FISH AND WILDLIFE LEGISLATION

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON COMMERCE UNITED STATES SENATE

EIGHTY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 2138, S. 2678, S. 2770, S. 2927, and S. 3201

BILLS RELATING TO PAYMENTS TO COUNTIES IN WHICH FEDERAL WILDLIFE REFUGES ARE LOCATED

S. 1542

STUDIES OF THE GENETICS OF SPORT FISHES

S. 3270 and S. 3504

SECRETARIAL OFFICERS ON THE MIGRATORY BIRD CONSERVATION COMMISSION

H.R. 1171

AUTHORIZING APPROPRIATE INCIDENTAL OR SECONDARY USE FOR PUBLIC RECREATION OF NATIONAL FISH AND WILDLIFE CONSERVATION AREAS

S. 2358

MAKING EXCESS REAL PROPERTY HAVING WILDLIFE VALUE AVAILABLE TO STATE AGENCIES

JULY 9 AND 18, 1962

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[1] Senator Prouty appointed to committee July 18, 1962, succeeding Senator Clifford P. Case of New Jersey.

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FISH AND WILDLIFE LEGISLATION

MONDAY, JULY 9, 1962 AND WEDNESDAY, JULY 18, 1962

U.S. SENATE,
SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON COMMERCE,
Washington, D.C.

The subcommittee was called to order, pursuant to notice, at 10:05 a.m., in room 5110, New Senate Office Building, Hon. Gale W. McGee (chairman of the subcommittee) presiding.

Senator MCGEE. The committee session will come to order.

We have before us this morning for consideration five bills, an assortment of bills on conservation matters that would amend existing law which would provide for sharing the revenues of wildlife refuges with the counties in which they are situated. And then a sixth proposal on the same subject, which will be presented here today by the Department of Interior.

In addition, my colleague and I, Senator Hickey from Wyoming, are presenting a bill for consideration on a related matter but not an identical question. Cosponsoring the bill with us is Senator Mundt from South Dakota, and the late Senator Francis Case.

I now place in the record a copy of S. 2138, a report of the General Counsel of the U.S. Treasury, a report of the Comptroller General of the United States, and a report of the General Services Administration on that measure.

I also offer for the record the bill S. 2678, and reports from the Migratory Bird Conservation Commission, the Comptroller General of the United States, the Secretary of Commerce, and from the Department of Agriculture; then for the record I offer S. 2770, and agency reports from the Comptroller General of the United States and the General Services Administration.

The bill S. 2927 will also be placed in the record, together with the comments of the Comptroller General of the United States and the Department of Agriculture.

Then I offer for the record S. 3201, and a report from the Comptroller General of the United States.

I also place in the record at this time a statement prepared by Senator Hubert Humphrey, of Minnesota, urging that the Senate Committee on Commerce approve and recommend the payments to counties be on the basis of 1 percent on the adjusted true value of the federally owned lands.

Professional staff member assigned to this hearing: Harry C. Huse.

(The bills referred to, S. 2138, S. 2678, S. 2770, S. 2927, and S. 3201, and agency reports are as follows:)

[S. 2138, 87th Cong., 1st sess.]

A BILL To provide that a greater percentage of the income from lands administered by the Fish and Wildlife Service of the Department of the Interior be returned to the counties in which such lands are situated

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), is amended by striking out "25 per centum" wherever it appears therein, and inserting in lieu thereof "75 per centum".

THE GENERAL COUNSEL OF THE TREASURY,
Washington, May 3, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2138, to provide that a greater percentage of the income from lands administered by the Fish and Wildlife Service of the Department of the Interior be returned to the counties in which such lands are situated.

The proposed legislation would amend section 401 of the act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) by increasing from 25 to 75 percent the percentage of net proceeds received each year from wildlife refuges which are subject to distribution to the county or counties in which such refuges are located.

The subject matter of the proposed legislation is not of primary concern to this Department, and we are in no position to comment on its general merit. However, it is pointed out that under the act of September 6, 1950 (64 Stat. 693–694), 75 percent of the net proceeds received each year from wildlife refuges is presently utilized in the management of such refuges, including the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and the enforcement of the Migratory Bird Treaty Act of July 3, 1918, as amended (16 U.S.C. 703–711). It is assumed that the purpose of the proposed legislation is to reduce the percentage of the net amount presently used for this purpose to 25 percent and increase the percentage of the net amount to be distributed to the counties to 75 percent. If this is a proper assumption, it is suggested that S. 2138 be amended to contain language amending the act of September 6, 1950.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

ROBERT H. KNIGHT,
General Counsel.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C., July 27, 1961.

B–146254.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter dated June 23, 1961, requests our comments on S. 2138.

The bill would amend section 401 of the act of June 15, 1935 (16 U.S.C. 715s) by increasing the annual payment required to be made by the Secretary of the Interior to the county in which a Federal wildlife refuge is situated, from 25 to 75 percent of the net proceeds derived from disposition of a refuge's surplus wildlife; spontaneous products of the soil; shell, sand, or gravel; or other privileges therein. Payments made under section 401 are required to be expended for the benefit of the public schools and roads in the county concerned.

Officials of the Fish and Wildlife Service, Department of the Interior, have informed us that when they comment on the bill they plan to recommend that a detailed survey be made of the economic factors involved prior to the enactment of the bill. In addition, they stated that passage of the legislation would

reduce the income of the Bureau of Sport Fisheries and Wildlife by about $1¼ million and necessitate an increase in its annual appropriation.

We have no other information which would be helpful in considering the desirability of the bill. Consequently and since it appears that the amount of refuge income to be distributed to the States is primarily a question of policy for determination by the Congress, we offer no recommendation concerning the measure.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., May 1, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.
Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of June 23, 1961, requested the views of the General Services Administration on S. 2138, 87th Congress, a bill to provide that a greater percentage of the income from lands administered by the Fish and Wildlife Service of the Department of the Interior be returned to the counties in which such lands are situated.

The purpose of the bill is to amend the act of June 15, 1935 to provide that 75 percent of the income from lands administered by the Fish and Wildlife Service shall be returned to the counties in which such lands are situated.

The act of June 15, 1935, as amended (16 U.S.C. 715s), provides that 25 percent of all net proceeds received during each fiscal year from the sale or other disposition of surplus wildlife, timber, hay, grass, or other spontaneous products of the soil, shell, sand, or gravel, and from other privileges or refuges administered by the Fish and Wildlife Service shall be paid at the end of each year by the Secretary of the Treasury to the county or counties in which such refuge is situated, to be expended for the benefit of the public schools and roads therein.

Since this proposed legislation does not concern the operations and functions of the General Services Administration, we have no comments to make thereon.

The enactment of this legislation would not affect the budgetary requirements of GSA.

The Bureau of the Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this report to your committee.

Sincerely yours,

LAWSON B. KNOTT, Jr.,
Acting Administrator.

[S. 2678, 87th Cong., 2d sess.]

A BILL To amend the Act authorizing participation of States in revenue from certain wildlife refuges in order to increase the amount of such participation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), is amended (1) by striking all of the first sentence before the colon preceding the first proviso and inserting in lieu thereof the following: "An amount equal to the total of all money received during each fiscal year from the sale or other disposition of surplus wildlife or of timber, hay, grass, or other spontaneous products of the soil, shell, sand, or gravel, and from other privileges on any refuge established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order administered by the United States Fish and Wildlife Service, Department of the Interior, shall be paid at the end of such year by the Secretary of the Treasury to the county or counties in which such refuge is situated, to be expended for the benefit of the public schools and roads in the county or counties in which such refuge is situated, except that in any case where such amount is in excess of the amount of State and local taxes that would be due on such refuge during such year if such taxes were applicable, as determined by

the Secretary of the Interior, the payment under the provisions of this section shall be equal to the amount of such taxes", and (2) by striking out "the 25 per centum thereof to the States as hereinbefore provided" and inserting in lieu thereof "the payments with respect to such refuge under this section".

MIGRATORY BIRD CONSERVATION COMMISSION,
Washington D.C., February 16, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of January 17 inviting the comments of the Migratory Bird Conservation Commission on S. 2678, a bill to amend the act authorizing participation of States in revenue from certain wildlife refuges in order to increase the amount of such participation, introduced by Senator Young of North Dakota.

The subject bill does not directly affect the duties of the Migratory Bird Conservation Commission; however, this Commission does have an interest in any proposed legislation that might accelerate acquisition by the United States of lands and waters for migratory waterfowl refuge purposes.

My views on Senator Young's bill will be expressed in the report of the Department of the Interior. I am transmitting copies of your letter of January 17 and S. 2678 to the other members of the Commission so that they may furnish you any comments they desire to make.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior,
Chairman, Migratory Bird Conservation Commission.

COMPTROLLER GENERAL OF THE UNITED STATES,
B-146254 *Washington, February 19, 1962.*

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter dated January 17, 1962, requests our comments on S. 2678.

The bill would amend section 401 of the act of June 15, 1935, 49 Stat. 383, as amended, 16 U.S.C. 715s, by increasing from 25 to 100 percent the annual payment required to be made by the Secretary of the Treasury to the county in which a Federal wildlife refuge is situated, of the net proceeds derived from disposition of a refuge's surplus wildlife and other specified resources. The bill would limit these annual payments to the county or counties to the amount of State and local taxes that would be due on such refuge during the taxable year, as determined by the Secretary of the Interior, if such taxes were applicable.

S. 2678, if enacted, would, based on the present level of income, and providing that the State and local taxes, as determined by the Secretary of the Interior, are not less than the net proceeds derived from each refuge, reduce the annual income of the Bureau of Sport Fisheries and Wildlife by approximately $1.5 million. Such income is now made permanently available to the Bureau by the Interior Department Appropriation Act, 1951, 64 Stat. 693, for refuge management purposes and enforcement of the Migratory Bird Treaty Act of July 3, 1918, as amended, 16 U.S.C. 703–711. It follows, if S. 2678 becomes law, that the Bureau would be required to request about $1.5 million additional annual appropriation from the general fund of the Treasury, or, as an alternative curtail its activities accordingly.

If S. 2678 were to be favorably considered, it should provide for the repeal or amendment of the permanent appropriation provision of the Interior Department Appropriation Act, 1951, referred to above.

We have no additional information which would be helpful to the committee in considering the desirability of the proposed legislation. Since the amount of

refuge income to be distributed to the States is a matter of policy for the consideration of the Congress, we make no recommendations as to the enactment of the subject bill.

Sincerely yours,

JOSPEH CAMPBELL,
Comptroller General of the United States.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 15, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is with further reference to S. 2678, a bill to amend the act authorizing participation of States in revenue from certain wildlife refuges in order to increase the amount of such participation.

At present 25 percent of net revenues from operation of any refuge administered by the Fish and Wildlife Service are paid to the county or counties in which the refuge is located. These payments are required to be used for school and road purposes by the counties. Any net revenues not so paid are covered into miscellaneous receipts of the Treasury. The bill would provide that the amount so payable would be the lessor of: 100 percent of net revenue; or the amount of State and local taxes which would be due on such refuge during the year if such taxes were applicable thereto.

I have examined the bill and conclude that it has no direct bearing upon the activities of the Migratory Bird Conservation Commission of which I am a member, since the revenues affected by the bill are not now devoted to the conservation of migratory birds. Accordingly, I offer no comment with respect to S. 2678.

The Bureau of the Budget advised there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 2, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: We appreciate the opportunity to report, as requested by your letter of January 17, 1962, on S. 2678, a bill to amend the act authorizing participation of States in revenue from certain wildlife refuges in order to increase the amount of such participation.

The provisions of this bill would not directly affect the activities of this Department. We, therefore, make no recommendation regarding its enactment.

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.

[S. 2770, 87th Cong., 2d sess.]

A BILL To amend section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), in order to authorize increased payments to counties in which Federal wildlife refuges are situated, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), is amended to read as follows:

"SEC. 401. (a) Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to pay at the end of each fiscal year to each county of any State in which any refuge established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order administered by the United States Fish and Wildlife Service,

Department of the Interior, is situated an amount equal to 1 per centum of the adjusted true value (as determined by the Secretary of the Interior) of the lands of the county included within such refuge, which amount shall be expended for the benefit of the public schools and roads in such county. There are hereby authorized to be appropriated each fiscal year such amounts as may be necessary to carry out the provisions of this subsection.

"(b) All money received during each fiscal year from the sale or other disposition of surplus wildlife, or of timber, hay, grass, or other spontaneous products of the soil, shell, sand, or gravel, and from other privileges on refuges established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order administered by the United States Fish and Wildlife Service, Department of the Interior, shall be paid into the miscellaneous receipts of the Treasury: *Provided*, That except as otherwise provided by section 204 of the Federal Property and Administrative Services Act of 1949, as amended, the disposition or sale of surplus animals, and products, and the grant of privileges on said wildlife refuges may be made upon such terms and conditions as the Secretary of the Interior shall determine to be for the best interests of Government or for the advancement of knowledge and the dissemination of information regarding the conservation of wildlife, including sale in the open market, exchange for animals of the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation: *Provided further*, That except as otherwise provided by section 204 of the Federal Property and Administrative Services Act of 1949, as amended, out of any moneys received from the grant, sale, or disposition of such animals, products, or privileges, or as a bonus upon exchange of such animals the Secretary of the Interior is authorized to pay any necessary expenses incurred in connection with and for the purpose of effecting the removal, grant, disposition, sale, or exchange of such animals, products, or privileges; and such expenditures shall be deducted from the gross receipts collected each fiscal year before such moneys are paid by the Secretary of the Interior into the miscellaneous receipts of the Treasury."

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., May 1, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of February 1, 1962, requested the views of the General Services Administration on S. 2770, 87th Congress, a bill to amend section 401 of the act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), in order to authorize increased payments to counties in which Federal wildlife refuges are situated, and for other purposes."

The purpose of the bill is to amend that provision of law which provides that 25 percent of the proceeds of the disposition of surplus wildlife, spontaneous products and privileges on Federal wildlife refuges shall be paid by the Secretary of the Treasury to the counties in which such refuges are located for the benefit of public schools so that the said law shall provide that such proceeds shall be paid into miscellaneous receipts of the Treasury and that the Secretary of the Treasury shall pay to the counties yearly an amount equal to 1 percent of the adjusted true value (as determined by the Secretary of the Interior) of the lands of each county included within such refuges.

Since this proposed legislation does not concern the operations and functions of the General Services Administration, we have no comments to make thereon.

The enactment of this measure would not affect the budgetary requirements of GSA.

The Bureau of the Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this report to your committee.

Sincerely yours,

LAWSON B. KNOTT, Jr.,
Acting Administrator.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 23, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter dated February 1, 1962, requests our comments on S. 2770.

The bill would amend section 401 of the act of June 15, 1935, 16 U.S.C. 715s, by authorizing the Secretary of the Treasury to pay at the end of each fiscal year to each county of any State in which a Federal wildlife refuge is situated an amount equal to 1 percent of the adjusted true value of the lands of the county included within such refuge, which amount would be expended for the benefit of the public schools and roads in such county.

Section 401 would further provide that the net proceeds derived from the sale or other disposition of a refuge's surplus wildlife, spontaneous products of the soil, shell, sand, or gravel, or other privileges therein should be paid into the miscellaneous receipts of the Treasury.

Based on the present level of income, the bill, if enacted, would reduce the annual income of the Bureau of Sport Fisheries and Wildlife by approximately $1.5 million. Such income is now made permanently available to the Bureau by the Interior Department Appropriation Act, 1951, 64 Stat. 693, for refuge management purposes and enforcement of the Migratory Bird Treaty Act of July 3, 1918, 16 U.S.C. 703–711. It follows that if S. 2770 becomes law the Bureau would be required either to request about $1.5 million additional appropriations annually or to curtail its activities accordingly.

If the bill is favorably considered it should provide specifically for the repeal of the above-discussed permanent appropriation provision in the Interior Department Appropriation Act, 1951.

We have no other information which would be helpful in considering the desirability of the bill. Consequently, and since it appears that the matter is primarily a question of policy for determination by the Congress, we offer no recommendation concerning the measure.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

[S. 2927, 87th Cong., 2d sess.]

A BILL To provide for the distribution of the total net income from wildlife refuges administered by the United States Fish and Wildlife Service of the Department of the Interior, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), is amended to read as follows:

"SEC. 401. (a) All money received during each fiscal year from the sale or other disposition of surplus wildlife or of timber, hay, grass, or other spontaneous products of the soil, shell, sand, or gravel and from other privileges on any refuge established under the Migratory Bird Conservation Act of February 18, 1929, or any other law, proclamation, or Executive order administered by the United States Fish and Wildlife Service, Department of the Interior, shall be covered into the United States Treasury and set aside as a special fund to remain available for expenditure, without further appropriation, by the Secretary of the Interior for (1) necessary expenses incurred in effecting such sale or other disposition of such wildlife or products, in granting such privileges, or in the administration of the provisions of this section; and (2) payments to the counties in which the lands in such refuges are situated, to be used solely for the benefit of the public schools and roads therein, as follows:

"(A) to each county in which public domain land in such a refuge is situated, an amount equal to such portion of 25 per centum of the net receipts (after deduction of amounts expended under clause (1) above) from such refuge in each fiscal year as the area of such public domain land bears to the total area of such refuge; and

"(B) to each county in which refuge land other than public domain land is situated, for each fiscal year, an amount equal to three-quarters of 1 per centum of the appraised value of such other land, exclusive of

improvements, as initially determined by the Secretary of the Interior and as redetermined by the Secretary at not more than ten-year intervals.

Payments to counties under the provisions of this section in any fiscal year shall not exceed the amount that will be available in such year for such payments in the fund established under the provisions of this section. If the amount in such fund in any year is not adequate to cover the total amount of payments to the counties as determined under clause 2 (A) and (B) above, each such payment shall be reduced by such per centum as is equal to the per centum by which the total of such payments determined under clause 2 (A) and (B) for such year exceeds the amount available for such payments in such year in such fund.

"(b) Subject to the applicable provisions of the Federal Property and Administrative Services Act of 1949, the disposition or sale of surplus animals and products and the grant of privileges on such wildlife refuges may be made upon such terms and conditions as the Secretary of the Interior determines to be in the best interests of the Government or as will advance the knowledge of, and disseminate information regarding, the conservation of wildlife, including sale in the open market, exchange of animals for the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation."

SEC. 2. The General Appropriation Act, 1951 (64 Stat. 595), is amended by striking out the paragraph entitled "Management of National Wildlife Refuges" under the heading "FISH AND WILDLIFE SERVICE".

SEC. 3. Section 5 of the Migratory Bird Conservation Act (16 U.S.C. 715d) is amended by inserting "(a)" after "SEC. 5." and by inserting at the end of such section a new subsection as follows:

"(b) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary of the Interior may, upon determining that any land acquired in fee under the provisions of this Act is no longer required for the purposes of this Act, dispose of such land at public auction to the highest bidder. Any amounts received by the Secretary for land disposed of under the provisions of this subsection shall be paid into the migratory bird conservation fund, established pursuant to section 4 of the Act of March 16, 1934 (48 Stat. 451), to be available for the purposes of such fund."

SEC. 4. The amendments made by the first section and section 2 of this Act shall become effective on the first day of the first fiscal year beginning after the date of enactment of this Act. The amendment made by section 3 of this Act shall become effective on such date of enactment.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 13, 1962.

B-14654.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter dated March 2, 1962, requests our comments on S. 2927, which would provide for the distribution of the total net income from wildlife refuges administered by the U.S. Fish and Wildlife Service of the Department of the Interior.

We have no special information as to the desirability of the proposed legislation, and since the objectives of S. 2927 appear to involve matters of policy for the Congress to determine, we make no recommendation concerning enactment of the bill. However, we offer the following comments.

Section 1 of the bill would amend section 401 of the act of June 15, 1935, 16 U.S.C. 715s, to provide that all money derived from the disposition of surplus wildlife and other specified resources of Federal wildlife refuges be covered into the Treasury and set aside as a special fund to remain available for expenditure without further appropriation for (1) expenses incurred in effecting such disposition, and (2) payments to the counties in which the refuges are located for the benefit of public schools and roads.

Under present law, only 25 percent of the net proceeds derived from the disposition of refuges' surplus resources here involved are paid to the counties for public schools and roads with the remaining 75 percent being made permanently available to the Bureau of Sport Fisheries and Wildlife by the Interior Department Appropriation Act, 1951, 64 Stat. 693. Section 2 of the bill would repeal

such permanent appropriation provision. S. 2927 would thus reduce the annual income of the Bureau by a considerable sum, amounting to approximately $1.5 million based on the present level of income, and the Bureau would be required to request such amount as an additional annual appropriation from the general fund of the Treasury or, as an alternative, curtail its activities.

Section 3 of the bill would amend section 5 of the Migratory Bird Conservation Act (16 U.S.C. 715d) by authorizing the Secretary of the Interior to sell excess refuge land at public auction to the highest bidder, notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, with the receipts therefrom being paid into the migratory bird conservation fund.

General authority now exists for the disposal of Federal real property which is surplus to the needs of the Federal Government. Such property may be sold and the receipts deposited into the Treasury (40 U.S.C. 484(c)); transferred to States or political subdivisions thereof for public park or public recreational use at 50 percent of its fair value (50 U.S.C. App. 1622(h)); transferred to State agencies for wildlife conservation without reimbursement on determination that it is chiefly valuable for such purpose (16 U.S.C. 667b); transferred to States or political subdivisions thereof for educational or public health purposes at a sales price which takes into consideration any benefit which may accrue to the United States from such use of the property by the purchaser (40 U.S.C. 484(k)); or, it may be transferred for other purposes under general provisions applicable to the use to which the land is to be put. We are not informed of the justification for the proposed authorization for the disposal of the lands here involved under conditions other than those prescribed by Congress in the general statutes referred to above and for crediting the proceeds therefrom to the migratory bird conservation fund.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 2, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: We appreciate the opportunity to report, as requested by your letter of March 2, 1962, on S. 2927, a bill to provide for the distribution of the total net income from wildlife refuges administered by the U.S. Fish and Wildlife Service of the Department of the Interior, and for other purposes.

The provisions of this bill would not directly affect the activities of this Department. We therefore make no recommendation regarding its enactment.

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.

[S. 3201, 87th Cong., 2d sess.]

A BILL To amend section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), in order to authorize increased payments to counties in which Federal wildlife refuges are situated, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), is amended to read as follows:

"SEC. 401. (a) Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to pay at the end of each fiscal year to each county of any State in which any refuge established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order administered by the United States Fish and Wildlife Service, Department of the Interior, is situated an amount equal to 1 per centum of the adjusted true value (as determined by the Secretary of the Interior) of the lands of the county included within such refuge, which amount shall be expended for the benefit of the public schools and roads in such county. There are hereby au-

thorized to be appropriated each fiscal year such amounts as may be necessary to carry out the provisions of this subsection.

"(b) All money received during each fiscal year from the sale or other disposition of surplus wildlife, or of timber, hay, grass, or other spontaneous products of the soil, shell, sand, or gravel, and from other privileges on refuges established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order administered by the United States Fish and Wildlife Service, Department of the Interior, shall be paid into the miscellaneous receipts of the Treasury: *Provided*, That except as otherwise provided by section 204 of the Federal Property and Administrative Services Act of 1949, as amended, the disposition or sale of surplus animals, and products, and the grant of privileges on said wildlife refuges may be made upon such terms and conditions as the Secretary of the Interior shall determine to be for the best interests of Government or for the advancement of knowledge and the dissemination of information regarding the conservation of wildlife, including sale in the open market, exchange for animals of the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation: *Provided further*, That except as otherwise provided by section 204 of the Federal Property and Administrative Services Act of 1949, as amended, out of any moneys received from the grant, sale, or disposition of such animals, products, or privileges, or as a bonus upon exchange of such animals the Secretary of the Interior is authorized to pay any necessary expenses incurred in connection with and for the purpose of effecting the removal, grant, disposition, sale, or exchange of such animals, products, or privileges; and such expenditures shall be deducted from the gross receipts collected each fiscal year before such moneys are paid by the Secretary of the Interior into the miscellaneous receipts of the Treasury."

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 30, 1962.

B–146254.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter dated April 23, 1962, requests our comments on S. 3201.

The bill would amend section 401 of the act of June 15, 1935, 16 U.S.C. 715s, by authorizing the Secretary of the Treasury to pay at the end of each fiscal year to each county of any State in which a Federal wildlife refuge is situated an amount equal to 1 percent of the adjusted true value of the lands of the county included within such refuge, which amount would be expended for the benefit of the public schools and roads in such county.

Section 401 would further provide that the net proceeds derived from the sale or other disposition of a refuge's surplus wildlife, spontaneous products of the soil, shell, sand, or gravel, or other privileges therein should be paid into the miscellaneous receipts of the Treasury.

Based on the present level of income, the bill, if enacted, would reduce the annual income of the Bureau of Sport Fisheries and Wildlife by approximately $1.5 million. Such income is now made permanently available to the Bureau by the Interior Department Appropriation Act, 1951, 64 Stat. 693, for refuge management purposes and enforcement of the Migratory Bird Treaty Act of July 3, 1918, 16 U.S.C. 703–711. It follows that if S. 3201 becomes law the Bureau would be required either to request about $1.5 million additional appropriations annually or to curtail its activities accordingly.

If the bill is favorably considered it should provide specifically for the repeal of the above discussed permanent appropriation provision in the Interior Department Appropriation Act, 1951.

We have no other information which would be helpful in considering the desirability of the bill. Consequently, and since it appears that the matter is primarily a question of policy for determination by the Congress, we offer no recommendation concerning the measure.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Senator McGee. I hereby place in the record a statement by Senator Humphrey.

STATEMENT OF SENATOR HUBERT H. HUMPHREY

Mr. Chairman, experience in the management and operation of wildlife refuges over the last two decades has shown the need, and an urgency has developed, for an early revision upward of the formula for making payments to counties having wildlife refuges or wetland areas containing federally owned land.

With the ever-increasing cost of government on all levels, the local subdivisions are in a tighter squeeze than ever before. This situation will tend to intensify in the States of Minnesota, North Dakota, and South Dakota during the next 7 or 8 years as the wetlands acquisition program under Public Law 87–383 gets into high gear. This law is the result of a bill sponsored by me and of a companion bill in the House. I supported the legislation at that time and am in full accord with the purposes and objectives of the act now.

It was with the view of seeking a remedy to the problem of the counties that, together with my colleague, Senator McCarthy, I introduced on April 19, 1962, S. 3201, which would authorize increased payments to affected counties, and would also affect other provisions.

I am happy to note that the Department of the Interior, in its letter of June 20, 1962, to the chairman of this committee, strongly recommended enactment of legislation providing for increased payments. It did not, however, go so far as recommending that the payments be increased to 1 percent of the adjusted true value of the federally owned land as proposed in my bill, but modestly recommended that the payments to the particular counties be in an amount equal to three-fourths of 1 percent of such value. This recommendation is of tremendous help, even though it did not go as far as I had hoped and would have liked.

Under a 1935 act, the formula for the present payment to counties for federally owned land in wildlife or wetland areas is an amount equal to 25 percent of the net proceeds from the refuges therein. Receipts of refuges are derived from the sale of surplus wildlife, timber, hay, grass, or other spontaneous products of the soil, shell, sand, gravel, and from other privileges on wildlife refuges.

In many instances a wildlife refuge yields very little or no returns. Consequently, even if all receipts therefrom wore turned over to the county the amount would be minuscule. The Department's letter report on the proposed legislation states that the smallest payment to a county in 1961 was $1.

The remaining 75 percent of the net refuge receipts remain available to the Department of the Interior, pursuant to a permanent indefinite appropriation provision in the act of September 6, 1950, for the management of the national wildlife refuge system and the enforcement of the Migratory Bird Treaty Act.

Almost all counties derive their sole income, or at any rate their principal income, from taxation of property within the county. Any loss of taxable acreage is a blow to the county's financial structure. This is even more serious when in addition to the tax loss the county may become obligated to make additional expenditures due to the use and development of the land taken off the tax rolls.

The loss of tax revenue through Federal acquisition is one of the measurements which should be applied in evaluating proposals for the most equitable payments to losing counties. Other components of such payments might well be compensation in part for increased costs of policing by peace officers necessitated by the wildlife development and acompanying recreational facilities; necessary and unexpected construction and rerouting of local roads to and around the refuge; and other impacts on the finances of the local governmental units.

Notwithstanding my reference to the involved and inextricable tax relationship of land acquired by the United States, which thereafter becomes exempt from all taxing purposes, to the entire tax structure of the county, I do not intend that my bill is, nor should it be construed to be, legislation for reimbursement in lieu of taxes.

I do not want to be understood, Mr. Chairman, as saying that there are no positive benefits from wildlife refuges, wetland areas, or other migratory waterfowl habitat development. There are many. Most of these, however, are more statewide and national than local.

The very reason for the wetlands acquisition program is to preserve for the benefit of the Nation's migratory waterfowl, at the earliest possible time, the most important and valuable duck and geese nesting and producing areas in the United States. These are located in the three States I have mentioned.

Despite the many tangible and intangible benefits from wildlife refuges and their development, local governmental officials view such projects with the jaundiced eye of one who has income-producing property taken from him. They feel that the net benefits are negative.

In order to lessen local opposition to the wetlands acquisition program; reduce the impact of land withdrawal from county tax rolls; and so far as possible protect and preserve the financial structure of affected counties, I urge that your committee approve and recommend that payments to counties be on the basis of 1 percent on the adjusted true value of the federally owned lands.

Senator McGee. In the proceedings today I note we have very nearly a quorum of the Senate of the United States and because I know that each of these gentlemen has committees of his own that are also meeting this morning, on other questions, I think to expedite matters we will ask each of the Senators to make his statement and we will have the reporter put these statements at the appropriate place in the hearing record, but so as not to detain the Senators unnecessarily we will move right into their particular statements.

Senator Young?

STATEMENT OF HON. MILTON R. YOUNG, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator Young. Thank you.

Mr. Chairman, I appreciate the opportunity of appearing before your subcommittee in support of legislation which would authorize increased payments to counties and local subdivisions in which the Federal Government has wildlife refuges or wetland areas.

I support the position being taken here today by the official representatives of North Dakota. Legislation of this type is badly needed. At the present time, as you know, counties receive only 25 percent of the receipts from refuge land located within their borders. These revenues are totally inadequate for providing and maintaining the many services which counties and local subdivisions provide directly to their citizens. For this reason I introduced Senate bill 2678.

North Dakota has already lost considerable land to the Federal Government for use as wildlife refuges. Even more will be acquired by the Bureau of Sport Fisheries and Wildlife under Public Law 87–383, commonly known as the Wetlands Act.

It is estimated that we will lose approximately another one-half million acres of land. Certainly it is necessary and in the national interest to protect and maintain our migratory waterfowl. However, this should not be done at the expense of the people living in the counties where these various wetland areas are acquired.

North Dakota people enjoy hunting and other outdoor activities as much as any people in the Nation. However, they do not feel that we should bear this added tax burden for projects which are of direct interest and benefit to people throughout the United States. This is indicated by a telegram which I have received from Mr. Otto C. Maercklein, president of the North Dakota Wildlife Federation.

Mr. Chairman, I would like very much to have this printed as a part of my remarks.

Senator McGee. It will be printed in the record.

(The telegram referred to is as follows:)

JUNE 24, 1962.

Senator MILTON R. YOUNG,
Washington, D.C.:

North Dakota Wildlife Federation favors passage of legislation for payment and in lieu of taxes on land acquired by U.S. Fish and Wildlife under small wetlands acquisition.

(Signed) OTTO MARECKLEIN,
President of North Dakota Wildlife Federation.
RALPH SHULTS,
Secretary.

Senator YOUNG. In addition to substantial land acquisitions by the Bureau of Sport Fisheries and Wildlife under the wetlands program, North Dakota will lose another 140,000 acres of land for fish and wildlife purposes under the Garrison diversion irrigation legislation which is presently pending in Congress.

No governmental subdivision likes to lose such substantial areas of its trade territory, even if it is adequately compensated for the loss of revenue. However, people of North Dakota, recognizing the importance of these programs to the national interest, accept these programs if they can be adequately reimbursed for loss in tax revenue.

Mr. Chairman, when the Federal Government acquires tracts of land in a community, there is not a corresponding reduction in the amount or in the number of services which the local government must provide. Roads must still be maintained, schools must still be operated and expanded, and all of the other functions of local government continue on about the same level. They continue, however, at a greater cost to the remainnng landowners.

