and timberland.

Where are my people to go?

As to the Curtis bill, we wish to continue our way of life which is multiple use of our land which is—

- (1) A way of life which is all our own;
- (2) Farming, principally production of livestock and crops;
- (3) Production of timber;
- (4) Exploration of our mining resources; and
- (5) Recreation.

I would like to point out that for some time there have been 20 drills going 24 hours per day exploring the mineral possibilities.

That we are against any major changes but we believe we could continue our way of life with the Curtis bill if it is passed.

We would want it placed in the bill that when the forestry secured the easements along the rivers that they discontinue the purchase of land. The balance to be "forever free."

The easement idea would leave us to go ahead in our homes. The tax structure would not be molested. There would be no movement of people except at their own volition. Those that were dissatisfied could take their time to sell out and move.

These people some of them have proudly lived on these farms for four or five generations. They don't stay here to make money but because they like their way of life.

I would like to point out that three or four men have been touring the country telling half-truths, putting out propaganda, and holding meetings. These men are from the U.S. park department and we believe they are receiving pay from taxpayers money for this service. We question whether the park department has the right to spend the taxpayers money in this way.

This viewpoint I honestly believe concurs with a vast majority of the people here.

Sincerely,

F. A. HUGHES.

SHANNON COUNTY TAX SERVICE,
Winona, Mo., August 3, 1961.

HON. GEORGE GRANT,
Chairman, Subcommittee on Forestry,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I wish to comment on House bill 6289, introduced by the Honorable Tom Curtis of Missouri.

The bill contains many desirable features that is preferable to a vast majority of the residents of our area over H.R. 5712, introduced by Representative Ichord. I believe it should be adopted, subject to the following changes:

- (1) All expenditures of this nature should be eliminated from the budget, until such time as the present tax structure produces sufficient revenue, to equal overall expenses. Defense spending should come first and taxes should not be raised to cover items of this kind, disguised as defense spending.

(2) If the purpose of the bill is to preserve free streams, then for the most part, easement acquisition, should be limited to a bank acquisition of 25 or 50 feet instead of the one-eighth mile. If additional areas of land are necessary beyond the bank easement it should not be acquired by eminent domain.

(3) Many thousand acres of land, in the area, are public owned and governmental expansion should cease.

(4) The residents of the area should receive first consideration in any change made now or in future over Government bureaucrats of the Park Department.

Very truly yours,

O. C. RICHARDSON.

TESTIMONY OF DR. SPENCER M. SMITH, JR., SECRETARY OF CITIZENS COMMITTEE ON NATURAL RESOURCES

Mr. Chairman, I am Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C. We should like to indicate our support of H.R. 6289. This measure is complicated by the fact that other House and Senate bills are pending to include much of the area dealt with in H.R. 6289, into a national monument.

It has been our position for some time that new recreation areas are needed. We have likewise taken the view that such areas will vary as to particular types of recreation. There has been much made of the controversy between those who desire areas for recreation and those who support commercial or other type of development, but there is also a concern as to what type of recreation is going to be served by these areas.

We support the efforts of the Forest Service, Park Service, Fish and Wildlife Service, and many local and State organizations in their respective work. In other words, we are most interested in preserving an area for appropriate recreational activities than we are in promoting the jurisdiction of one agency or the other.

By and large, the national forests include a far wider range of activity than is permitted in the management of land under other branches of Government. The multiple-use act which this committee wisely passed last year is an indication of the wide and varied uses expected from national forest areas.

The National Park Service has a variety of classifications within its purview of responsibility. The most noteworthy, of course, is that of national parks and monuments. Our organization has fought hard to keep the National Parks Act of 1916 enforced. There has been a tendency, however, in recent years to acquire areas and call them parks, wherein the basic standards for such parks are not met. We do not want to become puristic and say that no national park or monument can be designated unless every "i" and every "t" of the basic act is dotted and crossed. We hope we are also reasonable enough to realize that there are differences of opinion as to the complete meaning of the requirements of establishing these various parks and monuments.

Over and beyond this difficulty of precise classification, however, is the problem of properly distinguishing between the various functions of particular areas. When one says we will allow unrestricted mining in a park, in order to acquire it as a park, the protection for existing parks is reduced, and when one states that if there is no objection by hunters we will allow hunting to continue in order to achieve the park, then the basic purpose of establishing the monument or park is vitiated. If there is to be hunting, and the area is already national forest land, what purpose is to be gained by making a national park out of it and continuing hunting? What different services or recreation can be accomplished by establishing this national monument that is not already accomplished by the national forest?

The instant case is one wherein the Clark National Forest will have designated therein the Ozark Scenic Riverway. This is in keeping with the policies of the Forest Service and there has been no finding of fact that any incompetence or mismanagement has been occasioned by the Forest Service stewardship over this area. The proposal to make the area a monument seems to be oblivious of the standards by which monuments are to be created. We therefore feel that H.R. 6289 properly spells out an area suitable for designation as a

recreational area, and the suggested means, by acquiring additional lands or commingled lands meets the test of established procedure. In addition, the suggestions for administering the areas within the broad framework of the national forest seem well based and appropriate. We therefore hope the committee will act favorably on H.R. 6289.

T. L. WRIGHT LUMBER CO.,
Doniphan, Mo., August 4, 1961.

HON. GEORGE GRANT,
Chairman, Agriculture Subcommittee on Forests,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN GRANT: With regard to H.R. 6289 upon which there is to be a hearing on Monday, August 7, I wish to register my approval of this bill and trust that it will receive favorable attention by your committee.

I am the Missouri director of the Forest Farmers Association, with headquarters in Atlanta, Ga., and through common forest interests I have been closely connected with the U.S. Forest Service in this area for nearly 30 years.

During this period of time the Forest Service, by its excellent timber management, has improved the forests of the Current and Eleven Point Rivers watersheds to the extent that it is now so attractive that the National Park Service has become interested in moving in and shoving the Forest Service out of the picture as far as recreation in the two watersheds is concerned.

The Forest Service advocates multiple use of the land is so essential to the economy of the area, whereas, the National Park Service is interested in recreation only, which at best, would be effective only about 4 summer months out of each year.

Furthermore, the Forest Service proposal would require only about one-tenth of the funds asked for by the National Park Service to provide the same amount of recreation in the area, and goodness knows it is high time we began comparing the economical aspects of such similar bills.

The Forest Service is already established in the area and, with a minimum of additional personnel, could efficiently administer all the recreation required. In fact, it is already in the process of developing float camps and picnic areas along these streams with the comparatively small funds it has for such purposes.

I would like to personally invite you and other members of your committee to come into the area of the two watersheds and see what the Forest Service has done and is doing to improve conditions, in many ways, as well as recreation.

The Forest Service approach to the issue is through sound planning and includes a "live and let live" policy, which would gradually transform that which is desirable to be changed to Federal control, whereas, the National Park Service plan is unsound and would disrupt the economy and serenity of the area. In fact, it would destroy, by exploitation, the very ruggedness and beauty which it proposes to preserve.

In summary, the Curtis bill is far more suitable to the area than any other present proposals.

Respectfully yours,

T. L. WRIGHT.

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES,
New York, N.Y., August 4, 1961.

HON. GEORGE GRANT,
Member of Congress,
Washington, D.C.

DEAR MR. GRANT: We in this area are concerned about the proposed Ozark Rivers National Monument (S. 1381) and (H.R. 5712) bills recently introduced in Congress.

I live in Ripley County, Mo., and I believe that a substantial majority of the residents in this county are against the two above-numbered bills.

We have lived with the Forest Service for about 25 years and we like the way they approach our problems and we think that H.R. 6289, which comes before your committee for hearings next week is a much better piece of legislation than S. 1381 or H.R. 5712.

I think that your committee should hold joint hearings with the Interior Committees here in the area and if you could do this, I am sure that you could find out what local sentiment is and you could see what the Forest Service has done and what they could do with recreation if they had a little more money for recreation. I still think that their plan of multiple use is our only salvation here in the Ozarks and it seems as if all the park plan wants to do is stress recreation.

I would like this letter made a part of the record at the hearing on H.R. 6289.

Sincerely yours,

FRANCIS L. EDERER, *Doniphan, Mo.*

HELLMUTH, OBATA & KASSABAUM, INC.,
St. Louis, Mo., August 3, 1961.

Re H.R. 6289, Ozark scenic riverways bill.

HON. GEORGE GRANT,

Chairman, Subcommittee on Forests, Agriculture Committee of the House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE GRANT: As an architect, president of the St. Louis Art Commission for the past 12 years, and one familiar with national and international planning directions because of my extensive professional activities, and also one who is very familiar with the Scenic Rivers area, I felt constrained to write my first letter to the readers' column of the St. Louis Post-Dispatch which was published August 1 just past—a copy of which is attached.

Your plan unquestionably is superior from the standpoint of actual citizen use, substantially more economical to accomplish, and is acceptable to the citizenry of the area.

I hope to be able to be present at your hearing to answer questions which you might have.

Yours very truly,

GEORGE F. HELLMUTH.

St. Louis, Mo., August 3, 1961.

HON. GEORGE GRANT,

Chairman of Subcommittee on Forests, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN GRANT: I am the owner of a farm consisting of about 130 acres on the Current River in Shannon County, Mo., and would be affected by the proposed bills pending in Congress relating to that area. Because of the fact that I have spent a lot of time in the Ozark area since 1938, and particularly in the last 5 years, I am familiar with some of the problems in this area and some of the sentiments of the people living in this area.

After reviewing the Ozark Scenic Riverway bill, H.R. 6289, and the Ozark National Monument bill, H.R. 5712, I believe that the Ozark Scenic Riverway bill is greatly superior to H.R. 5712, and I further believe that the residents of this area prefer H.R. 6289. I would recommend that your committee hold hearings in this area on this bill so that you could learn firsthand the needs of this particular area, and the best way to achieve these needs.

I am enclosing several additional copies of this letter so that you may pass them on to other members of the committee who may be interested.

Thank you for your attention and consideration to this letter. I am,

Very sincerely yours,

JAMES C. MOLONEY.

Bethesda, Md., July 31, 1961.

HON. HAROLD COOLEY,

Chairman, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. COOLEY. The undersigned are retired Assistant Chiefs of the U.S. Forest Service. We keep in touch with conservation matters, especially in the forestry field.

At this time we are disturbed by a proposal to create a national monument in Missouri embodied in S. 1381 (Symington). We understand that your commit-

tee is to hold a hearing on August 7 on a counterproposal contained in H.R. 6289 (Curtis).

We can see no justification for the enactment of S. 1381. It would establish a jurisdiction duplicating that of the Forest Service and involve an invasion of the national forest without any compensating benefit to the public interest.

H.R. 6289 provides a logical means of giving the area involved adequate recognition and treatment. The attached brief memorandum contains our argument in favor of H.R. 6289. It is hoped your committee will regard this bill favorably.

We shall appreciate it if a copy of the statement can be inserted in the record of the hearing.

Very sincerely yours,

C. M. GRANGER.
R. E. MARSH.

MEMORANDUM RE PROPOSED OZARK RIVERS NATIONAL MONUMENT, MO.

S. 1381 (Symington) provides for the establishment of a national monument comprising a total of not over 113,000 acres on the Current and Eleven Point Rivers in Missouri. The areas concerned are shown on the attached map.

Of the total area of 113,000 acres, about 25,000 acres are within the Clark National Forest, of which about 3,000 acres are federally owned.

Both rivers are clear and cold. They flow through attractive country, mainly wooded, with some farmlands on the alluvial bottoms. "Floating" and motor boating are very popular recreational pursuits on both rivers. On the national forest lands recreational use has been given priority. Three recreation sites have been developed, a dozen planned. Hunting and fishing are carried on under State laws.

Under S. 1381 the entire area would be placed under the jurisdiction of the Secretary of the Interior. He would be authorized to acquire land or interest therein needed to serve the purposes of the act. Hunting and fishing would be permitted under Secretary's regulations.

An alternative plan is presented in H.R. 6289 (Curtis), whereby the area would be designated the "Ozark Scenic Riverways" and the portions outside the national forest would be made parts thereof, all to be administered by the Forest Service.

It is clear that the area contains unusual scenic and recreation values and deserves special treatment. The question is whether setting up another jurisdiction on the portion within the national forest is justified. The other alternative (H.R. 6289) would extend Forest Service jurisdiction a considerable distance outside the national forest. Of the two choices, the latter seems the best since it avoids duplication of jurisdiction. It would also preserve the right of the State to regulate hunting and fishing.

The precedent to be established in this case—creating duplicate jurisdictions and invasion of national forest territory by the National Park Service, is the really important factor. This could be only the first of many such duplications and invasions such as appear to be contemplated by the National Park Service proposals or those originating with others. The Forest Service is fully competent to preserve and enhance the scenic and recreational values. S. 1381 ought to be defeated and H.R. 6289 enacted.

C. M. GRANGER.
R. E. MARSH.

GLYNN B. CHIPLEY INSURANCE AGENCY,
St. Louis, Mo., August 3, 1961.

HON. HAROLD D. COOLEY,
Chairman, Agriculture Committee,
House of Representatives, Washington, D.C.