The Fish and Wildlife Service conducted a survey on the Lower Souris Wildlife Refuge in North Dakota, which is located in two counties—McHenry and Bottineau. In 1960 in McHenry County, the Federal Government returned to the county government about 1 cent per acre on the taxable farmland in the affected townships. In Bottineau County, 4 cents per acre was returned. In the same year, land in private ownership in the same townships in McHenry County yields 53 cents per acre, and 95 cents per acre in Bottineau County.

I am pleased that the Department of Interior favors legislation to correct this bad situation. I note, however, that they recommend returning to the local governments three-fourths of 1 percent of the adjusted value of land acquired by it. I would hope that this committee will see fit to approve the return of 1 percent of the adjusted value of this property.

I thank you.

Senator MCGEE. Thank you very much, Senator, for the statement.

The junior Senator from North Dakota, Senator Burdick.

STATEMENT OF HON. QUENTIN N. BURDICK, A U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. Mr. Chairman and members of the committee, I know that the committee made a special effort to arrange for this hearing today and I want to express my gratitude. In presenting the case for increasing payments to counties containing federally owned wildlife refuges or wetland areas, I am happy to have the assistance of Gov.

William L. Guy; Oscar Berg, executive secretary of the North Dakota Water Users Association; Henry Steinberger, vice chairman of the Garrison Diversion Conservancy District; and John Eaton of Denbigh, N. Dak.

The Nation has a vital interest in conserving migratory waterfowl. Federal programs to create and improve wildlife habitat for the nesting and production of waterfowl have won widespread public acceptance.

In order for these programs to advance and continue to receive wide popular acceptance, it is imperative that an inequity to persons living near wildlife refuges be recognized.

When the Federal Government acquires land for wildlife refuges, the taxing base of local governments narrows. Local governments must either curtail necessary government services or impose a heavier burden on remaining taxpayers or do both.

In recognition of this problem, a 1935 law provided that 25 percent of the net proceeds from the sale of surplus wildlife, timber, hay, grass, or other products of the soil and other privileges on wildlife refuges be paid each year to the county or counties in which the refuges are located.

For many refuges this type of income is negligible. A study shows that the return in 1960 to McHenry and Bottineau Counties in my State of North Dakota totaled less than 12 percent of the amount in taxes which 58,000 acres of refuge land would have produced had they been in private ownership. Lost, in addition, is revenue from personal property taxes equaling about 20 percent of land taxes. The gap will widen in years to come when it is expected that North Dakota's land values will increase greatly.

The gravity of the situation is driven home to me because North Dakota and its neighboring States of South Dakota and Minnesota contain the major duck nesting grounds in the Nation. Extensive acquisition of wildlife refuges is contemplated for the years to come. According to long-range plans of the Department of the Interior additional wildlife refuges are needed in this major duck nesting area of the United States. As a result of these plans the need for increased payments to the counties will become even more pressing as the years progress.

My bill, S. 2770, would revise the formula for reimbursing county governments by making an annual payment of 1 percent of the adjusted true value of the land acquired by the Fish and Wildlife Service.

I am gratified that the Department of Interior, in its report on S. 2770 and related bills, shows a keen realization of the need for corrective measures. The Department's formula is similar to mine, but limits the payment to three-fourths of 1 percent.

The Department admits the return under this formula is not enough to fully reimburse counties for the tax revenue they would have received if the acquired lands had been in private ownership.

Besides the loss of tax revenues, losing counties face such expenses as the rerouting and reconstruction of roads in the wildlife area and, of course, the loss of production from refuge lands.

For these reasons, I believe my 1-percent formula represents the most reasonable and equitable solution to this problem. Under my

proposal, funds for payments to the counties would be taken from the net receipts of the wildlife system. In the event funds are insufficient to make full payments, appropriations by Congress are authorized to make up the difference.

I urge favorable consideration of this legislation.

(The following letter was placed in the record by the staff at the request of the chairman of the subcommittee on July 30.)

JULY 30, 1962.

Hon. GALE W. MCGEE,
Committee on Commerce,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGEE: At the July 9 hearing on the series of bills to revise the method of reimbursing counties having wildlife refuges or wetland areas containing federally owned land you requested my comments on the draft bill submitted by the Department of Interior.

The departmental report has been well researched and seems to bear out that the 1-percent formula in my bill, S. 2770, would come close to the objective of reimbursing counties for lost revenues—closer, in fact, than the three-fourths of 1 percent formula in the Department's draft bill.

The testimony before the committee, of course, reveals that the discrepancy between lost revenues and the three-fourths of 1 percent formula is especially great in my State of North Dakota.

As I pointed out in my statement to the committee, tax revenues are not the only losses sustained by counties when lands are acquired for wildlife refuges and wetlands areas. Additional expenses are incurred in such items as the rerouting and reconstruction of roads in the wildlife areas. Still another factor is the loss of production from refuge lands.

I would appreciate it if you would direct your attention to two points raised by Gov. William L. Guy of North Dakota in his statement:

(1) The provision in the Department's draft bill that the total of all payments to counties for any one year shall not exceed the amount of net receipts from the system for that year, and (2) his recommendation relating to outstanding bonded indebtedness on land acquired for the national refuge system.

Many thanks for the kind consideration you have given me, Governor Guy, and the other witnesses from North Dakota during the hearings on this legislation.

With kindest regards, I am,

Sincerely,

QUENTIN N. BURDICK.

Mr. Chairman, I have a statement by the Governor of North Dakota. But in view of the fact that two of my colleagues wish to testify at this time, I will defer making that statement until after they have testified.

Mr. MCGEE. Thank you, Senator.

Senator MCGEE. I see the distinguished Senator from South Dakota is here.

I assume that he is here in connection with S. 2927?

Senator MUNDT. That is my mission here today.

Senator MCGEE. Senator, why don't you go ahead and testify on your measure?

Senator MUNDT. Before making my own statement on S. 2927, I would like to file for printing immediately after my statement the statement by the Governor of South Dakota, Mr. Archie Gubbrud, who was unable to come to the meeting here today and has a brief statement dealing with S. 2927.

Senator MCGEE. It will be filed in the record intact.

(Statements by Senator Mundt and Hon. Archie Gubbrud follow:)

STATEMENT BY SENATOR KARL E. MUNDT BEFORE THE SENATE COMMERCE COMMITTEE ON S. 2927

Mr. Chairman: I appreciate this opportunity to appear before you and other members of the committee to testify on behalf of S. 2927 as proposed by the late Senator Case of South Dakota.

This bill seeks to deal in a practical and realistic manner with the problem associated with the wetlands acquisition program. The Department of the Interior has estimated that a minimum of 12,500,000 acres of wetlands are needed in the United States to maintain waterfowl population at a significant level. Of this total, 5,500,000 acres are already under public control. The remainder is being acquired by States and Federal agencies in the coming years. Part of this amount, or approximately 2,771,000 acres, is to be acquired with funds authorized by Congress in 1961 in the form of an emergency Federal loan of $105 million.

A large portion of this $105 million is to be spent in South Dakota, North Dakota, and Minnesota. As a matter of fact, the U.S. Fish and Wildlife Service is busy taking options on wetlands in these three States now, waiting for the time when these options can be exercised. However, the final phase of the negotiations is at a standstill in these three States. The required approval of the Governors, in accordance with Public Law 87–383, is being withheld because local governing bodies point out that extreme financial hardships will occur to counties, townships, and school districts in which large acreages are purchased. The program in effect removes property from the tax rolls since the legislation does not allow payment of taxes by the Federal Government.

Since the $105 million acquisition program is going to remove a large amount of land from the tax base, a solution to provide for the property tax, which is the principal source of revenue for local political subdivisions, must be found which will provide the funds for maintenance of local services.

Probably there is no more effective way of drying up and diminishing the effectiveness of local government than removing property from the tax base, since property tax is the principal source of revenue for local political subdivisions. Success of the wetlands acquisition program is contingent upon finding a legislative solution to this problem.

The local governments of our area of the country should not be penalized through the taking of land off the tax rolls because of its favorable waterfowl production location which provides hunting benefits for other sections of the Nation.

Under present law, the Fish and Wildlife Service pays 25 percent of any receipts from permitted uses of its lands to the counties in lieu of taxes. However, this amounts to very little because permitted uses of the purchased wetlands would be mostly livestock grazing. One-fourth of this revenue does not compensate for tax losses.

S. 2927 would be another step toward reducing the hardships to local governing bodies by making payments to the counties in the amount of three-fourths of 1 percent of the appraised value of the land. I sincerely hope this committee in all its wisdom will initiate further studies toward finding either a legislative solution or administrative solution which will provide full compensation for lost taxes to the local governing bodies.

The money for these payments, under this legislation, would be provided by income derived from lands under Federal ownership as Federal wildlife refuges. Therefore, no special or additional appropriations would be required to meet the provisions of this bill.

We must also face the fact that many times landowners desire to sell land along legal subdivision lines. This means that the Fish and Wildlife Service must purchase uplands surplus to waterfowl production needs. The ratio thus far in the history of the wetlands acquisition program averages 40 percent wetlands to 60 percent uplands. S. 2927 provides authorization for the Fish and Wildlife Service to dispose of their surplus uplands to the highest bidder and return the money to the migratory bird conservation fund.

In conclusion, Mr. Chairman, I thank this committee for the opportunity to speak on behalf of S. 2927. It is a bill that will serve the U.S. Government's own interest and protect the right of local governing entities and their needed tax base.

STATEMENT BY THE HONORABLE ARCHIE GUBBRUD, GOVERNOR OF SOUTH DAKOTA

Gentlemen: The acquisition of a significant acreage of wet lands in South Dakota hinges upon the passage of Senate bill 2927 or some similar bill.

I speak not only as the Governor of South Dakota but as a farmer who owns and still operates lands in the pothole region of South Dakota. In the past I have had the privilege to serve as a school board member, as a township supervisor, as a county commissioner, and as a State legislator, so I know the problems faced by the local taxing units when any amount of real property is removed from the tax rolls.

I am also a sportsman who enjoys tramping the fields with the fellows in search of pheasants. I enjoy dropping a fast flying mallard. The protection of the wet lands of the Dakotas and Minnesota for waterfowl and other game is a must if we are to continue the sport of waterfowl hunting with a gun.

As much as I dislike public ownership of lands, there appears to be no other way to protect this wildlife resource. To acquire the needed acreage of wet lands, some way must be found to finance the local taxing districts after the tax base of the local taxing units is reduced by Federal acquisition. It has been stated that on an average, only about 2.4 percent of the land in the counties involved would be purchased if the program could be carried out as now planned. And that at the most, no more than 8.9 percent of any one county would be taken. But much bigger percentages will be taken from some of the small school districts.

The Bureau proposes to purchase 262,609 acres of wet lands and other waterfowl areas in South Dakota. Probably only about 30 percent of this will be truly wet lands, so the revenue from the lands to be acquired will be higher than the revenue from their present holdings which are, for the most part, larger marshy areas in refuges. For their present holdings the Bureau of Sport Fisheries and Wildlife now pays to the South Dakota counties about 12 cents per acre per year. Even if the revenue from the wet lands to be acquired doubles, it still will fall far short of the 49 cents per acre which during the tax year the South Dakota Department of Game, Fish and Parks paid in local taxes for its wet lands. S. 2927 would give the counties an estimated 27 cents per acre.

South Dakota is asking that the Federal Government do only what the State of South Dakota itself is doing. South Dakota is spending at least one-quarter million dollars each year for wet lands. The big difference in the State and Federal programs is that the State pays all local taxes. I do not feel that S. 2927 will completely compensate for the tax base lost to the counties under the present Federal wetlands acquisition program. However, it will help the counties and it will help to save our dwindling supply of wet lands and the ducks that go with them.

I urge the passage of S. 2927 or a similar bill designed to compensate the counties for taxes lost because of Public Law 87-383.

Senator MUNDT. I listened with interest to the colloquy between the distinguished Senators from Montana and Wyoming. I would like to preface my statement with the remark that South Dakota has the right kind of climate and altitude, if we can get the right amount of ducks——

Senator MCGEE. That is the irony. We have the ducks but we cannot shoot them when they are there.

Senator MUNDT. If you will shove them over our way to a more salubrious climate we will take care of the shooting.

I think what the country is interested in and this bill S. 2927 has to do with the problem of getting the production of additional ducks provided an equitable formula can be arrived at so this national problem can be financed by national funds.

It is for that purpose that my late colleague introduced S. 2927, and I would like to speak to it and it is to that bill that the Governor of South Dakota filed his statement.

This bill seeks to deal on a practical and realistic manner with the problem associated with the wetlands acquisition program.

The Department of the Interior has estimated that a minimum of 12,500,000 acres of wet lands are needed in the United States to maintain waterfowl population at a significant level.

Of this total, 5,500,000 acres are already under public control. The remainder is being acquired by States and Federal agencies in the coming years. Part of this amount, or approximately 2,771,000 acres, is to be acquired with funds authorized by Congress in 1961 in the form of an emergency Federal loan of $105 million.

A large portion of this $105 million is to be spent in South Dakota, North Dakota, and Minnesota. As a matter of fact, the U.S. Fish and Wildlife Service is busy taking options on wet lands in these three States now, waiting for the time when these options can be exercised.

However, the final phase of the negotiations is at a standstill in these three States. The required approval of the Governors, in accordance with Public Law 87–383, is being withheld because local governing bodies point out that extreme financial hardships will occur to counties, townships, and school districts in which large acreages are purchased. The program in effect removes property from the tax rolls since the legislation does not allow payment of taxes by the Federal Government.

I interpolate there that it is to be spent there for the benefit of the people of the other 47 States interested in expanding the duck population. It is not being spent there as an irrigation project or as a hydroelectric project for the benefit of the three States in which the money is being spent.

As a matter of fact, the U.S. Fish and Wildlife Service is now busy taking options on wet lands in these three States waiting for the time when these options can be exercised.

Since the $105 million acquisition program is going to remove a large amount of land from the tax base, a solution to provide for the property tax, which is the principal source of revenue for local political subdivisions, must be found which will provide the funds for maintenance of local services.

Probably there is no more effective way of drying up and diminishing the effectiveness of local government than removing property from the tax base, since property tax is the principal source of revenue for local political subdivisions. Success of the wetlands acquisition program is contingent upon finding a legislative solution to this problem.

May I say here for my own part, that in my opinion, S. 2927 is only a halfway measure. I support it because I think this is better than nothing; I do not believe it is adequate to meet the challenges involved, but this is a decision which must be left ultimately to the Governors of the three States.

I might add I served for a long time on the Game Commission of South Dakota. We are paying back to the State of South Dakota from sportsmen's funds about 49 cents an acre for payments in lieu of taxes.

The best I could calculate that the State of South Dakota would get, for example, if S. 2927 should pass, is an annual payment of about 27 cents per acre. It now receives less than half of that, so you can see that it provides a very real problem. I would hope that this committee addresses itself to this basic problem because once we establish the precedent that this national problem must be financed nationally,

as we freely do from the standpoint of recognizing the use of national funds for purchase of the land, we must also recognize that it is a national problem to follow through and to compensate these local subdivisions, so that we can get on with the job of acquiring the wet lands required to restore the duck population.

I for one have wanted to do that very much; as a matter of fact, for 10 years before coming to Congress I was very active in the Izaak Walton League of America. I was State president and was national vice president of it at the time I was elected to Congress. I resigned at that time because I did not want to inject any political aspects into a pure conservation movement.

I have worked on this for a long time. We have come to the problem and we are just not going to be able to proceed with the acquisition of wet lands until we face up to it, and I see nothing wrong whatsoever in the concept that when you move into a State to acquire an asset of national importance that you should also move in with Federal funds to compensate the area for the taxes which it loses. It is just manifestly unfair to expect a little township in South Dakota or North Dakota, or Minnesota, or a county, to go bankrupt or to close up its operations because it happens to have some wet lands in its boundaries which are of importance to the national sportsmen.

The whole connotation of the word "sportsman" and "sportsmanship" should indicate the importance of dealing, if not generously, at least equitably with the little governments, dispossessed of their financial assets so essential to their existence.

And so I say speaking for myself I consider S. 2927 to be inadequate to do the job properly. But whatever satisfies the Governors of the three States will certainly satisfy the Senator from South Dakota, but I do make a plea to the enlightened vision of the members of this committee to deal with these States fairly and adequately and I believe as you study the bill in question you will find it needs to be expanded and extended so as to provide a more generous treatment in order to meet the considerations of equity.

I think we must agree that there is no more effective way of drying up or diminishing the effectiveness of local government than removing property from the tax base, since property tax is the principal source of revenue for local political subdivisions.

The local governments of our area of the country should not be penalized through the taking of land off the tax rolls because of its favorable waterfowl production location which provides hunting benefits for other sections of the Nation.

Under present law, the Fish and Wildlife Service pays 25 percent of any receipts from permitted uses of its lands to the counties in lieu of taxes. However, this amounts to very little because permitted uses of the purchased wetlands would be mostly livestock grazing. One-fourth of this revenue does not compensate for tax losses.

S. 2927 would be another step toward reducing the hardships to local governing bodies by making payments to the counties in the amount of three-fourths of 1 percent of the appraised value of the land. I sincerely hope this committee in all its wisdom will initiate further studies toward finding either a legislative solution or administrative solution which will provide full compensation for lost taxes to the local governing bodies.

The money for these payments, under this legislation, would be provided by income derived from lands under Federal ownership as Federal wildlife refuges. Therefore, no special or additional appropriations would be required to meet the provisions of this bill.

We must also face the fact that many times landowners desire to sell land along legal subdivision lines. This means that the Fish and Wildlife Service must purchase uplands surplus to waterfowl production needs. The ratio thus far in the history of the wetlands acquisition program averages 40 percent wetlands to 60 percent uplands.

S. 2927 provides authorization for the Fish and Wildlife Service to dispose of their surplus uplands to the highest bidder and return the money to the migratory bird conservation fund.

In conclusion, Mr. Chairman, I thank this committee for the opportunity to speak on behalf of S. 2927. It is a bill that will serve the U.S. Government's own interest and protect the right of local governing entities and their needed tax base.

It deals with a very serious problem and a significant roadblock which is holding up a wetlands acquisition program which I think is indispensable for the protection of our national wildlife and waterfowl and to developing a nesting and resting and producing area adequate to keep the wild fowl population up to meet the challenge of new ammunition and new guns and new hunting devices, and I certainly hope that the thrill of hunting out of doors in this country may be preserved for all future generations.

Thank you.

Senator McGee. Having spent a lifetime in preserving the interest of those of us involved in hunting and fishing, your views are of great value to the committee.

Your judgment is greatly respected. I thank you on behalf of the committee for your testimony this morning.

Senator Mundt. Thank you for this opportunity to appear before the committee.

Senator McGee. Senator Burdick, will you proceed?

STATEMENT OF HON. QUENTIN BURDICK, U.S. SENATOR FROM NORTH DAKOTA

Senator Burdick. Mr. Chairman, I want to say I listened with interest to the colloquy between the junior Senator from Montana, the senior Senator from South Dakota. He said he had the climate but not the ducks. You look at the map prepared by the Department of the Interior, the national wildlife areas, and you will see that North Dakota has all the ducks. Having all the ducks, we also have a greater share of the problems.

Senator McGee. Let me hasten to inject, Senator, that when I had the pleasure of appearing in your State, about the 1st of June, that not only did I see a lot of ducks even at that season, but I never saw so much water in my life.

The whole State was under water. If your problem is wetlands I think it must be relief from wetlands rather than trying to find any more of them.

Senator BURDICK. Quite a contrast between this year and last year, Mr. Chairman.

At this time I ask unanimous consent to have the statement of the Honorable William L. Guy, the Governor of North Dakota, with the amendments he proposed made a part of the record.

Senator MCGEE. It will be made a part of the record.

(The statement referred to follows:)

STATEMENT OF HON. WILLIAM L. GUY, GOVERNOR OF NORTH DAKOTA, FOR INCREASED PAYMENTS TO COUNTIES HAVING WILDLIFE REFUGES OR WETLAND AREAS CONTAINING FEDERALLY OWNED LAND

Mr. Chairman, I am William L. Guy, Governor of the State of North Dakota.

I appreciate the opportunity of appearing before your committee in support of legislation which would authorize increased payments to counties in which are located Federal wildlife refuges or wetland areas containing federally owned land. Such legislation, I feel, is urgently needed. Difficult and unfair situations often result from loss of tax revenue when land is acquired in fee by the United States, under present law, for migratory wildlife purposes.

North Dakota's land and water resources are vitally important to her economy and to the proper functioning of the various political subdivisions. The taking of segments of these resources out of production and their removal from the tax rolls can only aggravate fiscal problems by narrowing the tax base upon which the State and counties depend for essential governmental services.

I am not saying that wildlife refuges and wetland areas do not produce benefits. They definitely do. Insofar as North Dakota is concerned, however, most of the benefits accrue to counties other than those in which the federally owned lands are situated. In fact, I think it is fair to say that the major benefits are statewide and nationwide rather than local. It is my feeling that the net benefits to the affected counties are definitely negative because of the impact of the tax loss sustained.

While the loss of tax revenue is the most serious aspect of the removal from the tax rolls of agricultural land, there are additional consequential damages. Of these, the loss of production from refuge lands is the most significant. Another, in many cases, is the unavoidable cost of rerouting and reconstructing roads—which were already adequate—along, around, and in the area of the wildlife development. Such unexpected demand, for which no funds are available, becomes an especially difficult problem if recreational areas on refuge land are planned and developed, or a costly road crossing over the refuge becomes necessary.

North Dakota, perhaps more than any other State, is acutely aware and extremely sensitive to the negative benefits from the construction of sizable public works—in the so-called national interest—which takes large acreages of valuable agricultural land and water resources.

More than 550,000 acres of fertile cropland and good grazing land were taken by the Federal Government in the State in the construction of the Garrison and Oahe Dams and Reservoirs on the Missouri River. To date, these vast projects are primarily beneficial to downstream States only.

Over 185,400 acres of agricultural land has already been acquired in fee in our State for Federal refuges and wet lands to serve migratory waterfowl.

At this time the State is requested and again expected to give up another half million acres, plus, of her valuable land and water resources for more wildlife refuges and wetland areas—again, all in the national interest. The principal purpose of this program is to preserve for the benefit of the Nation's migratory waterfowl the most important and valuable duck and geese nesting and producing areas in the United States.

And this is not all. The proposed Garrison diversion irrigation unit, promised the people of the State as part reimbursement for the loss of the more than half million acres of land to the Garrison Dam and Reservoir project, includes a program of the Federal Fish and Wildlife Service for the acquisition in fee of another 140,000 acres of land in North Dakota.

Of the three upper Midwest States—Minnesota, North Dakota, and South Dakota—producing the majority of ducks and other migratory waterfowl in the United States, North Dakota is the major producer. We have appropriately been named "The Duck Factory of the Nation." We are proud of this title.

Although we are more than willing to do our full share in maintaining and preserving this valuable public resource, it is felt that there can be no justification for expecting North Dakota and her two neighboring States to assume the major responsibility for this gigantic conservation task. It would appear to be only fair that the responsibility for the propagation and preservation of waterfowl should be considered national in scope and therefore shared by all beneficiaries. There can be no valid reason for expecting North Dakota to subsidize the Nation's hunters.

In North Dakota the general property tax, with only few exceptions, provides the revenue for operating the schools, administering welfare, building roads, and the rendering of all other services which are the function of governmental subdivisions. In many counties the tax rate exceeds 10 percent of the taxable valuation of the assessed property. Total taxpayment by North Dakotans in ratio to $100 of personal income is among the highest in the Nation.

Every acre of land taken off the tax list narrows the tax base. This can only result in either a greater tax burden on the remaining property or a reduction in the governmental services of the local subdivision, or both.

To add to the burden of the individual, or to reduce the governmental services in order to maintain, protect, and preserve a national resource—most of the benefits from which accrue to people and areas many hundreds of miles away—appears to be grossly unfair.

Without belaboring the subject at any greater length, I refer to a recent study by the Fish and Wildlife Service of the impact of the Lower Souris Wildlife Refuge in two counties—McHenry and Bottineau—in North Dakota. In the 1930's the then Biological Survey acquired about 95,000 acres of land in four counties for the Souris River Wildlife Refuge, of which about 58,000 acres were for the lower refuge in McHenry and Bottineau Counties. The latter area represented 25 percent of the taxable land of six townships in McHenry County and about 10 percent of the taxable acreage of eight townships in Bottineau County.

During the time this refuge has been in operation the only revenue therefrom has been the 25 percent of the net receipt of the refuge area, as authorized by the present law. In 1960, as shown by the study, the 25 percent of the net refuge receipts amounted to $1,409.83 to McHenry County and $814.60 to Bottineau County, or about 4 cents per acre of the farmland in the refuge.

In the same year comparable land in private ownership in those townships yielded a tax of 53 cents per acre in McHenry County and 95 cents per acre in Bottineau County. These tax yields were for the land alone. Taxes on personal property generally amount to about 20 percent of the real estate tax. This means that revenue from taxes on personal property on refuge land, had it remained in private ownership, would have been a sizable amount and was completely lost. Moreover, these figures do not reflect other taxes on income from production, had the property remained privately owned, which would have accrued to State and Federal Governments.

This long experience of refuge management and tax losses, Mr. Chairman, dramatically points up the urgent need for corrective legislation. Any enactment should provide authority to more nearly reimburse for tax losses and to compensate in greater part for otherwise unneeded work and unnecessary expenditures by local governmental units because of the presence of refuge developments.

The several bills before your committee contain varying proposals for a more realistic and equitable treatment of the problem. Each proposal may find acceptance in some area. None is entirely satisfactory to meet all facets of the problem in North Dakota. I realize, however, that no one remedy can be designed and developed to fully meet all situations.

Although in some instances it would require a much greater payment to fully reimburse and compensate affected counties, North Dakota favors, and I recommend and support, legislation which will return to the counties not less than 1 percent of the adjusted true value of federally owned land (other than public domain, or reserved public land) in wildlife refuges or wetland areas.

Regarding the payment to counties for public domain or reserved public land within refuges, I concur in the proposals in the bills to pay 25 percent of the net refuge receipts.

There are proposals in some bills before your committee that, irrespective of any provision for the payment to counties of a definite percentage based on the adjusted true value of the federally owned lands or on other formula, the

total of all payments to counties in the United States for any one year shall not exceed the amount of the net receipts from the system for that year.

To such limiting provision, I am unalterably opposed.

Such provision could mean no increased payments at all. It is to correct the inequity under present law that this committee is hearing the remedial proposals in the bills being considered.

I unequivocally support the proposals which would authorize the appropriation by Congress of whatever funds may be needed in addition to the net proceeds of the system revenues to make full payments to all the counties under whatever formula is finally adopted. I hold that such legislation is not in the category generally referred to as "payments in lieu of taxes" but would be a revision and justifiable expansion of the present formula under which States participate in refuge revenues.

Mr. Chairman, I have two more points, considered important, to which I wish to address myself.

One relates to outstanding bonded indebtedness against land which the United States has plans to acquire for the national wildlife refuge system. I know of half a dozen areas, in connection with the Garrison diversion irrigation unit, which the Fish and Wildlife Service plans to acquire where the lands are included in and a part of the taxable lands of school districts which have issued bonds for school construction or improvement purposes. This type of obligation is retired through a special levy against all taxable property within the school district. All lands therein are chargeable with and liable for a proportionate share of the total bonded indebtedness. The pro rata share of the obligations of which I have knowledge range from $770 to $11,452.

It would be only fair and equitable, I feel, to provide for the lump-sum payment of the proportional share of the outstanding bonded indebtedness by, and at the time, the Federal Government takes title. To do less would be to shift the Federal share of the debt onto the already overburdened remaining property owners. I sincerely hope your committee will give full consideration to these situations.

The other point concerns refuges or wetland areas having fee lands in excess to their needs. It is my understanding that under present law such holdings can only be disposed of pursuant to the provisions of the Federal Property and Administrative Services Act. Such disposal procedure, I am told, is rather complicated and requires a year or more to complete. I wish to suggest that a much simplified method for disposing of any excess land be devised. This ought to permit the sale at public auction to the highest bidder, either for cash or upon such other terms or conditions as may be prescribed.

By returning excess or surplus land of the system to private ownership, it can then again become a part of the taxable lands of the county.

Again, Mr. Chairman, I wish to express my own appreciation as well as that of all the people of my State of North Dakota for the opportunity and privilege of appearing before you and being heard on the important proposals pending before you.

My deep respect and a warm "Thank you."

Amendments Proposed for S. 2770

Amendment A: Page 2, line 5, after "lands", insert "acquired in fee by the United States (other than reserved public lands)".

Amendment B: Page 2, line 7, after "county" change the period to a colon and insert "*Provided*, That to a county in which reserved public land in such refuge is situated the payment shall be an amount equal to such portion of 25 per centum of the net receipts from such refuge in each fiscal year as the area of such reserved public land bears to the total area owned by the United States in such refuge within such county."

Amendment C: Page 3, after line 17, add the following new sections and subsections:

(C–1):

"(c) Nothwithstanding the dedication of the lands lying within any refuge to wildlife conservation and the major purpose of waterfowl management, the Secretary of the Interior in the administration thereof shall give full consideration to optimum agricultural use that is consistent therewith, and shall retain full authority to lease for agricul-

tural purposes the lands lying within such refuge: *Provided*, That any lease for agricultural purposes may prohibit the production thereon of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security."

(C–2):

"(d) In establishing any wildlife refuge hereafter under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order, administered by the United State Fish and Wildlife Service, containing land against which there is outstanding indebtedness incurred by a local governmental subdivision or other legal entity the Secretary of the Interior is authorized and directed to make provision for the full lump-sum payment of the pro rata share of the total obligation chargeable against such land or for which it is liable at the time of acquisition thereof by the United States, whether by purchase or condemnation, and the payment in full of such proportional share of the entire obligation shall be a prerequisite and a condition precedent to obtaining good and marketable fee title to such land."

"(e) There are hereby authorized to be appropriated each fiscal year all the net proceeds from the revenues of all wildlife refuges paid into miscellaneous receipts of the Treasury by the Secretary of the Interior and such additional amounts as may be necessary to carry out the provisions of this section and for refuge management purposes and enforcement of the Migratory Bird Treaty Act of July 3, 1918, to remain available until expended."

(C–4):

"SEC. 2. That the Interior Department Appropriation Act, 1951 (64 Stat. 595), is amended by striking out the paragraph entitled 'Management of National Wildlife Refuges' under the heading 'Fish and Wildlife Service.' "

(C–5):

"SEC. 3. That section 5 of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715s), is amended by inserting '(a)' after 'SEC. 5.' and by inserting at the end thereof a new subsection as follows:

"'(b) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary of the Interior may, upon determination that any land acquired in fee under the provisions of this Act is no longer required for the purposes of this Act, dispose of such land at public auction to the highest bidder. Any amounts received by the Secretary of the Interior for land disposed of under the provisions of this subsection shall be paid by him into the migratory bird conservation fund, established pursuant to section 4 of the Act of March 16, 1934 (48 Stat. 451), to be available for the purposes of such fund until expended.' "

(C–6):

"SEC. 4. The amendments made by the first section and section 2 of this Act shall become effective on the first day of the first fiscal year beginning after the enactment of the Act. The amendment made by section 3 of this Act shall become effective on such date of enactment."

Senator BURDICK. It is unfortunate that he is unable to be here but with the chairman's permission I would like to highlight the statement.

Senator MCGEE. You may. The full statement will appear intact.

Senator BURDICK. Yes, sir.

While the loss of tax revenue is the most serious aspect of the removal from the tax rolls of agricultural land, there are additional consequential damages. Of these, the loss of production from refuge lands is the most significant.

Another, in many cases, is the unavoidable cost of rerouting and reconstructing roads—which were already adequate—along, around, and in the area of the wildlife development.

Such unexpected demand, for which no funds are available, becomes an especially difficult problem if recreational areas on refuge land are planned and developed, or a costly road crossing over the refuge becomes necessary.

North Dakota, perhaps more than any other State, is acutely aware and extremely sensitive to the negative benefits from the construction of sizable public works—in the so-called national interest—which takes large acreages of valuable agricultural land and water resources.

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Over 185,400 acres of agricultural land has already been acquired in fee in our State for Federal refuges and wetlands to serve migratory waterfowl.

I might say, Mr. Chairman, at this juncture, at some of the hearings I have attended that North Dakota has been characterized many times as being the duck factory of America.

At this time, the State is requested and again expected to give up another half million acres plus of her valuable land and water resources for more wildlife refuges and wetland areas—again, all in the national interest.

The principal purpose of this program is to preserve for the benefit of the Nation's migratory waterfowl the most important and valuable duck and geese nesting and producing areas in the United States.

And this is not all. The proposed Garrison diversion irrigation unit, promised the people of the State as part reimbursement for the loss of the more than a half million acres of land to the Garrison Dam and Reservoir project, includes a program of the Federal Fish and Wildlife Service for the acquisition in fee of another 140,000 acres of land in North Dakota.

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tax rate exceeds 10 percent of the taxable valuation of the assessed property. Total tax payment by North Dakotans in ratio to $100 of personal income is among the highest in the Nation.

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These tax yields were for the land alone. Taxes on personal property generally amount to about 20 percent of the real estate tax. This means that revenue from taxes on personal property on refuge land, had it remained in private ownership would have been a sizable amount and that was completely lost.

Moreover, these figures do not reflect other taxes on income from production had the property remained privately owned which would have accrued to State and Federal Governments.

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Each proposal may find acceptance in some area. None is entirely satisfactory to meet all facets of the problem in North Dakota. I realize, however, that no one remedy can be designed and developed to fully meet all situations.

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Dakota favors, and I recommend and support, legislation which will return to the counties not less than 1 percent of the adjusted true value of federally owned land (other than public domain, or reserved public land) in wildlife refuges or wetland areas.

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To such limiting provision, I am unalterably opposed.

Such provision could mean no increased payments at all.

It is to correct the inequity under present law that this committee is hearing the remedial proposals in the bills being considered.

I unequivocally support the proposals which would authorize the appropriation by Congress of whatever funds may be needed in addition to the net proceeds of the system revenues to make full payments to all the counties under whatever formula is finally adopted.

I hold that such legislation is not in the category generally referred to as "payments in lieu of taxes" but would be a revision and justifiable expension of the present formula under which States participate in refuge revenues.

Mr. Chairman, I have two more points, considered important, to which I wish to address myself.

One relates to outstanding bonded indebtedness against land which the United States has plans to acquire for the national wildlife refuge system. I know of half a dozen areas, in connection with the Garrison diversion irrigation unit, which the Fish and Wildlife Service plans to acquire where the lands are included in and a part of the taxable lands of school districts which have issued bonds for school construction or improvement purposes.

This type of obligation is retired through a special levy against all taxable property within the school district. All lands therein are chargeable with and liable for a proportionate share of the total bonded indebtedness.

The pro rata share of the obligations of which I have knowledge range from $770 to $11,452.

It would be only fair and equitable, I feel, to provide for the lump-sum payment of the proportional share of the outstanding bonded indebtedness by, and at the time, the Federal Government takes title.

To do less would be to shift the Federal share of the debt onto the already overburdened remaining property owners. I sincerely hope your committee will give full consideration to these situations.

The other point concerns refuges or wetland areas having fee lands in excess to their needs. It is my understanding that under present law such holdings can only be disposed of pursuant to the provisions of the Federal Property and Administrative Services Act. Such disposal procedure, I am told, is rather complicated and requires a year or more to complete. I wish to suggest that a more simplified method for disposing of any excess land be devised. This ought to permit the

sale at public auction to the highest bidder, either for cash or upon such other terms or conditions as may be prescribed.

By returning excess or surplus land of the system to private ownership it can then again become a part of the taxable lands of the country.

That concludes the salient portions and parts of the Governor's statement.

At this time I would like to have included in the record a statement made by Milo W. Hoisveen, State engineer and chief engineer of North Dakota State Water Conservation Commission.

Senator McGee. It will be included without objection.

Senator Burdick. I would also like to have included a statement of R. E. Chambers, president of the County Commissioner's Association of North Dakota, Crystal, N. Dak.

Senator McGee. It will be included.

Senator Burdick. Also I would like to have included in the record a statement of Clark Robinson, chairman of the Land and Water Use Committee, Coleharbor, N. Dak., for the North Dakota Farm Bureau.

Senator McGee. It shall be included.

(The statements referred to follow:)

Statement of Milo W. Hoisveen, State Engineer of North Dakota, in Support of Legislation Authorizing Increased Payments to Counties Having Wildlife Refuges Containing Federally Owned Land

Mr. Chairman, my name is Milo W. Hoisveen. I am State engineer and chief engineer for the North Dakota State Water Conservation Commission. One of my duties in this position is the administration of our water rights. In this capacity I have become familiar with all our water rights and water uses and the circumstances creating water problems.

Droughts that frequent our State have on occasions reduced crop yields by as much as one-half of our annual average production. Climatic conditions, such as droughts, also adversely affect waterfowl productivity in almost a similar ratio. This has illustrated the need for the use of stored water for stabilizing our agricultural as well as our duck production. To date, Federal agencies in our State have been much more aggressive in the development of stored water facilities for waterfowl propagation than they have for storing water for stabilizing our agricultural economy.

A recent tabulation of our water rights and water uses substantiate this statement. This tabulation is as follows:

Use	Quantity used in acre-feet	Percent of total use
Municipal (domestic)	401,245	32.0
Irrigation	188,255	15.0
Industrial	110,295	8.8
Recreation	10,845	.9
Waterfowl [1]	541,760	43.3

[1] Claimed by the Sport Fisheries and Wildlife Service.

This portrays the fact that North Dakota has given generously of its most valuable nonhuman resource, water, as well as of its land to provide propagation and nesting areas for migratory waterfowl. The 95,000-acre Souris River Wildlife Refuge is an example of one such contribution made by North Dakota at a considerable sacrifice to the local and State economy.

Flood irrigation can and has been developed in the valley of the Souris River at a reasonable cost. The Eaton flood irrigation project exemplifies this possibility. Ten thousand acre-feet of water is diverted from the Souris River to irrigate this 7,000-acre project, of which 5,000 acre-feet is returned to the river

after use. Production records show that an average of 2 tons per acre of good to excellent quality hay is produced annually on the project. This production is essential to the cattle industry in the area and thereby increases the value of the adjacent upland. Sufficient land exists in the valley to permit the use of all the water available in the stream for irrigation development. Because the Souris River is an international stream, a division of water with Canada is required. Without the Souris refuge and after this division, approximately 87,000 acre-feet of water would be available for irrigation and other uses. Based on the Eaton project, this quantity of water would have permitted the development of 60,000 acres of flood irrigation without considering the return flow. The estimated annual production on such a project would have resulted in a gross annual revenue of about $2,400,000.

It is apparent that North Dakota has made sacrifices to maintain itself as the No. 1 waterfowl production area in the United States. Rather than being called on to make sacrifices to propogate this national resource it can be argued that North Dakota should be rewarded for being in such an advantageous location, much in the same manner as industry provides economic benefits to the area in which it is located. Real estate prices and the higher tax base reflects the advantage afforded such areas through industrial development; however, residents of North Dakota are not looking for a reward because of their State's waterfowl productivity, but we do believe that just compensation should be paid to offset tax losses because of waterfowl propagation in order to enable local legal entities to continue to function without being penalized, as many have been. These penalties or inequities can be partially met by the Federal Government compensating the affected communities on the basis of minimum annual payments of 1 percent of the adjusted true value of the federally acquired properties and lum-sum payments to meet the proportioned share of bonded indebtedness. Such payments will meet the minimum requirements of the school districts, townships, and counties, and provide them an opporunity to continue education and transportation systems.

Thank you.

STATEMENT OF R. E. CHAMBERS, PRESIDENT, COUNTY COMMISSIONERS' ASSOCIATION OF NORTH DAKOTA, CRYSTAL, N. DAK.

The County Commissioners' Association of North Dakota, an association composed of the elected county commissioners from all counties in North Dakota, is keenly aware of the problem that faces our counties and local units of government in securing adequate tax revenue to provide the essential governmental services expected of them. This problem has been made more critical in the past through the acquisition of land for public use by the United States, particularly in connection with fish and wildlife refuges and areas because of the very small payment to counties from refuge receipts as presently authorized. This situation will be intensified in the future if the proposed Fish and Wildlife Service land acquisition program in North Dakota for their wetlands program and the Garrison diversion unit are carried out.

County commissioners, as the elected officials from their respective counties, are responsible for the management, finance, and operation of one of the most basic and essential levels of government. They must provide for many different needs including road and bridge construction and maintenance, welfare, law enforcement, agricultural development, recordkeeping, and many others. Our school districts and township governments, too, have important local responsibilities in maintaining our strong and free Nation. Counties, townships, school districts and, to some extent, the State all must rely on general property taxes to finance their operations which is levied on the taxable property under their jurisdiction. Although the tax rates and valuations vary from county to county and from township to township in practically all cases these rates approach or exceed 100 mills per dollar of taxable valuation. If property is acquired by the United States and is no longer subject to tax assessment it is apparent that the counties, townships, and school districts must do one of two things, either curtail their activities or increase the tax mill rate or taxable valuation of the remaining property in a taxable status to produce the revenue they need. When land is acquired by the United States for a public purpose that is nationwide in scope such as is the case in fish and wildlife acquisitions, it is unfair to expect the local taxpayers to assume this added burden.

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At the present time approximately 250,000 acres of land in North Dakota has been set aside for fish and wildlife refuges or management areas. It is our understanding that the U.S. Fish and Wildlife Service is planning to acquire almost 650,000 acres additional in the relatively near future. Statewide the taxable value of this land will average about $8 per acre and by applying the average mill rate of 90 mills it can be determined that the annual tax loss to the various units of local government in North Dakota brought on by the acquisition of this land will approach $650,000. In addition, there will be a significant loss of personal property taxes as a result of these acquisitions to counties, townships, and school districts that are hard pressed to meet their financial needs. Now, this situation poses an extremely difficult problem.

The bills you have before you for consideration today suggest several methods to correct this inequitable situation. We believe that some of the provisions of each are meritorious and should be included in any legislation along this line that is enacted into law. We feel that the minimum payment to counties and local governmental subdivisions to replace the tax revenue loss they have or will incur should be 1 percent of the adjusted true value of the land acquired for fish and wildlife purposes. In North Dakota it is apparent that a payment based on this percentage will not entirely replace the loss but it will greatly improve the situation over the present law. Our association, at their last convention, adopted a resolution to this effect which is a part of this statement.

We sincerely request and urge your approval of a bill that will provide for a minimum payment of 1 percent of the adjusted true value of the land acquired for fish and wildlife purposes to the counties and other local governing units and that will incorporate the other provisions set forth in Governor Guy's statement presented here today. Thank You.

"RESOLUTION ADOPTED BY COUNTY COMMISSIONERS' ASSOCIATION OF NORTH DAKOTA, JANURY 9, 10, 19, 1962, RESOLUTION NO. 2

"Whereas the State of North Dakota is having a great amount of acreage taken off the tax rolls by reason of acquisition by the U.S. Government; and

"Whereas the said acquisition reduces the real and personal property taxes of the respective counties of the State of North Dakota: Now, therefore, be it

"*Resolved, by the County Commissioners' Association of North Dakota, in convention assembled*, That this convention shall support legislation before the Congress of the United States to provide for annual payments to political subdivisions of the State of North Dakota in amounts equal to 1 percent of the adjusted true valuation of all federally owned or leased land in the State of North Dakota."

STATEMENT OF CLARK ROBINSON, CHAIRMAN OF LAND AND WATER USE COMMITTEE, COLEHARBOR, N. DAK., FOR NORTH DAKOTA FARM BUREAU

The North Dakota Farm Bureau views with a great deal of concern the further acquisition of an extensive acreage of North Dakota agricultural land by the U.S. Fish and Wildlife Service for the propagation of waterfowl. The removal of this land not only has an adverse effect on the productive capacity and efficiency of the farm units concerned but also eliminates a significant portion of the tax base on which counties and local governmental subdivisions must rely for their operations.

We recognize that it is our responsibility to wisely utilize as well as to preserve and protect all our God given resources. This is true for all our resources including our land, water, minerals, forests, and wildlife. We recognize the growing interest throughout the Nation in preserving our wildlife resources, particularly our waterfowl. Because North Dakota contains a greater number of waterfowl production areas than any other State we realize the major effort in the establishment of additional waterfowl production areas will be concentrated here. We believe that any program carried out by the U.S. Fish and Wildlife Service should be administered in a manner that the optimum agricultural use of the land so acquired consistent with the primary need be fully recognized. Such a procedure will minimize the detrimental effects to our agricultural economy that might otherwise result.

Perhaps the most significant adverse effect of the acquisition of land for fish and wildlife refuges and areas is the reduction that results in county and tax revenue because of the smaller tax base available to those units of government. The extensive land acquisition program proposed by the Fish and Wild-

life Service in North Dakota will result in a reduction tax revenue of in excess of $30,000 annually in some counties of our State. This can only result in a severe curtailment of county, township, and school district services or a decided increase that the remaining taxable property will have to pay. The counties, township, and school districts should not be required to assume this burden but it should be shared in by all citizens of the Nation who will benefit in this wildlife conservation program.

The North Dakota Farm Bureau therefore urges the enactment of legislation by Congress that will provide for a minimum annual payment to counties and local governmental subdivisions of an amount equal to 1 percent of the actual value of the land acquired for fish and wildlife purposes. Although in North Dakota this amount will fall short of that presently being paid in taxes on the areas proposed for acquisition it will be a great improvement over the presently authorized procedure of paying 25 percent of the refuge receipts to the counties concerned.

The North Dakota Farm Bureau also urges the inclusion of a provision in legislation of this nature to make lump-sum payments for bonded indebtedness of school districts and other local units of government that exist against the land when it is acquired by the United States. We urge, too, that consideration be given to providing for the optimum agricultural use of land acquired for these purposes so as to minimize the adverse effect on our agricultural economy and at the same time assure a maximum amount of income from the land to make payments to counties.

We urge your favorable consideration of these recommendations. Thank you.

Senator BURDICK. Mr. Chairman, at this time I would like to present to the committee Mr. Henry J. Steinberger, a resident of Donneybrook, N. Dak.

Senator MCGEE. May I interject first, Senator, that we are trying to arrange a timetable here so that we may hear all who desire to testify. We have a list here of some two dozen witnesses, nearly two dozen witnesses, not alone on your measure, you understand, but on this group of related measures that we are considering.

I am wondering, first of all, we will give priority now to those from out of the city for the reason that we can only meet today until 12:15 and then a series of hearings we have Tuesday, Wednesday, and Thursday of this week will make it impossible for this committee to meet again, at the very earliest, until Friday, so I want to make sure that we get to the out-of-town people today.

Now all of the gentlemen with you are from out of the city; isn't that correct?

Senator BURDICK. That is correct.

Senator MCGEE. And I think there are two others on the list that are from out of the city; the rest are expert witnesses from agencies here in the District and they can be more readily assembled at another time, if necessary, so if there is any way that any of the spokesmen now can expedite their testimony by either summarizing what it is that they have to say, the committee would appreciate it.

If they would rather not and want to read the full statement that is perfectly in order.

I am only trying to see that everybody from out of town gets a chance to have his say on what he feels the importance of the issue is during the hour that remains here.

Senator BURDICK. Mr. Chairman, we are well aware of the time problem and for that reason we restricted the witnesses to two.

There will just be two more witnesses, and I am sure they will summarize as much as they can.

Senator MCGEE. Very well.

Mr. Steinberger, will you identify yourself?

STATEMENT OF HENRY J. STEINBERGER, OF DONNYBROOK, N. DAK.

Mr. STEINBERGER. Mr. Chairman and members of your committee, I am Henry J. Steinberger, and I reside at Donnybrook, in Renville County, N. Dak. In 1901 my parents, coming from Minnesota, homesteaded in that county and I have remained there ever since. I am a landowner and carry on farming operations in the county, and speak in behalf of the residents of Renville County.

Ever since its establishment by the State legislature in 1955, I have been and am now the vice chairman of the Garrison Diversion Conservancy District, to which legal entity reference has been made by a preceding witness.

Because of my long residence in Renville County, I have personal knowledge of the adverse effect upon our local area by the creation of the Upper Souris National Wildlife Refuge. When the predecessor to the U.S. Fish and Wildlife Service in the 1930's took a 25,000-acre strip of land along the Souris River through the middle of Renville County for that refuge the county was split and the land areas became entirely separated.

I would like to explain here, Mr. Chairman, that we have a small township, a small county of 24 townships, and the 25,000 acres taken over by the refuge total over 1 complete township. This left the balance of the tax revenue up to the 23 townships.

In view of conserving time at this time I would like to have your committee analyze my statement, which I will file at this time, and ask you to intercede for us because this is a terrific tax burden we have to bear.

Thank you.

Senator McGEE. We appreciate your statement, Mr. Steinberger, and the committee will weigh it very carefully. We appreciate the point of view that you address yourself to, particularly because of your experience and closeness and relationship to the problem. It will have added weight to the judgment of the points you have raised here.

(The remainder of the statement follows:)

STATEMENT OF HENRY J. STEINBERGER, OF DONNYBROOK, N. DAK., SUPPORTING LEGISLATION FOR INCREASED PAYMENTS TO COUNTIES HAVING WILDLIFE REFUGES AND WETLAND AREAS CONTAINING FEDERALLY OWNED LAND

Mr. Chairman and members of the committee, I am Henry J. Steinberger, and I reside at Donnybrook, in Renville County, N. Dak. In 1901 my parents, coming from Minnesota, homesteaded in that county and I have remained there ever since. I am a landowner and carry on farming operations in the county, and speak in behalf of the residents of Renville County.

Ever since its establishment by the State legislature in 1955, I have been and am now the vice chairman of the Garrison Diversion Conservancy District, to which legal entity reference has been made by a preceding witness.

Because of my long residence in Renville County, I have personal knowledge of the adverse effect upon our local area by the creation of the Upper Souris National Wildlife Refuge. When the predecessor to the U.S. Fish and Wildlife Service in the 1930's took a 25,000-acre strip of land along the Souris River through the middle of Renville County for that refuge, the county was split and the land areas became entirely separated.

There have been many unhappy results of and negative benefits from this development over the past 30 years. Among them are the financial loss of tax revenue; the inconvenience and hardship inflicted upon the farmers and others due to the disruption of the county and township road systems; and the lingering

death and complete obliteration of two thriving towns along the river because of the uprooting and displacement of the farmers in their trade areas.

Construction of this refuge required land from nine townships, one of which lost more than 25 percent of its taxable land area. School districts were disrupted and their reorganization, to everyone's dissatisfaction, became necessary. Rerouting and reconstruction of existing roads and building of new ones forced new and additional burdens on the remaining taxpayers in the county:

The best bluegrass area in the State became permanently inundated from Lake Darling. This source of hay had become highly valuable as a feed supply through flood irrigation and was sought by ranchers many miles away. Because of its elimination at that time, when the drought was at its worst and the need for livestock feed was the greatest, herds had to be dispersed and liquidated.

I am only citing the principal disadvantages and damages suffered by the people and governmental units in Renville County because of the wildlife development mentioned. The complete list is much too long to recite.

Pursuant to the provisions of law governing the participation of the counties in the refuge receipts, the county has received for the 22 years from 1937 through 1961 the grand total of $51,894.90, inclusive of $30,812.81 from gravel during the years 1950–57 while the huge Garrison Dam and Reservoir project on the Missouri River was under construction. Disregarding the nonrecurring gravel sale in such huge quantities, the average annual payment to the county has been a little less than $1,000. Had the refuge lands been in private ownership and taxable over the same period of years, it is estimated that the county would have received in tax revenue approximately $275,330.

The ducks produced and protected on this refuge have been costly to the people in Renville County. Unless remedial legislation is enacted. The price tag will increase.

With the creation of Lake Darling (named for Ding Darling), our people were promised enhanced recreational opportunities in the fields of boating, fishing, and hunting. After almost 30 years it still remains a promise. So far, the only hunting on the refuge has been confined to the taking of deer for a 2-day period every other year. Fishing has only been allowed in a small area within a short distance from two crossings. Only restricted boating is permitted in the same small fishing areas. One of the formerly most attractive wooded recreational areas in our county has been repeatedly inundated to the extent that the majority of the trees and other vegetation has died and its facilities and usefulness today are practically nonexistent.

No doubt, Mr. Chairman, there are many benefits attributable to migratory waterfowl refuges. Our sad experience, however, has forced us to the depressing conclusion that such benefits do not accrue locally. The net benefits—tangible and intangible—to the county, have all been negative.

I would therefore most respectfully urge you, Mr. Chairman and members of the committee, that you devise and recommend legislation along the lines suggested by our Governor, the Honorable William L. Guy, so that increased payments to affected counties may be made in order to correct the present situation and thereby substantially assist political subdivisions to render improved governmental services to the inhabitants.

Thank you for the opportunity to make this presentation.

Senator BURDICK. I would like to next call Mr. John C. Eaton, of Denbigh, N. Dak., director of the Garrison Diversion Conservancy District.

STATEMENT OF JOHN C. EATON, OF DENBIGH, N. DAK., DIRECTOR, GARRISON DIVERSION CONSERVANCY DISTRICT

Mr. EATON. Mr. Chairman, my name is John C. Eaton, of the post office of Denbigh, in McHenry County, N. Dak.

I operate a cattle ranch, and serve as director of the Garrison Diversion Conservancy District from that county.

My appearance before your committee is in the capacity of the designated representative of the district for the purpose of supporting proposed legislation which would authorize increased payments to

counties having wildlife refuges and wetland areas containing federally owned land. There has been a need for legislation of this nature for many years in order to more nearly reimburse counties, such as my own, for tax losses because of the acquisition by the Federal Government of land in fee for wildlife refuges and migratory waterfowl purposes.

In the early 1930's about 58,000 acres of good river bottom land along the Souris River in McHenry and Bottineau Counties, N. Dak., was acquired for the Lower Souris Wildlife Refuge. Approximately 37,000 acres for this refuge were taken from McHenry County, and about 21,000 acres from Bottineau County.

I am personally familiar with the continuing fiscal problems of McHenry County due to the reduced tax base when that large acreage was removed from the tax rolls. The financial difficulties in which my county finds itself are worsening each year and there are currently plans by the Fish and Wildlife Service to acquire as much or more land than it has already taken from us.

As has already been mentioned in Governor Guy's presentation, the removal from taxation of an acreage as large as that taken by the Federal Government in McHenry County, without any reimbursement worthy of the term, is extremely disruptive to and drastically impairs the functioning of local governmental units.

The Fish and Wildlife Service tax study of McHenry and Bottineau Counties, to which Governor Guy made reference, shows that the return to the county in 1960 from refuge receipts equalled less than 12 percent of the amount of taxes which the refuge land would have produced had it been in private ownership. Revenue from personal property taxes equalling about 20 percent of land taxes is entirely lost and not considered.

In situations such as those prevailing in McHenry and Bottineau Counties, where many townships have lost over half of their tax bases, it is not difficult to visualize the adverse effect of resultant tax losses upon schools, roads, and other public services ordinarily available from local governmental units of which they are a part.

The Garrison Diversion Conservancy District, of which I am a director, is a legal entity created by an act of the State legislature in connection with the construction of the multipurpose Garrison diversion unit. It is composed of 25 counties in central and eastern North Dakota, contains 45 percent of the State's area, and 60 percent of the population. I serve on the project planning committee of that board, which for the past several months has been reviewing and studying the proposed program of the Fish and Wildlife Service in connection with the project.

The Service proposes to acquire in connection with this irrigation and reclamation development approximately 140,000 acres in our State, primarily for the propagation, protection, and preservation of migratory waterfowl. While much of the land proposed for acquisition is well suited for such purposes, there is serious local concern over the removal of this large acreage from taxation. Although not complete the study indicates that the tax loss from the proposed acquisition would be significant.

A sampling of 134,659 acres of the 140,000 proposed to be acquired in fee indicates a total annual tax loss in excess of $53,000. This

figure does not include tax levies for school construction or school tuition which ranges from 3 to 30 mills annually on the taxable valuation of all property in the respective school districts.

Exclusive of any levies for school construction or tuition, the average tax loss per acre is estimated to be 40 cents. It ranges in the various counties from 17 to 72 cents per acre. These estimates have been determined from reviews of county assessment records and the levies by local taxing units where areas are proposed to be acquired by the Fish and Wildlife Service.

Mr. Chairman, our board concurs in the suggestion of Governor Guy that lump-sum payments be made of the proportional shares of bonded indebtedness against lands sought for acquisition by the Fish and Wildlife Service at the time title thereto is taken. Such lump-sum payment should, of course, be in addition to the purchase price paid the owner.

The simplifying of the procedure for disposing of excess land not needed for the refuge is also desirable. Provision should be considered for selling such surplus land at public auction to the highest bidder as suggested by the Governor.

The district has specifically directed me to request and support a revised formula for making payments to affected counties for federally owned lands in wildlife refuges or wet land areas as outlined in Governor Guy's presentation. The basis for such payments would be a minimum of 1 percent on the adjusted true value of the federally owned land—other than reserved public land for which 25 percent of refuge receipts would be paid. The proposed 1 percent would fall far short in many cases to even approach a substantial reimbursement of lost taxes on these lands. I earnestly hope your committee will give this favorable consideration.

I wish to have included in this statement a resolution which was adopted by our board on April 14, 1962, setting forth its position and recommendations on the several points herein discussed.

Senator McGee. That resolution will be included in the record.

(The resolution follows:)

RESOLUTION URGING THE ENACTMENT OF LEGISLATION THAT WILL PROVIDE FOR THE REIMBURSEMENT TO COUNTIES FOR LOSS OF TAX REVENUE RESULTING FROM THE ACQUISITION OF LAND FOR FISH AND WILDLIFE PURPOSES

(Adopted by the board of directors of the Garrison Diversion Conservancy District, Apr. 5, 1962)

Whereas the Board of Directors of the Garrison Diversion Conservancy District did, on January 30, 1962, by resolution, urge the enactment of legislation by the Congress of the United States that would provide for the annual reimbursement to counties and other political subdivisions in which land is acquired by the United States for fish and wildlife purposes of an amount equal to 1 percent of the actual value of the land so acquired with such payment to be made by the U.S. Fish and Wildlife Service; and

Whereas three bills, S. 2678, S. 2770 and S. 2927, have been introduced in the U.S. Senate that, if enacted, would provide for reimbursement to counties for tax revenue lost through fish and wildlife acquisitions, each bill providing for a different approach to the problem; and

Whereas each of these bills contains provisions that will alleviate to some extent the hardship created in various counties because of lost tax revenue resulting from the acquisition of lands for fish and wildlife purposes; and

Whereas legislation of this nature is essential and should be enacted without delay in order to insure the orderly planning for and development of fish

and wildlife areas under the Garrison diversion unit and other programs of the U.S. Fish and Wildlife Service: Now, therefore, be it

Resolved by the Board of Directors of the Garrison Diversion Conservancy District at meeting duly assembled at Valley City, N. Dak., this 5th day of April, 1962, That this board urges the enactment of legislation that will:

1. Authorize payment to counties annually of an amount equal to 1 percent of the actual value of land acquired for fish and wildlife purposes by the United States in those counties;

2. Authorize the sale of lands acquired by the U.S. Fish and Wildlife Service for fish and wildlife purposes which are not required for such purposes at public auction to the highest bidder;

3. Dedicate all receipts from the sale or disposition of any products from any refuge and wildlife area administered by the U.S. Fish and Wildlife Service, or from the rental or leasing of such land included therein, and the receipts from the sale of land set forth in (2) above, for the payment to counties in lieu of taxes as set forth in (1) above;

4. Authorize the appropriation of additional funds required to make the payments set forth in (1) above if the refuge receipts and receipts from the sale of lands are not sufficient for this purpose;

5. Provide for lump-sum payments to school districts or other local governmental subdivisions who have incurred indebtedness through bond issues of an amount equal to the pro rata share of such indebtedness that such land acquired for fish and wildlife areas in the future would bear of the total obligation of the district or governmental subdivision. Such payment to be over and above the amount paid to the landowner; and be it further

Resolved, That the members of the North Dakota congressional delegation are requested and urged to make every effort to have legislation containing provisions as outlined above introduced and enacted by the present session of Congress; and be it further

Resolved, That copies of this resolution be sent to Senator Milton R. Young, Senator Quentin N. Burdick, Representative Don L. Short, and Representative Hjalmar Nygaard.

Mr. EATON. May I say I also have been requested to present to you a statement by the president of the North Dakota Stockmen Association, Mr. Karnes Johnson. I am at present an executive member of that Stockmen's Association and the association concurs in the recommendation made by Governor Guy. The meat of the resolution states that the North Dakota Stockmen's Association requests that the Federal Government make an annual payment to replace loss of tax revenues to the local subdivisions.

Mr. Chairman, I thank you for the opportunity of making this statement.

Senator MCGEE. That will be included in the record.

STATEMENT OF KARNES JOHNSON, PRESIDENT, NORTH DAKOTA STOCKMEN'S ASSOCIATION, SENTINEL BUTTE, N. DAK.

The North Dakota Stockmen's Association has long been concerned with the loss of tax revenue to counties in instances where the Fish and Wildlife Service has acquired private lands, either through purchase or condemnation.

Therefore, this association supports proposed legislation in both the U.S. Senate and House of Representatives which would require the Fish and Wildlife Service to annually compensate the various counties which have suffered, or will suffer, a reduced tax base due to withdrawal of lands for refuge purposes.

North Dakota has given up nearly 300,000 acres for fish and wildlife development in 68 different refuges. Approximately 140,000 additional acres are proposed to be taken by the Fish and Wildlife Service under the initial phase of Garrison diversion. Several thousands of acres more are sought in North Dakota under the current wetlands acquisition program of the Fish and Wildlife Service.

Removal of these lands from taxation only imposes a heavier tax burden upon remaining lands—thus, while the taking of these lands is for the national benefit, the burden of cost falls on political subdivisions of the State of North Dakota.

The severity of tax revenue lost is illustrated by an example from McHenry County in North Dakota. Here the average annual tax revenue paid to the county is 53 cents per acre. By contrast, those lands under ownership of the Fish and Wildlife Service in McHenry County return only about 4 cents per acre to the county in lieu of taxes annually.

Clearly this is not equitable and the North Dakota Stockmen's Association again submits that North Dakota, because of its location in the heart of America's waterfowl production area, is being required to sacrifice an ever-increasing portion of its ability to produce wealth to a cause which is national in its benefits.

The following resolution was adopted by the North Dakota Stockmen's Association at its 33d annual convention in Bismarck, June 13.

"RESOLUTION

"Whereas the Federal Fish and Wildlife Service now controls many thousands of acres of land in North Dakota which has been taken off the tax rolls; and

"Whereas there is going to be a considerably larger acreage removed from the tax rolls in the future, resulting in a further decline in tax revenues in the communities involved: Now, therefore, be it

"*Resolved*, That the North Dakota Stockmen's Association requests that the Federal Government make an annual payment to replace loss of tax revenues to local political subdivisions affected by these losses of revenue-producing lands."

Senator McGEE. I now place in the record the statement of Oscar N. Berg.

STATEMENT OF OSCAR N. BERG, MINOT, N. DAK., EXECUTIVE SECRETARY, NORTH DAKOTA WATER USERS ASSOCIATION

Mr. Chairman, and members of the committee, I am Oscar Berg, and I live in Minot, N. Dak. I represent the North Dakota Water Users Association, successor to the North Dakota Reclamation Association and the Missouri-Souris Projects Association, as its executive secretary. Prior to the amalgamation of the two groups in February 1959, I served the Missouri-Souris Projects Association for 8 years in a secretarial capacity.

I appear in support of legislation authorizing increased payments to counties having wildlife refuges containing federally owned land.

It has been my great pleasure during the last 13 years to observe the tremendous growth of interest and enthusiasm among North Dakota citizens in the field of water resources conservation, utilization, and development. This includes the use of water for irrigation, reclamation, and all other beneficial purposes.

Many of our citizens—farmers, businessmen, professional people, civic leaders and others—have devoted much time and effort at their own expense to inform themselves and their neighbors regarding the urgent need to properly use both surface and ground water.

We, in North Dakota, consider our State as predominantly agricultural. Our people, however, recognize the necessity for developing recreational opportunities for both young and old. This includes the creation and improvement of wildlife refuges and habitat for the nesting and production of waterfowl.

North Dakotans are pleased to have their State considered as the No. 1 incubator of wild ducks, geese, and other migratory waterfowl in the Canada to Gulf of Mexico flyway. However, as the land acquisition program of both the Federal and State wildlife agencies has increased we have sustained a serious loss of tax revenue. This in turn has resulted in the crippling of governmental functions in many of our political subdivisions—counties, school districts, and townships—and has created an additional burden on the remaining taxpayers.