DEAR MR. COOLEY: I am advised that on August 8 the Agriculture Subcommittee on Forests will have a hearing on H.R. 6289, a proposed bill to establish a recreation area under the Forest Service.

As an owner of land on the banks of the Current River in Ripley County which I have used for 35 years for recreation, and to which I hope to retire some day to live, I wish to favor this proposal, and to express my opposition to another

proposal under which the control of this area would be put under the National Park Service.

Will you please file my views in the record of the hearing?

Yours very truly,

GLYNN B. CHIPLEY.

STATEMENT BY DEVEREUX BUTCHER, EDITOR, NATIONAL WILDLANDS NEWS,
WASHINGTON, D.C.

The editors of National Wildlands News, on July 6 and 7, submitted testimony to the House and Senate committees on Interior and Insular Affairs favoring enactment of H.R. 6289 to establish the Ozark Scenic Riverways, instead of two other bills, H.R. 5712 and S. 1381 to establish the Ozark Rivers National Monument. We did this for two reasons:

1. The national monument bills, H.R. 5712 and S. 1381, would require bringing into the region another Federal agency, the National Park Service, to administer the proposed area, and would therefore increase the cost to the Federal taxpayer, whereas the U.S. Forest Service already is there administering the Clark National Forest which includes part of the proposed area, and would be fully capable as administrator of the riverways.

2. H.R. 5712 and S. 1381, to place the Park Service in charge, were to contain a provision for public shooting of wildlife in the area. This would violate a basic protective, National Park Service principle—that Park Service areas are inviolable sanctuaries for native wildlife. That this principle already has been infringed elsewhere should not serve as an excuse for further similar violation. No area such as the riverways should be open to public shooting, we believe, because it is but a step from these to opening the great national parks and nature monuments to the same. Public shooting under Forest Service administration would incur no violation of principle.

We recommend enactment of H.R. 6289, but with amendments to overcome its defects:

1. That the land be purchased outright, as proposed in the national monument bills; and

2. That there be a provision to prohibit public shooting, even though under Forest Service care. We see no reason to spend money for mediocrity. In brief, if the area merits commitment to Federal care, then it should have the complete protection of landscape, and plant and animal life that conforms to such care, for the inspiration of ours and future generations.

POSSUM TROT FARM,
Caledonia, Mo., August 7, 1961.

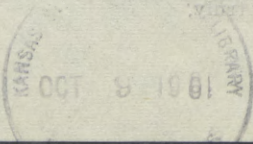
Hon. GEORGE M. GRANT,
Committee on Agriculture,
House of Representatives, Washington, D.C.:

Firmly believe Curtis bill, H.R. 6289, originally drafted by large Missouri forest landowners to discourage recreation, hold down land prices and keep area open for exploitation by outside interests. Strongly urge these facts be developed in cross examination as we analyzed first draft of bill as submitted to us by its authors before Congressman Curtis introduced it.

Forest Service has done and will do good job in Missouri national forest holdings but this no reason for it to acquire additional large acreage fit only for recreation or to appropriate purchase and development money for benefit of large landowners. As for multiple use please note the 113,000-acre proposed monument area contains 40,000 acres or less of lowest grade timberland due overlogging, burning, grazing, and just starting 100-year regeneration cycle. Balance is in submarginal farms and totally unproductive limestone bluffs and gravel bars. Moreover good timberland in area managed for 28 years by Forest Service produces annual per-acre income of only 18 cents on sustained-yield basis according to 1960 Shawnee National Forest annual report. Also believe possible future mining exploration need not encroach within half mile of river banks.

By far the best and only justifiable multiple use for this area including fast and permanent economic uplift of Missouri's most depressed counties is recreation. Proper preservation and regulation cannot be accomplished by sham of one-eighth mile scenic easement but only through full Federal ownership administered through national monument status and National Park Service management.

LEONARD HALL.



VAN BUREN, Mo., August 4, 1961.

HON. GEORGE GRANT,
Chairman, Subcommittee on Forestry,
House Office Building, Washington, D.C.

DEAR SIR: As an owner of riverfront land along Current River, I wish to go on record as being violently opposed to the Curtis bill that would place the preservation of this stream under the jurisdiction of the National Forest Service.

I am, however, wholeheartedly in favor of this stream being preserved, but believe the job can be done in a more efficient manner by the agency set up by Congress to handle such projects, namely the National Park Service. I see no logical reason why the National Forest Service should be saddled with a project that is clearly out of their realm, after the Department of Agriculture has publicly endorsed the Ichord bill that proposes to turn this job over to the National Park Service.

I have been engaged in business in this area for 29 years and I believe I am able to form an intelligent opinion of the merits involved in this controversy.

Like myself, many riverfront landowners object to the idea of "scenic easements" as opposed to outright ownership. Under the "easement" plan as set forth in the Curtis bill, the present landowners would have to continue paying taxes, but would be limited as to how they could use "their" land. This would drastically affect the sales value of said land forever after.

Yours truly,

LEO O. ANDERSON.

BANK OF GRANDIN,
Grandin, Mo., August 4, 1961.

HON. GEORGE GRANT,
House of Representatives,
Washington, D.C.

DEAR SIR: I understand that a hearing will be held on August 7, 1961, by your committee, concerning H.R. 6289, by Representative Thomas Curtis, which is an alternate proposal for the Current and Eleven Point Rivers of this area by the U.S. Forest Service.

I have written several letters opposing the Ozark Rivers National Monument which is being offered by Congressman Richard Ichord. The plan as given by Messrs. Ichord, Long, and Symington is not good for this area. It would take too much taxable land from the local taxbooks without any guarantee of replacing it. Ichord's plan could possibly bankrupt my county of Carter in the State of Missouri.

However, the Forest Service plan would not if I understand it correctly. Therefore, I would appreciate you giving my support for Mr. Curtis' plan before your committee hearing.

Another thing about the Forest Service plan is that it would not take any huge sums of money at the present time to promote it.

I have just heard of your hearing, therefore, I will not have time to write any of the other members of your committee, therefore, I would appreciate you passing on to them my regards. It is very hard to support or oppose anything before Congress; I have a lot of friends who are for the Forest Service plan and for their sake I hope your committee has a favorable answer for the Forest Service plan.

Thanking you very much, and with kindest regards, I am,

Sincerely yours,

BOB KITTERMAN,
Cashier, Bank of Grandin.

DONIPHAN, Mo., August 4, 1961.

HON. GEORGE GRANT,
Chairman, Agriculture Subcommittee on Forests,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GRANT: We are property owners in the U.S. national forest and have always found the Forest Service to be very desirable neighbors and we feel that the Curtis bill under U.S. Forest Service administration would be the most feasible for our area.

Therefore, I wish to voice my approval of this bill (H.R. 6289) which is scheduled for hearing on Monday, August 7, 1961.

Yours very truly,

DOROTHY W. BURFORD.

BRIAR, Mo., August 3, 1961.

Hon. GEORGE GRANT,
*Chairman of Forestry Subcommittee,
 House of Representatives.*
 Hon. PAUL C. JONES,
Tenth Missouri Congressional District.

GENTLEMEN: Word has reached me today from a man in Minnesota (I do not know how he found out) that there will be a hearing on the Curtis bill (H.R. 6289) on August 7. No other word has reached us regarding this hearing; maybe in the daily newspapers which so few of us take, maybe the announcement will be in our county paper which comes out to us tomorrow. Why hearings are given such short notice I will never know. Yet we lose our rights through negligence if we fail to appear at hearings, or send in our views on matters taken up by such hearings.

During the dam fight with the Corps of Army Engineers we were never given more than 10 days in which to make preparations to attend their hearings. Once, when I had to attend a hearing at the Pentagon before the Chief of Engineers, I had almost 2 weeks in which to make plans for the hearing. And most hearings are a couple hundred miles away or in Washington, D.C., where but the rich or well-paid lobbyists have the opportunity to attend. To the individual it is almost out of the question to attend hearings in Washington. I know when we had to attend the hearings in Little Rock, Ark., we had to get up at 2 a.m., tend to our livestock as best we could and be in Little Rock, Ark., by 9 a.m. We got home some time about midnight. If that is fair justice, then I wish someone who thinks so would have to go through the experience. I hope we can have hearings here in our own region, but the average person has no such luck, even though his Member of Congress has assured us such hearings would be held in this region.

While most or practically all the people living in Ripley County would rather see Ripley County out of any program for its overpreservation; to all those I have contacted, both those whose lands would be involved and those who live out in the outskirts, have agreed that we could tolerate the preservation program as outlined in the Curtis bill 6289. That is unless it is amended to such a point as to be the same as the Ichord. In that case we would all oppose the bill.

In all fairness (if there is such things as fairness among the bureaucrats who continually strive for more and more power and controls) that the forestry be permitted to hold hearings, or studies of the desires of the local people right along with the hearings or studies that are to be conducted by the Interior Department in support of the Ichord bill.

I was president of the Current River chapter, Ozark Protective Association, during the fight with the Corps of Army Engineers. That organization was allowed to go dormant after the Army Engineers took Current River out of their plans. It could be reactivated if necessary. And there is some thought along that line. We are waiting to see what kind of a program Congress sets up for us to live with. If we are all to be kicked out of the area for just a few big shot city stuffed shirts, then look out for a real fight.

Please place this letter in your hearing records,

Yours respectfully,

GUY R. DIXON.

BRIAR, Mo., August 3, 1961.

Representative GEORGE GRANT,
*Chairman, Agriculture Subcommittee on Hearings on the Curtis Bill, H.R.
 6289, Ozark Scenic Waterways.*

DEAR MR. GRANT: Word reaches me today, that hearings will be held August 7, on Curtis bill, H.R. 6289, in Washington.

It is not possible for me to contact our neighbors in time for them to send letters from here and have them reach Washington in time for the hearing, August 7.

So I speak for myself and will repeat here, what all persons living here tell me. Please put in the record of the hearing the following:

I (and we) support the Curtis bill, because we prefer to have the Forest Service manage our rivers as freeflowing streams—if we must have it done by a Federal agency. I do not, and everyone else I have met in Ripley, Carter, and Shannon Counties, does not want the national park monument here.

We feel that we can work with the Forest Service under the provisions of the Curtis bill. It will give us the same protection from commercialism and from dams on our rivers as the Ichord bill would do. The Curtis bill will not disrupt the economy of our counties or disturb our homes as the "park" plan would do.

Possibly there are a few die-hard pro-dammers who may oppose the Curtis bill because some mining interests favor a Federal power dam here, but the dam proposals would arouse the same opposition among us now—as it has done in the past—and almost (if not more) the same opposition the park monument bill is arousing among all people directly affected.

I own, and live, on a Current River farm. In my opinion there will be very little opposition among us who live here to the Curtis bill.

It will not be hard for us along the rivers to comply with the stipulations regarding the uses of our streams and their banks, as intended in the Curtis bill. We just cannot take, with good grace, the Park Service management.

However, ask any of us and you will be told "Let us alone, but the Forest Service management is our next choice." We do want protection from dams.

Sincerely,

Mrs. GUY R. DIXON.

HON. GEORGE GRANT,
*Chairman, Agriculture Subcommittee on Forests,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN GRANT: We, the following organizations and individuals, residing in Ripley County, Mo., hereby go on record as approving H.R. 6289 scheduled for hearing Monday, August 7, 1961, for the following reasons:

1. The Forest Service is already in this area and has been for 25 years.
2. During this period of time the Forest Service, by its excellent timber management, has improved the forests of the Current and Eleven Point Rivers watersheds to the extent that it is now so attractive that the National Park Service has become interested in moving in and shoving the Forest Service out of the picture, as far as recreation in the two watersheds is concerned.
3. The Forest Service advocates multiple use of the land which is so essential to the economy of the area, whereas the National Park Service is interested in recreation only. Furthermore, the Forest Service plan would require less Federal funds to provide the same amount of recreation.
4. The timber and byproducts are more essential to the national economy at the present time than more recreation areas.
5. The National Park Service plan is unsound and would disrupt the economy of the area by taking the river bottom lands out of use.

Yours very truly,

RIPLEY COUNTY CHAMBER OF COMMERCE,
LANSON PHILLIPS, *President*.
DONIPHAN KIWANIS CLUB,
CLETUS CAPPS, *President*.
DONIPHAN LIONS CLUB,
GENE SWIGERT, *President*.
CURRENT-ELEVEN POINT PROTECTIVE ASSOCIATION,
R. C. GARRISON, *County Chairman*.

GARRISON FURNITURE STORES,
Doniphan, Mo., August 4, 1961.

HON. GEORGE GRANT,
*Chairman,
Washington, D.C.*

DEAR CONGRESSMAN GRANT: As a member of the Current Eleven Points River Association and a citizen of the area which would be affected by the proposed Ozark National Monument, I would like to express my approval of the Thomas Curtis bill, H.R. 6289, on which a hearing is to be held in Washington August 7 and 8.

Our business people and the rank and file of our citizens in Ripley County are favorable to the development of the recreation areas along Current River by the Forest Service who have been here for the past 25 years and are doing a good job. By the same token they view with as much disfavor the plan proposed by the Park Service.

Out of this hearing we trust enough interest will develop to justify representatives of this committee to visit the area and find out firsthand just how our people feel about both proposals.

I would like for this letter to go into the records of the hearing.

Yours very truly,

R. C. GARRISON.

SHANNONDALE COMMUNITY HOUSE,
Gladden, Mo., August 7, 1961.

HON. GEORGE GRANT,
Chairman, Subcommittee on Forestry,
House of Representatives, Washington, D.C.

HONORABLE SIR: It is my understanding that H.R. 6289, introduced by Congressman Tom Curtis of Missouri, is to be considered by your committee on August 8.

If time and distance were not such considerations there would be several of us from the Current and Eleven Point Rivers who would like to appear in favor of many of the features of this bill.

For the last 2 years I have been chairman of the Shannon County Chapter of the Current and Eleven Point Rivers Association and we have discussed many times in open meeting and special committees the various proposals put forth by our Missouri Resource and Development Commission and of late the National Park proposals. When the Curtis bill was introduced last spring we were glad that this appeared to offer some alternatives to the rather harsh provisions of the Symington-Long-Ichord proposals for a national monument, 79 percent of the land area of which would come out of Shannon County.

Whenever an opinion poll was taken the Curtis bill was always favored over the Park proposals.

A month ago I was one of the three appearing at the Senate and House subcommittee hearings against the national monument proposals. My testimony is summarized in the attached clipping. In the intervening month we have carried on debates by local folks on the merits of the proposals and the local sentiment is definitely against the monument idea.

We hope the Curtis bill will be kept alive; that the committee itself will make an on-the-scenes investigation; that the committee know that the U.S. Forestry Service has done a good job of multi-use operations and should be entrusted with this, too.

Cordially,

VINCENT W. BUCHER.

JEFFERSON CITY, Mo., August 7, 1961.

HON. GEORGE M. GRANT,
Chairman Subcommittee on Forestry, House Committee on Agriculture, House
Office Building, Washington, D.C.:

H.R. 6289 as introduced by Representative Curtis, second district of Missouri, is a poor substitute for the conservation of the Ozark Rivers. This department endorses H.R. 5712 and S. 1381 as the best possible legislation to preserve the Current, Eleven Point and Jacks Fork Rivers for future generations.

JOSEPH JAEGER, Jr.,
Director of Parks, Missouri State Park Board.

JEFFERSON CITY, Mo., August 7, 1961.

GEORGE GRANT,
Chairman, Forestry Subcommittee, House Committee on Agriculture, House
Office Building, Washington, D.C.:

Missouri Conservation Commission supports idea of Federal program for preservation of the Current-Eleven Point region. Forest service has done a commendable job in our State and will continue to merit our confidence and co-operation. Immediate concern for these rivers however leads us to believe National Park Service plan best for Missouri.

WILLIAM E. TOWELL,
Director, Missouri Conservation Commission.

BIRCHTREE, Mo., August 7, 1961.

Congressman GEORGE GRANT,
*Chairman, House Subcommittee on Agriculture, House of Representatives, Wash-
ington, D.C.:*

Our recently organized association with over 200 paid-up members requests you give your support to Congressman Ichord's bill, H.R. 5712. The Birch-tree Chamber of Commerce recently took action favoring this bill also.

G. L. DAVIS,
President,
Ozark Rivers National Monument Association.

JEFFERSON CITY, Mo., August 7, 1961.

Hon. GEORGE M. GRANT,
Chairman, Subcommittee on Forestry,
House Committee on Agriculture, House of Congress Building,
Washington, D.C.:

The State of Missouri is most vitally concerned with the preservation of the Current, Eleven Point, and Jacks Ford Rivers as free flowing streams as well as those scenic and recreation values related thereto. The only practical plan, evolved to date, is the proposed Ozark Rivers National Monument as authorized in S. 1381 and H.R. 5712. The State administration and the interested State agencies have endorsed the proposed Ozark Rivers National Monument plan.

JOHN M. DALTON, *Governor of Missouri.*

WILLOW SPRINGS, Mo., August 7, 1961.

Congressman GEORGE GRANT,
Chairman, Agriculture Subcommittee on Forest,
House of Representatives, Washington, D.C.:

Just read where your committee is holding a hearing August 8 on Forest Service bill H.R. 6289. A large majority of the rural people in this section favor the above bill. Why set up a monument and deprive people of the better farm areas to draw tourists so the towns will do more business? What about the rest of the Ozarks? Read answer of Secretary of Agriculture to last question page 53 7/6/31, 1961, issue of U.S. News & World Report. Why not reestablish the original basic economy of the Ozarks? Why not set up the entire Current River watershed as a forest reserve similar to Black Hills Forest reserve in South Dakota? That probably would satisfy the merchants and maintain the economy of the country. Someday we will need the timber and agriculture products of this area.

W. I. WATKINS.

VAN BUREN, Mo., August 4, 1961.

Hon. GEORGE GRANT,
Chairman of Subcommittee on Forestry,
House Office Building, Washington, D.C.:

I am not in favor of the Curtis bill on the Ozark River Park plan.

W. H. CRAFTON.

JEFFERSON CITY, Mo., August 3, 1961.

Congressman GRANT,
Chairman, Subcommittee on Forestry,
House Committee on Agriculture,
House Office Building, Washington, D.C.:

Conservation Federation of Missouri with 17,000 Missouri members has endorsed H.R. 5712, proposal to establish Ozark Rivers National Monument. Resolution to follow by mail.

ED STEGNER, *Executive Secretary.*

VAN BUREN, Mo., August 7, 1961.

HON. GEORGE GRANT,
House of Representatives, Washington, D.C.:

Local citizens overwhelmingly oppose Ozark Rivers Monument; they regard Curtis bill immeasurably superior; urge committee hold hearings in affected area.

C. P. TURLEY, *Probate Judge.*

VAN BUREN, Mo., August 7, 1961.

HON. GEORGE GRANT,
*Chairman, Subcommittee on Forestry,
House Office Building, Washington, D.C.:*

H.R. 6289 is a bill designed to confuse and deceive the intent of H.R. 5712 introduced by Congressman Ichord. H.R. 6289 is a dream child of Mr. Leo Drey, resident of St. Louis County and constituents of Congressman Curtis. Mr. Drey owns 130,000 acres in this area and has not paid his taxes in 5 years, because he is opposed to an assessment of less than \$5 per acre. The Governor of Missouri, House of Representatives Conservation Commission, Conservation Federation State Park Board, both U.S. Senators, Congressman Ichord, and the majority of the people living in this area have endorsed H.R. 5712 and S. 1381 to establish the Ozark Rivers National Monument. I sincerely hope that your committee will consider this fact that none of the assessive land area is in the district represented by Congressman Curtis.

W. T. BOLLINGER, Jr.,
Representative, Carter County, Missouri Legislature.

AUSTIN, TEX., August 5, 1961.

Re Forests Subcommittee hearing on H.R. 6289, August 8, 1961.

CONGRESSMAN HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN COOLEY: Your letter of July 31 has reached me in the West where I am on a business trip. Thank you for offering to schedule my appearance before the subcommittee as I am definitely interested in the Ozark Rivers legislation.

However, since it will not be practical for me to get to the hearing, I trust you will arrange for this letter to be made a part of the record.

I have always lived in Missouri before serving the past 8 years as Under Secretary of Agriculture. My present work centers there and in adjoining States, so I understand the questions and objections being raised to the legislation now before Congress.

I am definitely opposed to S. 1381 and H.R. 5712 which would lock up some 113,000 acres into a single-use Ozark Rivers National Monument.

If the Federal Government feels it should provide more land for recreation in the Ozarks; then it should be done by extension of the management of the U.S. Forest Service.

The U.S. Clark National Forest already includes part of the land covered by the legislation.

The U.S. Forest Service is already managing over 900,000 acres of Ozark forests in Missouri. In addition there are the large national forests just to the south in the most scenic parts of the Ozarks of Arkansas.

It would be unnecessary duplication of expense and administration to bring another Federal agency into the area, when the Forest Service is already operating there and is prepared to provide for the recreational needs through its multiple-use management.

There is no shortage of recreational areas in the Ozarks, now or for the foreseeable future. There are large lakes, extensive streams, private lands in millions of acres primarily adapted to timber and recreation, large acreages owned by the State, part in parks in addition to the millions of acres in the national forests of the Ozarks.

There is a lot of opposition, especially among the local people of the area, to the Federal Government taking additional land from private owners by force, with more expenditure of public funds to pay for the land and then pay each year for its maintenance and administration.

At a time when our Nation is calling upon people for additional billions of dollars for defense, is no time to be authorizing expenditures for buying up additional land that could be better left in private ownership.

If any restrictions in use are needed, there are other ways of protecting the area by State and local action, including zoning.

People question the Federal Government embarking on a program of buying and foreclosing land along streams and lakes for the single use of recreation. All States have attractive streams and lakes for such use and will be encouraged to turn to the Federal Government.

There should be no actions taken that would restrict the full development of the total resources of this area located in the central part of the United States.

The forests should be developed for future use. This general area is known to be rich with minerals needed for our future industrial development and for our military strength. The proposed taking of land would cut strips through the area in a way that may seriously interfere with mineral exploration and development. This is a matter of concern far beyond Missouri.

Which is to say again, if the Federal Government is to extend its ownership or management of land in the area it should be through providing for Forest Service administration. The multiple-use program of the Forest Service has been approved by Congress as sound.

There have been articles and public statements, that leave the impression that the University of Missouri had endorsed or recommended the Ozark Rivers National Monument. This is not correct. I have discussed this with members of the university staff. Factual studies were made, but the university is not making recommendations.

It would be a service if your committee would obtain for the record such facts as the following, particularly from the States of Missouri and Arkansas, about the Ozarks:

What is the number and acreage of the State parks in the Ozarks? What proposed expansions are contemplated?

How much private land is now devoted to recreational use? How much is adapted primarily to timber and recreation in the Ozarks?

How many lakes are already in the Ozarks? What others are contemplated? Acres and length of shoreline?

How many miles of streams cut through the Ozarks? How much of these streams are in national forests? How much in State parks and State-owned lands?

Have the States provided for zoning to regulate the use of rural lands? To what extent are the States working with local leaders to encourage zoning or other planned management of land use, where there is a need?

Mr. C. E. Jones, a farmer of Round Spring, Shannon County, Mo., submitted a statement to the Senate and House hearings, opposing the enactment of S. 1381 and H.R. 5712. Please see that this statement is included in your hearing record.

Your committee is rendering an important service in developing facts and securing opinions bearing on H.R. 6289. This is particularly true since hearings have already been held on S. 1381 and H.R. 5712 which propose to lock up the same lands into a single-use park.

Sincerely,

TRUE D. MORSE.

Re: Hearing on H.R. 5712, Ozark Rivers National Monument in the State of Missouri.

Congressman J. T. RUTHERFORD,

Chairman, Subcommittee of Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR SIR: It is requested that this statement be included in the hearing record on the legislation proposed in H.R. 5712 introduced by Mr. Ichord of Missouri.

This statement is in behalf of myself and many others who are opposed to the enactment of such legislation.

It is not in the public interest;

It will authorize unnecessary expenditure of taxpayers' money;

It is unjustified taking by force of law of private property;

It will increase by 113,000 acres the already large ownership of land in this area by the Federal Government; and

It will limit the full use of the natural resources of the Ozark area of Missouri.

My name is C. E. Jones, a farmer of Round Spring, Shannon County, Mo. I have lived in the Missouri Ozarks for 25 years.

Most of the land which this bill would have the Government forcibly take from farmers and other landowners is in Shannon County.

1. The areas out of which the proposed 113,000 acres would be taken and locked up in a "monument" are under active mineral exploration. The Society of Industrial Realtors, in January 1961, in bold headlines, stated:

"Missouri Iron Deposits To Create American Ruhr."

"Unprecedented Industrial Activity Predicted for Mississippi Valley."

"Iron, Lead, Zinc, Copper Add to Missouri's Industrial Wealth."

"Important Explorations Near St. Louis Indicate Annual Yield Measured in Multimillions."

Nothing should be done to slow up or limit the industrial development of the Missouri Ozarks and the adjoining areas. Many thousands of people would be put to work at high paying jobs.

The coal of Illinois would be put to greater use. Southern Illinois is now a distressed area.

No one knows the mineral wealth of the Ozarks. It is known that large companies are actively determining where there are rich deposits of minerals.

I repeat, this is no time to risk limiting the future industrial development of Missouri and Illinois by the Federal Government taking and locking up into a "monument" strips of land that cut down through the very areas being explored for minerals.

This is particularly true since the Federal and State Governments already own well over 300,000 acres in this same general area.

2. The Federal Government already owns more than 300,000 acres in the Current and Eleven Point Rivers division of the Clark National Forest.

The U.S. Forest Service has already designated 36 miles of streams in three counties of the national forest as national forest recreational areas.

3. The State of Missouri has parks in this area with extensive ownership of land administered by the Missouri Conservation Commission. I understand that some 15,000 acres of the land proposed for Federal ownership is already owned by the State of Missouri.