Increased payments to counties having wildlife refuges and wetland areas containing federally owned land—to better reimburse for lost taxes and to compensate for net negative benefits sustained because of such acquisition and development—would go a long way in rectifying the continuing impairment of the financial structure of the affected counties under the present provisions of law. Local interests and their governments desire to cooperate in every manner possible in order to enhance recreational opportunities of the people of the State

and the Missouri River Basin, but cannot do so at the expense and to the detriment of its own citizenry and governmental units. The achievement of a better understanding and greater cooperation among all entities and interests would be served by enactment of legislation along the lines proposed in the bills pending before your committee.

The organization I represent is interested in all plans for a more and fuller comprehensive development of water and land resources. Since its formation less than 3 years ago, the people of the State have shown a remarkably high degree of concern over the need for accelerated action in water resources development. The growth of the association's membership to a strength of more than 3,000 is proof of their active interest.

Only by advocating and supporting proposals which will best meet the needs of our State and her people can we, as an association, achieve the purposes and gain the objectives for which the North Dakota Water Users Association was organized. These, as stated in the preamble to its bylaws and to which the association is dedicated, are:

> "To actively foster, promote and support the orderly execution of any program or project for the development, management and beneficial use of land and water resources in North Dakota which will (1) assure an improved supply of water for human, domestic, agricultural, municipal, industrial, and navigational needs; (2) prevent waste; (3) reduce stream pollution; (4) provide the means for the best and most effective distribution and use of such water; (5) check and reduce to a minimum the destructive forces of uncontrolled water which ruthlessly destroy land, property, and life; (6) produce the maximum hydroelectric power consonant with anticipated coordinated benefits from any multiple-purpose structure or structures within the State or in river basins of which the State is a part; (7) encourage the optimum use of the land resources through improved and improving soil conservation practices and watershed management; (8) serve, enhance and preserve the recreational, scenic, scientific, educational, historical, fish and wildlife values, opportunities and needs of the people; and (9) augment low flows in local and interstate streams within the State for sanitation and other beneficial purposes."

This association recognizes the tremendous implications of the benefits from fish and wildlife projects—both statewide and national. At the same time it firmly believes that increased payments should be made to counties having federally owned land in wildlife refuges or wetlands. Current payments therefor are made under a 1935 law. It is high time that this law be revised and updated to meet new problems which must be faced and dealt with more than a quarter of a century after its enactment.

Thank you, Mr. Chairman, for permitting me to make this statement. I hope the proposed legislation will have your favorable approval and recommendation.

Senator BURDICK. We have four or five men qualified to answer questions at this time if you have any. If not, that completes our presentation.

Senator MCGEE. Have each of the gentlemen with you, Senator, been identified for the record? I think they ought to be.

Senator BURDICK. Yes; Oscar Berg, the executive secretary, North Dakota Water Users Association; and Mr. Fred Fredrickson, of the North Dakota Association—

Seantor MCGEE. I see Mr. Fredrickson is from Valley City. I was there likewise in June. It is a beautiful place.

Senator BURDICK. Vernon S. Cooper is also with us. He is secretary of the Garrison Diversion Conservancy District.

Senator MCGEE. I am delighted to have you gentlemen with us this morning and sharing your opinion the committee will pay particular attention to the local impact which you are in the best position of all to comment on. I would like to address one question that may be in order. If you would rather suspend this and put it in the record later that is all right.

As you know, the Department of the Interior has addressed itself to this general question of these related bills and recommended their passage but they have drafted a substitute bill that would incorporate all of these ingredients with some of the perfecting amendments that they had in mind, and I am wondering whether you, Senator, or any members of your group, have had a chance to study this proposed substitute bill as yet?

Senator BURDICK. Well, Mr. Chairman, I haven't had a chance to study it, although I think I know the main provisions. I have been advised of it.

Senator MCGEE. I wonder if it might be best for the record if you could take the proposal and address your collective wisdom to it and then supply a statement to us for the record? We will hold that section of the record open for that purpose because we would like to have your reaction to this proposal. That might be the better way to go at it.

Is that agreeable?

Senator BURDICK. We will be happy to do it that way.

Senator MCGEE. I do want to say to the Senator from North Dakota that his cooperation with this committee in acquainting the committee with the elements of the problem in his State, was very commendable and he showed not only a helpful approach in educating the committee to the problem but an aggressive leadership on it that made it very conducive to the committee to proceed without unnecessary delay in trying to address itself to remedying the problems at stake here in this legislation.

I want to commend him on behalf of the committee for his efforts in this regard.

Senator BURDICK. I want the record to show that I am very grateful to you, Mr. Chairman, for arranging this hearing. I know that you have a very busy life and you had many conflicting dates and we want to say that we are pleased that you are able to hear us today.

Senator MCGEE. Well, let me say that it is more than statesmanship, it is selfishness, too. We want some of those ducks to stray into the West, you know.

Senator BURDICK. Thank you.

Senator MCGEE. Proceeding on our order of priority, namely the out-of-town witnesses who may be here: Is Mr. Richard Knox present?

I have for the record a telegram from the Governor of Minnesota.

(The telegram referred to follow:)

ST. PAUL, MINN., *June 21, 1962.*

Senator GALE W. MCGEE,
Senate Committee on Commerce, Washington, D.C.:

I am designating Richard Knox, deputy commissioner of conservation for State of Minnesota, as my representative to testify at the 11 a.m. hearing June 26 on payments in lieu of taxes on U.S. migratory waterfowl refuges and wetlands areas.

ELMER L. ANDERSEN, *Governor of Minnesota.*

Would you identify yourself fully here for the record?

STATEMENT OF RICHARD L. KNOX, DEPUTY COMMISSIONER OF THE STATE DEPARTMENT OF CONSERVATION, ST. PAUL, MINN.

Senator McGee. You are addressing yourself to which of these measures, all of them?

Mr. Knox. I am addressing myself to S. 2138, S. 2678, S. 2770, S. 2927, S. 3201, and the proposal of the Fish and Wildlife Service.

I am here at the request of the Governor of Minnesota to represent the State, the State land exchange commission, and the department of conservation, on this matter.

As you may know, the Land Exchange Commission of Minnesota is the agency which approves the acquisition of land in Minnesota by Federal agencies.

The land exchange commission, as composed by the Governor, the attorney general, and the State auditor, has approved wetland acquisition in Minnesota upon conclusion of a satisfactory agreement regarding hunting privileges on such areas.

We were very much concerned with these hunting privileges since about 80 percent of the land being acquired was uplands.

Minnesota pioneered in wetland acquisition and we have acquired over 100,000 acres in the State in the past years, through a $1 surcharge on small gage licenses for this purpose. The State for many years has made payments in lieu of taxes on all lands taken off of the tax rolls. These have amounted to 35 percent of gross receipts or 25 cents per acre, whichever the county chooses; and, of course, they choose whichever is larger.

Under the proposed Federal program, 17 counties will lose in excess of $205,000 in taxes in Minnesota.

Now, in the low-cut area of the wilderness canoe country in the Superior National Forest, three-fourths of 1 percent, based on the appraised value of lands as redetermined periodically with the Secretary of Agriculture, is paid to St. Louis County and Cook County in lieu of taxes. We believe that three-fourths of 1 percent would be an adequate recompense to the counties for lands acquired in Minnesota by the Federal wetlands program. This would be approximately in line with the payments that the State is presently making to the counties; it would amount to somewhat more; it would adequately recompense the counties for the loss of $250,000 that they would incur through this program.

That is the end of my statement, Senator.

Senator McGee. Thank you for your statement, Mr. Knox. I have no questions.

If in the committee deliberations any questions arise we will feel free to contact you for your interpretation and judgment on those comments. Thank you very much.

Senator McGee. And now, Mr. Lee.

STATEMENT OF EDWIN LEE, COUNTY COMMISSIONER, DAY COUNTY, S. DAK.

Mr. Lee. Mr. Chairman, I appreciate this opportunity to appear before you and the other members of the committee——

Senator McGee. Would you identify yourself for the record?

Mr. LEE. I am Edwin Lee, county commissioner, from Day County, S. Dak. I have been a resident there since 1904; I have been county commissioner for the past 12 years. I am appearing in behalf of Senate bill 2927.

As a county commissioner in one of the wetland acquisition areas covered by this program we are very interested as one of the things that we depend on in our county is real and personal property tax. That is the revenue that we operate on and we have always tried to operate, in fact we have had to operate on a balanced budget. And, of course, we hope to continue to do this.

If we loosen up our tax base it will be impossible. Our levy on real property—that is agricultural land—averages about 35 mills and our evaluation on a plot of land at the highest is about $5,200. The top would run about $1 an acre as far as our tax would go, and the land that is owned by the State fish and game would be of the lower valuation and their average in our county was 47 cents an acre. So we would feel that the three-quarters of 1 percent would certainly be too low, even 1 percent; as far as county commissioners, we feel it would be too low.

We would like to be able to receive what the levy would ask for, just like we do from the State, whatever our levy is, a school or township for county levy, they pay the same as a farmer does as far as the township or school or county.

Your real property probably would be at the same valuation as the State and that would bring that at about 47 cents and I believe that under the three-quarters of 1 percent it would be about half of that.

We realize, too, that when we lose real property we lose a lot of personal property, because in many instances they come in and buy a whole farm, and then the farm buildings are removed.

Our second biggest item in Day County is the cattle that we have out on our farms. That is the second highest valuation, and, of course, without the grazing land there, without our farm units and without our tractors and other equipment, we are going to lose about the same percentage of personal property as we lose real property, so it isn't just a real property that we lose.

I was glad to hear the North Dakota group mention the bonds, because we as a county are bonded, we have a hospital bond and, of course, at the time we bonded it we hoped that would protect us against all the property in the county.

Of course, as this land is being sold it is bound to make the taxes higher on the people that are left with the taxable property. I don't know for sure if this was right or not but we were told last winter at the time that a delegation met with us from the Federal Fish and Wildlife Service that they could buy up to 5 percent of the land in any township in the county but they forgot one thing, they didn't state how much they could buy in one particular school district.

I had a neighbor, by the name of Albert Sorenson, call me the other day, he lives in a township in my Commissioner's district, and he was telling me that he would like to have me check to see how much the Fish and Wildlife Service had bought in their particular school district. In checking the records of Day County I found they had bought 763.30 acres. In that school district they own 5,544 acres of land, and that comes out to just about 14 percent of the land in

the school district now owned by the Federal Fish and Wildlife Service. There was one real good farm unit with a good set of buildings, that was located in this area, so that the district did lose a lot of personal property tax money.

Senator McGee. That is an interesting point. It could fall very heavily on some particular area and impose a real hardship on a school district or county.

Mr. Lee. It does do that in a school district, that is right. Many times the areas they want are quite close together. I know that it happens that in my particular township they are not buying any land in there because our State fish and game already have 500 acres bought in my particular township.

Of course, even 5 percent would amount to almost two sections of land in a township and we would certainly hope they would not buy that much in any one township because that would be an awful lot of land.

As of now they have bought in Day County approximately 2,000 acres of land. Senator Case met with us in January, we had about seven counties present, and we discussed this situation. I think that that was probably where he got his first idea of this bill. We did correspond with him and he wrote that this bill was being drawn and the one thing we liked about the bill was the idea that they could dispose of this surplus land, or this dry land. In many instances a farmer will sell a whole farm and a lot of this land shouldn't be in the wildlife program. It should belong to some farmer.

As far as we could see this program doesn't in any way benefit the people living or farming in the area. An overabundance of any game is a pest as far as the farmer is concerned. I think if you ask any farmer living next to a game refuge he will tell you that.

I know that I have a county commissioner friend that lives next to the refuge at Waubay. He had about a 12-acre field of millet a year ago. They had a lot of geese and ducks. It got to be kind of a wet fall and they did a real good job of fixing it for him.

You mentioned having visited North Dakota and I think if you had visited South Dakota you would see probably as many potholes as you did in North Dakota. I did have some slides with me. I would have liked to have shown them but I guess there wasn't any way of showing them.

I have lived in Day County all my life and I have never at any time seen as many potholes and I haven't had as many on my own farm as I have today.

Senator McGee. May I say I was born and raised in Nebraska, and the treat each fall was to go up there.

Mr. Lee. We would like to have you come up there. We are accused of draining a lot of these potholes, but in most of our area this water is captive; it doesn't get out of the county; we probably drain it from one pond to another, but we still keep it there.

With our water dams and our dugouts we put in for our livestock there, I am certain that we would have as many potholes there as we have ever had in the county. Then, of course, with our development of the rivers, the dams through the State, I am sure that we have never had as much water in the State of South Dakota as we have at the present time.

I do hope in conclusion that some local control can be exercised in this program. We certainly don't want to lose the right of having the Governor or some State agency approve the sale as they are doing at the present time, because I think that that is very important. We do want some local control at some point in here.

And I guess that is about it. I would like to have permission to type this up and leave it with you and that it may be placed in the record here.

Senator McGee. Yes, if you have the full context left here for the record, it will be included.

Mr. Lee. Thank you.

Senator McGee. Now, Mr. Berner.

STATEMENT OF LESTER M. BERNER, REPRESENTING THE SOUTH DAKOTA DEPARTMENT OF GAME, FISH, AND PARKS

Mr. Berner. Mr. Chairman, gentlemen, I am Lester M. Berner, representing the South Dakota Department of Game, Fish, and Parks.

I will speak mostly for Senate bill 2927 and the related bills.

To save time I will leave a short statement, but I cannot just leave the statement without saying that on behalf of the ducks we appreciate all the water we have in the Dakotas.

I would like to also say that we do not in South Dakota feel that we should put all the responsibility for raising ducks onto North Dakota and to the Dominion of Canada; therefore, the sportsmen of the State of South Dakota have been paying and are paying about a quarter of a million dollars a year to purchase small wet lands similar to that which is proposed and is being purchased or which we would like to have purchased under Public Law 87–383.

The commissioners of the South Dakota Department of Game, Fish, and Parks also pay taxes on their small wet lands, as has been brought out, and since we want more small wet lands purchased we feel very strongly that some type of legislation should be adopted to take care of the tax problems which Mr. Lee and others have so ably presented.

The commissioners did not ask for any specific type of legislation. They feel, Mr. Chairman, that would be well taken care of by your committee and they just ask that you give it your full consideration. And that is all.

(The complete statement is as follows:)

Statement by Lester M. Berner, Representing the South Dakota Department of Game, Fish, and Parks

The commission which directs the South Dakota Department of Game, Fish, and Parks realizes that each State must do what it can if the United States is to maintain a waterfowl population big enough to allow an annual harvest. The commission does not want to place the entire responsibility for the production of these waterfowl upon the Dominion of Canada. The commission does not want to place the entire responsibility for the management of these waterfowl upon the Federal Government.

And yet the primary duck-producing States, North Dakota, Minnesota, and South Dakota, cannot acquire the needed wet lands fast enough to help significantly in the production of a harvestable surplus for the sportsmen of the Nation. These States are doing what they can but they need the assistance that could be provided by Public Law 87–383.

These same States, however, are understandably reluctant to lose more of their tax base under Public Law 87–383. Therefore, in South Dakota where our

department of game, fish, and parks pays local taxes (about 49 cents per acre on about 70,000 acres) the local taxing units prefer to have lands sold to our department rather than to any Federal agency. This preference will not change until the local taxing units are in some way compensated for lost tax base. Therefore, the Commission of the South Dakota Department of Game, Fish, and Parks asks that you expedite the passage of S. 2927 or some similar legislation.

Senator McGee. May I say before you leave, Mr. Berner, that I would hope we could also find some formula where you would raise more mallards and less teals.

I sometimes suspect there is a plot afoot among the shotgun manufacturers, at least the attrition in my supply of shells is very severe whenever a teal comes along.

Mr. Berner. At the risk of being out of order, let's have an early season on these blue-winged teals so you can get some practice.

Senator McGee. I need the practice. That would solve my shell problem.

Our next witness will be Mr. Charles Callison, who desires to testify in support of S. 2927.

STATEMENT OF CHARLES H. CALLISON, ASSISTANT TO THE PRESIDENT, NATIONAL AUDUBON SOCIETY, AUDUBON HOUSE, NEW YORK

Mr. Callison. My statement is very brief.

First I will identify myself for the record.

I am Charles H. Callison, assistant to the president of the National Audubon Society.

This society is the oldest and one of the largest membership organizations in this country interested in the conservation of natural resources with particular attention to wildlife.

I will proceed on S. 2927 and similar bills pertaining to the distribution of revenues from the national wildlife refuges.

Senator McGee. Unless there be some misunderstanding here, let me hasten to add that in view of your interest in birds I have spent more time as a predator on birds and done less damage than nearly any other shooter in the country, so don't hold too much against me. [Laughter.]

Mr. Callison. I can surely appreciate that because I have shared your sport and I am certain some of your frustration, Senator.

The National Audubon Society urges the enactment of legislation along the lines of S. 2927 for the purpose of facilitating the implementation of the program authorized by the Wetlands Acquisition Act of October 4, 1961 (Public Law 87-383.)

It seems only fair that in counties where substantial areas of good water fowl habitat exist and where such habitat should be brought into the national wildlife refuge system to assure the future of our migratory waterfowl resources, local government should share more equitably than at present in refuge revenues.

We have studied the draft bill submitted by the Department of the Interior in the form of a substitute for S. 2927—or one of the similar bills—and we endorse the substitute.

We respectfully recommend the bill reported by this subcommittee, and by the full Commerce Committee to the Senate, be amended accordingly.

Thank you for this opportunity to present our views.

We thank you for this opportunity to present our views on this legislation.

Senator McGee. I have just received a message that will take me to the floor at 12 o'clock or as soon thereafter as I can make it there, hoping that I can somehow discharge whatever is going on there by 12:30 in order to pick up this other obligation I negotiated a little while ago.

Let me say to our witnesses in the room, as far as our records indicate you are all located in or near the District. The committee will be in touch with you as soon as I can clear the next open date.

I think it will be Friday.

There is one subcommittee meeting that has not been settled yet.

I want to make sure we are clear on Friday, so await word from the committee as to the time of the resumption of this hearing.

In the meantime we will adjourn until call.

(Whereupon, at 12 noon, the committee was adjourned, subject to the call of the Chair.)

88363—62——4

FISH AND WILDLIFE LEGISLATION

WEDNESDAY, JULY 18, 1962

U.S. SENATE,
SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON COMMERCE,
Washington, D.C.

The subcommittee was called to order at 10:15 a.m., in room 5110, New Senate Office Building, Hon. Gale W. McGee, chairman of the subcommittee presiding.

Senator McGEE. The hearings on an assortment of conservation and wildlife matters will resume.

The first witness this morning is Mr. C. R. Gutermuth.

Mr. Gutermuth, will you proceed?

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT OF THE WILDLIFE MANAGEMENT INSTITUTE, WIRE BUILDING, WASHINGTON, D.C.

Mr. GUTERMUTH. Mr. Chairman, my statement is very brief, so I believe I will read it.

I am C. R. Gutermuth, vice president of the Wildlife Management Institute. The institute is one of the older national conservation organizations and its program for the restoration and improved management of natural resources in the public interest has been continuous since 1911.

Congress last year with the leadership of this committee enacted Public Law 87–383, to accelerate the purchase of wet lands and other habitat needed for the national waterfowl program. By its authorization of a special advance from the Treasury over the next few years, that act gave congressional recognition to the acute need for preserving key wet lands used by waterfowl, particularly in the tri-state area of the Dakotas and Minnesota. That area, geologically a glacial moraine that is characterized by a large number of small wet lands called potholes, is the single most important wild waterfowl nesting ground in continental United States.

The many small wet lands, in years of sufficient precipitation, produce the bulk of the ducklings that are reared within the 48 States. Topography cannot be remade on a national scale so it is essential that the U.S. Fish and Wildlife Service, if it is to have a meaningful waterfowl restoration program, acquire sufficient acreage in that tri-State region to accommodate expected waterfowl usage.

Significantly, it is in the Dakotas and Minnesota that the program has broken down. It has broken down over an understandable matter—concern about the potential loss to the county governments of

taxes otherwise paid on lands and waters that might be taken into the accelerated waterfowl program.

Public Law 87–383 requires the approval of the Governors or designated State agencies, and the Service has not been able to get State approval for proposed acquisitions in the Dakotas.

This permission, which must be obtained under the terms of Public Law 87–383, apparently will not be granted until the county governments are satisfied that they will receive compensation to make up for the taxes that otherwise would have been collected had the lands remained in private ownership.

It is believed that the overall expense of the in lieu payments should be borne from receipts received from the sale or disposition of refuge products. Some of the bills suggest that all of the receipts arising from reserved public lands in wildlife refuges and up to 1 percent of the adjusted cost or appraised value of acquired lands should go to the counties.

The Department of the Interior, in its report to the committee, suggests that in-lieu payments be based on three-quarters of 1 percent of the adjusted cost of the acquired lands. This recommendation has precedent in the administration of the Superior National Forest where the U.S. Forest Service makes payments to three Minnesota counties at the same percentage level.

The Forest Service payment is made on the basis of appraisal value rather than adjusted cost, however. It is believed that the latter approach is more equitable in that the figure used for the periodic adjustment of the cost of land in terms of present-day dollars is one that is readily available and widely used.

Appraisals are costly, time-consuming, and conducive of disagreement.

It is hoped that the committee will report favorably a bill along the lines suggested by the Interior Department. Its enactment during the current session would help remove a roadblock to the national waterfowl restoration program.

Thank you very much.

Senator McGee. Your group would have no strong feelings on the alternative proposal in some of the legislation; namely, that instead of three-quarters of 1 percent, it would be a flat 1 percent?

Mr. Gutermuth. Well, actually we feel that we probably are going to have to go through a trial-and-error period here with this legislation.

Senator McGee. As you see it, both in maintaining the principle and in meeting the specifics of the problems, the difference between the Department's three-quarters of 1 percent proposal and some of the legislation that says straight 1 percent, would not be a basic factor in your calculatioin, would not make any difference to you?

Mr. Gutermuth. We, of course, would be willing to go along with this, particularly on a trial basis.

I would like to see this worked out over a period of time and if it proved that the formula, that is determined by the committee and by the Congress, is not adequate or proper, then I think we could take another look at it in a couple of years.

We would like to see legislation along this line enacted now, so we can get on with this job, and then if necessary come back and improve it in a year or two.

Senator McGee. I hereby place in the record a statement by Senator Eugene McCarthy, the junior U.S. Senator from Minnesota.

It contains his views on this question and several of the related questions in the pending hearing.

I offer for the record a statement by Thomas L. Kimball, deputy director, National Wildlife Federation, located here in Washington. He supports the draft bill presented by the U.S. Fish and Wildlife Service.

We also will put in the record at this point a report to Senator Magnuson, chairman of the Commerce Committee, from the Assistant Secretary of the Interior on S. 2138, S. 2678, S. 2770, S. 2927, and S. 3201. They recommend such legislation in the form of the draft bill enclosed in this report.

We will also put in the record at this point a letter from Earl M. Thomas to the chairman of this committee.

(The documents referred to are as follows:)

STATEMENT OF SENATOR EUGENE J. MCCARTHY, SENATOR FROM MINNESOTA

Mr. Chairman, I am pleased that the Committee on Commerce is holding hearings on S. 3201 and similar bills which deal with a serious problem facing many rural counties, particularly in Minnesota, North Dakota, and South Dakota: the loss of revenue resulting from the acquisition of wet lands by the Federal Government.

Last April I joined with my colleague from Minnesota, Senator Humphery, in sponsoring a bill (S. 3201) which would provide an improved and more equitable system of making payments to counties in which wildlife refuges are located.

Under the present legislation the counties are paid 25 percent of the net proceeds from the sale of timber, hay, or other products of the soil taken from the wildlife refuges. The funds are used for the benefit of the public roads and schools of the county in which the refuge is located. In many cases this is inadequate to compensate the counties for revenues lost when property is removed from the tax rolls. In fiscal year 1961, for example, the payments to Minnesota counties under the present law were only $2,534.

The problem is certain to become much more serious in the future. Last year the Congress enacted legislation to authorize the expenditure of $105 million over the next 7 years to acquire wet lands for waterfowl conservation purposes. Most of these acquisitions will be made in Minnesota and the Dakotas, which contain the major duck nesting grounds in the United States. It is estimated that nearly 100,000 acres in 17 Minnesota counties may be taken from the tax rolls for wetlands waterfowl refuges. Over 14,000 acres will be taken from the tax rolls of one Minnesota county alone. The present system of sharing revenues is inadequate and outmoded for this type of acquisition.

The bill which Senator Humphrey and I have sponsored would provide payment at the end of each fiscal year to each county of any State in which there is a wildlife refuge administered by the U.S. Fish and Wildlife Service. The payment would be an amount equal to 1 percent of the adjusted true value of the lands acquired. These payments would be designated for the support of the public schools and roads of the counties.

The waterfowl conservation program is of great benefit to the citizens of the State and the Nation. The contribution of rural counties of Minnesota and the Dakotas for the preservation of ducks is greater than that of any other region in the Nation, but to the local communities the protection of the duck nesting areas in refuges also means a loss of needed revenue from the lands removed from the tax rolls. In addition it often involves new expenses for roads and other services.

While Federal property is not subject to taxation, the Federal Government in many instances makes payments to local governments when a national program seriously disturbs the tax base or increases expenditures of local governments. In some cases, where the lands yield valuable products, the revenue-sharing system has been used. In other cases the Federal contribution takes

the form of payments based on the value of the Federal property or the cost of local public services required by special projects, as is the case with certain school districts.

I believe that in equity legislation should be enacted to compensate the rural counties of Minnesota, the Dakotas, and other States where wildlife refuges are created. The benefits of these conservation programs are national, and provision for payments to counties which lose taxable property are justified.

I wish to thank the members of the special subcommittee of the Committee on Commerce for holding hearings on this problem, and I appreciate your consideration of the terms of the bill, S. 3201, which I have sponsored.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., July 5, 1962.

Senator GALE W. MCGEE,
Chairman, Special Subcommittee,
Senate Committee on Commerce,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the invitation to comment upon S. 2138, S. 2927, S. 2770, S. 2678, and S. 3201 relating to payments to counties in which Federal wildlife refuges are located.

The National Wildlife Federation is unable to be represented in public hearings scheduled for July 9, 1962, and I would appreciate it if this letter can be made part of the record.

The National Wildlife Federation and its affiliates in all States and the District of Columbia sponsored the 1962 observance of National Wildlife Week earlier this year. The theme for this observance was: "Waterfowl for the Future—By Conservation of Wet Lands Which Benefit Man and Wildlife." In other words we regarded the acquisition of wet lands for waterfowl as a most critical single problem facing wildlife at the present time.

The National Wildlife Federation was extremely encouraged when the Congress saw fit last year to enact legislation authorizing an advance loan of $105 million for an accelerated wetlands acquisition program over the next 7 years. This legislation, which conservation organizations regard as one of the outstanding accomplishments of the 87th Congress, was a product of the Senate Committee on Commerce and members of this subcommittee undoubtedly are familiar with its provisions. Implementation of this program, however, has been held up in the States of Minnesota, North Dakota, and South Dakota—the major duck nesting grounds presently existing in the United States. All conservationists who are concerned with the perpetuation of flights of migratory waterfowl hope that acquisition difficulties in this so-called "prairie pothole area" can be resolved to the mutual satisfaction of everyone concerned.

We believe that a draft bill developed by the U.S. Fish and Wildlife Service and transmitted to the chairman of this committee under letter of June 20, 1962, will accomplish the purpose of alleviating the difficulties which have arisen in the particular counties with relationship to the Federal acquisition program. We believe the three-fourths of 1 percent of the adjusted cost payment, as proposed by the Interior Department, is fair and just in lieu of taxes. The provision to permit revenue sharing with those counties containing purchased refuge lands also is fair and equitable.

The cost-sharing practice for drainage of wet lands is another controversial problem which can be alleviated through early approval of this proposal. As members of this subcommittee know, the Senate Committee on Agriculture and Forestry is considering H.R. 8520 and S. 3400 which would deny drainage subsidies if the practice is harmful to wildlife. Approval of this legislation is contingent to some degree upon agreements relative to payment in lieu of taxes to the counties concerned. We, therefore, hope early favorable consideration may be given to this proposal in order that action still may be secured during the second session of the 87th Congress.

Sincerely,

THOMAS L. KIMBALL, *Executive Director.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 20, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your committee has requested reports on S. 2138, 2678, 2770, 2927, and 3201, all of which would amend section 401 of the act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) concerning the participation of States in revenues from wildlife refuges.

We strongly recommend the enactment of this proposed legislation in the form of the draft bill enclosed with this report. The payment formula contained in our proposal is essentially the same as in S. 2927; however, our draft contains various perfecting and other provisions that we consider, from our study of this matter, to be desirable.

Recent developments, particularly the enactment of the recent "wetlands" legislation of October 4, 1961 (Public Law 87-383), indicate strongly the desirability of revising the authority and procedure concerning revenue sharing and payments to the States from the wildlife refuge system pursuant to section 401 of the act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s).

At present, the 1935 act provides that 25 percent of the net proceeds from the sale of surplus wildlife, timber, hay, grass, or other products of the soil and from other privileges on wildlife refuges is to be paid at the end of each fiscal year to the county or counties in which the refuges are located for the benefit of their public schools and roads. The remaining 75 percent of the net refuge receipts is made available for our management of the national wildlife refuge system and enforcement of the Migratory Bird Treaty Act by a permanent indefinite appropriation item in the act of September 6, 1950 (64 Stat. 693-694). With minor exceptions, receipts collected from both reserved public lands and acquired lands in the refuge system are subject to the provisions of section 401 of the 1935 act. Where refuges have been established on lands that are under the primary jurisdiction of other Federal agencies, such as the Corps of of Engineers and the Bureau of Reclamation, and where game ranges are jointly administered with the Bureau of Land Management, the revenues from such land are generally disposed of in accordance with other laws.

Our proposed revision of this legislation, consistent in part with present law, would provide for payment of 25 percent of the revenues with respect to the reserved public lands in the particular areas to the counties in which such lands are situated. Concerning those lands of the national wildlife refuge system to which the bill would apply, that have been acquired in fee by the United States, however, three-fourths of 1 percent of the adjusted cost of such land, exclusive of improvements since Federal acquisition thereof, adjusted to represent current values as determined by the Secretary, would be paid to the particular counties. In addition to our regular refuge acquisitions, our proposal also would permit revenue sharing with those counties containing refuge lands purchased on water resource developments with project funds where the lands are acquired solely or primarily for wildlife management purposes. Our draft bill provides that all revenues obtained from the national wildlife refuge system be placed in a separate fund and be used for the purpose of making the payments to the counties. No payments would be made in excess of the annual revenues collected.

In enacting the "wetlands" legislation, the Congress authorized an advance of $105 million for an accelerated wetlands acquisition program over the next 7 years in order that essential waterfowl habitat can be acquired for waterfowl conservation purposes before such lands are devoted to other uses. As a part of this program, we expect to acquire a considerable acreage of key waterfowl habitat in the States of Minnesota, North Dakota, and South Dakota, since these States contain the major duck nesting grounds in the 48 continguous States. The "wetlands" act, however, contains a requirement that the acquisition of lands for waterfowl habitat with funds from the Migratory Bird Conservation Fund must be approved by the respective Governors or appropriate State agencies. These three key States and some other States, where we presently have a large acreage in refuges, have indicated opposition to future acquisitions unless suitable provision is made to achieve a more equitable distribution of refuge revenues. In this connection, it should be noted that the present system of revenue sharing results in some counties receiving little if any revenue because the refuges in those counties have little or no revenue-producing activi-

ties. We believe that the proposed formula is a reasonable solution to a somewhat unique problem.

We have made a recent sampling of 32 refuges to estimate the effect of the proposed revenue sharing formula in connection with the 165 refuges that contain acquired lands. We estimate that the counties would have received approximately $670,900 more revenue in 1961 if the acquired refuge lands had been in private ownership. In fiscal year 1961, the net receipts from 120 national wildlife refuges, game ranges, and waterfowl production areas (including both acquired and public lands) amounted to $1,9877,358.07. Of this amount, 25 percent or $496,839.52 was returned to the 188 counties in which the 120 refuge areas are located. The largest payment made to a county in 1961 was $276,-974.65. The smallest was $1.

Under our proposed formula to provide payments to the counties of three-fourths of 1 percent of the adjusted "cost" figure of such acquired lands, we estimate that the present acreage of acquired refuge lands with an adjusted "cost" of approximately $78 million, would have required the payment to the counties for the acquired lands in fiscal year 1961 of $585,086. In addition, there would have been a payment in 1961 of about $35,000 (25 percent of net receipts) to counties containing reserved public lands in refuges. Consequently, the total payment would have been about $620,086 to about 203 counties. This is approximately $123,000 more than the actual payment in 1961. In effect, our proposed formula would provide a total increase of about 25 percent in the annual payments to counties, based upon land holdings in 1961.