4. In all, "16 percent of the land in the proposed Ozark Rivers National Monument is now publicly owned."

With the Federal Government and State of Missouri already owning and operating well over 300,000 acres of the land in this area—which is, and can be, available for recreational use—there is no need to take by force from private owners almost 100,000 acres more.

5. The U.S. Forest Service already owns and operates large areas of land in this part of the Missouri Ozarks. There is no need to bring in another Federal agency, the Park Service, of the Department of Interior, to largely duplicate the work and administration of the governmental agency already in the area.

6. Congress by legislation has approved the multiple-use program of the U.S. Forest Service. Under Forest Service management, recreation, water, wildlife, wood, and forage, all are developed for the benefit of "every American."

The Park Service plan would restrict use to just recreation.

7. The U.S. Park Service was given money to make a study and present recommendations. They have recommended that the Department of the Interior take more land and lock it up for park use.

Many people think the Government already owns too much land.

Unless there is an overwhelming case made, showing the need for taking this land away from farmers and others who, in many cases, have owned this land for many years, the Government should not be given this authority.

8. If and when Congress feels there is impelling public need for the Federal Government to consider taking more Ozark land for recreational use, it should have various alternate plans for consideration. Now it has financed making of a plan by only one agency.

The U.S. Forest Service should be requested to submit a plan and recommendations for recreational developments making further use of the national forest lands, State lands, and private lands.

The State of Missouri can act to extend State parks of the area.

Also the State can authorize zoning by the local counties.

A "conservancy district," such as the very successful ones in other States, could be put into effect by citizens.

Much area development work is going forward. These programs are directed toward balanced economic development, industry, agriculture, forestry, recreational, and other developments. The local counties and areas, under the legislation passed by Congress earlier this year, should be encouraged to develop long-range plans for the total economic development of the area.

9. I understand this type of legislation would set a new approach to taking land along streams for park use. Therefore, if Congress enacts this kind of legislation, it can expect a demand for the Federal Government to put into Government-owned parks land along streams in many other States.

10. Congress has financed a National Outdoor Recreational Resource Review Commission at a cost of many thousands of dollars. This Commission will not make its report until 1962.

Certainly Congress should have the benefit of the recommendations of this major Commission before considering legislation of the kind proposed for creating an Ozark Rivers National Monument.

11. Along with others, I have been concerned over the inference appearing in reports and articles, that the University of Missouri is endorsing and recommending the Ozark Rivers National Monument. This is not true.

The National Park Service of the U.S. Department of the Interior engaged the university to prepare "technical statements" for two sections: "Archeology," by Dr. Carl H. Chapman, director of American archeology, and "Economic and Social Impact," staff of agricultural economics of University of Missouri.

These are almost entirely factual statements about the area. They would have equal use and application to any plan for developing the economy of the area.

It should be repeated: the University of Missouri is not recommending the Ozark Rivers National Monument, or any other "plan."

Conclusion.—It is for such reasons as the foregoing that many people in the Missouri Ozarks and other areas are opposed to locking up 113,000 acres in a national park monument.

I call your attention again to item 1, in this statement. This is no time to discourage or interfere with the great mineral and industrial development that may be ahead for this area of the Missouri Ozarks. It is for this reason that we would expect leadership in cities like St. Louis and Memphis and the adjoining State of Illinois to be opposed to this legislation.

Sincerely,

C. E. JONES,

ROUND SPRING, MO., *Shannon County.*

GODFREY, ILL., August 7, 1961.

Representative GEORGE GRANT,
Chairman, Forests Subcommittee of the House Committee on Agriculture, House Office Building, Washington, D.C.

MY DEAR MR. GRANT: I am sure you are familiar with the bills that are before Congress for the purpose of making a preserve along the Current, Jack's Fork, and Eleven Point Rivers in Missouri.

The bill of Senators Symington and Long, S. 1381 (national monument bill) as well as Representative Ichord's bill, H.R. 5712, call for the Park Service to make a national wilderness of 113,000 acres of this area. Representative Curtis' bill, as revised, H.R. 6289, proposes the Ozarks scenic riverways, to be administered by the Forest Service. The bills differ importantly.

Under S. 1381 and H.R. 5712 the land along the rivers could be confiscated and could then be used only for very limited purposes which would exclude forestry, farming, soil and water conservation, hunting, and grazing.

The Curtis bill, H.R. 6289, would encourage multiple use of these lands and it would sanction the acquiring of land by negotiation, not by confiscation. It would strive to control the proper use of land within one-eighth mile of the rivers, while the Park Service bills call for acquiring one-half mile from the rivers, which would eliminate a great many farms where the only area suitable for farming is along the rivers.

The principle of multiple use of these lands, supervised by the Forest Service, is in the best interest of the landowners and of our people generally.

Should the Government take over this large acreage it would be removed from the tax rolls, and it is believed that the predicted revenue from tourism would fall far short of the tax losses.

I urge you to support the Curtis bill and not to support the Ichord bill. This is not only because I have interest in the land that would be affected, but also because I feel that the wholesale confiscation by Government throughout the country is contrary to the rights and interests of the landowners who have proven that they are competent trustees of their landholdings.

I wish to make this letter a part of the record.

Very truly yours,

W. O. SCHRAMM.

Mr. GRANT. The committee stands adjourned.

(Whereupon, at 12:10 p.m., the committee adjourned.)

FOREST LANDS

MONDAY, AUGUST 14, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 1310, New House Office Building, Hon. George M. Grant (chairman of the subcommittee) presiding.

Present: Representatives Grant, Matthews, Harding, McIntire, Teague of California, Short, and Mrs. May.

Also present: Representatives Hagen and Sullivan.

Christine S. Gallagher, clerk; Hyde H. Murray, assistant clerk; and John Heimbürger, counsel.

Mr. GRANT. The subcommittee will come to order.

This is a continuation of the hearing on H.R. 6289. I believe Mr. Conrad L. Wirth, Director of the National Park Service, is here to discuss this subject with us this morning. We will certainly be glad to hear from you at this time.

Mr. WIRTH. Thank you, Mr. Chairman. May I have the privilege of having Mr. Swem, Mr. Thompson, and Mr. Harrison sit with me?

Mr. GRANT. Yes.

Mr. WIRTH. And to help me, please.

Mr. GRANT. Yes.

STATEMENT OF CONRAD L. WIRTH, DIRECTOR, NATIONAL PARK SERVICE; ACCOMPANIED BY BEN H. THOMPSON, CHIEF, DIVISION OF RECREATION RESOURCE PLANNING; T. R. SWEM, CHIEF, PROPOSED PARK STUDIES SECTION; AND FRANK HARRISON, SPECIAL ASSISTANT TO DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. WIRTH. Mr. Chairman and members of the committee, this is, as you perhaps know, something that we had not figured on until we got a call last week that you would like to have some information from us on Mr. Curtis' bill, H.R. 6289. We have not received a request for a report on this bill; and, therefore, I have no prepared statement to submit, nor can I give a departmental report on it.

However, there is a similar bill to the one Mr. Curtis introduced in the last Congress now before the Interior and Insular Affairs Committee; it was introduced by Mr. Ichord. It is known as H.R. 5712 and covers very much the same territory.

I might say we made a preliminary study of this area back in 1955 at the request of the State. That report was printed, I think, and distributed by the State in 1956. We then made our special study on this area in 1959, and it was printed last year. I have extra copies of the report which is entitled, "Ozark Rivers National Monument," and which contains considerable information that might be of value to the subcommittee. You might like to have it in your files. It, also, contains the results of an economic study made by the University of Missouri at our request in order to adjust or review the land in relationship to other economic values in the State of Missouri—and in this section of the State, particularly.

I might say that hearings have been held on H.R. 5712. With one hearing in the Senate and one hearing in the House, but the Department has not been heard in the House yet. Those hearings were mainly for people from out of town. However, there has been a favorable report submitted by the Department in favor of H.R. 5712, and there is, also, a favorable report by the Department of Agriculture, dated July 3, 1961, in support of H.R. 5712.

If it meets with your approval, Mr. Chairman, I would like to talk to the basic principle we have in mind in connection with the Ozark rivers project, because I think that is fundamental to either bill.

Over the period of years and up until just recently many of our recreation areas, or areas established in the national park system, national parks and monuments and historic areas have been based on a sort of hit-and-miss proposition. I am not saying that to be critical, but they have been determined by submission from time to time of such projects, and each one has been studied individually.

We have included as a part of our overall Mission 66 program the first 5 years of which have just been completed, a complete analysis of possible areas that might be added to the national park system to carry out the basic principle of the national park system as enunciated by Congress back in 1916, and that is, to preserve for the use and enjoyment of the people, both present and future generations, stretches of land of national significance, of scenic, historic, prehistoric, and scientific value.

In connection with those studies we have tried to review all of the scenic areas, the seashore areas, which I am sure you are aware of, for example, the Cape Cod bill which we are very happy to have seen go through—and there are others under consideration by Congress now—but we, also, have considered other scenic areas, and one of the very important things I think is to preserve certain of our free-flowing streams, as well as the seashores, as well as the mountaintops and the valleys in connection with the mountains.

Also, we are interested in preserving a certain amount of prairie grassland. We have the Everglades now, also, which is a type of thing we feel that future generations should be able to see and enjoy, and will protect a certain part of Americana.

We, also, have made a complete analysis—we have broken down the history of America into 22 different themes, starting all the way from the discovery on through exploration, colonization, western expansion, the Revolutionary period, the Civil War period and many other divisions including cultural and educational and scientific expansion, economic expansion of America.

For instance, we have such areas as Edison's laboratory in New Jersey.

We have the Wright Brothers Memorial.

We hope to get something on railroad expansion, the types of things indicating the expansion of the West, what the railroads meant to the West.

We hope to have a herd of longhorn cattle in one of the western parts of the country to help show the change from the buffalo to the longhorn, to the white-faced cattle, to show the expansion of the industrial and agricultural development.

In other words, that is history, and we want to preserve some samples of it for our own cultural development in the future.

That is a long way around to get to the Ozark Rivers National Monument proposal, but it is background, I think. And appearing for the first time, perhaps, as a full witness before this subcommittee I am taking the privilege of trying to give you something of what we are trying to do. We know that all of this is not going to be acceptable, for various reasons and good reasons, but we do feel the complete story should be laid before the Congress.

We are now bringing these studies forward and we hope we have them in a good logical way.

I think that history will prove that in our expansion and explosion of population, and so forth, unless we now set aside before it is too late—and, in fact, it is becoming too late in certain of these areas—and it does not take a great deal—if it ever amounts to more than 2 percent of the total area of the United States, I will be surprised—there is about 1 percent now—but we must do that, and I think that the general attitude of the Congress reflects the opinion of the people, indicating they are very much interested in preserving a little bit of Americana for themselves and for the heritage of the future. I think we have the responsibility. It has been shown by the amount of legislation that is going through this Congress.

On some of the areas we expect you will hear, "Well, now, this is not of national park quality, because there are certain kinds of uses in there that are not compatible with the national park principles."

Well, I would say this, if back in 1870 when we first started considering Yellowstone National Park, if we had gazed into a crystal ball and had determined all of the land that would be necessary to do the basic thing that the 1916 act did in establishing the National Park Service and set aside those lands for that purpose, we would not have the problems we have today.

So in establishing certain areas we feel we have to live with the circumstances of today and be practical, and over a period of years make adjustments in order to get back to the same basic principle of the Yellowstone National Park. So that there are no adverse uses.

And to do this, in our opinion, it requires a special type of management which takes a considerable amount of training. I think in the National Park Service, you will find cooperation with almost every Bureau of the Department on certain technical matters, yet we have technicians of our own in pretty nearly every profession known, to try to bring these various things in and to recognize them and to get the answers in order to obtain the results necessary in the preservation of the different kinds of areas.

As to the Ozark Rivers National Monument, there has been distributed to you our report entitled, "A Proposal—Ozark Rivers National Monument," from which was drawn the bill by Congressman Ichord. I have read Mr. Curtis' statement to the Congress when he introduced the predecessor to H.R. 6289 earlier this year. You will have both bills, and that way Congress can consider all elements which, I think, is a very good approach.

You will notice from the map in the report that the proposed national monument area includes three main rivers. One is the Current River, one is the Jack's Fork and then the other one is the Eleven Point.

We have tried not to take any more land than it is absolutely necessary to preserve much of not only the scenery and the recreation values of the river but also the springs, caves, and sinks that are very important in that section of the country and most interesting; and, also the animal life and the plantlife, too.

We have, perhaps, been criticized in some sections for making our boundary line too tight.

The area proposed in the Ichord bill includes 113,000 acres of which, I think, there are 15,000 State-owned land and 3,000 federally owned land which is now under the supervision of the National Forest Service.

I do, also, want to make this very clear, and I think the Forest Service will substantiate this, that it is not the intent of the National Park Service to take over all recreation. It is, also, our fond hope and belief that the Forest Service will further extend their recreational uses in their national forests. We feel they should. We have supported them and helped them in every way possible. However, we do feel there are certain areas of outstanding national importance that require a setting aside, whose main purpose and only purpose would be, in the long run, for the preservation of American scenery and its historic and scientific objects. We are not interested in taking into the national park system, areas which do not meet this criterion, which we feel is the directive we received from Congress back in 1916 when the National Park Service was established.