Estimated annual payments for 1961 of $620,086 to counties under our proposal are admittedly a little less than the estimate of $670,900 which the counties would have received in 1961 had the acquired lands been in private ownership. It must be recognized, however, that Federal acquisitions and our management thereof may be expected to result in a decrease in the cost of local services furnished by counties as well as in other economic benefits that would more than offset the difference in these figures.

From the foregoing, it is clear we believe, that all counties that contain refuge lands that have been purchased and taken out of taxation, whether these lands are revenue producing or not, would share in the total net receipts from the National Wildlife Refuge System. We believe this is equitable. In the circumstances, this proposed legislation would constitute a desirable adjustment and revision of the existing shared revenue authorization, as set forth in the 1935 statute. It would effect a more equitable distribution of the shared revenues with the counties in which the refuge lands are situated.

Increased payments to counties and repeal of the previously mentioned permanent indefinite appropriation item in the act of September 6, 1950 (64 Stat. 693–694), will, of course, reduce the amount of money available under such item to the Bureau of Sport Fisheries and Wildlife of our Department for refuge management and law enforcement purposes. This situation will need to be considered in connection with our annual appropriation estimates.

We have been advised by the Bureau of the Budget that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

A BILL To increase the participation by counties in revenues from the National Wildlife Refuge System by amending the Act of June 15, 1935 relating to such participation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935, as amended, (49 Stat. 378, 383; 16 U.S.C. 715s.), relating to the participation by the counties in revenues from wildlife refuges, is amended to read as follows:

"SEC. 401. (a) Beginning with the next full fiscal year and for each fiscal year thereafter the revenues from all collections received by the Secretary of the Interior, during each fiscal year in connection with the operation and management of those particular areas of the National Wildlife Refuge System that are solely or primarily administered by him through the United States Fish and Wildlife Service, which are obtained from the sale or other disposition of animals, timber, hay, grass, or other products of the soil, minerals, shell, sand, or gravel, from other privileges, or from leases for public accommodations or facili-

ties incidental to but not in conflict with the basic purposes of particular areas of that System, shall be covered into the United States Treasury and be reserved in a separate fund for disposition as hereafter prescribed. Amounts in the fund shall remain available until expended and may be expended by the Secretary of the Interior without further appropriation in the manner hereafter prescribed. The National Wildlife Refuge System (hereafter referred to as the "System") comprises those areas and lands administered by the Secretary that are included in the following descriptive categories; wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas.

"(b) The Secretary of the Interior may pay from the fund any necessary expenses incurred by him in connection with the revenue-producing measures set forth in subsection (a).

"(c) The Secretary of the Interior, at the end of each fiscal year, shall make the following payments out of the net receipts (after payment of necessary expenses) for such fiscal year to those counties in which the aforesaid areas of the System, as prescribed in subsection (a) hereof, are situated, which funds shall be expended solely for the benefit of the public schools and roads in such counties:

"(1) to each county in which reserved public lands in an area of the System are situated, an amount equal to 25 percent of the net receipts collected by the Secretary from such reserved public lands in the particular area of the System: *Provided*, That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such reserved public lands therein; and

"(2) to each county in which lands in the System are situated that have been acquired in fee by the United States, three-fourths of 1 percent of the cost of the lands, exclusive of improvements to such property subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first fiscal year hereafter and as redetermined by him at five-year intervals thereafter. The aforesaid determinations by the Secretary shall be accomplished in such manner as he shall consider to be equitable and in the public interest, and his determination hereunder shall be final and conclusive.

"The aforesaid payments to counties in the United States for any one year shall not exceed the amount of net receipts of the fund for that year and, in case the net receipts are insufficient for a particular year to pay the aggregate amount of the payments for that year to the counties, the payment to each county shall be reduced proportionately.

"(d) Any moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System including but not limited to the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act, as amended (16 U.S.C. 703–711).

"(e) The disposition or sale of surplus animals, minerals, and other products, the grant of privileges, and the carrying out of any other activities that result in the collection of any revenues may be accomplished upon such terms, conditions, or regulations as the Secretary shall determine to be in the best interest of the United States or for the advancement of knowledge and the dissemination of information regarding the conservation of wildlife, including sale in the open market, exchange of animals of the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation.

"(f) Beginning with the first day of the next full fiscal year hereafter, the provisions of this Act shall supersede and repeal the provisions of the paragraph entitled 'Management of National Wildlife Refuges' in the General Appropriation Act, 1951, approved September 6, 1950 (64 Stat. 595, 693–694)."

JULY 13, 1962.

Hon. GALE MCGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGEE: H.R. 11525, now before Congress, proposes to deprive "any State that does not fully approve the acquisition of all lands determined by the Secretary of Interior to be needed for waterfowl conservation * * *" of all Pittman-Robertson funds. This bill was instigated due to difficulties en-

countered in implementing the Wetlands Acquisition Act of 1961 primarily in North and South Dakota. The Wetlands Act specifically states that the Interior Department should gain the consent of the Governor of any State wherein acquisition is planned. Several States (Wyoming being one of them) do not have enabling legislation allowing the use of duck stamp money for wetland acquisition. This makes approval of the Secretary's determinations impossible for some States.

The proposal of H.R. 11525 is nothing more than an attempt to legalize the coercion and bureaucratic blackmail so often employed by Interior Department officials. It is an attempt to solve to solve local tax problems by making monetary threats to the States and by so threatening force the States to knuckle under and bow to the will of the Federal Government wherever and whenever local government has the audacity to question the Federal wisdom.

I am vehemently opposed to H.R. 11525 and all is ramifications and wish to go on record as opposed at this time.

Yours very truly,

EARL M. THOMAS.

Senator McGEE. Is Mr. Penfold here?

(No response.)

Senator McGEE. Is Mr. Daniel H. Janzen here?

Mr. Janzen, will you proceed?

STATEMENT OF DANIEL H. JANZEN, DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ALBERT J. RISSMAN, SECRETARY, MIGRATORY BIRD CONSERVATION COMMISSION; EUGENE E. CRAWFORD, CHIEF, BRANCH OF WILDLIFE REFUGES, BUREAU OF SPORT FISHERIES AND WILDLIFE, AND JAMES T. McBROOM, CHIEF, DIVISION OF TECHNICAL SERVICES, BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

Mr. JANZEN. Mr. Chairman, my name is D. H. Janzen, and I am Director of the Bureau of Sport Fisheries and Wildlife and wish to testify on S. 2138 and related bills having to do with State participation in revenue from national wildlife refuges.

I have with me to my left, Eugene Crawford, Chief of the Wildlife Refuges Branch; to my right, Mr. James T. McBroom, Chief of the Division of Technical Services, and Albert J. Rissman.

All of these bills would modify in one way or another the formula under existing law (sec. 401 of the act of June 15, 1935; 16 U.S.C. 715s) whereby the counties in which wildlife refuges are located are annually paid 25 percent of net refuge receipts for the benefit of public schools and roads. These proposals range from those which would increase the share of receipts paid to counties to proposals which, in effect, would amount to a direct tax on Federal property.

Our Department, in its report to your committee on these bills, recommends enactment of legislation in the form of the draft bill enclosed with the report.

In connection with our expanded land acquisition program under the "wetlands" act, approved October 4, 1961 (16 U.S.C. 715k–3 to 715k–5), we have become well aware of the local impact of our refuges on county tax structures, particularly in those counties where we already have holdings and contemplate buying additional lands.

We have carried on studies of this matter with a view to providing a definite legislative proposal which would be equitable to both the taxing authorities and the Federal Government.

It is our view that a new formula for revenue sharing, as described in our Department's draft bill, is the most equitable solution to the problem.

It must be recognized that no proposal which provided for the sharing, on a percentage basis, of income from Federal lands in the country of origin will be entirely satisfactory to all concerned since many refuges produce no revenue.

On the other hand, where oil or gas activity develops, windfalls may occur in the form of excessive payments to counties in relationship to tax revenues which were lost.

Furthermore, the present system tends to result in pressures to produce income from activities on refuges which may be inconsistent with the objectives of wildlife management.

The problem of loss of taxes is becoming critical in connection with our plans to acquire, mainly through purchase some 4½ million acres of wetlands and associated habitat in the 48 contiguous States before it is too late.

This includes suitable lands acquired at Federal water-resource projects with project funds to be made a part of the National Wildlife Refuge System. As a part of our overall goal, we propose to acquire, either in fee or by easements, a large acreage of vital nesting grounds in Minnesota, North Dakota, and South Dakota.

Yet officials in these States and elsewhere have registered opposition to future acquisitions unless a more equitable distribution of refuge revenues is achieved.

Our Department's draft bill retains the basic principle of sharing net receipts from refuges with counties but provides a new methods of allocating some of the net receipts derived from refuges, waterfowl production areas, and other wildlife areas which are solely or primarily administered by us. This would include lands purchased at Federal water-resource projects with project funds for wildlife management use.

Twenty-five percent of the receipts from public domain lands in refuges would be paid to local counties as at present. Receipts from all acquired lands would be pooled and payments made to counties at the rate of three-fourths of 1 percent of the adjusted cost of those lands.

Counties containing lands acquired for refuges which are not revenue-producers would, for the first time, share in the receipts. Total payments could not exceed the amount in the fund for a particular years. Remaining moneys would be available for refuge management and law enforcement as at present.

Our draft bill calls for payments to counties based on a percentage of adjusted costs rather than the appraised values of acquired lands (as proposed in some of the bills before your committee), because of the expense and difficulty of periodically reappraising refuge lands.

We believe that the costs of acquired lands adjusted to the present time by use of index numbers, such as are published by the Department of Agriculture for farmlands, State by State, are a reasonable estimate of the present value of such lands.

Furthermore, any appraisal is only an estimate with which local real estate appraisers might disagree, particularly where conversion of agricultural land to other use might result in a higher or lower market value than the land had when acquired.

Subsection (f) of the draft bill repeals a provision in the act of September 6, 1950, providing for an annual appropriation of 75 percent of the net refuge receipts under the act of June 15, 1935, for management of our national wildlife refuges and for law enforcement work. This is a permanent indefinite appropriation. This authority would no longer be necessary since our draft bill provides for the disposition of all refuge receipts for various purposes without further appropriation.

As pointed out in our Department's report, payments which would have been made to counties in 1961 if our proposal had been in effect are a little less than the moneys the counties would have received if the lands had been in private ownership. However, there is a decrease in cost of local services to refuges under management and there are various other economic benefits which our refuges supply.

As indicated in the Department's report, we now receive 75 percent of the net refuge receipts for construction and repair of roads, buildings, dams and other structures on our refuges and for enforcement of a migratory bird law.

Under our proposal, all of the receipts would go into a separate fund and would be available for distribution to the counties. Any surplus not needed for distribution, however, would be available as heretofore for our use.

In the circumstances, the additional cost of our proposal will be the net amount by which the total annual payments to the counties are increased. This increase we have computed to be about $123,000 for the year 1961. Additional appropriation to the Bureau of Sport Fisheries and Wildlife will be needed to make up the difference.

Our Department's proposed legislation is not an "in lieu of taxes" proposal and is not intended to equate payments to counties with the tax losses they have sustained. It is merely a revision of existing authority for the sharing of revenue so as to effect a more equitable distribution of available revenue to the various counties in which the acquisition of refuge lands in fee has occurred or is contemplated.

We urge your favorable consideration of our proposed legislation on this subject.

Senator McGee. The $123,000 increase which you referred to, had it been in effect in 1961, would fall substantially short of what these other units of local government would desire to share, I assume?

Mr. Janzen. Well, we have made a sample, took a sample of all of our refuges over the Nation, estimating what the counties would have received had these lands remained in private ownership, and we found that this three-quarters percent I believe represented approximately a little over 90 percent of what the county would have gotten from the tax.

Senator McGee. We have had testimony here as you know from two Senators from North Dakota and from their county commissioners, where there were notable exceptions to that pattern.

To what degree would this provide enough flexibility to absorb the extremes of those areas or those units that were more strenuously affected by this than others?

Mr. JANZEN. One thing we should take into consideration, I think, first of all, that much of our land that we are buying in the Dakotas and in other sections are lands that are not comparable in production value or value economically with other lands, because we are buying the wet lands, which are not now in agricultural production.

There has been a tendency to compare taxes across the board, rather than on that specific type of land.

I think in North Dakota it is true that three-quarters of 1 percent will not quite reach the rate of taxation the counties are now imposing on private lands.

But there is a difference in the type of lands we are buying.

Senator MCGEE. Have you made a calculation as to what it would mean if the percentage were a straight 1 percent?

Mr. JANZEN. Mr. McBroom has some figures here.

Mr. MCBROOM. Yes, Senator, we have made such a calculation. To give you the background for it, we estimate that the tax loss occurring to counties, because of our ownership of acquired lands is $671,000 per year.

Senator MCGEE. This is for all areas combined?

Mr. MCBROOM. Yes, sir; the entire Nation.

Now, a 1-percent payment, Mr. Chairman, would result in the payment to the counties of $780,000 in a year, and as you will perceive, this is considerably in excess of what we estimate the tax loss on these acquired lands to be.

So that they would be getting more than the tax laws under the 1 percent, nationwide.

Senator MCGEE. Roughly, $100,000 more?

Mr. MCBROOM. Yes, sir.

Now, as Mr. Janzen pointed out, these are nationwide figures, and the only figures with which we can deal in an orderly manner.

This means that in some cases there will be, under the three-quarters of 1 percent, places where counties will receive less than they would if they were on a tax basis and in some places they would receive more.

Senator MCGEE. What fraction of the total, nationwide, lies in the affected areas that the legislation is aimed at; namely, Minnesota, and the two Dakotas?

Mr. MCBROOM. We have some figures which we can give you on North Dakota and South Dakota and Minnesota.

Would you compute those fractions, if you have that material there, Mr. Rissman?

Senator MCGEE. At least if they could be supplied for the record——

Mr. MCBROOM. Yes, sir; we can supply those for the record. I also offer for the record a 13-page compilation showing payments to counties in 1961 under the present law and under the proposed law.

(The material referred to follows:)

[As of June 30, 1961]

(A) Total area in national wildlife refuge system [1] (acres)	28,036,230
Part of this in North Dakota, South Dakota, and Minnesota (acres)	485,462
Percent	2
(B) Total area of acquired lands under primary control of Bureau of Sport Fisheries and Wildlife (acres)	2,671,909
Part of this in North Dakota, South Dakota, and Minnesota (acres)	331,760
Percent	12
(C) Total area planned to be acquired in fee in 7-year period (acres)	1,800,000
Part in this North Dakota, South Dakota, and Minnesota (acres)	710,200
Percent	39
(D) Total—(B) plus (C) (acres)	4,470,197
Part of this in North Dakota, South Dakota, and Minnesota (acres)	1,041,960
Percent	23

[1] Includes reserved public land, acquired land, and land administered jointly with other agencies as of June 30, 1961.

Payments to counties in 1961 under present law and proposed bill

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
ALABAMA				
Wheeler:				
Limestone	1,953	$112,372	$8	$843
Madison	3,025	175,888	6	1,320
Morgan	3,405	200,311	8	1,502
State total	8,383	488,571	22	3,665
ARKANSAS				
Big Lake: Mississippi	933	57,590	17	432
White River:				
Arkansas	56,412	869,917	5,318	6,525
Desha	25,405	369,833	2,394	2,774
Monroe	15,384	212,004	1,450	1,590
Philips	9,070	120,533	1,233	904
Total	106,271	1,572,287	10,395	11,793
Holla Bend:				
Pope	4,068	335,559	----------	2,517
Yell	15	2,500	----------	19
Total	4,083	338,059	----------	2,536
State total	111,287	1,967,936	10,412	14,761
CALIFORNIA				
Colusa: Colusa	4,040	601,870	556	4,514
Kern: Kern	10,544	620,508	427	5,654
Lower Klamath: Siskiyou	979	4,310	4	33
Merced: Merced	2,562	920,550	529	6,904
Modoc: Modoc	5,966	1,153,051	1,388	8,649
Pixley: Tulare	4,328	210,682	----------	1,581
Sacramento:				
Colusa	2,221	119,947	22	898
Glenn	8,555	491,075	86	3,683
Total	10,776	611,022	108	4,581
Salton Sea: Imperial	8,986	118,058	----------	885
Sutter: Sutter	2,591	483,901	143	3,628
State total	50,772	4,723,950	3,155	36,429

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
COLORADO				
Monte Vista:				
Alamosa	632	$39,464	$94	$286
Rio Grande	10,970	1,152,309	1,792	8,643
State total	11,602	1,191,773	1,886	8,929
DELAWARE				
Bombay Hook: Kent	13,810	529,307	44	3,971
FLORIDA				
Chassahowitzka:				
Citrus	22,670	189,413	34	1,421
Hernando	5,626	52,907	8	396
Total	28,296	242,320	42	1,817
Loxahatchee: Palm Beach	2,439	196,962	33	1,478
St. Marks:				
Jefferson	8,180	86,499	493	650
Taylor	681	6,340	41	46
Wakulla	56,093	800,583	3,385	6,005
Total	64,954	893,422	3,919	6,701
Sanibel: Lee	100	10,200	13	77
National Key Deer: Monroe	569	190,778	----------	1,431
State total	96,358	1,533,682	4,007	11,504
GEORGIA				
Blackbeard: McIntosh	5,618	61,119	170	459
Piedmont:				
Jasper	5,698	109,618	1,850	822
Jones	26,705	736,245	8,680	5,522
Total	32,403	845,863	10,530	6,344
Savannah: Chatham	5,414	182,139	----------	1,366
Okefenokee:				
Charlton	149,520	1,148,857	596	8,617
Clinch	14,372	107,294	57	804
Ware	167,074	1,151,394	666	8,635
Total	330,966	2,307,545	1,319	18,056
State total	374,401	3,496,666	12,019	26,225
IDAHO				
Camas: Jefferson	10,535	721,989	2,204	5,415
Deer Flat: Canyon	226	31,552	292	237
Minidoka:				
Blaine	----------	----------	84	----------
Cassia	----------	----------	126	----------
Minidoka	----------	----------	6	----------
Power	----------	----------	28	----------
Total	----------	----------	244	----------
Snake River: Canyon	21	1	----------	----------
State total	10,782	753,542	2,740	5,652
ILLINOIS				
Chautauqua: Mason	4,486	112,518	158	845
Crab Orchard:				
Jackson	2,640	66,797	289	501
Union	830	28,798	90	216
Williamson	39,533	6,698,315	4,355	50,238
Total	43,003	6,793,910	4,734	50,955

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
ILLINOIS—continued				
Upper Mississippi:				
Carroll	2, 225	$51, 369	$52	$386
Jo Davis	432	5, 781	12	44
Rock Island	131	3, 334	3	26
Whiteside	288	4, 746	7	36
Total	3, 076	65, 230	74	492
State total	50, 565	6, 971, 659	4, 966	52, 292
IOWA				
DeSoto:				
Harrison	2, 164	272, 529	18	2, 045
Potawattomie	600	54, 558	5	410
Total	2, 764	327, 087	23	2, 455
Union Slough: Kossuth	2, 077	228, 253	312	1, 713
Upper Mississippi:				
Allamakee	10, 278	141, 600	241	1, 062
Clayton	4, 820	65, 279	119	491
Clinton	1, 073	17, 034	25	128
Dubuque	456	4, 481	11	35
Jackson	3, 095	56, 566	74	425
Scott	267	5, 318	6	41
Total	19, 989	290, 278	476	2, 182
State total	24, 829	945, 618	811	6, 400
KANSAS				
Quivira:				
Reno	627	62, 524	95	469
Stafford	7, 814	706, 377	1, 180	5, 298
Total	8, 441	768, 901	1, 275	5, 767
KENTUCKY				
Kentucky Woodlands:				
Lyon	25, 595	726, 024	226	5, 445
Trigg	24, 917	607, 519	210	4, 557
Total	50, 512	1, 333, 543	436	10, 002
Reelfoot: Fulton	809	118, 741	9	816
State total	51, 321	1, 452, 284	445	10, 818
LOUISIANA				
Catahoula: La Salle	5, 309	62, 110		465
Delta: Plaquemines	44, 499	1, 054, 002	276, 975	7, 905
Lacassine: Cameron	31, 125	508, 639	2, 617	3, 815
Sabine: Cameron	139, 308	2, 312, 305	3, 423	17, 343
State total	220, 241	3, 837, 056	283, 015	29, 528
MAINE				
Moosehorn: Washington	22, 566	224, 185	1, 131	1, 682
MARYLAND				
Blackwater: Dorchester	11, 216	719, 284	89	5, 395
Chincoteague: Worcester	418	21, 757	34	164
Martin: Somerset	3, 875	183, 206		1, 374
Patuxent:				
Anne Arundel	432	29, 290	32	221
Prince Georges	2, 234	150, 420	165	1, 128
Total	2, 666	179, 710	197	1, 349
State total	18, 175	1, 103, 957	320	8, 282

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
MASSACHUSETTS				
Great Meadows: Middlesex	216	$7,360		$56
Monomoy: Barnstable	2,696	30,592		229
Parker River: Essex	6,401	203,343	$68	1,526
State total	9,313	241,295	68	1,811
MICHIGAN				
Lake St. Clair: St. Clair	5	900		7
Seney: Schoolcraft	92,794	715,627	133	5,367
Shiawassee: Saginaw	4,406	461,171	5,263	3,459
State total	97,205	1,177,698	5,396	8,833
MINNESOTA				
Mud Lake: Marshall	60,606	1,182,147	561	8,867
Rice Lake: Aitkin	12,113	231,246	930	1,734
Tamarac: Becker	31,261	813,437	634	6,101
Upper Mississippi:				
Houston	11,957	224,353	279	1,683
Wabasha	3,167	96,821	75	726
Winona	2,205	63,197	55	474
Total	17,329	384,371	409	2,883
State total	121,309	2,611,201	2,534	19,585
MISSISSIPPI				
Noxubee:				
Noxubee	10,322	306,475	2,818	2,298
Oktibbeha	15,938	406,272	4,360	3,048
Winston	18,478	483,596	5,048	3,627
Total	44,738	1,196,343	12,226	8,973
Yazoo: Washington	3,695	444,325	190	3,333
State total	48,433	1,640,668	12,416	12,306
MISSOURI				
Mingo:				
Stoddard	11,922	324,128	275	2,432
Wayne	9,723	247,658	224	1,858
Total	21,645	571,786	499	4,290
Squaw Creek: Holt	6,809	678,076	526	5,087
Swan Lake: Chariton	10,676	1,162,705	6	8,721
State total	39,130	2,412,566	1,031	18,098
MONTANA				
Benton Lake:				
Cascade	148	5,953	666	45
Teton			8	
Chouteau			16	
Total	148	5,953	690	45
Bowdoin: Phillips	640	32,256	63	243
Fort Peck:				
Valley	166	7,222	17	54
Fergus			4	
Garfield			28	
McCone			6	
Petroleum			5	
Phillips			21	
Total	166	7,222	81	54
Hewitt Lake: Phillips	321	1,820		13
Lake Mason: Musselshell	11,740	114,483	806	859
Medicine Lake:				
Roosevelt	1,723	69,672	144	522
Sheridan	20,734	714,765	1,718	5,361
Total	22,457	784,437	1,862	5,883

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
MONTANA—continued				
Red Rock: Beaverhead	25,124	$1,467,140	$5,440	$11,004
War Horse: Petroleum	3,192	25,134	185	189
National Bison:				
Lake	20	2,345	1,487	18
Sanders			1,685	
Total	20	2,345	3,172	18
State total	63,808	2,468,234	12,299	18,308
NEBRASKA				
De Soto: Washington	4,214	736,563	35	5,525
Crescent Lake: Garden	46,361	736,433	9,286	5,523
Fort Niobrara: Cherry	4,264	111,198	3,104	834
North Platte: Scotts Bluff			73	
Valentine: Cherry	67,096	1,580,838	18,907	11,856
State total	121,935	3,165,032	31,405	23,738
NEVADA				
Ruby Lake:				
Elko	20,890	367,010	1,464	2,752
White Pine	7,563	114,142	488	857
Total	28,453	481,152	1,952	3,609
Charles Sheldon:				
Humboldt	11,718	277,512	1,089	2,082
Washoe	11,654	271,427	426	2,036
Total	23,372	548,939	1,515	4,118
Sheldon Antelope: Washoe	2,692	518,261	533	3,886
Desert Game:				
Clark	328	20,386	115	153
Lincoln			60	
Total	328	20,386	175	153
State total	54,845	1,568,738	4,175	11,766
NEW JERSEY				
Brigantine: Atlantic	13,111	241,120		1,809
Great Swamp: Morris	860	22,300		168
Killcohook: Salem	45	3,111		24
State total	14,016	266,531		2,001
NEW MEXICO				
Bitter Lake: Chavens	12,808	186,647	72	1,399
Bosque del Apache: Socorro	56,850	557,761	532	4,183
State total	69,658	744,408	604	5,582
NEW YORK				
E. A. Morten: Suffolk	187	232,470		1,745
Montezuma: Seneca	5,999	341,045	1,650	2,558
Oak Orchard:				
Genessee	2,673	216,332	123	1,623
Orleans	1,818	129,678	83	974
Total	4,491	346,010	206	2,597
Wertheim: Suffolk	11	1,550		12
State total	10,688	921,573	1,856	6,912
NORTH CAROLINA				
Mackay Island: Currituck	4,568	179,146		1,344
Mattamskevt: Hyde	50,177	1,808,791	418	13,566
Pea Island: Dare	5,859	153,507	112	1,152
Swanquarter: Hyde	15,501	330,106		2,476
State total	76,105	2,471,550	530	18,538

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
NORTH DAKOTA				
Ardock: Walsh	288	$7,779		$59
Arrowwood:				
Foster	113	3,355	$11	25
Stutsman	13,225	587,503	1,248	4,407
Total	13,338	590,858	1,259	4,432
Canfield: Burleigh	3	100		
Chase Lake: Stutsman	1,547	30,577		230
Des Lacs:				
Burke	7,816	184,151	200	1,382
Ward	6,123	204,308	160	1,533
Total	13,939	388,459	360	2,915
Florence Lake: Burleigh	1,280	27,960		210
Johnson Lake: Nelson	5	200		2
Lac Aux Mortes: Ramsey	10	368		3
Lake Ilo: Dunn	3,189	94,853	63	712
Lake Zahl: Williams	3,179	59,229	31	444
Long Lake:				
Kidder	3,129	46,811	120	351
Burleigh	9,450	173,243	341	1,299
Total	12,579	220,054	461	1,650
Lostwood:				
Burke	22,046	463,175	709	3,474
Mountrail	2,560	47,044	86	352
Total	24,606	510,219	795	3,826
Lower Souris:				
Bottineau	21,451	866,406	1,016	6,498
McHenry	36,919	1,359,147	1,759	10,194
Total	58,370	2,225,553	2,775	16,692
McLean: McLean	344	12,726	1	96
Shell Lake: Mountrail	710	19,840		148
Slade: Kidder	3,000	55,000	38	413
Stewart Lake: Slope	4	100		
Storm Lake: Sargent	2	457		4
Tewaukon: Sargent	4,041	259,020	250	1,943
Upper Souris:				
Renville	25,492	1,436,490	1,342	10,775
Ward	6,433	305,873	377	2,295
Total	31,925	1,742,363	1,719	13,070
White Lake: Slope	1,040	47,520		357
Willow Lake: Rolette	1	100		
Sullys Hill: Benson			402	
T. Roosevelt:				
Billings			95	
McKenzie			22	
Total			117	
Wetlands:				
Barnes	440	19,999		150
Benson	280	5,240		39
Burleigh	152	1,972		15
Cavalier	200	4,518		35
Dickey	960	27,520		207
Eddy	200	2,300		18
Foster	90	2,119		16
Kidder	480	3,440		26
La Moure	321	10,837	100	81
Logan	1,134	23,748		178
McIntosh	285	4,670		36
Ramsey	103	2,470		19
Richland	320	12,800		96
Steele	152	1,854		15
Stutsman	8,868	216,827		1,626
Towner	397	12,003		90
Wells	632	10,138		77
State totals	188,414	6,655,800	8,371	49,930

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
OHIO				
Ottawa: Lucas	461	$70,000		$525
OKLAHOMA				
Salt Plains: Alfalfa	1,117	92,396	$795	693
Tishomingo:				
Johnson			670	
Marshall			116	
Total			786	
Wichita: Comanche	528	10,410	10,745	78
State total	1,645	102,806	12,326	771
OREGON				
Charles Sheldon: Lake	627	16,803	2	126
Cold Springs: Umatilla	387	4,469	16	35
Hart Mountain: Lake	57,898	940,076	3,333	7,050
Klamath Forest: Klamath	15,226	588,514	646	4,414
Malheur: Harney	127,007	5,671,967	41,886	42,540
Upper Klamath: Klamath	4,387	172,867		1,296
State total	205,532	7,394,696	45,883	55,461
PENNSYLVANIA				
Erie: Crawford	2,728	243,391	124	1,826
SOUTH CAROLINA				
Cape Romain: Charleston	34,716	266,879	38	2,001
Carolina Sandhills: Chesterfield	44,522	728,804	29	5,466
Santee:				
Berkeley	2	101	9	1
Clarendon	3,293	138,126	13	1,036
Total	3,295	138,227	22	1,037
Savannah: Jasper	7,230	295,668		2,218
State total	89,763	1,429,578	89	10,722
SOUTH DAKOTA				
Lacreek: Bennett	9,442	499,620	2,036	3,747
Lake Andes: Charles Mix	658	68,603	31	515
Sand Lake: Brown	19,723	1,192,086	1,856	8,942
Waubay: Day	2,585	204,098	259	1,532
Wetlands:				
Clark	80	3,000		23
Day	1,728	60,493		455
Marshall	727	22,146		166
Total	2,535	85,639		644
State total	34,943	2,050,046	4,182	15,380
TENNESSEE				
Lake Isom:				
Lake	1,783	200,420		1,503
Obion	66	3,610	100	27
Total	1,849	204,030	100	1,530
Reelfoot: Obion	1	13,320	4	100
Tennessee:				
Benton			19	
Decatur			5	
Henry			29	
Humphreys			29	
Total			82	
State total	1,850	217,350	186	1,630

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
TEXAS				
Aransas:				
Aransas	45,230	$1,518,404	$5,369	$11,388
Calhoun	1,704	58,447	203	438
Refugio	327	11,233	39	84
Total	47,261	1,588,084	5,611	11,910
Buffalo Lakes: Randall	7,664	452,151		3,391
Hagerman: Grayson			1,463	
Laguna Atascosa: Cameron	41,655	1,156,602	1,614	8,675
Muleshoe: Bailey	5,809	160,251	375	1,203
Santa Ana: Hidalgo	1,901	69,934		523
State total	104,370	3,427,072	9,063	25,702
UTAH				
Bear River: Box Elder	20,817	103,250	202	774
Fish Springs: Juab	3,775	100,791		756
Ouray: Uintah	1,089	104,598	13	784
State total	25,681	308,639	215	2,314
VERMONT				
Missisquoi: Franklin	3,704	132,985	18	998
VIRGINIA				
Back Bay: Princess Anne	4,589	457,200	5	3,429
Chincoteague: Accomack	9,023	321,991	732	2,415
Presquile: Chesterfield	1,329	110,000		825
State total	14,941	889,191	737	6,669
WASHINGTON				
Columbia:				
Adams	5,151	162,776	277	1,221
Grant	5,795	139,250	461	1,044
Total	10,946	302,026	738	2,265
Little Pend Oreille: Stevens	34,751	552,957	51	4,147
McNary: Walla Walla	185	1,548		12
Turnbull: Spokane	14,489	829,677	1,017	6,222
Willapa: Pacific	7,495	218,058	1,810	1,635
State total	67,866	1,904,226	3,616	14,281
WISCONSIN				
Horixon:				
Dodge	19,843	794,140	571	5,957
Fond du Lac	953	74,877	27	563
Total	20,796	869,017	598	6,520
Necedah:				
Juneau	39,602	894,944	4,445	6,712
Wood	5	50	1	
Total	39,607	894,994	4,446	6,712
Trempealeau: Trempealeau	707	53,382	25	401
Upper Mississippi:				
Buffalo	7,102	58,105	167	436
Grant	6,482	90,398	151	678
Crawford	14,862	210,735	352	1,581
La Crosse	11,638	139,610	271	1,047
Trempealeau	501	5,857	12	45
Vernon	6,463	80,073	151	602
Total	47,048	584,778	1,104	4,389
State total	108,858	2,394,171	6,173	18,022
WYOMING				
Bamforth: Albany	965	28,973	37	217
Hutton Lake: Albany	1,275	35,051		262
National Elk Refuge: Teton	19,613	1,549,170		11,619
State total	21,853	1,613,199	37	12,098

See footnotes at end of table.

Payments to counties in 1961 under present law and proposed bill—Continued

State, refuge, and county	Acquired acres	Adjusted cost	Present law [1]	Proposed bill [2]
ALASKA				
Aleutian Islands			$44	
Kenai			7,211	
State total			7,255	
Grand total	2,671,909	$78,011,430	496,839	$585,086
Estimate total payment of revenue from public lands				35,000
Total				620,086

[1] Includes payments of revenue from public lands.
[2] Does not include payments of revenue from public lands.

Senator McGee. But in very broad terms, would you say it was half, three-fourths, 90 percent, or what?

Mr. McBroom. We can give a clue to this from our proposals to acquire land on a flyway basis. These areas in the Dakotas and Minnesota lie largely in the central flyways.

During the next 6 years, under the accelerated program, we plan to acquire 2,950,000 acres of land. In the central flyway, we plan to acquire 260,000 acres of regular refuge area and 1,561,000 acres of waterfowl production area land.

Most of these areas are in the Dakotas. However, most of the acreage figure of 1,500,000 would be in easements, which would not be affected by the tax loss or tax revenue bill one way or the other.

In the Mississippi flyway, which includes Minnesota, we plan to acquire 400,000 acres of regular refuge land and about 200,000 acres of waterfowl production area, again mostly in easements.

Senator McGee. And there is no other difficulty in this if we were to accept—in a hypothetical instance for a moment now—the straight 1 percent?

There is no other problem that would be introduced for you except the difference of $110,000, which would have to be made up, let's say, in direct appropriation.

Mr. McBroom. That is correct.

Senator McGee. You find no other objection to it?

If you got the $110,000, you would settle for 1 percent?

Mr. McBroom. We believe that the three-quarters of 1 percent, Senator, would you be more equitable on a nationwide basis and we think this would substantially solve the problem, even in the Dakotas.

I just wanted to give you the figures for North Dakota. Last year, for fiscal year 1961, we paid to the State of North Dakota under the present law $8,371. Under the three-quarters of 1 percent formula, we would have paid $50,000 and under the 1 percent formula we would have paid $66,000.

I believe this will indicate that the substantial share of the problem would be solved by the three-quarters of 1 percent.

Senator McGee. Yes, I was carrying no brief for any one solution, but only trying to determine from the point of view of the Bureau that there would be no new questions introduced with the 1 percent to take the extreme, except for that budgetwise.

Mr. McBroom. That is right.

We will have to make up that extra $123,000 from appropriations for our activities.

Senator McGee. Yes.

Mr. Janzen. Plus the $110,000 figure, whatever it is.

Senator McGee. The difference of $110,000 you just referred to, yes. I just got a call here. I am involved in the Appropriations Committee and they are waiting for a quorum on this.

If we can just adjourn long enough for a coffee break, I will be right back.

(Short recess.)

Senator McGee. We may resume.

Mr. Janzen. Mr. Chairman, we were discussing here whether it was clear for the record that the three-quarters of 1 percent formula would result in about $123,000 additional and 1 percent would cost about $233,000——

Mr. McBroom. About $200,000 more for the 1 percent as compared to the three-quarters of 1 percent.

Senator McGee. Yes.

Now that is $200,000 more as compared to the three-quarters? I thought you said the three-quarters would cost $123,000 more and the 1 percent would cost $110,000 more than that?

Mr. Janzen. That is correct.

Mr. McBroom. $200,000 more than that.

Senator McGee. I thought your figures were the difference between $670,000 and $780,000.

Mr. McBroom. The tax loss is $671,000. The payment under three-quarters of 1 percent would be $587,586, tax payment under 1 percent would be $780,000.

The $123,000 is the figure that we would have to make up out of appropriations if the bill were adopted to pay three-quarters of 1 percent.

Senator McGee. And the $200,000 is what would have to be made up?

Mr. McBroom. No; it would be $123,000 plus that, or about $320,000 under the 1 percent formula.

Senator McGee. Thank you for the correction.

This finishes our known list of witnesses and the statements they had to submit.

Thank you. For submission into the record I have a letter and statement from John I. Taylor in behalf of the North Dakota Farm Bureau Federation.

American Farm Bureau Federation,
July 18, 1962.

Mr. Harry Huse,
Senate Committee on Commerce,
Senate Office Building,
Washington, D.C.

Dear Mr. Huse: Enclosed is a copy of a statement by the North Dakota Farm Bureau Federation concerning S. 2770.

We hope this statement can be inserted in the record in connection with this bill. We appreciate your cooperation very much.

Very truly yours,

John I. Taylor,
Assistant Legislative Director.

STATEMENT OF NORTH DAKOTA FARM BUREAU

The North Dakota Farm Bureau veiws with a great deal of concern the further acquisition of an extensive acreage of North Dakota agricultural land by the U.S. Fish and Wildlife Service for the propagation of waterfowl. The removal of this land not only has an adverse effect on the productive capacity and efficiency of the farm units concerned but also eliminates a significant portion of the tax base on which counties and local governmental subdivisions must rely for their operations.

We recognize that it is our responsibility to wisely utilize as well as to preserve and protect all our God given resources. This is true for all our resources including our land, water, minerals, forests and wildlife. We recognize the growing interest throughout the Nation in preserving our wildlife resources, particularly our waterfowl. Because North Dakota contains a greater number of waterfowl production areas than any other State we realize the major effort in the establishment of additional waterfowl production areas will be concentrated here. We believe that any program carried out by the U.S. Fish and Wildlife Service should be administered in a manner that the optimum agricultural use of the land so acquired, consistent with the primary need, be fully recognized. Such a procedure will minimize the detrimental effects to our agricultural economy that might otherwise result.

Perhaps the most significant adverse effect of the acquisition of land for fish and wildlife refuges and areas is the reduction that results in county and tax revenue because of the smaller tax base available to those units of government. The extensive land acquisition program proposed by the Fish and Wildlife Service in North Dakota will result in a reduction of tax revenue of in excess of $30,000 annually in some counties of our State. This can only result in a severe curtailment of county, township, and school district services or a decided increase that the remaining taxable property will have to pay. The counties, township, and school districts should not be required to assume this burden but it should be shared in by all citizens of the Nation who will benefit in this wildlife conservation program.

The North Dakota Farm Bureau therefore urges the enactment of legislation by Congress that will provide for a minimum annual payment to counties and local governmental subdivisions of an amount equal to 1 percent of the actual value of the land acquired for fish and wildlife purposes. Although in North Dakota this amount will fall short of that presently being paid in taxes on the areas proposed for acquisition it will be a great improvement over the presently authorized procedure of paying 25 percent of the refuge receipts to the counties concerned.

The North Dakota Farm Bureau also urges the inclusion of a provision in legislation of this nature to make lump sum payments for bonded indebtedness of school districts and other local units of government that exist against the land when it is acquired by the United States. We urge too that consideration be given to providing for the optimum agricultural use of land acquired for these purposes so as to minimize the adverse effect on our agricultural economy and at the same time assure a maximum amount of income from the land to make payments to counties.

We urge your favorable consideration of these recommendations.

Senator McGEE. The hearing on S. 2138, S. 2927, S. 2770 and S. 2678 is concluded. We will now have discussion on S. 1542.

We have before us for our consideration, S. 1542, a bill to authorize and direct the Secretary of the Interior to conduct studies of the genetics of sport fishes and to carry out selective breeding of such fishes to develop strains with inherent attributes valuable in programs of research, fish hatchery production, and management of recreational fishery resources, is the measure to which we will now turn, at least for a moment.

I place in the record the copy of the bill, S. 1542, a report of the Comptroller General of the United States and a statement from Assistant Secretary of the Department of the Interior, Frank P. Briggs, recommending favorable consideration of the proposal and suggesting certain perfecting amendments to S. 1542.

Likewise, in order to save the time of the witnesses this morning I will place in the record a short statement that I had prepared on this particular measure and I would turn to my colleague, Senator Hickey, from Wyoming, for his comments on this measure of which he is a cosponsor.

(The documents follow:)

[S. 1542, 87th Cong., 1st sess.]

A BILL To authorize and direct the Secretary of the Interior to conduct studies of the genetics of sport fishes and to carry out selective breeding of such fishes to develop strains with inherent attributes valuable in programs of research, fish hatchery production, and management of recreational fishery resources

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to establish a fishery research laboratory or laboratories to conduct basic studies of the genetics of sport fishes and to carry out selective breeding programs directed toward the development of strains of fishes having inherent physical characteristics or physiological reactions of specific or general value to the constructive management of the recreational fisheries and to the guiding and implementing functions of research and fish hatchery production.

SEC. 2. For the purpose of carrying out the provisions of this Act, the Secretary of the Interior is authorized (1) to acquire suitable lands and water rights, to construct or otherwise acquire laboratory or other buildings and structures, to acquire equipment and apparatus and to employ necessary personnel; (2) to cooperate with State and other institutions and agencies upon such terms and conditions as may be appropriate; (3) to make public the results of research and experiments conducted pursuant to the first section of this Act; and (4) to propagate, maintain, and distribute such genetically improved or stabilized strains of fishes as may be developed by the authorized program of selective breeding.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act: *Provided*, That no more than $2,500,000 shall be appropriated for this purpose in any one fiscal year.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 12, 1961.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of April 14, 1961, acknowledged April 17, requests our comments on S. 1542, 87th Congress, a bill to authorize and direct the Secretary of the Interior to conduct studies of the genetics of sport fishes and carry out selective breeding of such fishes to develop strains with inherent attributes valuable in programs of research, fish hatchery production, and management of recreational fishery resources.

The bill relates to matters on which the General Accounting Office has no special information. We therefore offer no comment upon the proposed legislation.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 2, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your committee has requested a report on S. 1542, a bill to authorize and direct the Secretary of the Interior to conduct studies of the genetics of sport fishes and to carry out selective breeding of such fishes to develop strains with inherent attributes valuable in programs of research, fish hatchery production, and management of recreational fishery resources.

This bill would authorize the Secretary of the Interior to establish fishery research laboratories to carry out its purposes. The Secretary would be authorized to acquire suitable land and water rights, laboratories and other structures, and equipment. He would be authorized to cooperate with States and with other agencies and institutions and to make public the results of research and experiments conducted pursuant to the act. He would be authorized also to propagate, maintain, and distribute the genetically improved strains of fishes developed by the program.

We recommend favorable consideration of this bill, and suggest certain perfecting amendments as hereafter stated.

While we believe that we have adequate research authority, pursuant to the Fish and Wildlife Act of 1956, to carry out the research features of this proposal, enactment of this legislation would remove any question that might arise concerning our authority for the acquisition of the necessary land, water rights, and related facilities to carry out the purposes of this legislation.

We believe the type of research contemplated by this bill will prove to be highly beneficial. Just as domestic animals and cultivated plants have been improved through application of genetic principles, so can fishes be bred for quality and consistency. Individual fish vary greatly in physical and physiological traits, even within the semidomesticated brood stocks. The genetic heterogeneity thus evident affords opportunity for selecting and stabilizing hereditary attributes necessary or convenient to fish husbandry and management.

The characteristics of hatchery-reared fishes can be tailored to meet the need of effective sport fishery management. For example scientific selection can produce fish with higher (or lower, if desired) fecundity, viability, growth rate, food conversion, stamina, disease resistance, temperature or salinity tolerance, wariness, or longevity. Concomitant development of genetic homogeneity will minimize individual variations within the the improved strains, thereby greatly facilitating fishery research programs (standard test animals are as desirable as pure chemical reagents) and resulting in efficiencies and economics in hatchery production.

Although no funds are presently available or budgeted for research in genetics and selective breeding, such work is included in our plans as a major function of our fishery research program. Initial studies will concentrate on the rainbow trout, a logical choice because of its wide distribution, great popularity, importance in production of Federal, State, and private hatcheries, and adaptability to culture. We anticipate that at a site affording a water supply of the required temperature, volume, and quality, the primary experimental facilities for rearing and testing hundreds of separate small lots of rainbow trout will be built. Costs of major facilities for rainbow trout research, estimated at approximately $1 million, will be divided between 2 or perhaps 3 fiscal years. Concurrently, a permanent staff of about 10 professional and 12 supporting personnel would be assembled. The professional team would include personnel trained in fishery biology, genetics, pathology, serology, physiology, and related disciplines. Annual cost, salaries, and expenses of this program probably will reach $200,000 level in about 4 years.

Subsequent expansion of the scope of the genetics and selective breeding to include important warm-water species will benefit from experience gained in the early trout studies and will be facilitated by the results of cultural methods research now underway. This bill provides for a maximum appropriation of $2,500,000 in any one fiscal year. We believe that full development of the planned program can be accomplished within this limitation.

We recommend that section 2 of the bill be revised as follows in order to incorporate therein various clarifying and perfecting amendments:

"SEC. 2. That for the purpose of carrying out the provisions of this Act, the Secretary of the Interior is authorized—

"(a) to acquire in such manner as he shall consider to be in the public interest land and interests in land including but not limited to water rights; to construct or acquire otherwise laboratory or other buildings and structures; to acquire equipment and apparatus; and to employ necessary personnel.

"(b) to cooperate with States and with other agencies and institutions upon such terms and conditions as he may consider to be appropriate and in the public interest.

"(c) to make public the results of research and experiments conducted pursuant to this Act.

"(d) to propagate, maintain, and distribute to cooperating States and other agencies such genetically improved or stabilized strains of fishes as may be developed pursuant to this Act."

We have been advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

STATEMENT OF GALE W. MCGEE, U.S. SENATOR FROM WYOMING

President Kennedy and his administration have recognized the requirements of the general public for additional forms of recreation.

Most Members of Congress have also recognized this need, and many bills have been introduced in this Congress to provide varied forms of recreation.

In a bipartisan move my colleague, Senator Hickey of Wyoming, Senator Mundt of South Dakota, and the late Senator Francis Case also of South Dakota, joined me in sponsoring S. 1542, to authorize and direct certain studies of the genetics of sport fishes and to carry out selective breeding of such fishes for various purposes.

The program envisioned by my colleagues and me in cooperation with the Department of the Interior, would begin with the studies of one particular fish, namely rainbow trout. This would mean the Department would acquire whatever lands, buildings, and equipment necessary to carry the program through to a successful conclusion, cooperate with States and other agencies having an interest in the program, make public the results of the research and experiments, and make available the genetically improved and stabilized strains of fishes developed under the program.

It is impossible to measure the value which will be derived from this proposal. Not only will communities stand to gain by increased trade, but a great many individuals will be able to take advantage of the esthetic qualities of nature.

This bill has the support of the Department of the Interior, the Bureau of the Budget, and many State agencies and individuals. The Governor of my own State, the Honorable Jack Gage, is unable to be here today or to send a representative from the Game and Fish Commission because of a special Commission meeting. Governor Gage has sent me a telegram, however, in which he expresses full support of this bill on behalf of the people of Wyoming. I ask that telegram be placed in the record.

STATEMENT OF HON. J. J. HICKEY, U.S. SENATOR FROM THE STATE OF WYOMING

Senator HICKEY. Mr. Chairman, I appreciate the opportunity to come in this morning and testify on this matter. Like you, in the interest of saving time, I would ask that a short statement prepared by me be made a part of the record and that I might add thereto the historical recollection of the interest which our particular constituency has in this bill. I well remember as an ex officio member of the State game and fish commission, that the chairman, as a very interested sportsman, had identified some areas that were uniquely good for the program that is outlined here. At that time letters were directed to the Wyoming State Game and Fish Commission and subsequently answered in which they wholeheartedly supported the idea that is contained within the program which is extolled by virtue of this piece of legislation.

I recommend that the legislation with its amendments be enacted for the purpose of assuring the type of continuation of the great asset which fishing and hunting bring to our State in the way of additional tourist industry. Thank you.

(The document referred to follows:)

STATEMENT BY SENATOR J. J. HICKEY

Mr. CHAIRMAN. I am a cosponsor of this bill (S. 1542) with you [Senator McGee] to authorize studies by the Department of Interior of sport fishes and to carry out valuable research programs relating to selective fish breeding at your [Senator McGee's] request. This bill is to provide for the development of fish strains and hatchery production so vital to the recreational offerings of our State for the assistance of our tourist industry and for the recreation of our Wyoming people, and I support this bill on that basis.

The tourist industry in Wyoming and throughout the Rocky Mountain West has increased in magnitude over the years and it is anticipated that the recreational facilities of these States will need to be increased during the coming years to provide for the growth of this industry. The additional requirements for game fish in supplying the needs of this industry has become a problem of significant magnitude and the passage of this bill, S. 1542, would assist in obtaining better breeds of fish and enhance the fish hatchery production for this recreational industry.

Senator McGEE. I want to thank the Senator for his comments and to point out that he has long been identified, in the State of Wyoming, as one of the truly great friends, not only of conservation interests but of the sportsmen group. As Governor he struck many blows in behalf of preserving and expanding the hunting and fishing interests in the State of Wyoming, and he shall remain eternally their friend and leader. His activities here in the Senate have carried still further that keen interest in trying to develop to the fullest possibility the hunting and fishing opportunities that have been cherished by all of us for so long in this country. I want to thank him for his comments.

Senator HICKEY. Thank you, Mr. Chairman.

Senator McGEE. I place in the record following his statement a telegram from the Governor of the State of Wyoming, Jack R. Gage, in which he expresses his regret because of conflicting meeting of not being able to be here in person to support this measure, but lending his enthusiastic support to it, and I ask that it be included as part of the record also.

(The telegram follows:)

[Telegram]

CHEYENNE, WYO., *July 6, 1962.*

Hon. GALE McGEE,
U.S. Senate, Washington, D.C.:

Regret apparently no one available to appear July 9 hearing on S. 1542. Game and fish commission meeting July 10–11 Worland and my schedule prohibts. Due to shortness time please consider following my statement we wholeheartedly favor the enactment of S. 1542. We regret the fact that personal appearance to be heard impossible because we strongly favor enactment S. 1542. We are of opinion establishment of a research unit in this area would be of great benefit to the Rocky Mountain region, especially in research in trout. The scientific research such a unit could provide would be of inestimable value.

JACK R. GAGE,
Governor of Wyoming.

Senator McGEE. I see the distinguished Senator from South Dakota is here.

I assume that he is here in connection with S. 1542?

Senator MUNDT. I have a statement which I would like to file on that legislation, S. 1542. It is cosponsored by the distinguished chairman of this committee.

I am not sure it will be necessary for the committee to act on this legislation because I think we have had an interpretation since the bill was introduced which may take care of it but if we should need to act I would like to have this letter appear.

Senator McGee. That will be included in the record.

(The statement of Senator Mundt referred to follows:)

U.S. Senate,
Washington, D.C., July 9, 1962.

Senator Warren G. Magnuson,
Chairman, Commerce Committee,
New Senate Office Building,
Washington, D.C.

Dear Mr. Chairman: I take this means of submitting a statement in the hearing record on S. 1542, a bill which I cosponsored with my colleagues Mr. McGee and Mr. Hickey, of Wyoming.

This measure would authorize and direct the Secretary of Interior to conduct studies of the genetics of sport fishes and to carry out selective breeding of such fishes to develop strains and inherent attributes valuable in programs of research, fish hatchery production, and management of recreational fishery sources. Although an amendment has been offered to the Interior Department appropriations bill by the Senate based on the interpretation of Interior Department Counsel that the Department has adequate research authority pursuant to the Fish and Wildlife Act of 1956, enactment of this legislation would remove any question that might arise concerning the Department's authority for the acquisition of the necessary land, water rights, and related facilities to carry out the purposes of this legislation.

I believe the type of research contemplated by this bill will prove to be highly beneficial. Just as domestic animals and cultivated plants have been improved through application of genetic principles, so can fish be bred for quality and consistency. The characteristics of hatchery-reared fish can be tailored to meet the need of effective sport fishery management.

Although no funds are presently available or budgeted for research in genetics and selective breeding, the Bureau of Sport Fisheries and Wildlife has been considering such a program for the past 5 years. Initially it is planned that research will concentrate on one kind of fish. The scientific knowledge and technical know-how acquired from this initial study will facilitate subsequent expansion of the program. Because of its wide distribution, high recreational popularity, importance in the production programs of States, Federal and private hatcheries, and adaptability to controlled propagation, the rainbow trout is a logical choice for the first research effort.

Tentatively, a site for the program has been selected. For many years the Bureau has known about the fine springs arising on the property called Ranch A and adjacent Babcock tract, consisting of about one section of land near Beulah in eastern Wyoming. Ranch A, now operating as a commercial fish hatchery and resort, has become available for purchase. Major improvements are unusually well constructed and in good condition. They lend themselves to adaptation as part of the needed research facilities and the water supply fully meets the requirements for quality and quantity in that the year round temperature of the water is ideal and it is relatively free from harmful chemicals and other impurities.

Additionally the proposed site is about 25 miles from the Black Hills Teachers College and the faculty and facilities for the biology curriculum are available for this research program. It should also be pointed out that a Federal fish hatchery is located in South Dakota within 10 miles of this proposed site as well as two South Dakota State fish hatcheries which are within 50 miles. All these facilities would be most helpful in cooperating with this genetic research program.

It is for these foregoing reasons that I urge favorable action on S. 1542.

Cordially yours,

Karl E. Mundt, *U.S. Senator.*

S. 1542

Senator McGee. The only witness on behalf of S. 1542 is Dr. Raymond E. Johnson. Dr. Vonlimbach did not come today.

Mr. JOHNSON. In view of the fact that the Department submitted a favorable report on this bill, dated May 2, 1961, I would be quite happy to brief it, if you wish.

Senator MCGEE. I think it would be sufficient if we file it as though read in full. Do you have anything you would like to point up on your own?

STATEMENT OF DR. RAYMOND E. JOHNSON, CHIEF, DIVISION OF SPORT FISHERIES, BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

Dr. JOHNSON. I would like to make the point, Mr. Chairman, that the State game and fish departments and the U.S. Fish and Wildlife Service have tried many times in the past 70 years to improve sport fishing across the country but we have not taken the lesson from the plant breeders and animal breeders, and have not tried to improve the fish themselves, with which we are working.

That is one of the intents of this legislation. It would not be an easy thing to do but it holds enough promise to try it. We think we have the knowledge to do it and we think we know the place where we would like to do it too.

If this legislation is acceptable all the way around, we would be ready to start on a program within a very short time.

Senator MCGEE. One of our common jokes out there of course if we could just get rid of the fish, then we would have good trout. But it is this other stuff that creeps in, like bass and croppies and that sort of thing.

We get real snobbish about what we call the sport fish and then the other fish. But the reason for that of course is not only fighting propensities of most of the trout families, but of the delicate taste. It does not taste like fish. That is why we brag about it.

This particular measure of course looks into the matter of the rainbow, which in my judgment is overadvertised. The rainbow is very colorful and very dramatic, but the best fighter of the lot is the german brown, but he is not as elegant, he is just brutal.

I think the statistics show, which some of our wildlife people out there ran that the average fisherman loses more brown ones that he gets to take a fly than any of the others and I think the studies show all of the others put together, a remarkable percentage.

Of course this has to be on a chance basis but I only inject this not to add light to the fill, but to suggest partisanship and bias and snobbery that go with those of us who still have not surrendered to spinning outfits and mechanical devices, but depend upon the fly.

Dr. JOHNSON. Your views are entirely relevant and I think they are shared by quite a few real fishermen in the West.

Senator MCGEE. But we may be a dying tribe. I have nothing more to add than that.

Dr. JOHNSON. Thank you very much.

Senator MCGEE. We will place in the record communications from Mr. Charles E. Piersall, Casper, Wyo., which I received a few days ago, pertaining to S. 1542, and from Albert M. Day, of the Pennsylvania Fish Commission.

We will also place in the record a letter to me from Carroll R. Noble, one of our leading conservationists in the State of Wyoming, a man who has stood up at times when he almost stood alone, those are the difficult times, and won enough time to bring around the majority opinion to a conservation position he had the courage to hold.

I am delighted to introduce this letter from Carroll R. Noble.

This completes the testimony on this proposal and I therefore adjourn the hearing on S. 1542.

(Statement in full of Dr. Johnson follows, and letters referred to above:)

CASPER, WYO., *July 5, 1962.*

Hon. GALE W. MCGEE,
Chairman, Subcommittee of the Commerce Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: I regret the delay in acknowledging your favor of the 29th ultimo, with which you included a copy of S. 1542, as I have but now returned from a 3 weeks' vacation on the west coast.

The draft of S. 1542 shows evidence of extensive study, for which you and Senator Hickey are to be congratulated, for surely your awareness of the necessity of such research facilities as you advocate in S. 1542 did not come to you overnight.

To my knowledge, nothing carrying the potential for the expansion and scientific management of recreational fishery resources, has ever been introduced in the Congress comparable to this bill.

In dwelling upon the possibilities of such genetic experiments in game fish culture and production, it is interesting to note that the great "Golden Trout" that is now becoming prevalent throughout some of our Western States, is the result of an accident of birth. This fish alone, which is now being widely distributed and recognized as a distinct specie, should prove sufficient incentive for the Congress to enact your S. 1542 into law.

With the wide variation in altitudes, climate, qualities and quantities of water I can visualize the State of Wyoming as an ideal area for the establishment of such laboratory and fish hatchery facilities.

Thank you for sending me a copy of the bill, and you may rest assured I will do what I can to further its enactment.

Sincerely yours,

CHARLES E. PIERSALLL.

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA FISH COMMISSION,
Harrisburg, July 26, 1961.

Hon. WARREN G. MAGNUSON,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: The Pennsylvania Fish Commission is very much interested in the provisions of Senate bill 1542, which proposes to authorize funds for additional studies of sport fishes and for the management of recreational fishery resources.

We in Pennsylvania have the facilities for conducting an excellent program of research in the fields covered by the measure and we would be glad to cooperate with the Department of Interior in implementing the proposals contained in this bill.

We would appreciate the support of yourself and other members of your Committee on Interstate and Foreign Commerce for this proposal.

Sincerely,

ALBERT M. DAY, *Executive Director.*

WYOMING FEDERATION OF SPORTSMEN'S CLUBS,
CORA, WYO., *July 11, 1962*

Hon. GALE MCGEE,
Washington, D.C.

DEAR GALE: Sorry to be so slow answering your letter, appreciate being informed and if it isn't too late, I'd like this letter entered in the hearing in regard to S. 1542. I'm very much in favor of it. A bill of this type and also a study are long past due.

Under separate cover, I've enclosed a copy of the Wyoming Wildlife with an article in relation to wild game and fencing.

I'm very much opposed to fencing and in particular, sheep-tight fencing of private allotments. Keep up the good work.

Sincerely,

CARROLL R. NOBLE.

STATEMENT OF BUREAU OF SPORT FISHERIES AND WILDLIFE, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

The Department has submitted to the Committee on Interstate and Foreign Commerce a favorable report on S. 1542 (H.R. 7826), and has recommended several perfecting amendments of a clarifying nature.

We believe the type of study proposed in this legislation will be highly beneficial. In the past, our scientists and those of other agencies have tried in many ways to better the recreational fishery resources of the United States. We have regulated the catch to save fish for more anglers, and have planted fish from hatcheries to increase the number available in the streams, lakes, ponds, and reservoirs. We have tried to improve the environments in these waters so that fish have a better chance to survive, and we have even tried to give them better feeding areas and spawning places. Except for a few sporadic efforts, we have not yet tried to improve the fish themselves into hardier, healthier, longer-lived strains. Until we undertake this line of work, we are not doing our utmost to meet the recreational fishing demands which are already upon us.

We are aware of the selective breeding work done years ago by Mr. Hayford in New Jersey which showed that strains of rainbow trout could be developed to spawn earlier and grow faster. More recent work on other species of fish in Pennsylvania, North Carolina, and the University of Washington is of great interest to us. We also know of studies in Japan on this same subject. However, some of these studies have been terminated before useful results were obtained, and others are so basic that it may be years before results useful to our purpose are available.

Our own limited studies have indicated that by breeding and rearing fish specifically for the streams in which they are to live, and for the natural conditions they will face, we can have better fish survival and the angler will have more attractive fish to catch.

Greater economy in fish production at hatcheries will come from developing genetically stable strains of fish suitable for artificial rearing. Much progress has been made in this direction by the feeding of low-cost foods, but more progress will come by rearing fish better able to utilize those foods. Disease resistance is another asset which must be developed and fixed in strains of hatchery fish reared under crowded conditions. Brood stock having high fecundity and good egg viability is also desired. Properly organized studies on genetics of fish will help us to develop fish breeding lines for these various purposes. It is entirely possible that with these strains, and through the use of fish hybrids, we can rear fish economically for the put-and-take angler who is becoming increasingly common.

Although our primary goal is to develop attractive fish for every major recreational area in the United States where artificially reared fish are needed, a program of research on fish genetics will produce several valuable byproducts. It is entirely feasible to develop strains of rapid-growing fish of interest to the commercial trout producers throughout the United States. It is also possible to isolate stocks of fish of interest to research laboratories which need standardized test animals. This opportunity became apparent when several laboratories began to study the possible causes of trout liver cancer and learned of the usefulness of fish as test animals.

The Bureau of Sport Fisheries and Wildlife has examined several potential sites, and has found one to be suitable. It is in eastern Wyoming adjacent to the South Dakota border. A source of high quality water is available in a protected watershed which promises to guarantee the flow of about 12 cubic feet per second for an indefinite period. We believe that construction of adequate research facilities at this point will be a sound investment. The program of study which we propose for this facility will have lasting benefits not only for related operations of this Bureau but for State and private agencies connected with the rearing of fish.

Senator McGee. I now place in the record a communication from Richard H. Stroud of the Sport Fishing Institute of Washington, D.C.

(The material referred to follows:)

SPORT FISHING INSTITUTE,
Washington, D.C., May 9, 1961.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: The Sport Fishing Institute wishes to convey to your committee that it is in general support of the principles of the bill (S. 1542) introduced by Senators Gale McGee and J. J. Hickey, and referred to your committee, authorizing basic research on the genetics of sport fishes, especially, and conduct of selective sport fish breeding programs, with some reservations. These reservations concern a need for developing and defining the goals toward which such a selective breeding program might be directed, and the extent of the funding authorization, as well. The need does not seem so urgent that any "crash" program is indicated at this time.

There is little general agreement among fish culturists and fishery managers at the present time on what these goals might be, and nothing of a formal nature of which we are aware, although a number of States have been working many years to develop pure strains of trout. For example, a recent paper by Robert E. Vincent (formerly of Cornell University; now of the University of Michigan) in the January Quarterly "Transactions of the American Fisheries Society," included this significant introductory comment (p. 35):

"Intentional breeding programs have been conducetd for many years. The most common selected characteristics have been faster growth, earlier maturity, greater egg produtction, earlier spawning, and disease resistance. From this list it seems that evident features of selective breeding are a benefit to the fish-culturist but of unknown 'value' to the fish. Many breeding programs have been eminently successful in the desired intentions. However, for self-sustaining populations, fish free from selective breeding or bred for maximum survival under natural conditions may prove more desirable."

In this paper, interestingly, biologist Vincent described the utilization of a "* * * domestic strain * * * of brook trout * * * that had been reared in hatcheries for approximately 90 years" in a study of influences of domestication on brook trout.

Such agreement on selective breeding goals as may exist is at best informal, ill-defined, poorly coordinated, and lacking the benefit of collective debate and analysis by qualified representatives of the affected interests. Goals which become established on an arbitrary basis by a Federal agency are likely to intrude heavly upon an area of strongly entrenched State interests and to generate unnecessary controversy unless a suitable mechanism is established to avoid this.

Therefore, my organization strongly recommends that provision be made in the language of the bill for establishment of a committee composed of recognized fishery authorities and leaders, to be broadly representative of the various private, scientific, conservation and citizen organizations, and of the State and Federal Government agencies most directly concerned with sport fishery research, management, and utilization, for the purpose of developing and establishing coordinated program goals for the selective breeding of sport fishes within the scope of this proposal.

Finally, we are concerned by the possible implications of an authorization as high as $2½ million annually. It is difficult to envision that a substantial program of sport fish genetics research would require such sums for significant progress on a sustained annual basis. For the selective breeding phases of the

program to require that much implies to us that an extensive facilities construction program is contemplated. Before any such sums become authorized, it would appear urgent that a thorough study should be made of the 95 existing Federal production hatcheries, having a replacement cost in excess of $22 million, to see whether one or more of these units might be adaptable, through modification, at less expense than entirely new construction would be expected to entail.