In our planning—we have been working for 40 years on different kinds of planning—we had never really got down to business with enough money to do it until we started on Mission 66, and that is why these plans and projects are now coming in quite rapidly to the Congress for its consideration.

It would have been fine if we could have put them all together in one package, nobody knowing anything about it until we got the report ready, and then submitted it in one report, but you cannot do that when you look at areas, because everybody knows where you are and what you are doing, and the longer you keep it a secret, the more trouble you have.

I have given you our history, our background. I cannot say what the administration of the Interior Department would recommend on H.R. 6289, but I do know we recommended favorably on Mr. Ichord's bill.

The Department of Agriculture recommended favorably on Mr. Ichord's bill.

I do know that the Governor of the State of Missouri is strongly for it.

I do know there is a resolution by the State Legislature of Missouri in favor of the Ichord type of park.

We most sincerely urge the bill be given favorable consideration.

I think, perhaps, the committee would prefer to ask questions, sir, rather than for me to continue to talk.

Mr. GRANT. Thank you very much for your statement and the booklet which you have presented, which will be made a part of the files of the subcommittee.

(The information referred to will be found in the files of the committee.)

Mr. GRANT. You stated in your testimony that at the last session of Congress Mr. Curtis filed a bill similar to the bill filed by Mr. Ichord?

Mr. WIRTH. Yes, sir. It may not be exactly the same, but it was similar. I also have somewhere here the statement he made on the floor of the House when he introduced his earlier version of H.R. 6289 this year. It was on March 29, 1961, when he made that statement. I could read it—it is a page and a half long, or I can file it for the record.

Mr. GRANT. He made that statement to the committee, I believe, too. I just wanted to get that in the record.

Will you please tell us the number of recreation areas the Park Service now has?

Mr. WIRTH. The word "recreation" is very broad. We provide certain types of uses in all areas. The uses can be esthetic, hiking, and things of that kind.

At the present time there are five national recreation areas. There is a Cape Hatteras National Seashore, classified as recreation area at the present time. There is the Shadow Mountain area on the west side of the Rocky Mountains. There is the Lake Mead area back of the Hoover Dam. There is Roosevelt Lake back of the Coulee Dam. And there is the Glen Canyon area, the reservoir back of Glen Canyon Dam that is now under process of being built and developed.

That is answering the question directly as far as recreation areas with that title are concerned.

Mr. GRANT. Could you tell the committee, please, sir, what others are under consideration?

Mr. WIRTH. Well, I can give you a list of the areas that are under consideration and their classification, which would be, I think, of interest to the committee.

As the result of our seashore study, which was over a period of 4 years, 10 areas are proposed as national seashores. One has already passed the Congress. That is the Cape Cod area. Another one is Cumberland Island off the State of Georgia. We are still in the process of working out the details before legislation is introduced.

There is Padre Island off the coast of Texas, some 88 miles of barrier reef down there near Corpus Christi. There have been hearings on that bill in both the House and the Senate.

There are the Channel Islands off the southern part of California where the Federal Government owns one or two islands now and we propose to add two more.

There is the Point Reyes area on which hearings have been held in both the Senate and the House.

There is the Oregon Sand Dunes, on which bills have been introduced. Hearings have been held but not in this session.

There have been bills introduced in connection with the Sleeping Bear area in the upper end of the Lower Peninsula of the State of Michigan, on Lake Michigan. No hearings have been held.

There is an area on the northern peninsula of Michigan along Lake Superior. It is called the Pictured Rocks.

There have been several bills introduced from time to time on the Indiana Sand Dunes which is quite a difficult and complicated problem in Indiana near the Illinois border involving industrial development as well as other things. Several hearings have been held on that area, not only in this session, but in other sessions.

There have been bills introduced on the grasslands in Kansas.

There is under consideration an area—I do not believe the bill has been introduced on this yet—in connection with between the rivers in Tennessee and Kentucky.

There is an area in Mr. McIntire's State in the Allagash country on which we have published a report, but I do not think that any bill has been introduced as yet.

Are there any other bills introduced, Mr. Harrison?

MR. HARRISON. Those are the principal ones.

MR. WIRTH. There are several others under study on which reports have not been cleared or submitted to Congress, but on which we are working with the administration and the Congress in getting the material in shape for that purpose.

We are studying several river areas. I might say this for the benefit of the subcommittee, that the seashore areas were all studied with funds we were able to obtain from outside sources, rather than from Federal funds.

I might also say that the Cape Cod legislation is the first that the Congress has had on a scenic area that Congress has authorized be purchased with appropriated funds. All of the other parks and monuments have been set aside out of the public domain or have been acquired by the Federal Government with donated funds.

The Great Smokies, Shenandoah, the Everglades, the Big Bend in Texas, Arcadia, and Isle Royal in Michigan, up in the Lake Superior region, were acquired almost entirely through donations—millions of dollars donated by the States and by individuals.

MR. TEAGUE of California. You mentioned the Channel Island.

MR. WIRTH. Yes, sir.

MR. TEAGUE of California. I would suggest that the Federal Government proceed with caution and care on this proposal. When I first heard of it I thought that it was a very good idea. Now I am not so sure of that. I find that the owners of those islands are very much opposed to it. They have extensive cattle operations there and have had for scores of years. They do not think it is a very good idea. But, aside from that, the islands, as you know, are separated from the mainland by 20 or 30 or 40 miles, depending on which island, where you land and take off, very rough water. There are many, many days when it is practically impossible to land on those islands at all.

And when the party from the Department went to explore the situation, on that day it was so rough that they could not land.

So, I think, this is a matter which should be gone into very cautiously and studied from all angles.

Mr. WIRTH. I agree with you, sir. I was in that party that went out there. We landed on Santa Cruz, and the Stantons, who are the main owners on Santa Cruz Island, took us up to their place, and we spent the night with them. We went around the island the next day. When we picked up our boat to go to Santa Rosa Island it was a very rough trip. I described it by saying that I think we had as much water going over the top of the boat as we had underneath us.

Mr. TEAGUE of California. That is not unusual. I have been over there several times. This is more typical than unusual.

Mr. WIRTH. I might say, though, and I am sure you know this, but for the benefit of the subcommittee, there are animals and plant-life there that are not found on the mainland. There are dunes and artifacts of the people who lived there thousands of years ago. The record of man goes back much further than anything we have ever found on the mainland of the continent.

One of the islands is owned by the Navy or administered by them, and I understand it is going to be surplus. We are looking into the possibility of taking that island over—it has a lot of artifacts on it.

We realize that those islands, if they do come to the Federal Government, will not be purely as a recreation area. There are two owners on Santa Cruz, the Stantons and another party. There is one owner who owns Santa Rosa, the Vails. We have not talked to the Vails. However, it is not going to be what you would call a recreation area where you will have masses of people, for many years.

I tried to explain a little bit earlier that we are building for the future.

We have talked to the Stantons about the possibility of making some kind of an arrangement whereby when they get ready to sell, or reach their life expectancy, that land, rather than be sold to somebody else, could come back into Government hands in order to make these things available to the public.

It is not a practicable operation. You have to be quite wealthy in order to operate out there. I do not think the cattle industry there is a real paying proposition.

Mr. TEAGUE of California. I am not sure about that, but it is my understanding, however, that at least the Stantons have been reasonable or even generous in allowing scientists and others to land on the island. They have by no means closed it to the public. They do require precaution regarding fires and the like, with reasonable restrictions, but they have not closed it to the people who have good reason to come on the island.

Mr. WIRTH. I agree with you, sir. We are going to proceed with caution, I assure you.

Mr. TEAGUE of California. Thank you.

Mr. GRANT. Let me ask you one more question, please, sir. How much of these lands involved here are in the Forest Service?

Mr. WIRTH. I believe they have 3,000 acres in the boundary land we have described in here. Is that correct—it is 2,670—I will stand on 3,000.

This is within the proposed boundary line—more of it is within the boundary line than 3,000 acres, but they actually own 3,000 acres of land or 2,600.

Mr. GRANT. Particularly, Mr. Wirth, I had reference to the areas the Department now has under consideration, which you mentioned in your testimony a few minutes ago.

Mr. WIRTH. On page 23 of the report, sir, the first one is the upper Current section in which there are no national forest lands. There are some State forest lands. They are shown by the fine lines.

And in the Cardareva section there are no national forest lands, so far as we know.

In the lower current section, there are some Forest Service owned or administered lands, which are shown in small squares. That is on page 25. You can see the lands that according to our understanding are now under the administration of the U.S. Forest Service.

In the Jack's Fork section there are no National Forest Service administered lands.

In the Eleven Point section there are, and those are indicated on page 27, lands that are administered by the National Forest Service. All together it make up 2,600 acres, I am told.

Mr. GRANT. Mr. McIntire.

Mr. McINTIRE. Mr. Wirth, I would like to get some evaluation in your mind of definition. I have noted with interest that this particular area, under the type of bill that is proposed, is denominated as a national monument. There are other areas that have been considered that are described as national recreation areas. There are other areas which are denominated as park areas.

How do you differentiate? Why does this particular one come up as a national monument, not a recreation area? Could you give some elaboration on this?

Mr. WIRTH. Well, you have asked the \$64 question.

Mr. McINTIRE. It is the \$64 question that will have to be answered in order to get an understanding.

Mr. WIRTH. The National Park Service has, I think, 14 or 15 different classifications of areas, like battlefields, memorials, recreation areas, national parks, national monuments, and cemeteries.

I agree with you, sir. In my opinion if we could eliminate all of the adverse uses right now in this area and not allow some of the things that are going on, perhaps, it should be classified as a national park. I do feel that. I am being perfectly frank that our recommendation would be to do that if we thought we could do it and make our adjustments within a reasonable length of time.

I do feel, however, under the way we have it set up at the present time, that a better classification, perhaps, might be recreation area rather than a monument.

Mr. McINTIRE. How does it happen to be called a national monument?

Mr. WIRTH. That is a hard one. That is the one that after consultation with the people from Missouri and so forth, they would much prefer this name than the other. That is about the way some of these names are determined. I am a little ashamed to have to say that, because that is the way some of these things are done.

Mr. McINTIRE. Is the term "monument" and the term "recreation area" coming to this particular point, somewhat synonymous—is there overlapping, so that it lacks definition? Do you distinguish any difference in management policies between these areas as they are designated?

Mr. WIRTH. I would like to give you just a little bit of back history as to where the term "monument" came from.

In 1906 Congress passed the Antiquities Act which permitted the President of the United States by proclamation to set aside areas that were primarily owned by the Federal Government for historic, prehistoric, and scientific purposes. So 86 areas through the years have been set aside by that method.

Certain other areas that were large and which did not contain Government land but did contain privately owned land, have been established as monuments by Congress.

The reason we term it a monument in this particular case is because of the scientific values in connection with the land formations, the rivers and springs, the caves, and the plant and animal life. We did not want to overemphasize the recreation aspect since it is a relatively narrow piece of land, and it is for the purpose of protecting really free flowing streams and their related features.

As I say, we proceeded on the basis of analyzing those scientific values, and determined that "monument," perhaps, would be the best classification in this case, even though we had to tolerate certain uses over a period of years until the time comes to adjust them.

Mr. McINTIRE. How do you differentiate between the term recreation area and wilderness area?

Mr. WIRTH. There is considerable difference in our opinion in those two. They are quite far apart.

Let us take Cape Cod. We have just gone through that. It is quite clear in my mind. We are trying to protect a certain amount of plant and animal life, yet we do know that nearby to those 27,000 acres of Cape Code, there are big communities which means you will have to provide for a certain amount of heavy use in certain sections in order to protect the rest of it.

We, also, know that it would be almost impossible to try to prevent, even if we wanted to, the taking of certain game there. It is on the waterfowl flyway and, also, there are deer, and with the boundary line we have, within certain limits and at certain times, the State laws pertaining to game management would apply in that particular area. In other words, the paramount purpose of Cape Cod is to continue to preserve the native habitat, the sand dunes, the plant and animal life. However, we do know that if we protect it too much and do not allow a certain amount of take that the wildlife itself will destroy the plantlife, because they know when an area is protected better than we do. Consequently, we are confronted with that problem now in many of our areas that a certain amount of take is necessary in order to keep a balance between the natural plant life and the natural animal life. It is a question of management.

Mr. McINTIRE. Under this bill, on page 11 thereof, I presume that your comments as to that provision in the bill, which is the same in similar bills, that, "the Secretary shall permit hunting and fishing in the Ozark scenic riverways area in accordance with the laws of the State of Missouri." How do you interpret that with the State laws, and the administration of the State game laws. Is it correct to assume that within that area the State laws are subordinate to the decision of the Secretary in relation to game management, et cetera?

Mr. WIRTH. We have worked up a new wording for the game section. We have made a recommendation in the Department's report on the Ichord bill that would change that particular section. Since that time Congressman Ichord has come up with another suggestion which is acceptable to us, but has not yet been cleared by the Department, and if I may, I will read that to you.

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the monument in accordance with the laws of Missouri. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted, for reasons of public safety, administration, or public use and enjoyment, and shall issue regulations after consultation with the Conservation Commission of the State of Missouri.