In sum, while the proposed basic research on genetics is highly desirable—and much of this could probably be done through grants to universities, and some States, as well—we have reservations about the selective breeding program, and suggest that goals for the latter need definition by an appropriate group of experts, rather than leave it to chance occurrence. We also question whether $2,500,000 should be authorized. This seems to bear an excessive ratio to the amount of recreational business or participation that hatchery products may be estimated to generate in relation to the whole sport fishery resource base. We suggest that a limitation not to exceed $1 million should be substituted with the stipulation that not less than half of any annual appropriation thereunder shall be used for contract and/or grant research by qualified academic institutions or other research agencies.

It will be appreciated if this letter may be included as part of the record of any hearings on this measure.

Respectfully yours,

RICHARD H. STROUD,
Executive Vice President.

Senator McGEE. This concludes the testimony on S. 1542.

We will now begin discussion on S. 3270 and S. 3504.

We will now take up S. 3270 which would amend the Migratory Bird Conservation Act so as to provide that the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture shall be members of the Migratory Bird Conservation Commission; and S. 3504, to provide for alternate representation of secretarial officers on the Migratory Bird Conservation Commission, and for other purposes.

Our first witness on S. 3270 is Senator Lee Metcalf, of Montana, author of these two proposals.

STATEMENT OF HON. LEE METCALF, A U.S. SENATOR FROM THE STATE OF MONTANA

Senator METCALF. I am appearing in support of S. 3270.

Mr. Chairman, I had anticipated that I would file a prepared statement on behalf of this bill, S. 3270, but because of developments in the last 2 or 3 weeks I am going to make a statement in person and comment upon the administration report from the Secretary of the Interior. I also wish to call the committee's attention to S. 3504, which was introduced on July 5, 1962. Copies of S. 3270 and S. 3504 are offered for the record.

Senator McGEE. Do you wish to substitute S. 3504 in place of S. 3270?

Senator METCALF. Yes, I will comment on that in a moment.

Senator McGEE. At the conclusion of your remarks both bills will be placed in the record.

Senator METCALF. Mr. Chairman, I am appearing here as one of the two senatorial members of the Migratory Bird Commission; the other member, Senator Hruska, has read the statement that I had proposed to present. Since the introduction of S. 3504, we have discussed this matter and he has authorized me to speak for him.

The Commission, as the chairman knows, reviews and approves or rejects proposals that are submitted by the Secretary of the Interior or his representatives for the purchase or the lease of land for Federal waterfowl refuges.

Money for this acquisition comes from the sale of duck stamps.

In the past, Mr. Chairman, it has been very difficult to get a quorum at Commission meetings due to the demands on time of the Cabinet members; the three members are the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture.

A tabulation by the Commission Chairman shows that the Secretaries of Agriculture and Commerce have been unable to attend these meetings regularly.

We have been informed that the Secretaries could not delegate their functions as members of the Commission and therefore could not designate persons in their Departments to attend in their behalf.

The purpose of S. 3270 was to provide that the Under Secretaries in the absence of the Secretaires of the Interior, Agriculture, and Commerce, could appear and be regular voting members of the Commission. This problem has been magnified by the recent legislation that came out of this committee to loan $105 million for the next 7 years for the purchase of additional wet lands. This money would be allocated over the next 7 years and repaid from duck stamp sales. This legislation will necessitate more meetings of the Commission and the purchase of more land.

At the last Commission meeting on the 27th of June, the Secretary of the Interior informed the Senate and House of Representatives Members that he had made an investigation and had determined through the Solicitor of his Department that he was authorized to delegate anyone to appear and represent him. His authority for that decision was an opinion of the Solicitor of the U.S. Department of the Interior, which was issued on March 30, 1954.

In the years since the issuance of this opinion we have been under the impression at the Commission that this was one of the jobs that could not be delegated by the Secretary to somebody else as a voting member. The Secretary of the Interior now refers to the 1954 Solicitor's opinion and the Reorganization Act of 1950. For authority to delegate to any agency, officer, or employee of the Department of the Interior any function of the Secretary.

Mr. Chairman, I have a copy of the Solicitor's opinion and ask that it be made a part of the record.

Senator McGee. It will be made a part of the record.

Senator Metcalf. The Attorney General was asked to make a ruling on this but has refused. His refusal was based on the fact that the request came from Mr. Albert J. Rissman, Secretary of the Migratory Bird Conservation Commission, and the Attorney General and his assistants are permitted to advise only the President and the heads of the executive departments.

The Secretary of Interior, the Secretary of Agriculture, the Secretary of Commerce, all of whom are authorized to request Attorney General's opinions, have not requested one in this case. The Attorney General did say, however, that he had examined the Solicitor's opinion of March 30, 1954, to which Mr. Rissman referred in his request, and found no reason to disagree with its conclusions. There isn't an agree-

ment, there is just a negative statement that the Justice Department has not been able to find reason to disagree.

On the basis of that very nebulous Solicitor's opinion, written in 1954, and a negative response from the Department of Justice, the congressional members of the Commission felt that this act should be amended. We feel that the decisions to spend the money collected by the duck stamp fee should be made on a relatively high level. The two Senators and the two Representatives on the Commission do not delegate their voting rights. We have no authority to send some member of our staff to appear in our behalf. We believe that when the conservationists of this country put across the duck stamp program and subsequently increased the cost of the stamps from $1 to $2, and now $3, that they felt they were giving the trustee responsibilities to the Secretary of the Interior, the Secretary of Commerce and the Secretary of Agriculture.

However, since there has been difficulty in obtaining a quorum, and since it is necessary to have an accelerated program, I have introduced, with Senator Hruska's concurrence, S. 3504 which I ask to be a substitute for S. 3270. S. 3504 provides that the Secretary may designate the Undersecretary or an Assistant Secretary in his department as an alternate if he is unable to attend. No one under the rank of an Assistant Secretary would be authorized by this legislation to attend.

Therefore, we wouldn't have just any official of the department carrying out this very important trustee responsibility.

There is going to be an accelerated wetlands program. The Government is going to have to buy more land. Even though the Government can't buy very much land in North Dakota, South Dakota, or Minnesota until the Governors of those States acquiesce in the purchase, it is going to buy land in other areas of the country. The $5,000 authorized by the original act is inadequate to pay for the expenses of a meeting. Therefore, I have also drawn a substitute to provide that the cost of a meeting could be extended as much as $10,000. This would cover administrative expenses and travel for the members of the State fish and game commissions, and others who come to give the commission information and facts that we want to know about the land we are leasing or acquiring.

Therefore, Mr. Chairman, on behalf of Senator Hruska and myself, I ask that this bill be given the urgent consideration that recent events have warranted. If we do not pass legislation such as this, then we will go into meetings and there are going to be more meetings than ever before with the representatives of the various Secretaries who may be people that no one dreamed would ever be considering the expenditure of this trust money.

Before I introduced S. 3270 on behalf of Senator Hruska and myself, I wrote to many of the great conservation organizations, some of which will have representatives to testify today. They took the same position the congressional Members did, that this decision should be made on a relatively high level. That is why we provided in the original bill that only the Undersecretary could appear. However, that would preclude for example, the appearance of the Assistant Secretary for Fish and Wildlife, who is certainly an interested person able to represent the Secretary of Interior. The Secretary of Commerce and the Secretary of Agriculture feel that there would continue

to be many absentees if the Undersecretaries were the only alternates as there is under the present system. So we have provided that authority can be delegated to an Assistant Secretary. However, I don't believe the great conservation organizations, the sportsmen of America, and the congressional delegates would want to permit any lower rank.

Senator McGee. Your caution in the substitute measure of extending the alternatives to an Assistant Secretary as the lowest form in the common denominator puts me in mind of a similar situation that we had at the University of Wyoming, just before I left. They were trying to get an emergency commencement speaker for Newcastle, Wyo. over near the South Dakota border, not very far from the home grounds of the distinguished Senator from South Dakota, and they called down to ask for the President of the University. They thought they ought to have the very finest, but he was back here in Washington. The Secretary told the superintendent, he couldn't get him; well, send us one of the deans, which would be the equivalent, I suppose of the Undersecretary; but they were all back at the land-grant meeting here in Washington.

In desperation the superintendent said, Well, don't send us anybody lower than a professor, and the secretary said on this campus, there is nobody lower than a professor. [Laughter.]

I would raise the question of how much lower you can go than an Assistant Secretary in your formula. I thought, however, your point was very valid. As one who has a deep-vested interest, since I think I own every duck stamp that was ever issued, and having paid the prices along the way to shoot ducks, I am very much concerned along with the Senator from Montana. I hope that somewhere in the formula you would find a way to keep the duck season open this fall.

Senator Metcalf. In my State we are very grateful to the Assistant Secretary for Fish and Wildlife. We have changed the Pacific flyway to include western Montana and had a better duck season last year in western Montana, than in many years. If he can perform his other services as efficiently, we shall have better duck seasons in all our Western States.

Senator McGee. If you carry back to the senatorial representation on this Commission that we in Wyoming have a unique problem, namely altitude, that requires a different season, opening, and a shorter time available before the big freeze comes. We are pinched now between two flyways, as a matter of fact, and we need special consideration of our own if we are to get an opportunity to shoot the local ducks that abound there. We also need to keep the season open long enough that we can get a few more than mallards that stray through from South Dakota when they aren't decimated over there.

Senator Metcalf. Not only has the distinguished chairman of this committee talked to me about that, but your colleague from Wyoming frequently tells me about the problems I should take up before this Commission.

Senator McGee. We think that perhaps there ought to be made a Rocky Mountain slope flyway as a separate season to account for the differential, weatherwise, due to altitude. That might give our duck shooters the kind of opportunity to take advantage of what grows best and flys through earliest in our part of the world, that we otherwise miss if we abide by the seasons set for the lower clime. But I do

want to thank the Senator for his initiative in this matter and know that it will receive every consideration.

Senator METCALF. I thank the chairman of the committee for his courtesy. I now offer for the record a communication from the Solicitor of the Department of the Interior to the Secretary of the Department of the Interior and a communication from the Department of Justice dated May 28, 1962.

(The material referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., March 30, 1954.

M-36214.

To: The Secretary.
From: The Solicitor.
Subject: Migratory Bird Conservation Commission.

This memorandum replies to your request dated March 25, 1954, that I advise you concerning the following questions:

"1. Has the Secretary of the Interior the authority to designate a representative to act in his behalf as a member of the Migratory Bird Conservation Commission?

"2. Do the Secretaries of Agriculture and Commerce have authority to designate representatives to act in their behalf as members of the Commission?

"3. During a period of vacancy in one of the Cabinet-Commissioner positions, may an acting head of that Department perform as a member of the Commission and if so, may he designate an alternate?"

Each of these questions is answered affirmatively.

The Migratory Bird Conservation Commission was created by section 2 of the Migratory Bird Conservation Act (act of Feb. 18, 1929; 45 Stat. 1222). This act in effect was amended in 1939 by Reorganization Plan No. II, which transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior, and provided that the Secretary of the Interior shall be Chairman of the Migratory Bird Conservation Commission in lieu of the Secretary of Agriculture (53 Stat. 1433, 1434, as amended; secs. 4 (F) and (H), Reorganization Plan No. II, 5 U.S.C., 1952 ed., pp. 124, 125). In other respects the original composition of the Commission was retained. In addition to the two Cabinet members mentioned, the Commission consists of the Secretary of Commerce, two Members of the Senate selected by the President of the Senate, and two Members of the House of Representatives selected by the Speaker. The statute also provides for representation on the Commission by a State official during consideration and voting on all questions relating to the acquisition of any areas of land and water in his State.

The Commission is authorized to approve areas of land and water recommended for purchase or rental by the Secretary of the Interior, and is required, through its Chairman, to make a detailed annual report to Congress on its operations. (16 U.S.C. 1952 ed., 715a and 715b.)

Section 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C., 1952 ed., p. 160 et seq.) provides as follows:

"*Performance of functions of Secretary.* The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior *of any function of the Secretary*, including any function transferred to the Secretary by the provisions of this reorganization plan." [Emphasis supplied.]

As one of the functions of the Secretary of the Interior ex officio is to act as Chairman of the Migratory Bird Conservation Commission, it is clear that under the quoted provisions of Reorganization Plan No. 3 of 1950 the Secretary of the Interior may authorize another officer of the Department to perform this function.

Under similar provisions of reorganization plans approved by the Congress, the Secretaries of Agriculture and Commerce, respectively, may also authorize other officers of their Departments to perform their functions. (Sec. 2 of Reorganization Plan No. 2 of 1953 (18 F.R. 3219, 3221); section 2 of Reorganization Plan No. 5 of 1950 (5 U.S.C., 1952 ed., pp. 160, 161).)

The President by Executive Order No. 10156 (16 F.R. 5789) has designated certain officers of the Department of the Interior to act as Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary. No limitations are provided by this order upon the exercise by these designated officers of the functions of the Secretary when any of them occupies the position of the Secretary in an "acting" capacity. Hence, the "acting head" of the Department of the Interior may perform all of the functions of the Chairman of the Migratory Bird Conservation Commission. Furthermore, an Acting Secretary of the Interior may authorize an officer of the Department to serve as Chairman of the Commission.

Similarly, the acting heads of the Departments of Agriculture and Commerce, when properly authorized, may perform the functions of the Secretary of Agriculture and the Secretary of Commerce, respectively.

(Signed) WILLIAM J. BURKE,
(For the Solicitor).

DEPARTMENT OF JUSTICE,
Washington, May 28, 1962.

Mr. ALBERT J. RISSMAN,
Secretary, Migratory Bird Conservation Commission,
Washington, D.C.

DEAR MR. RISSMAN: This is in reply to your letter of April 26, 1962, in which you inquired whether you may recognize the acts of Assistant Secretary Briggs if he is designated by Secretary Udall to act and vote for him at a meeting of the Migratory Bird Conservation Commission. You state that the Secretary, who is Chairman of the Commission, plans to make the designation on authority of Solicitor's Opinion M–36214, dated March 30, 1954, which states that, under Reorganization Plan No. 3 of 1950, the Secretary of the Interior has the authority to designate a representative to so act in his behalf.

It is not possible to give you an official opinion in this matter because the Attorney General and his assistants are permitted, as you know, to advise only the President and the heads of the executive departments. I may say for your information, however, that we have examined the Solicitor's opinion of March 30, 1954, to which you refer and find no reason to disagree with its conclusions.

Sincerely yours,

HAROLD F. REIS,
Acting Assistant Attorney General, Office of Legal Counsel.

[S. 3270, 87th Cong., 2d sess.]

A BILL To amend the Migratory Bird Conservation Act in order to provide that the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture shall be members of the Migratory Bird Conservation Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by inserting before "and two Members of the Senate" the following: "the Under Secretary of the Interior, the Under Secretary of Commerce, the Under Secretary of Agriculture,".

[S. 3504, 87th Cong., 2d sess.]

A BILL To provide for alternate representation of secretarial officers on the Migratory Bird Conservation Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by inserting, immediately after the first sentence, the following new sentence: "Each of the aforesaid Secretaries may designate the Under Secretary or an Assistant Secretary of his department as his alternate with authority to represent him and to consider and pass upon matters before the said Commission."

SEC. 2. Section 18 of the Aforesaid Act (16 U.S.C. 715q) is hereby amended by striking out "commisison" and inserting in lieu thereof "commission" and by striking out "$5,000" and inserting in lieu thereof "$10,000".

Mr. CALLISON. The National Audubon Society was consulted by Senator Metcalf about the purposes of S. 3270 before it was introduced. We told him we thought it was a good idea and urged him to go ahead with it. We are now addressing our remarks to his revised bill, S. 3504.

This bill seeks to find a solution to a practical problem that has at times prevented the timely and efficient functioning of the Migratory Bird Conservation Commission, of which Senators Metcalf and Hruska are the Senate members.

The problem is caused by the tremendous pressures and multifold demands upon the time of the Secretaries of Interior, Commerce, and Agriculture, who are also members of the Commission, and who under the present law must be present in person to cast a vote and, sometimes, to provide a quorum.

This legislation would help solve this problem, and facilitate the functioning of the Commission, by providing that the Under Secretary, or an assistant secretary of the respective departments, as designated by the Secretary, may substitute officially for their superiors at meetings of the Commission.

We recommend passage of S. 3504.

Thank you again for this opportunity to present our views, Mr. Chairman.

Senator MCGEE. Thank you, Mr. Callison. Our next witness is Mr. Janzen.

STATEMENT OF DANIEL H. JANZEN, ACCOMPANIED BY ALBERT J. RISSMAN, SECRETARY, MIGRATORY BIRD CONSERVATION COMMISSION, WASHINGTON, D.C.

Mr. JANZEN. Mr. Chairman, the Department under date of July 6, submitted a report on S. 3270, but we do not have a report on the bill you just mentioned.

The Bureau of the Budget has not cleared a departmental report on Mr. Metcalf's latest bill.

Senator MCGEE. This was the modification of the proposal.

Mr. JANZEN. That is correct; we do not have a report of that modification.

Mr. Chairman, I might mention while we do not have a report for Senator Metcalf's modified bill, that the Secretary, as I understand it now is proposing to delegate his authority to the Under Secretary or Assistant Secretary, when he is not able to be present himself.

Senator MCGEE. That is the only point of difference as I recall, or modification in the new 3504, the Metcalf bill, that it can go no lower than an Assistant Secretary.

Mr. JANZEN. That is correct. I have no further comments on this bill.

Senator MCGEE. Is Mr. Penfold in the room?

(No response.)

Senator MCGEE. I place in the record a communication from Thomas L. Kimball, executive director, National Wildlife Federation, 1412 16th Street NW., Washington, D.C., in support of S. 3270.

(The letter referred to follows:)

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., July 5, 1962.

Senator GALE W. MCGEE,
Chairman, Special Subcommittee, Senate Committee on Commerce,
New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the invitation to comment upon S. 3270, to amend the Migratory Bird Conservation Act in order to provide that the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture shall be members of the Migratory Bird Conservation Commission.

The National Wildlife Federation is unable to be represented in the public hearing scheduled for July 9, 1962, and I would appreciate it if this brief letter can be made a part of the record.

The National Wildlife Federation believes it is essential that the waterfowl wetland acquisition program of the Bureau of Sport Fisheries and Wildlife be accelerated to the maximum if this valuable natural resource is to be preserved and perpetuated. If acquisitions approach the desired numbers, the Migratory Bird Conservation Commission must meet frequently. As presently constituted, the Commission is composed of leaders at a high level of Government and the body often has difficulty in meeting because of conflicting responsibilities. For this reason, the National Wildlife Federation believes it would be wise to allow the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture to serve as substitute members of the Commission when their respective Secretaries are unable to participate.

It is our suggestion that the wordage of S. 3270 be studied carefully in order to provide that the Under Secretaries may serve as substitute members of the Commission and not as additional members.

Thank you for the opportunity of making these comments.

Sincerely,

THOMAS L. KIMBALL, *Executive Director.*

Senator MCGEE. Are there further witnesses desiring to testify on S. 3270 or on S. 3504?

The subcommittee will close the hearing on these two proposals and proceed to take testimony on H.R. 1171.

Our first witness is one of our colleagues across the way from the House, Ben Jensen, from Iowa.

I might mention we are taking the Senators and Congressmen as they appear and will place your testimony at the appropriate place in the hearing to the bill affected in order to save you time, so you don't have to wait around for the consideration of the other statements.

Would you proceed?

STATEMENT OF HON. BEN F. JENSEN, A U.S. REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF IOWA

Mr. JENSEN. Mr. Chairman, I am sure you understand I am here in support of my bill, H.R. 1171, the one previous to this one, and the bill was amended considerably by the committee in such a way we feel sure it will protect wildlife in these wildlife refuges.

The substance of this bill, of course, is the fact "That in recognition of mounting public demands for recreational opportunities on national wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes; and in recognition also of the resulting imperative need, if such recreational opportunities are provided, to assure that any present or future recreational use will be compatible with, and will not prevent accomplishment of, the primary purposes for

which the said conservation areas were acquired or established, the Secretary of the Interior is authorized, as an appropriate incidental or secondary use, to administer such areas or parts thereof for public recreation when in his judgment public recreation can be an appropriate incidental or secondary use."

Now, I would like, Mr. Chairman, to have the bill, which is not lengthy, included in the record at this point.

Senator McGee. It will be included in the record.

I also place in the record a report from Assistant Secretary of the Interior John A. Carver, Jr.

(The material referred to follows:)

[H.R. 1171, 87th Cong., 2d sess.]

[With amendments proposed by Department of the Interior in June 4, 1962, report to Senate Commerce Committee]

AN ACT To assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of mounting public demands for recreational opportunities on national wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes; and in recognition also of the resulting imperative need, if such recreational opportunities are provided, to assure that any present or future recreational use will be compatible with, and will not prevent accomplishment of, the primary purposes for which the said conservation areas were acquired or established, the Secretary of the Interior is authorized, as an appropriate incidental or secondary use, to administer such areas or parts thereof for public recreation when in his judgment public recreation can be an appropriate incidental or secondary use: *Provided,* That such public recreation use shall be permitted only to the extent that is practicable and not inconsistent with other previously authorized Federal operations or with the primary objectives for which each particular area is established: *Provided further,* That in order to insure accomplishment of such primary objectives, the Secretary, after consideration of all authorized uses, purposes, and other pertinent factors relating to individual areas, shall curtail public recreation use generally or certain types of public recreation use within individual areas or in portions thereof whenever he considers such action to be necessary: *And provided further,* That none of the aforesaid refuges, hatcheries, ~~and~~ *game ranges, and other* conservation areas shall be used during any fiscal year for those forms of recreation that are not directly related to the primary purposes and functions of the individual areas until the Secretary shall have determined—

(a) that such recreational use will not interfere with the primary purposes for which the areas were established, and

(b) that funds are available for the development, operation, and maintenance of these permitted forms of recreation. This section shall not be construed to repeal or amend previous enactments relating to particular areas.

Sec. 2. In order to avoid adverse effects upon ~~the~~ *fish and* wildlife populations *and management operations* of the said areas that might otherwise result from public recreation or visitation to such areas, the Secretary is authorized to acquire limited areas of land for recreational development adjacent to the said conservation areas *in existence or approved by the Migratory Bird Conservation Commission as of the date of enactment of this Act*: *Provided,* That the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps. *Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent.*

Sec. 3. In furtherance of the purposes of this Act, the Secretary is authorized to cooperate with public and private agencies, organizations, and individuals, and he may accept and use, without further authorization, donations of funds and real and personal property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors when such covenants are deemed by the Secretary to be compatible with the purposes of the wildlife

refuges, game ranges, fish hatcheries, and other fish and wildlife conservation areas.

SEC. 4. The Secretary may establish reasonable charges, fees, and permits for public use of national wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by the Department of the Interior for fish and wildlife purposes. ~~of this Act.~~ *The Secretary may issue regulations to carry out the purposes of this Act.* A violation of such regulations shall be a petty offense (18 U.S.C. 1) with maximum penalties of imprisonment for not more than six months, or a fine of not more than $500, or both.

SEC. 5. There is authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act, including the construction and maintenance of public recreational facilities.

Passed the House of Representatives April 2, 1962.

Attest:

RALPH R. ROBERTS, *Clerk.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 4, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your committee has requested a report on H.R. 1171, to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes.

We recommend that H.R. 1171 receive favorable consideration by your committee. We recommend also certain clarifying and perfecting amendments that we consider very desirable.

This proposed legislation has been passed by the House of Representatives substantially in the form previously recommended by this department. As prescribed by section 1 of this bill incidental public recreational use of the Nation's wildlife refuges, game ranges, national fish hatcheries and other conservation areas administered by this Department for fish and wildlife purposes would be permitted, subject to certain conditions, in connection with such areas.

Limited public recreational use of the Nation's fish and wildlife conservation areas that we administer is already a recognized activity in many of these areas. Expanding pressure for recreational use of these areas is inescapable. Incidental recreational use would be permitted within these areas, as set forth in this bill, only to the extent that is practicable and not inconsistent with the primary objectives for which each particular area is established. This is an essential feature of this legislation. We believe the bill provides adequately for the accomplishment of these purposes. It will establish a clear-cut formula, which is urgently needed, governing recreational use of the Nation's fish and wildlife conservation areas. We need such an enactment, clearly outlining and delimiting our authority, as a basis for our administration of these areas in the public interest.

Public observation of wildlife in its native habitat, photography, sightseeing, picnicking, camping, swimming, boating, fishing, and hunting, are now permitted in some areas. Significantly, the number of visitor days of public use of wildlife refuges and game ranges has increased from 3,500,000 persons in 1951, to approximately 11 million in 1960. It now amounts to about 1 million persons a year at hatcheries. Our annual appropriation acts, beginning with the fiscal year 1945, have given recognition to this public use.

Our problem of providing for public recreational use within approximately 140 of the 289 national wildlife refuges, on which public recreation is now permitted, is becoming more acute. Pressure for such use has been increasing steadily due to various factors, such as the increased leisure time of our people. Also, a need for the type of wholesome public recreation that areas of this kind provide contributes to this pressure. This problem relates to the necessity to confine public recreation to limited areas within these refuges so as to avoid interference with the primary functions of wildlife protection and propagation. This proposed legislation will strengthen our administration of these areas in this respect.

Our problem of meeting the public demand for recreation facilities is becoming greater every year because of the fact that it has been necessary for us to use our limited maintenance funds—which are needed for regular maintenance purposes—to safeguard property and resources in handling such public use. This necessarily results in curtailment of important maintenance functions.

Roads in these areas frequently are inadequate for traffic needs. Notwithstanding public demand, camping, and picknicking must be discouraged in most areas because there are no improved sites on which such activities can be permitted. The urgent need to remedy this situation has been called forcefully to our attention by an Advisory Committee on Fish and Wildlife, which consisted of representatives of leading national conservation organizations and which has advised this Department on conservation matters.

Public recreation facilities that need to be provided at some 63 of 101 hatchery installations consist of picnic tables, fireplaces, water supplies, trash cans, and sanitary facilities. At certain hatcheries, aquariums, and other educational exhibits are needed. Picnic facilities are the main public need on refuge areas. Other facilities are needed in some of the refuges and game ranges. These facilities include boat docks and launching ramps, access road construction, educational exhibits, sanitary facilities, swimming beaches, and campgrounds.

We estimate the probable total cost for construction and development of public recreation facilities that are needed on refuges, game ranges, and hatcheries to be less than $5 million. Annual costs for administration and maintenance of these facilities probably will be less than $1 million. In estimating minimal needs, we desire to avoid unnecessary expenditures and duplication of other facilities that are available to the public within a reasonable distance in national parks, State parks, or forests. Moreover, we do not propose to provide or to maintain recreation facilities where such facilities can be provided and maintained by local agencies directly or pursuant to agreement with this Department. In this connection, it should be noted that section 3 of this bill authorizes cooperation with public and private agencies and individuals. This provision will be helpful to us in carrying out our expressed intent in this regard. Construction and development costs, of course, may be extended over a period of years, in accordance with established budgetary procedures, thereby reducing such costs for any one year.

We recommend the following clarifying and perfecting amendments:

(1) Page 2, line 20, in lieu of the word "and" insert the words "game ranges, and other".

(2) Page 3, revise lines 8 and 9 to read as follows:

"SEC. 2. In order to avoid adverse effects upon fish and wildlife populations and management operations of the said areas that might otherwise result."

(3) Page 3, line 12, before the colon insert "in existence or approved by the Migratory Bird Conservation Commission as of the date of enactment of this Act".

(4) Page 3, line 18, after the period, add the following sentence: "Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent."

(5) Page 4, line 8, strike out the words "of this Act" and insert after the period the sentence "The Secretary may issue regulations to carry out the purposes of this Act."

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

Sincerely yours,

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

Mr. JENSEN. The report on page 4 of the report of the House Committee on Merchant Marine and Fisheries, starting about half way down the page, and continuing over on page 5, about half way down, ending with the sentence: "This necessarily results in curtailment of important maintenance functions"—I would like to have that part of the report included in the record, if I may.

Senator MCGEE. That will be included also, from the middle of page 4 to roughly the middle of page 5.

Mr. JENSEN. Yes, starting on page 4 with the words—

This proposed legislation is significant because it will establish a clear-cut formula—which is urgently needed—governing recreational use of the Nation's wildlife refuges—

and so on.

(The material referred to follows:)

This proposed legislation is significant because it will establish a clear-cut formula—which is urgently needed—governing recreational use of the Nation's wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by this Department for fish and wildlife purposes. Expanding pressure for such use is inescapable. We need such an enactment as a basis for our administration of these areas in the public interest. In this connection, it should be noted that public recreation use of the Nation's fish and wildlife conservation areas that we administer is already a recognized activity in many of these areas.

Such activities as the observation of wildlife in its native habitat, photography. sightseeing, picnicking, camping, swimming, boating, fishing, and hunting are now permitted in some areas. Significantly, the number of visitor days of public use of wildlife refuges and game ranges has increased from 3,500,000 persons in 1951, to approximately 11 million in 1960. It now amounts to about 1 million persons a year at hatcheries. Our annual appropriation acts, beginning with the fiscal year 1945, have given recognition to this public use; however, the enactment of this proposed legislation will provide a more definite and effective basis for administration and control of such use, with appropriate safeguards in the public interest.

Under this proposal, it should be noted especially, these areas would be administered for public recreation use to the extent that is practicable and not inconsistent with the primary objective for which each particular area is established. In our opinion, this constitutes wise use of these important resources. Limited public recreational use of these areas, where circumstances permit, helps to bring about the greatest public benefit from Federal expenditures in such areas.

Our problem of providing for public recreation use with approximately 140 of the 289 national wildlife refuges, on which public recreation is now permitted, is becoming more acute. Pressure for such use has been increasing steadily due to various factors. Increased leisure time of our people, for example, and a need for the type of wholesome public recreation that areas of this kind provide, contributes to this pressure. This problem is chiefly to confine public recreation to limited areas within these refuges so as to avoid interference with the primary functions of wildlife protection and propagation. This proposed legislation will strengthen our administration of these areas in this respect.

Our problem of meeting the public demand for recreation facilities is becoming greater every year for another reason. This is due to the fact that it has been necessary for us to use our limited maintenance funds—which are needed for regular maintenance purposes—to safeguard property and resources in handling such public use. This necessarily results in curtailment of important maintenance functions.

Mr. JENSEN. As I said before, the Merchant Marine and Fisheries Committee of the House amended my bill considerably at the request of the Department of the Interior, the Secretary of the Interior, and his officials which would safeguard completely wildlife in those areas, and, of course, I was happy to have them do so.

Now I may say that every conservation and sportsmen's organization in America, that I know of, is in full support of this bill.

We have, I don't know exactly how many hundred thousand acres of land in these refuge areas and a greater portion of those many thousands of acres is not used for any gainful purpose at all except a short time during the flight season. So, this bill, I am sure, as everybody that has made a study of it will agree, will be a great saving to the American taxpayer in the fact that it will make available these

hundreds of thousands of acres of areas that are suited for recreational purposes and, of course, there is great emphasis placed on recreation these days, due, of course, to the fact that we have more leisure time, generally speaking.

This bill is supported by the Secretary of the Interior. He has spoken to me about it in person. He is very much in favor of it. As I said, all of the sportsmen's organizations are for it, and it went through House by a unanimous vote, not a record vote, but a voice vote. All who spoke for it spoke in favor of it.

And, Mr. Chairman, I don't know as there is a lot more I can say. I hope your committee will act favorably on the bill and I am quite sure they will when they know the provisions in the bill and when they know that the wildlife in these refuges are completely protected on the provisions of the bill. And I am hoping, of course, that the Senate will approve the bill as did the House and it will become law because it is a very necessary thing to get these people out into these areas.

I have been accused of being a rank conservative, and I am in many instances, but there are certain things that I guess I am considered in this area of government functions a stanch liberal. I have always taken the position that we should do everything in our power to get our children out into these parks and these recreational areas and by so doing child delinquency is bound to decrease.

There is an old saying, which is just as true today as it was when it was first uttered, and that is if you take your boy fishing and hunting you will never have to go hunting for your boy, and this is one way to make available to a lot of people, to a lot of children, a place where they can go and enjoy the great outdoors and all the things that Mother Nature has provided for us on this good earth of ours.

I think that is all, Mr. Chairman, unless you have a question.

Senator McGee. I don't have any questions, Mr. Congressman. I do want to join my voice with yours on the sentiments you have expressed about the philosophy at stake in this proposal. I couldn't agree more that it is basic and beyond controversy in terms of what it can make available and produce not only in the way of immediate personal pleasures but of character building and the opportunities that are thereby afforded and it is a delight to be standing with you on this matter.