In other words, what is said there is that as far as an overall land pattern is concerned, that when you take 113,000 acres along the river, you have to work out an overall game program. Animals do not recognize political boundaries and, consequently, any hunting that would be done in there, in order to make a balance in that overall program, will be done in accordance with the State of Missouri laws, but the Secretary has the right, by regulation, after consultation with the Conservation Commission of the State of Missouri, to determine where and when and if certain hunting will take place on account of public safety and the use of the area by the public for recreation and enjoyment.

Mr. McINTIRE. One further question. The difference between the two bills is substantially one of jurisdictional management together with the additional difference, as I understand the two bills, of the approach of acquiring protection for the public interest.

The Curtis bill would approach that from the standpoint of easement on the property in the hands of the private ownership, with the exception of that which is already in public ownership, while the bill that your Department supports would be one of acquiring the total area into public ownership with management by the Park Service.

What do you think of the weaknesses of the Curtis bill that preserves this area under easement which would protect the shorelines, protect the plantlife, leaving the title in private ownership and, particularly, in the farmland areas, permitting those areas to continue to be used, as it would under the easement approach—what are the particular points you think are weak in connection with the Curtis bill and are strong in connection with the bill that the Interior Department supports?

Mr. WIRTH. I think there is considerable difference in the two bills. First, there are certain things that would be permitted under the Ichord bill, whereas pretty nearly all forms of land use would be permitted under the present Curtis bill, under an arrangement with which we have had considerable experience, namely scenic easements. Our Blue Ridge Parkway, some 450 miles from Shenandoah to the Smokies, contains a certain amount of fee simple land and a certain amount of scenic easement land.

The question of administering scenic easement, both from the standpoint of the individual and from the standpoint of the Government, is most difficult.

No matter how tight you write it or how much you think you both understand one another there is always this question of, "well, I can

do this—so and so can do that—why can I not do it because he can do it where he is?”

We are now and in several cases have given up scenic easements in lieu of a smaller piece of land with full control. I do not say it cannot be worked. It is more adaptable to urban requirements than it is to rural requirements.

Consequently, we feel the individuals themselves and the Government would be far better off on an understanding that is more clear cut than on a scenic easement basis. We do know from past experience that is is better all the way around as people are better satisfied. It sounds good to you, but when you start to apply it, it is difficult to work. We have sincerely tried to work it. I do not say it cannot be worked, but it is difficult to work. It is always the subject of possible trouble. When there is a change in ownership you have got to go through all of this again. Many times people sell land without any indication they have the scenic easement on it and what the understandings are. It is a constant headache from the administrative standpoint.

Your relationships with your neighbor are far better when you have a clearly defined line. So we strongly recommend where you can, to go to fee ownership, even if we have to make some exceptions of letting the man continue his farming as long as he lives or as long as a certain number of years and wait for the fee simple title, rather than to get an easement for an indefinite period. You have an indefinite management problem there.

Mr. McINTIRE. Thank you.

Mr. MATTHEWS. Mr. Wirth, I would like, first of all, to tell you what a pleasure it is to have you here with us.

Mr. WIRTH. Thank you, sir.

Mr. MATTHEWS. And to say how much I have enjoyed our national parks during the time that I have been in the Congress.

There is one thing that worries me—and I know that this same worry is shared by other members of the subcommittee—when we go into such a project as the Ozark Rivers National Monument if we are not going to open up a regular Pandora's box of future projects to be administered by the national parks. For example, Mr. Wirth, we have the Suwannee River in our State, a beautiful river; it rises in the Okefenokee Swamp.

I notice some of the descriptions about the Ozark Rivers National Monument would apply to the Suwannee River.

Here is a beautiful river, the Suwannee River, fed by many clear springs.

The parallel description is most interesting.

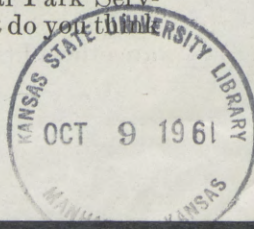
In Florida, in the northern part of Florida, you have the Aucilla River.

Mr. WIRTH. Yes.

Mr. MATTHEWS. And the St. Johns River, which is the only river in America, as I understand it, that flows north.

Mr. WIRTH. Yes.

Mr. MATTHEWS. So my question to you is this: Do you envision if we have the development of this project by the National Park Service that a regular Pandora's box would be opened? What do you think about that question?



Mr. WIRTH. I do not want to be facetious and please do not misinterpret it that way. I do not know what the full definition of Pandora's box would be, but I think that what the same people sit down and plan and study and then recommend, which the Congress reviews whenever it is necessary, should be set aside. It may bring in a lot of projects, cats and dogs that, perhaps, should not be, but that is where the determination ought to come. We ought to be big enough to make that determination.

I would like to say something about your Suwannee River. I have been up that river many times, back in the thirties. I studied it from the standpoint of the very thing you are talking about. The Suwannee, in my opinion, is one of the most lovely rivers I have ever floated down. I think its greatest asset is for recreation use.

I know that you have a State park down there. You had CCC camps in that park. I worked all through that country back in the thirties.

And just to get commercial you have a billion dollars worth of advertising in the Suwannee River. It is made for you. Yet it is not set aside. Some day it will be lost. I hope it is set aside. I hope we have a part in it.

I am thinking frankly in telling you outright that you have a gem down there that ought to be set aside.

Mr. MATTHEWS. I will get up a bill on it right now. You have me enthusiastic about this. I will start working on that project, because I really feel if we embark upon the type of program that is envisioned in H.R. 5712 that certainly a Suwannee River project is one that ought to be considered.

Mr. WIRTH. There are not many rivers like this one left in the United States that you can set aside that have not been cluttered up. And I use that word advisedly. One of our big problems has been our rivers. We have used them. They were the means of transportation. We have built on them. We have learned to travel by river. Now we have destroyed most of them, and most of them are no good.

Mr. MATTHEWS. There are not too many areas left that would lend themselves to this kind of thing?

Mr. WIRTH. No, sir; there are not.

Mr. MATTHEWS. As I have said, the thing that worries me is that when we start on a new type of program, where are we going to stop?

Mr. WIRTH. I hope, sir, and I may not be around long enough to see it completed, but I hope that in the next 3 or 4 years, within our Mission 66 program we will be able to be smart enough to lay before the Congress the kinds of areas necessary to round out the national park system which we hope, from the standpoint of our basic legislation, will be the national park system of the future. That does not mean they are designed to take care of all of the recreation. They are designed to preserve the scenic angle of it.

There is a vast opportunity for additional recreation and need for it in private forests, in national forests, in State forests, in State parks and other areas because the national parks cannot and never will be able to take care of the Nation and should not be required to do so. It is the preservation of the heritage of America and the historic part. And the Suwannee River is one of them. This is one of them. There are others I think will come forward.

Mr. MATTHEWS. You just keep right on.

Mr. McIntire dealt on this question of the definition of a national monument. Of course that is what we are talking about. Frankly, I had envisioned a national monument as something like the Washington Monument, or something like the Grand Canyon.

Mr. WIRTH. I most sincerely hope in the next 3 or 4 years that we come out with an area classification that will include three or four or five at the most, and where we can write a definite definition. For instance, there was considerable discussion about this years back. I can talk about it now. Both men are now gone from life—one out of Government service and one out of Congress.

This was up in North Dakota, where Teddy Roosevelt had his ranch. They wanted to establish it as a national park, the Badlands of that section. We thought it was a beautiful thing. It contained petrified forests. And there was the old Teddy Roosevelt Ranch. It was typical upper Missouri countryside.

Well, it was a question whether it should be classified as scenic. It was not spectacular. Most people want spectacular things like high mountains. The most justification or main justification for it was scenery. Some people get as much pleasure in seeing an open prairie, and the Everglades with all of that swampland. They are beautiful. There is still wildlife and birds in there. It is part of the American scene.

But getting back to this, we had this question, when they put the word "memorial" in front of "park," so that we would have national memorial park. That is the only one in the classification, but we have one. Mr. Lemke wanted "park," and the then director did not want "park." He wanted a monument. So they compromised on "memorial park."

So you ask me how some of these things happen. It is one of those things that you face and you do what looks to be the practical thing at the time.

Some day I hope we can clear up the nomenclature so that it will cut it down to four or five terms that we can explain with ease.

Mr. MATTHEWS. Thank you.

Mr. GRANT. Mr. Wirth, you recall the soil conservation groups in many of the counties and States erecting signs "Keep Blank County Green." Mr. Matthews wants to keep Florida green with Yankee dollars.

Mr. MATTHEWS. Yankee and Southern dollars. [Laughter.]

Mr. GRANT. In south Alabama it is easier to pick Yankee dollars than it is to pick cotton. [Laughter.]

Mr. SHORT. Mr. Chairman, and Mr. Wirth, I am glad to get that little publicity as to the Theodore Roosevelt National Memorial Park. As you know, I live within about 4 miles of it and have for almost 59 years.

Mr. WIRTH. That is right.

Mr. SHORT. I wish that the Roosevelt Ranch and the park might be a little bit more joined together.

Mr. WIRTH. I do, too, sir.

Mr. SHORT. I suppose that sometime it is possible it may be. Seriously, I was interested in your statement that problems could have been eliminated if you could have gazed into a crystal ball in the early

days of Yellowstone Park to determine what problems would have developed. What might have eliminated them, had you been able to see into the future?

Mr. WIRTH. I did not mean it that way, the way you have interpreted it. What I meant was that at the time the Yellowstone was established, which was established without any adverse use, in other words, there was no mining, no lumbering or anything else—if we could have looked into the crystal ball and decided all of the other areas that would be needed today and had picked them out at that time we would not have this problem we have in this bill to provide for adjustments. That is what I meant.

Mr. SHORT. You were talking about national parks overall?

Mr. WIRTH. Yes. In other words, we do have a little problem on wildlife in the Yellowstone which we are trying to work out with the State of Montana and the State of Wyoming. That is, all of the predators have gradually disappeared on account of outside uses around Yellowstone. And the only predator left now is man. We have got to find some way of reducing that elk herd or they will eat us out of house and home. We are working on that at the present time.

Mr. SHORT. In connection with this Ozark Rivers National Monument opposition, I certainly subscribe wholeheartedly to the principle of taking practical steps to preserve some of these scenic waterways, such as this one and the Suwannee River in Florida.

I sometimes wonder whether we have to go quite as far, in the area of complete acquisition of land, as is proposed in this bill. I notice that in the hearing we had the other day, when some other people were here testifying in behalf of the project, that it is established by law in the State of Missouri that people have the right to float this stream, so you are not going to accomplish any rights for the people to enjoy this stream by passing this piece of legislation. The thing you are primarily concerned with is the preservation of the scenic beauty. The beauty, apparently, has not been too adversely affected up to this time.

Should we not give some consideration to the acquisition of only limited spots, some of the caves, some of the springs that are the key, perhaps, to this lovely area? This gets into the area of what is so wrong about having some private ownership adjacent to these scenic spots.

I went through Wisconsin last week and stopped at the Dells. I have never been there before. I noticed that that place seems to be like it was reasonably well preserved, but it was all being done, as I understood it, as more or less of a private venture, rather than being in any kind of either State or National jurisdiction, which brought to my mind that there is the possibility of the utilization of these points of interest and scenic beauties without their being publicly or federally owned. When you start acquiring land, as I understand it, along the stream here that we have had hearings on, there are some rather valuable pieces of farmland that come down almost to the river. And you start acquiring that land, and it will be at a considerable cost, you will take it off the tax rolls, and you will have an adverse effect on the local economy.

It would seem to me that insofar as these objectives can be accomplished with as little Federal acquisition as possible that that would be the more desirable approach.

It seems to me that some of the most attractive scenery in the United States is within the national forests, where there is some degree of multiple use, and yet there is overriding control of the use of the land. I do not see why that principle should not be followed as much as possible where it is possible.

I notice that the Park Service, if I understand it correctly, in connection with the Great Basin proposed park, is making somewhat of a multiple-use approach which has been a deviation at least, from normal park policy in the past, is that not right?

MR. WIRTH. I can answer that. The first question, Mr. Short, on the Great Basin proposition, there are two principles involved there. There are some grazing permits there. There is some mining there. The bill that is under consideration does provide for the continuation of that grazing over a period of years. It provides rights to survivors and can be extended, et cetera. The mining is under a certain special regulation.

I might say what is in that bill is what we have done in the past without having it in a bill. For instance, in King's Canyon National Park when we took that over there were seven grazing permits that we honored and respected. Over the period of years they have gradually gone out of business or they have made adjustments with other lands available outside. And that is to the extent now there is one grazing permit there.

I think there are three grazing permits in the Great Basin area. The law says they are to be respected. We would have done that, anyway.

As we go along, people want more and more assurances, so this is spelled out that they will be protected. That is the point I was making, that back in 1870 when we had up the question of Yellowstone, we could have set it aside and we would not have had these adverse use problems which will take a little time to clear up. It may not be in my day, but as time goes along these things will adjust themselves.

And, as to your first question, since nothing much has happened so far, why cannot they continue, I might say that I do think all navigable waters, if you can get down to them, that you and I or anybody else can, certainly, go on them on a boat of some kind, whether we own land there or not, so long as we adhere to the regulations of navigation. This is a floating proposition. I went down that river in the thirties without any knowledge of navigation. It was a very lovely trip. How long is it going to stay that way? I do not think it will stay much longer, especially, with the impact of use. And we do provide by this protection a better economic setup for those serving the public.

The university, and we joined with them financially through the State, made an economic study. And we desired that they make it rather than we, because they would approach it from the State standpoint. And their analysis is covered on page 28 of the pamphlet we have given you. They indicate that the total tax loss for this land would amount to about \$45,000, and with the tourist facilities that would be established, due to the establishment and protection of this

area and its attraction that it would have to the people, because it is protected, and the new business that would come, it would increase within a relatively short time to \$350,000 tax income from the added stature given to it by the protection of the land. That is not our figure. Those are the figures from the State.

So we have looked into it. The land becomes far more valuable for this kind of use.

Mr. SHORT. How would these facilities that are established be tax-paying if this land was acquired by the Government?

Mr. WIRTH. The actual land that we acquire would not be, because that would be Government-owned, but the land adjoining and around it would be, just like at Cape Hatteras. Since we have acquired Cape Hatteras, there has been an increase in the adjoining towns. We left out the towns of Avon, Trisco, Buxton, about four or five of these fishing towns, and said that we were not going to build overnight facilities, that we would have camp grounds but any services to the public in the line of eating and overnight accommodations would have to be furnished by the people in these towns. The assessed valuation down there has jumped. It has more than doubled in the 8-year period within the county because there is more business. They can afford to pay the taxes because of the increased use. The same thing would be true here. There would be access to the river and it would be fully protected.

Page 28 contains a summary of the material by the University of Missouri. As to the impact of Cape Hatteras, N.C., land values around this unit of the national park system often increased in value 50 to 100 times. The total assessed value of Dare County, N.C., increased from \$11 million to \$25 million, from 1950 to 1958. We do not take credit for all of that. We do know this, that when an area is approved by the Congress the cost of land all the way through and around goes up from our estimate of what we could have purchased it for before the park was established. It is up almost immediately.

The area in your State, sir, was purchased without a national park in mind. It was part of an overall submarginal land program. The Badlands was in that program. It has turned into a golden egg so far as travel is concerned, I think. It will be moreso when the roads are fixed and you get straightened out with the little town of Medora, which I think is coming along all right.

Mr. SHORT. Thank you, that is all.

Mr. HARDING. Mr. Wirth, I, too, am grateful for your appearance before this subcommittee today. I have enjoyed very much the discussions thus far.

We in Idaho are not so fortunate as to have a national park within our State. We are surrounded by several beautiful parks including Yellowstone and others. We enjoy the use of these beautiful facilities, and we are grateful for them.

I would like to ask you whether the beautiful Ozark riverways would be better developed by the Forest Service of the Department of Agriculture or by the Park Service of the Department of Interior? You people are in the recreation business?

Mr. WIRTH. Yes, sir.

Mr. HARDING. The Forest Service is not, per se, as I understand it. Do you know of any other instance where they have acquired a body of land as they intend to do in Mr. Curtis' bill strictly for recreational purposes?

Mr. WIRTH. First, I will say offhand that the answer is "No." If it pleases you, I would prefer to let the Forest Service answer as to their own problems and I stick to mine, because we can keep our wires straighter that way and not have misunderstandings. We have been criticized in the past for not getting along together. I want to assure you so far as we are concerned, we can get along with them. We are the best of friends in many respects.

As to this area here, our business—I do not care what you call it—is for one thing only, and that is to preserve the American heritage and the scenic, historic and scientific parts for our use and enjoyment and for the use and enjoyment of other generations. The only thing we will ever recommend to Congress are those things of national significance that have relationship to the national heritage.

We specialize in the management of these kinds of projects. That is our job. We try to do the best job possible.

We think this classifies as one of those areas. That is why we are recommending that it come under our administration.

Mr. MATTHEWS. Will you yield for one observation?

Mr. HARDING. Yes, I'm happy to yield to my colleague from Florida.

Mr. MATTHEWS. You will be interested to know that you and the Forest Service have wonderful rapport, because they do not want it. They want you to have it.

Mr. WIRTH. I was not here at the hearings, I do not know what went on. I know that they recommended favorably on the other legislation. We have had several adjustments and various kinds of things down through the years. We disagree at times, and should disagree, if we have honest opinions on certain matters. I am glad to know that there is no disagreement on this, but I did not look in the record—I did not know before I came up what their report was to the Congress.

Mr. MCINTIRE. I think that it should be pointed out that the bill that is before this subcommittee, the Curtis bill, is not a bill for acquiring additional land of any kind.

Mr. WIRTH. That is right.

Mr. MCINTIRE. It is a bill to establish a framework by means of easements, and these easement areas will be administered by the Forest Service.

Mr. HARDING. I think that we should note that it does give the Secretary not only the authority to acquire but to acquire by condemnation, is that not correct? That is the Curtis bill. That is on pages 8 and 9 of the bill. Nevertheless, I think that the fact that the Department of Agriculture has recommended enactment of H.R. 5712 is significant. I want to thank you, again, Mr. Wirth, for your appearance before this subcommittee.

I think the last statement you made in regard to the goals and policies of the Park Service are worthwhile and significant, and I concur with them all the way.

Mr. WIRTH. Thank you very much, sir.

Mrs. MAY. Everything has been well asked and well answered, so that it leaves for me very few questions.

First, I would like to say, coming from the State of Washington that we have had similar problems in respect to national forests and national park projects.

I would like to emphasize that I believe that we should come up with a real definition of just what is a national monument. It is very important to have that definition now, so as to get public acceptance and understanding of these projects when they are proposed by the National Park Service. I think that you are well aware that it would promote advancement of understanding in regard to these projects. Perhaps, we do have unwarranted fears, but it would help to allay them. I believe that it would be well to have a clear definition along those lines.

We have had witnesses from the Department of Agriculture, people representing Missouri organizations, and private individuals testifying on this Ozark scenic waterways bill.

Now, may I ask you, did the National Park Service discuss this with the U.S. Department of Agriculture at all in coming to a conclusion that this project should be administered by the National Park Service rather than by the U.S. Forest Service—did you discuss this?

Mr. THOMPSON. In the Arkansas Red and White River Basin survey in which the Forest Service of the Department of Agriculture and the National Park Service of the Interior were participating agencies, where this first proposal began, there was much cooperation in the early stages and later when making surveys in the field. Of course, it has been discussed between the two Departments.

Mrs. MAY. A representative of the Secretary of Agriculture testified last week and gave backing to the National Forest Service approach. Then the Secretary himself, Mr. Freeman, presented through other representatives a statement backing the approach for a National Park Service jurisdiction. I wondered if there were differences of opinion that have now been resolved between the two Departments? As you have testified, Mr. Wirth, certainly, you may have differences of opinion, as you stated. But I was trying to find out about this apparent conflict.

Mr. WIRTH. I am glad that Mr. Thompson brought out the point that this is the outcome of an earlier interagency study that came out with this. I do not know whether he knows whether that is a final recommendation of the interagency committee in which the Forest Service ruled in favor or not.

Mr. THOMPSON. It began with the question of reservoirs. And the final position of the interagency group in the Arkansas Red and White River Basin was that these streams should be preserved as free-flowing streams and that a further study should be made to determine the best way to do that.

Mr. WIRTH. This is the outcome of the 1959 study which was made by the Park Service in cooperation or in consultation with the State and other Federal agencies, is that correct?

Mr. THOMPSON. Yes.

Mrs. MAY. One of the witnesses before the committee made the statement, I believe, that this has been discussed for a long time and that there had been controversy in the Missouri State Legislature for several years, where they took several positions and finally came out

and backed the national park project. Several of our witnesses indicated that it would be far better if accepted now to have the easement approach and the forest management approach, rather than the monument approach of the Interior or National Park Service. How would you evaluate, at present, the general reaction of the people in Missouri?

Mr. WIRTH. Our indications are that the majority of the people would be in favor of the approach we have here. I am sure I need not say this, but I do not think we will ever, at least, I do not think we will ever have the unanimous opinion on any project of this kind. We have never had that I know of, outside of maybe Yellowstone, but I was not here then, but they went to the field in 1870, and by 1872 the President signed the bill establishing Yellowstone.

Mrs. MAY. Here you have farmers and other people concerned.

Mr. WIRTH. That is right.

Mrs. MAY. I would like to ask you this, as I understand this project the farmer could continue farming?

Mr. WIRTH. Yes.

Mrs. MAY. You have some rather conflicting statements on the cost of land by acquisition. I believe one of our witnesses testified about that. You speak of 84 percent of the 113,000 acres that have been suggested for acquisition for the monument, and that would mean about 95,000 acres are in private ownership that would have to be acquired by direct purchase. We asked one of the witnesses about the value of the land. I do not recall which one it was. I think he testified that the average value or the cost of takeover would, probably, be something between \$70 and \$90 per acre. Is that a reasonable figure? Does that sound reasonable to you?

Mr. WIRTH. I could not verify that figure. As to easement versus fee-simple title, I would like to read a few items that we have on that particular problem. The Corps of Engineers has determined that the average price paid by them for easement land was 79 percent of the fee value of that land. They found that acquisition of easement land involves costs for surveying, mapping, appraising, negotiating, and other administrative expenses which are higher than if the lands were acquired in fee.

In their report dated August 16, 1957, the House Committee on Government Operations, after studying the Army-Interior reservoir land acquisition policy, concluded that the initial saving of approximately 20 percent is no bargain and, in fact, is financially detrimental to the Government.

The committee states that "the effect of applying scenic easements can best be described as pennywise and pound foolish."

In an article in the January 1958 issue of *Fortune* magazine, Mr. William H. Whyte, Jr., refers to the development rights (easements) in the following quotation:

Though the State can use eminent domain to acquire the rights, the farmers should get quite a fair price; in exercising their right to have the price determined by a jury, they are quite likely to find many of the jury farmers themselves. In Wisconsin, where the development rights plan has been used in some areas, the juries have a way of giving the farmers as much money for his development rights as a developer would give them for the whole thing.

In other words, the actual saving in easements, so far as the Government is concerned, is questionable, both by the Federal Govern-

ment and by outside investigators and by the congressional committee itself, the House Committee on Government Operations, in their report.

Mrs. MAY. Thank you.

Mr. GRANT. Does committee counsel have any questions?

Mr. HEIMBURGER. Yes, Mr. Chairman. I would like to ask Mr. Wirth a few questions.

May I preface my question by stating, Mr. Chairman, that the witness and I have a common interest in the subject matter. As far back as the early 1930's we were part of an informal little group that tried to get the C. & O. Canal set aside as a national monument or a national recreation area or a national something. And President Roosevelt did do that. I think at the time Mr. Wirth and I both submitted briefs or arguments to the National Park Service urging that it be developed primarily as a recreational area, but the historians prevailed within the National Park Service and it was developed as a historic area.

Mr. WIRTH. That is right.

Mr. HEIMBURGER. I wish you a lot of success with your present effort to develop the recreational possibilities of the canal. What would be the difference if it is made a national park—what would you be able to do there that you cannot do now?

Mr. WIRTH. On the C. & O. Canal we have, as you have outlined, worked on it since 1930 or the thirties. It was turned over under President Roosevelt. Much of the land we have is very narrow. It is just the width of the canal and at one or two places just to the river. It is an odd piece of land, difficult to administer. And if you did not have any land back of it, you could not protect it any more than you can protect the river here. If we can get this legislation through which has passed the Senate and is now before the Interior and Insular Affairs Committee of the House, and get it into the status of the national park area, it will help. We would develop campgrounds and wooded areas, and would acquire the land between the canal and the river, so that it would be complete. We would not build a road on it, but we would have approach roads from various sections, so that people can get to the canal. We would water more of the canal and repair the locks, so that the recreational value of canoeing on the canal would be there. We would, also, develop the trails which we are finding so difficult doing at the present time, because over the period of years some of the small tracts, just little pieces of property, have been preempted for various uses, and they have had to use the canal for getting in there. We would eliminate that by acquiring the land and restore the paths, so that there would be complete recreation.

Mr. HEIMBURGER. Your recreational development includes the river as well as the canal?

Mr. WIRTH. That is correct.

Mr. HEIMBURGER. It is not limited in area to the canal itself?

Mr. WIRTH. That is correct.

Mr. HEIMBURGER. There are two or three points I would like to inquire into. In your testimony you seemed to indicate that there was some difference of land policy between "park" and "monument"; is that correct?

Mr. WIRTH. In a monument, it is for the protection of the scientific, historic, and prehistoric value. The same regulations would apply to national parks as apply to national monuments.

Mr. HEIMBURGER. What I have specifically in mind—what I thought you might be implying—was the point of landownership within the boundaries of a park. Is my understanding correct that the basic policy of the Park Service is that private land ownership is not permitted, at least, certainly is not wanted within the boundaries of the national park?

Mr. WIRTH. That is correct. Our policy is eventually to eliminate all inholdings. There are some parks which have been established for 30 years that still have private land in them, but our acquisition program has been a slow one. We have been picking up the inholdings as the property becomes available, in the settling of estates or a man wishes to get out. And we hope to get the first offer. We usually step in and buy it, but we have not condemned many homes.

Mr. HEIMBURGER. Is this true to the same extent in national monuments?

Mr. WIRTH. Yes.

Mr. HEIMBURGER. You maintain the same land policy?

Mr. WIRTH. Yes, sir.

Mr. HEIMBURGER. You mentioned a number of areas which are under consideration as scenic and recreational areas. Which ones of these involve national forest lands, can you tell us?

Mr. WIRTH. Well, the Oregon Sand Dunes involves some national forest land. I think about 20 percent of the total area under consideration is national forest land.

Mr. THOMPSON. 14,000 acres.

Mr. WIRTH. 14,000 acres out of 35,000 is now owned and operated by the National Forest Service. Of course, Great Basin is entirely a national forest area now.

Mr. HEIMBURGER. In what State?

Mr. WIRTH. That is in Nevada. In that we do not take all of the forest lands, but the amount that remains is so small that the Department of Agriculture has recommended that the rest of the area be turned over to the public domain.

Mr. HEIMBURGER. Are there others?

Mr. WIRTH. Pictured Rocks, up in the Upper Peninsula, 60,000 acres, of which 2,200 acres are national forest lands.

In connection with the Oregon Dunes and Great Basin there is no objection by agriculture, although it is not quite as enthusiastic as this report. Our understanding informally on Pictured Rocks is that they have no objection up there, although we have not gotten that in writing.

Mr. HEIMBURGER. Do you permit mining or timber cutting on any of your national park areas?

Mr. WIRTH. There are some places where mining has been in progress. We have one mine on the last in-holding on the south part of Grand Canyon, now being operated as a uranium mine that has the richest strike of uranium ever found. It is a vein type of thing and comes across 160 acres of Government property. We are now trying to make some adjustment through legislation before Congress which would allow them to come on Federal property and at the same time

give the Government a royalty. They would not turn over their mine shaft, which is definitely on their property, but they would turn over the surface rights of the 160 acres, with the exception of the mine shaft, and we would get a royalty. That is before Congress.

I might say that they think we are not moving fast enough or that Congress is not moving fast enough, and they are threatening to build a big hotel there.

Mr. HEIMBURGER. I remember seeing some publicity on that.

Mr. WIRTH. We are not too disturbed over that. We feel, perhaps, it is needling to get us to move ahead on the bill, but we would not permit that to happen—we would go, in that case, first, if they started that, we would go in and file a declaration of taking on the surface rights. We could not buy the mine out—it is too expensive—but we can buy the surface rights.

Mr. HEIMBURGER. As a general policy, then—and what the committee is primarily interested in is the general policy—you do not permit mining on national park areas?

Mr. WIRTH. That is right. We respect all existing rights.

Mr. HEIMBURGER. On that same proposition, what other differences in management are there between an area which would be operated by the Park Service, and to the best of your knowledge, an area, a similar area operated by the Forest Service?

Mr. WIRTH. Well, I do not want this statement to be taken as critical, but we feel when you get into an area of the kind we are talking about, classified as a national heritage, we have been trained for one purpose only, for that. It is like a brain surgeon, for instance, he is trained for one particular thing. There are many fine doctors. They, perhaps, could go ahead with an operation, but you would have the specialist to do a special job. We believe this is a special job of heritage, and that is our training. We work hard at it to try to qualify and improve ourselves in that line.

Mr. HEIMBURGER. In other words, the basic purpose of the Park Service, as you have described it here this morning, is that of preservation.

Mr. WIRTH. That is right. And its use and enjoyment without destruction of the very thing you come to see.

Mr. HEIMBURGER. Of course, the preservation of it is rather a broad-scale proposition.

Mr. WIRTH. That is right. We do not do any lumbering in any of the national parks. Mining, or the prospecting was in there in three or four cases, and we respect the existing rights but try to negotiate them out. There are one or two places which are giving us trouble where the law permits mining. Death Valley is one of them. They did not want to get rid of the little prospector who went along with a pick and shovel and a little burro, which was scenic thing. They never looked forward to the time—and neither would I if I had been there at that time—to the fact that the day would come when we would prospect with bulldozers. And what they have done is to dig big trenches, and that is giving us trouble. In other words, we were trying to protect a stage of history, but it was not tight enough, so that it took care of the adverse uses as we progressed in our operations.

Mr. HEIMBURGER. I think maybe you have answered this question by implication, at least, but would you mind answering it directly—and I do not want to name any areas by names because I would like to deal in general principles here—when you consider an area which has been proposed to be set aside, primarily, for recreational purposes, although at the same time you may be preserving part of our American heritage, what consideration motivates you to decide that this particular area ought to be Park Service rather than Forest Service—what is the criterion there?

Mr. WIRTH. First, in measuring scenery as to national significance there is bound to be the matter of professional judgment. What we are trying to include within the national park system are the outstanding scenic areas of all different types of landscapes, like the Everglades, the Grasslands. We have a lot of mountain areas, because of the fact that it was the public domain. We have a lot of those in the West. The East has been giving us the problem on this. It is a long story, but we are trying to make a composition of American scenes as a part of our heritage to pass on to future generations, for us to see and enjoy. When you start selecting areas like this Ozark area you take into consideration not only the plain scenery, but you take into consideration the various scientific things that go along with it, like the caves and the wildlife and things of that sort. It is a very difficult thing to explain.

Mr. HEIMBURGER. You would not want to take an area like the Ozark area and try to return it to the primitive state, which would be impossible?

Mr. WIRTH. I might say that back in the early forming of the National Park Service, the then Director and founder of the Service recommended a big part of the Ozarks as a national park because of the springs and the rolling hills type of landscape, the rivers and so forth, and he also recommended the sand dunes of Indiana which did not have any problems at that time, but they never moved on that. This is really a cutdown of the early proposal of some 40 years ago.

Mr. HEIMBURGER. Take an area like the Ozarks, which have achieved significance as a part of the recreational picture by people who are wealthy enough to afford float trips down the rivers or who are poor enough that they live on the riverbank—it achieved widespread significance as a part of a recreational activity—would you undertake to put this back into a primitive state which it had prior to the time that it became a popular floating and fishing area for wealthy St. Louis people?

Mr. WIRTH. We would try to get it back in as near a natural state as nature would want to put it in down through the years. I will go back to the statement, of course, that a park is not any good unless you set it aside for people.

Mr. HEIMBURGER. I agree with that.

Mr. WIRTH. So you have got to make it available for them to use.

Mr. HEIMBURGER. It is no good unless the people can get there to see it.

Mr. WIRTH. It is no good unless you have people there to see it. So you come to the very difficult problem of complete preservation, yet use, but these problems are not insurmountable.

You talk about the wearing down of Yellowstone. Well, I am here to say that about 5 percent of Yellowstone is in use. The road system is the same as back in the stagecoach days, so far as the number of miles are concerned. It used to take care of 2,000 people, and now we take care of more than a million and a half in a few months. The wilderness is there, if you are willing to get on your feet and on the trails and see it. The wildlife is there. It is use and preservation combined.

Mr. HEIMBERGER. The idea is now to try to go in and recapture a natural condition of rivers which have been used for recreation, but which, perhaps, to a larger extent since World War II than any other time, have been cut off from public use by private ownership. This seems to me to be something that would be very much worthwhile. Is this pretty largely outside of the scope of the Park Service because of the purely local significance of most such rivers, or are you considering several projects of this type in various parts of the country?

Mr. WIRTH. We are considering it in various parts of the country.

Mr. HEIMBURGER. For example, here on the Shenandoah, about 10 years ago, there was one of the finest fishing streams around here—except when pollution got in from the wastes of the paper mills. But so far as beauty and access were concerned it was one of the finest fishing streams, but it is almost impossible to get down the Shenandoah to fish because of private holdings.

Mr. WIRTH. That is right.

Mr. HEIMBURGER. And certainly river valleys throughout the country that are of real local significance ought to be preserved for the future use of the public.

Mr. WIRTH. We agree 100 percent and that would be true here. There should be access to the river for those purposes.

Mr. HEIMBURGER. I am interested to hear you say you are considering others of that type.

Mr. WIRTH. Yes, sir; we certainly are.

Mr. HEIMBURGER. Thank you, that is all, Mr. Chairman.

Mr. McINTIRE. I have just one further question. Out of all of this discussion, Mr. Wirth, I get the feeling that the use of the term "monument" and the use of the term "recreation area," is not laying down the policy of future use, but that the policy of use will change as time goes on; in other words, once it is set up as a recreation area, this does not necessarily fix the pattern of use for the future for all time future management, because if I get the impression correctly the objective is to move these areas to a more limited use. Am I wrong in that assumption?

Mr. WIRTH. No, I do not think that is incorrect, any more than one Congress can bind another Congress or that we can bind future generations on how they will interpret the use of areas, but under the present procedures and policies—and they have been in effect for some time—the objective of areas set aside as national parks is to preserve them in their natural condition and to eliminate adverse uses, and monuments are to protect the scientific, historic, and prehistoric areas. It is difficult to determine where you stop and where you start. For instance, Grand Canyon was established by Theodore Roosevelt in 1908 under the Antiquities Act as a national

monument. Certainly, you can say that it is a scientific wonder, yet it is a beautiful thing, too. And later on Congress established it as a national park. So there are variations in that.

I would say this to you, on that one particular question "recreation" is, perhaps, the broadest term that man has ever created. That includes most anything you do in your leisure time. You can sit down in a rocking chair on your porch and rock and still get recreation.

You can look at the scenery and get a lot of relaxation and recreation out of it, in one term of the word. You can play baseball; you can run on the track. That provides recreation. You can go to the pool hall and get recreation. You could do almost anything that you want as a form of recreation.

When we talk about recreation we have still to define the kind of uses that the land will be able to take and provide the type of recreation it can provide.

People going to Yellowstone National Park are going there for recreation. They are going there for inspirational value. Some of them never get out of the campgrounds. They go to the geysers. They go to another area for other purposes, like to Lake Mead for boating, et cetera.

What we try to emphasize in that area is that we do other things that we would not allow in the national parks. That is about the size of it.

Mr. McINTIRE. Thank you.

Mr. Grant.

Mr. GRANT. We have a statement here from Senator Long of Missouri which, without objection, will be made a part of the record.

(The statement of Hon. Edward V. Long follows:)

STATEMENT OF HON. EDWARD V. LONG, A U.S. SENATOR FROM THE STATE OF MISSOURI

Mr. Chairman, I wish I possessed the magical powers necessary to transport this entire group into the southern Missouri Ozarks—the proposed site of the Ozark Rivers National Monument. There you would find almost 113,000 acres of almost indescribable beauty along the Current, Eleven Points and Jack's Fork Rivers. You could see firsthand the hills, the forests, and the scenic beauty that somehow have escaped the ravages of man and still retain its God-given charm almost as it existed when early settlers made their way slowly to the West.

I feel certain that anyone who has visited this beautiful wilderness in southern Missouri will agree that this priceless asset should be preserved in its natural state for ourselves, our children, and the generations to come. While we are agreed on preserving the Ozark Rivers National Monument, we are not in agreement on who should administer the project. One group would place the national monument with the Department of the Interior. The other group would have the monument under the jurisdiction of the National Forest Service in the Department of Agriculture.

I am confident either the National Park Service or the National Forest Service would do everything possible to preserve the scenic, historical, and geological values of the area we are discussing.

However, I wish to urge that S. 1381 be enacted—a bill that would place the Ozark Rivers National Monument under the jurisdiction of the National Park Service and the Department of the Interior.

My preference for the Department of the Interior should in no way reflect on capabilities of the National Forest Service or the Department of Agriculture.

Actually, in a letter to the Committee on Interior and Insular Affairs dated July 3, 1961, the Department of Agriculture recommended the passage of S. 1381 giving the Department of Interior jurisdiction over the Ozark Rivers National Monument.

The Department of Agriculture, among other things, points out that "the Eleven Point section and lower Current section, which include national forest lands, together contain about 25,000 acres of the possible monument area of 113,000 acres." The letter goes on to say that even though the Forest Service is interested in the scenic, recreation, and other natural and physical values of the region, S. 1381 could achieve these same objectives "not only in the small area under Department of Agriculture jurisdiction, but also in the much larger area included in the bill."

The Missouri House of Representatives has adopted a resolution calling for the establishment of an Ozark Rivers National Monument under the National Park Service. The St. Louis Post-Dispatch, the Kansas City Star, and other leading newspapers have urged the same thing. All of these factors, combined with the July 3 letter from the Department of Agriculture quoted above, prompts me to recommend consideration of the Symington-Long-Ichord bill, instead of the measure that would place the national monument under the National Forest Service in the Department of Agriculture.

Mr. GRANT. Thank you very much, Mr. Wirth and your associates for your testimony.

Mr. WIRTH. Thank you.

Mr. GRANT. With that, the committee stands adjourned.
(Whereupon, at 12 noon, the subcommittee adjourned.)