Mr. Jensen. Thank you very much.

Senator McGee. Thank you very much for appearing.

Our next witness on H.R. 1171 is Charles H. Callison, assistant to the president, National Audubon Society, 1130 Fifth Avenue, New York, N.Y., Mr. Callison, please advise us on this proposal.

Mr. Callison. I have a brief statement of H.R. 1171, pertaining to the fish and wildlife conservation areas.

The National Audubon Society has had doubts about this legislation since it was first proposed because of our concern that pressures for increased recreational use of the national wildlife refuges, so encouraged, might result in activities and developments actually detrimental to the major and primary purpose for which the refuges were established. That purpose, which should never be lost sight of, is the protection and conservation of wildlife resources.

It should be kept in mind that quite aside from any "on location" use of the refuges for fishing, picnicking, sightseeing, or similar activities, those areas that accommodate and protect migratory birds do make an important contribution to public recreational opportunities in the United States.

This is because the birds do not stay in the refuges, but move up and down the flyways, providing recreation over wide areas on both public and private lands for millions of bird watchers and nature students as well as for hunters who seek the game species. These refuges, often publicized as being chiefly valuable for waterfowl, also provide essential nesting, resting, and feeding areas for many nongame migratory birds.

We believe, however, that H.R. 1171, as amended and passed by the House, contains language adequate to safeguard the primary purpose of the refuges and to assure that any recreationl use shall be kept strictly secondary and incidental, and so managed as to avoid interference with the wildlife itself or damage to the habitat.

Therefore, we recommend a favorable report by this committee, but in making its report we hope the committee will stress again the potential dangers of too much public use of these highly important areas. We hope you will restate and reemphasize the policy that the primary purpose of the refuges is wildlife conservation.

We thank you for this opportunity to present our views.

Senator McGee. Our next witness is Daniel H. Janzen, Director of the Bureau of Sport Fisheries and Wildlife, who will be heard on H.R. 1171.

STATEMENT OF DANIEL H. JANZEN, DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDIFE, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY PHILIP A. DuMONT, CHIEF, SECTION OF PUBLIC USE, BRANCH OF WILDLIFE REFUGES

Mr. Janzen. I would now like to testify on H.R. 1171, which is designed to provide for incidental or secondary public recreational use on fish and wildlife conservation areas administered by the Department of the Interior, through the Bureau of Sport Fisheries and Wildlife.

It would provide for limited recreational use that is compatible with the primary objectives for which the areas are operated. While the principal function of the national wildlife refuge system is to conserve wildlife, and that of the national fish hatchery system is to propagate fish, it is recognized that many of the units, or parts thereof, in these systems offer opportunities for outdoor recreation which can be achieved without jeopardizing the fish and wildlife resources of the areas.

Our Department has made a favorable report on this proposal and has recommended its enactment with certain amendments that will strengthen and clarify the measure.

Senator McGee. In view of the favorable report which has been submitted on that, would you be willing to consider only focusing on what additional strengthening points ought to be made or is the fact you have made a favorable report on it sufficient to give us the guidance and backing we need?

I am thinking now in the interests of time because of the delay I enforced here.

Mr. JANZEN. Yes, sir, with the chairman's permission, I would like to file the rest of the statement.

Senator MCGEE. That will be made a part of the record.

(Mr. Janzen's statement in full follows:)

STATEMENT OF DANIEL H. JANZEN, DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, ON H.R. 1171, A BILL TO ASSURE CONTINUED BENEFITS FROM NATIONAL FISH AND WILDLIFE CONSERVATION AREAS THROUGH THEIR INCIDENTAL OR SECONDARY USE FOR PUBLIC RECREATION, PRESENTED BEFORE THE SENATE COMMITTEE ON COMMERCE, JULY 9, 1962

H.R. 1171 is designed to provide for incidental or secondary public recreational use on fish and wildlife conservation areas administered by the Department of the Interior, through the Bureau of Sport Fisheries and Wildlife. It would provide for limited recreational use that is compatible with the primary objectives for which the areas are operated. While the principal function of the national wildlife refuge system is to conserve wildlife, and that of the national fish hatchery system is to propagate fish, it is recognized that many of the units, or parts thereof, in these systems offer opportunities for outdoor recreation which can be achieved without jeopardizing the fish and wildlife resources of the areas.

Our Department has made a favorable report on this proposal and has recommended its enactment with certain amendments that will strengthen and clarify the measure. We hope our report will be helpful to your committee in considering this matter.

I am sure the committee recognizes the attractive recreational potentials of many national wildlife refuges. A number of them contain lakes or marshes which are the only public waters in the general geographic area. There are woods on many of them and, of course, wildlife to attract attention. The national fish hatcheries with well-kept surroundings often present a picture of a city park. And the fish themselves are a prime attraction.

With the rapidly expanding recreational demand, it is only natural that the public seek out our refuges and fish hatcheries for this purpose. We have never sought to discourage public visitation, but the sheer numbers of people desiring to use these areas threaten to destroy the values for which they were established. We believe that, with certain limitations, these units can make a material contribution to the recreational supply. To do this, we believe facilities must be provided to use the areas properly and at the same time draw the people away from the portions that must be managed for the primary purpose of the hatcheries or refuges.

To give a picture of what we are confronted with permit me to cite the greatly increased demand for recreation on the refuges. The number of visitor-days of public use on 140 of the 289 national wildlife refuges and game ranges has increased from 3½ million in 1951 to over 11 million in 1961. At present, hunting and fishing are the only types of recreational use specifically authorized on refuges. Yet, these activities account for only about one-third of the visitor-days. The other two-thirds of the visitor-days are spent for picnicking, swimming, photographing or observing wildlife, and similar activities. The 101 national fish hatcheries are visited for educational and recreational purposes by 1 million people a year. The main types of recreation engaged in are picnicking and nature studies.

The anticipated visitor load in calendar 1962 is expected to reach 12 million at refuges and a little over 1 million at hatcheries.

Beginning in final year 1945, the annual Department of the Interior appropriation acts stated that funds appropriated to the Fish and Wildlife Service (Bureau of Sport Fisheries and Wildlife) shall be available for "* * * providing by purchase, construction or otherwise, facilities incident to such public recreational uses of wildlife refuges as are not inconsistent with the primary purposes of such refuges * * *." This language was slightly revised in fiscal year 1951, and annually since then the acts have authorized expenditures for recreational facilities on our "conservation areas." However, the Bureau receives virtually no appropriation to provide specifically for recreational facilities at either

refuges or hatcheries and the problem of meeting the public demand for recreational areas is becoming greater each year. It has been necessary to use regular maintenance funds to handle public use, to keep the public within proper confines, and to safeguard property and resources from disturbance and vandalism. At present, roads are inadequate for traffic needs, sanitary facilities are inadequate or nonexistant, and picnicking must be discouraged in most areas because there are no improved sites on which such activities can be directed.

At present, we have no general authorization in basic law to provide recreation at refuges and hatchery grounds. We need clear-cut authority which will provide a definite basis for development, administration, and control of such recreational use, with proper safeguards to protect our conservation areas. This legislation, with the amendments proposed by the Department of the Interior, will meet our needs in this respect.

In considering a reasonable recreation program, providing the proposed legislation is enacted, we have tried to be realistic in planning minimal needs in each locality and avoiding the duplication of facilities available in nearby National, State, or local forests or parks. In general, facilities to be provided at some 63 of 101 hatchery installations will consist of picnic tables, fireplaces, water supplies, and toilets. At certain hatcheries, aquaria and other educational exhibits will be provided. Picnicking will also be the main public use of refuges. Considering the existing refuges, we estimate that 118 will be developed mainly for picnickers. On 22 other refuges and game ranges, larger recreational programs are planned. These programs involve boat docks and launching ramps, extensive road construction, educational exhibits, toilets, swimming beaches, and campgrounds.

Section 2 of the bill, as we propose that it be amended, would authorize the Secretary of the Interior to acquire limited areas of land for recreational development adjacent to existing fish and wildlife conservation areas or adjacent to proposed refuges which the Migratory Bird Conservation Commission has approved for purchase. Only such funds as may be donated or appropriated by the Congress could be used for that purpose. Such property could not be acquired with funds obtained from the sale of migratory bird hunting stamps ("duck stamps"). We believe this specific authority would be helpful in certain instances by permitting the acquisition of parking areas, limited rights-of-way for access, and small wooded picnic areas adjacent to otherwise prairie- or marsh-type refuges. In general, our use of the authorization in this section would be very limited, involving not to exceed 20 refuges and a relatively small acreage. No more than 100 acres would be acquired adjacent to any one refuge. Also, we anticipate that no more than 1 to 3 acres, at a minimum of 20 hatcheries, would be acquired for picnic sites or parking areas, a total of not more than 60 acres.

Our Department's report recommends an important amendment, to be inserted ahead of the penalty provision in section 4, authorizing the Secretary to issue regulations to carry out the purposes of the act. Such authority is highly desirable and necessary in controlling public use and is in keeping with the purposes of H.R. 1171. Since the penalty provision refers to a violation of "such regulations," although there is no prior mention of regulations, it appears that regulatory authority was inadvertently omitted from the bill.

We consider H.R. 1171 to be highly desirable legislation and favor enactment with the amendments recommended by our Department.

Mr. JANZEN. The amendments we have recommended to H.R. 1171 I would consider clarifying amendments.

Senator McGEE. None of them are substantive in terms of changing anything?

Mr. JANZEN. I would not consider them as such.

I might add in section 3, you might consider this as clarifying, but we believe that there should be some language in there to the effect that the Secretary may issue regulations to carry out the purposes of this act, which we believe was inadvertently omitted probably from the bill.

Senator McGEE. If you will file with us a marked-up copy, that will be fine.

(The marked-up bill was made a part of the file of H.R. 1171.

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Mr. JANZEN. Otherwise, I don't believe there are any controversial matters involved.

Senator McGEE. Then we will let the record stand with the complete statement and your comments.

Statement from Thomas L. Kimball is placed in the record.

(Statement of Thomas L. Kimball follows:)

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., July 5, 1962.

Senator GALE W. McGEE,
Chairman, Special Subcommittee,
Senate Committee on Commerce,
Room 5110, New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the invitation to comment upon H.R. 1171, to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas.

The National Wildlife Federation is unable to be represented in the public hearing scheduled for July 9, 1962, and I would appreciate it if this brief letter can be made a part of the record.

Many installations of the Bureau of Sport Fisheries and Wildlife, Department of the Interior, such as wildlife refuges, fish hatcheries, and game ranges, offer educational and recreational opportunities which can be of benefit to the public. If these uses do not conflict with the primary purpose of the installation, that of providing protection to wildlife or aiding in the production of fish, they should be made available to the public. If these uses are permitted, minimum facilities for sanitation and comfort and safety must be provided for the public. This authorization, as we understand it, is the purpose of the bill.

It is our studied opinion that these principles must be given optimum consideration:

1. The Secretary of the Interior must have ample discretionary authority for deciding whether or not an installation can be opened to other uses without impairment of the primary function, when it can be opened and under what conditions certain types of equipment can be used.

2. Recreational facilities to be constructed and maintained should be no more than the minimum necessary for the health and safety of the public. The recreational facilities should be only of a day-use nature. Overnight camping or lodging at these installations should not be permitted.

Thank you for the opportunity of making these comments.

Sincerely,

THOMAS L. KIMBALL, *Executive Director.*

STATEMENT OF THE IZAAK WALTON LEAGUE OF AMERICA WITH RESPECT TO H.R. 1171

Mr. CHAIRMAN: I am J. W. Penfold, conservation director of the Izaak Walton League of America.

The league is a national citizen organization devoted to the conservation and wise use of America's natural resources. We have supported the principles and objectives of this legislation for a long time. The need for it develops from two problems: the one, to protect and preserve the wildlife for which purposes wildlife refuges have been set aside, and the other to provide suitable outdoor recreation opportunities for the public on such refuges where and when that can be accomplished compatibly with wildlife protection.

The problem is not a new one. It has been creeping up on us over the years, has become serious, threatens loss of very substantial values, if not solved. We are attaching for the committee record an article from the August 1958 issue of Outdoor America containing an article describing the problem.

In the intervening years the only change in the problem has been its worsening—illustrated by the fact that actual recreation use has increased another 30 percent and now exceeds 11 million visits annually.

Recently the Outdoor Recreation Resources Review Commission completed its 3-year study and presented its report and recommendations to the Congress.

A major conclusion of the Commission, inescapably, is that to meet the increasing recreation demands of a burgeoning public, blessed with higher income, greater leisure and more mobility, the Nation must, among other things, make far more efficient use of existing recreation resources.

Such resources and the opportunity for their use are available on many of the wildlife refuges but have been most inefficiently managed—or not managed at all—due to lack of basic authorities and financing. Despite this, however, the recreation-minded public continues to pile in and further compound the problem. Faced with hordes of people legitimately and properly seeking outdoor activity on refuge lands and waters—their own property, mind you—refuge personnel have had to divert their attention from wildlife work to public playground policing. The results have not always been satisfactory either for the conservation of wildlife or the demands of people.

We recall one instance last summer when a refuge manager in desperation, and in the cold interest of public health and sanitation, closed a refuge to public recreation use. The hue and cry resulting was heard from coast to coast. Money for policing was scraped up from somewhere and the ban was lifted within a week. But this situation, and it prevails in many areas, is inexcusable. It is time that the Department of the Interior be granted the necessary authority and funds to handle this problem efficiently and as a routine part of its operations.

The league wishes to emphasize again that wildlife refuges have a primary purpose which we do not wish to see deteriorate—that is to protect, preserve and aid in the propagation of wildlife itself. Public recreation on each area should be limited by type, place and time to what is compatible with primary wildlife purposes.

But sound planning and efficient management will result in serving both objectives and produce from these public lands greater values for the public.

The league respectfully urges favorable consideration and action on this legislation and appreciates the privilege of presenting its views.

J. W. PENFOLD,
Conservation Director, IWLA.

Senator McGEE. This concludes the hearing on H.R. 1171, and I wish to thank the witnesses for their testimony and statements.

If there is no further testimony on H.R. 1171 we will now turn to S. 2358, a bill to improve the administration and transfers of certain real property for wildlife or other purposes by repealing the Act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended.

I offer for the record a copy of the bill.

And I also offer for the record a copy of a communication from the Acting Administrator, General Services Administration, requesting the proposed legislation and a report from the Comptroller General in which he offers an amendment to the proposed bill.

(The documents are as follows:)

[S. 2358, 87th Cong., 1st sess.]

A BILL To improve the administration of transfers of certain real property for wildlife or other purposes by repealing the Act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 19, 1948 (62 Stat. 240) is hereby repealed.

SEC. 2. Section 202 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), is hereby amended by adding at the end thereof the following new subsection:

"(i) Whenever the Secretary of the Interior determines that any excess real property is useful for the purpose of wildlife conservation and has particular value for the purpose of carrying out the national migratory bird management program, and the Administrator, after a consultation with the Secretary of the

Interior, determines that such property is chiefly valuable for that purpose, the Administrator is authorized in his discretion, under such regulations as he may prescribe, to transfer that property without reimbursement or transfer of funds (and in the discretion of the Administrator with or without any improvements situated thereon) to the Secretary of the Interior."

SEC. 3. (a) Paragraph (C) of subsection (k) (2) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is hereby amended to read as follows:

"(C) The Secretary of the Interior, in the case of property transferred (i) pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park, public recreational area, or historic monument for the benefit of the public, and (ii) pursuant to the Act of May 19, 1948 (62 Stat. 240), and subsection (p) of this section, to a State agency charged with the administration of the wildlife resources of that State for use in the conservation of wildlife other than migratory birds;".

(b) Section 203 of such Act is further amended by adding at the end thereof the following new subsection:

"(p) (1) Whenever the Secretary of the Interior determines that any surplus real property is useful for the purpose of wildlife conservation but does not have particular value for the purpose of carrying out the national migratory bird management program, and the Administrator, after consultation with the Secretary of the Interior, determines that such property is chiefly valuable for that purpose, the Administrator is authorized in his discretion, under such regulations as he may prescribe, to transfer that property without reimbursement or transfer of funds (and in the discretion of the Administrator with or without any improvements situated thereon) to the agency of the State within which that property is situated which is charged with the administration of wildlife resources of that State for use in the conservation of wildlife other than migratory birds."

"(2) Each transfer of surplus real property to any State agency under this subsection shall be made subject to the following terms, conditions, reservations, and restrictions:

"(A) All property so transferred shall be used and maintained for the purpose for which it was conveyed;

"(B) Upon determination by the Administrator that it is in the interest of the United States, all oil, gas, and mineral rights with respect to that property shall be reserved to the United States for separate transfer or disposal under this Act;

"(C) During any national emergency declared by the President or by the Congress, the United States shall have the right, without charge to exclusive or nonexclusive control, possession, and use of the property;

"(D) Such additional terms, conditions, reservations, and restrictions as the Administrator may determine to be necessary to safeguard the interests of the United States; and

"(E) Upon failure of the transferee to comply with any of the terms, conditions, reservations, or restrictions of the transfer, all of the property so transferred, or any portion thereof, shall, at the option of the United States, revert to the United States in its then existing condition.

"(3) The term 'State', as used in this subsection, means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands."

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, August 22, 1961.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated August 3, 1961, acknowledged August 4, you requested our comments on S. 2358.

This measure, if enacted, would be for the purpose of improving the administration of transfers of certain real property for wildlife or other purposes. This change in the law would be brought about by repealing the act of May 19, 1948, Public Law 537 of the 80th Congress, 62 Stat. 240, and incorporating the essential provisions of that act in the Federal Property and Administrative Services Act of 1949, as amended.

We view such a proposal as a matter of policy for the consideration of the Congress and those Federal agencies most directly affected by such an enactment. There is, however, one suggestion that we would like to make concerning S. 2358.

Subsection 3(b) of the bill would provide for the transfer of surplus real property to State agencies for use in the conservation of wildlife other than migratory birds after the following determinations have been met:

(1) The Secretary of the Interior shall have determined that the real property is useful for the purpose of wildlife conservation but not of particular value for the purpose of carrying out the national migratory bird management program; and

(2) The Administrator of the General Services Administration, after consultation with the Secretary, shall have determined that such property is chiefly valuable for "that purpose."

In the interest of clarity, we suggest to the committee the deletion of the words "that purpose" as they appear in line 11 of subsection 3(b) and the insertion in lieu thereof such words as "wildlife conservation other than that relating to migratory birds." We feel that such change would result in a more definitive showing of the determination that must be made by the Administrator.

Aside from the foregoing we have no comments to make concerning S. 2358.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

IMPROVEMENT OF ADMINISTRATION OF TRANSFERS OF CERTAIN REAL PROPERTY

Mr. MAGNUSON. Mr. President, by request I introduce, for appropriate reference, a bill to improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended. I ask unanimous consent to have printed in the Record a letter from the Acting Administrator, General Services Administration, requesting the proposed legislation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred and, without objection, the letter will be printed in the Record.

The bill (S. 2358) to improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. Magnuson is as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., July 26, 1961.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith for referral to the appropriate committee, a draft bill prepared by General Services Administration to improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended.

This proposal is a part of the legislative program of the General Services Administration for 1961.

The act of May 19, 1948 (62 Stat. 240, ch. 310), hereinafter referred to as Public Law 537, authorizes the transfer of real property, which is under the jurisdiction or control of a Federal agency and no longer required by such agency, to States, without reimbursement, for the conservation of wildlife other than migratory birds, and to the Department of the Interior, without transfer of funds, for carrying out the national migratory bird management program, provided that such property can be utilized for wildlife conservation purposes; that it is chiefly valuable for such purposes; and that it is available for transfer. Such transfers to other than the United States are subject to the

reservation by the United States of all oil, gas, and mineral rights; and, in the event the property is no longer used for the purpose intended or is needed for national defense purposes, title thereto shall revert to the United States.

The primary reason for the proposal to repeal Public Law 537 and incorporate its essential provisions in the Federal Property and Administrative Services Act of 1949, as amended, is to bring the utilization and disposal of property for wildlife purposes under the general authority of the latter act. Such consolidation will permit the application of appropriate concomitant authority in the latter act, as well as the application of general agency regulations issued thereunder to wildlife property transfers. The result will be a more simplified, economical and efficient operation for this particular category of excess and surplus real property.

Public Law 537 requires clarification in many other respects, as indicated below:

1. The act does not specify who is to determine that a property can be utilized for wildlife conservation purposes. It is proposed that the Secretary of the Interior make this determination inasmuch as the Fish and Wildlife Service of the Department of the Interior is aware of the requirements in this area and has working relationships with the State agencies exercising administration over wildlife resources.

2. The act does not specify who is to determine that a property is chiefly valuable for wildlife purposes. The Administrator of General Services, as the Government official charged with the responsibility and authority for utilization and disposal of surplus real property of all classifications, is best qualified to determine the chief value of property for any particular purpose, including use for wildlife purposes.

Public Law 537 requires a determination by the Administrator of General Services (as successor to the War Assets Administrator) that the property is "available" for use for wildlife purposes. Such determination is not necessary since property no longer required by a Federal agency having jurisdiction or control of that property is first screened as excess property by GSA and is available to the Department of the Interior in accordance with section 2 of the enclosed draft bill; it becomes surplus property if there is no requirement for it by the Department of the Interior or another Federal agency and is then available to a State agency for wildlife conservation purposes, in accordance with section 3(b) of the enclosed draft bill, and other purposes at the time disposal action is taken.

Section 2 of the enclosed draft bill would amend section 202 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize a transfer, without reimbursement or transfer of funds, to the Secretary of the Interior of excess property which the Secretary determines is useful for the purpose of wildlife conservation and has particular value for the purpose of carrying out the national migratory bird management program if the Administrator of General Services, after consultation with the Secretary of the Interior, determines that the land has chief value for the latter purpose. If the Administrator determines that the land is chiefly valuable for transfer for other purposes, as excess, to another executive agency under other subsections of section 202 of the 1949 act, it would be the Administrator's prerogative to make such a transfer.

Subsection 3(b) of the proposed draft bill would amend section 203 of the 1949 act to permit State agencies to obtain real property for wildlife purposes under the conditions set forth therein once the property became surplus. The latter part of subsection 3(b) of the bill (subsec. (2) of proposed sec. 203(p) of the 1949 act) includes all of the reservations and conditions appearing in Public Law 537, together with appropriate amendments and additions thereto which permit a greater safeguard of the interests of the United States. For example, it is believed advisable to reserve to the United States oil, gas, and mineral rights in the transferred realty only when the Administrator of General Services determines that such reservations are in the interest of the Government. Such reservations should not be carried on Government records as assets when, in fact, their productive potential is negligible.

Once disposal action has been taken by GSA, it is essential that the reservations or restrictions imposed on the transferee be policed to enforce compliance therewith. Public Law 537 is silent on who would accomplish this. Since the Fish and Wildlife Service of the Department of the Interior, for the reasons stated above, has the primary continuing interest in such wildlife property, the

enclosed draft bill would amend paragraph (C) of subsection 203(k)(2) of the 1949 act to require that the Secretary of the Interior enforce compliance with, as well as reform, correct or amend, and grant releases from the terms, conditions, reservations, and restrictions contained in such transfers.

With the incorporation of the substantive provisions of Public Law 537 into the Federal Property and Administrative Services Act of 1949, as amended, efficient administration thereof requires that the publication requirements of section 3 of Public Law 537 be dispensed with and that the reporting requirements of section 3 of Public Law 537 be superseded by the GSA reporting requirements for all surplus property disposals.

The enactment of this legislation would not increase the expenditure of Federal funds.

For these reasons, prompt and favorable consideration of the enclosed draft bill is recommended.

There is no objection to the presentation of this draft bill to the Congress from the standpoint of the administration's program.

Sincerely yours,

BERNARD L. BOUTIN,
Acting Administrator.

Senator McGEE. The first witness on S. 2358 is Mr. Robert T. Davis, the Congressional Liaison Officer of the General Services Administration, and Mr. J. E. Moody, Commissioner of Utilization and Disposal Service, GSA.

STATEMENT OF ROBERT DAVIS, CONGRESSIONAL LIAISON OFFICER, GSA, AND JOE E. MOODY, COMMISSIONER OF UTILIZATION AND DISPOSAL SERVICE, GENERAL SERVICES ADMINISTRATION, WASHINGTON, D.C.

Mr. DAVIS. My name is Robert T. Davis, Director of Legislation, GSA.

This is an item in our legislative program for the 87th Congress, 2d session, and since it would affect the operations of Mr. Moody's service, he is here this morning to testify on this bill.

Mr. MOODY. Mr. Chairman, my name is J. E. Moody, Commissioner of the Utilization and Disposal Service of General Services Administration.

In the interest of time and since this bill is recommended by us, I suggest we incorporate our prepared statement in the record.

Senator McGEE. It will be incorporated in full as if read.

(Statement of J. E. Moody follows:)

STATEMENT OF J. E. MOODY, COMMISSIONER, UTILIZATION AND DISPOSAL SERVICE, GENERAL SERVICES ADMINISTRATION, CONCERNING S. 2358

Mr. Chairman and committee members, it is a privilege to have the opportunity of appearing before your committee today for the purpose of making a statement concerning the need for enactment of the legislative proposal you are now considering.

The act of May 19, 1948 (62 Stat. 240, ch. 310), hereafter referred to as Public Law 537, authorizes the transfer of real property, which is under the jurisdiction or control of a Federal agency and no longer required by such agency, to States, without reimbursement, for the conservation of wildlife other than migratory birds, and to the Department of the Interior, without transfer of funds, for carrying out the national migratory bird management program, provided that such property can be utilized for wildlife conservation purposes; that it is chiefly valuable for such purposes; and that it is available for transfer. Such transfer to other than the United States are subject to the reservation by the United States of all oil, gas, and mineral rights; and, in the event the property is no longer used for the purpose intended or is needed for national defense purposes, title thereto shall revert to the United States.

The purpose of S. 2358 is to repeal Public Law 537 and incorporate its essential provisions in the Federal Property and Administrative Services Act of 1949, as amended, thus bringing disposals of land for wildlife purposes under the general disposal authority of the 1949 act. Such consolidation will permit the application of appropriate concomitant authority in the latter act, as well as the application of general agency regulations issued thereunder to wildlife property transfers. The result will be a more simplified, economical, and efficient disposal operation for this particular category of surplus real property.

Public Law 537 requires clarification in many other respects, for example:

(1) The act does not specify who is to determine that a property can be utilized for wildlife conservation purposes. It is proposed that the Secretary of the Interior make this determination inasmuch as the Fish and Wildlife Service of the Department of the Interior is aware of the requirements in this area and has working relationships with the State agencies exercising administration over wildlife resources.

(2) The act does not specify who is to determine that a property is chiefly valuable for wildlife purposes. The Administrator of General Services, as the Government official charged with the responsibility and authority for disposal of surplus real property of all classifications, is best qualified to determine the chief value of property for any particular purpose, including use for wildlife purposes.

Public Law 537 requires a determination by the Administrator of General Services (as successor to the War Assets Administrator) that surplus property is available for use for wildlife purposes. Such determination is not necessary since property no longer required by a Federal agency having jurisdiction or control of that property is first screened as excess property by GSA and is available to the Department of the Interior for migratory bird management purposes in accordance with section 2 of this bill. The excess property becomes surplus property if there is no requirement for it by the Department of the Interior or another Federal agency and it is then available to a State agency for wildlife conservation purposes, in accordance with section 3(b) of the bill, and other purposes at the time disposal action is taken.

Section 2 of this bill would amend section 202 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize a transfer, without reimbursement or transfer of funds, to the Secretary of the Interior of excess property which the Secretary determines is useful for the purpose of wildlife conservation and has particular value for the purpose of carrying out the national migratory bird management program if the Administrator of General Services, after consultation with the Secretary of the Interior, determines that the land has chief value for the latter purpose. If the Administrator determines that the land is chiefly valuable for transfer for other purposes to another executive agency under other subsections of section 202 of the 1949 act, it would be the Administrator's prerogative to make such a transfer.

Subsection 3(b) of the bill would amend section 203 of the 1949 act to permit State agencies to obtain real property for wildlife purposes under the conditions set forth therein once the property became surplus. The latter part of subsection 3(b) of the bill includes in subsection (2) of the proposed section 203(p) of the 1949 act all of the reservations and conditions appearing in Public Law 537, as amended, which permit a greater safeguard of the interests of the United States. For example, it is believed advisable to reserve to the United States oil, gas, and mineral rights in the transferred realty only when the Administrator of General Services determines that such reservations are in the interest of the Government. Such reservations should not be carried on Government records as assets when, in fact, their productive potential is negligible.

Once disposal action has been taken by GSA, it is essential that the reservations or restrictions imposed on the transferee be policed to enforce compliance therewith. Public Law 537 is silent on who would accomplish this. Since the Fish and Wildlife Service of the Department of the Interior, for the reasons stated above, has the primary continuing interest in such wildlife property, this bill would amend paragraph 203(k)(2)(C) of the 1949 act to require that the Secretary of the Interior enforce compliance with, as well as reform, correct, or amend, and grant releases from, the terms, conditions, reservations, and restrictions contained in such transfers.

With the incorporation of the substantive provisions of Public Law 537 into the Federal Property and Administrative Services Act of 1949, as amended, efficient administration thereof requires that the publication requirement of

section 2 of Public Law 537 be dispensed with and that the reporting requirements of section 3 of Public Law 537 be superseded by the GSA reporting requirements for all surplus property disposals.

The enactment of S. 2358 would not increase the expenditure of Federal funds.

Prompt and favorable consideration of S. 2358 is recommended.

Mr. MOODY. The purpose of the bill is reflected by its title; it is an effort to improve the administration of the existing law.

It makes no basic change in the availability of property for this use.

I would like to call the committee's attention to the fact that in the President's message on conservation, that he submitted in March of 1962, he recommended the enactment of legislation that would make it possible for Federal lands to be acquired for park, recreational and wildlife purposes on more liberal terms.

Now, on May 16, 1962, the President submitted a proposed bill which among many other things would accomplish the purposes that he pointed to in his March message.

That bill, now pending before the House and the Senate Government Operations Committee, but not yet introduced, if enacted, would accomplish this same purpose as S. 2358, with this difference:

S. 2358 would bring the provisions of the present law into the existing arrangements under the Federal Property Act.

The Presidential bill would bring the same provisions into the Federal Property Act as it would otherwise be amended by that bill.

But basically there is no difference.

We would now prefer the bill proposed by the President in March.

We still support this bill, S. 2358, and think its enactment would be a considerable improvement.

I have nothing further to add, Mr. Chairman.

Mr. DAVIS. Mr. Chairman, I understood you to say that the Comptroller General has offered an amendment to the bill?

Senator MCGEE. Yes.

Mr. DAVIS. With your permission, Mr. Chairman, we are not familiar with the proposed amendment, we would like to have the opportunity to look at that.

Senator MCGEE. We will submit that to you and have you submit for the record your observation on it.

(Mr. Davis subsequently orally informed Mr. Huse of the committee staff that he had no objection to the amendment.)

Mr. DAVIS. Yes, sir.

Senator MCGEE. We will hold the record open for that purpose. Our next witness is Mr. C. R. Gutermuth, vice president, Wildlife Management Institute, Wire Building, Washington, D.C.

Mr. GUTERMUTH. This, Mr. Chairman, is in support of S. 2358 and with your permission, even though the statement is short, if I may, I would like to just have this entered as though it were read.

Senator MCGEE. Yes, we will put it in the record as though delivered in full.

(The statement is as follows:)

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, one of the older national conservation organizations in America. We are in full support of S. 2358, and are grateful to the committee for this opportunity to present the views of the institute.

During recent months there has been a great deal of discussion of the need for the preservation of natural areas, both for wildlife production and protection and for public recreation. Conservationists feel that this need is urgent and actually is on the verge of crisis. Unless those of us in this generation take steps to preserve existing natural areas within the next few years, the citizens of the United States of 20 years from now will not be able to enjoy many of the sports and outdoor activities that we now consider an American birthright. Rising land costs, the demands for more agricultural and industrial goods, and the pressures of the exploding human population and expanding economy are bound to make the future acquisition of additional public lands almost prohibitive. Many of the presently available natural areas already are being covered with concrete, asphalt, and steel.

We feel that S. 2358 is a step in the right direction. It will not stem the flod, nor will it increase the acreage of publicly owned lands now available; but it will keep us from losing ground. It will insure that as federally owned lands are declared surplus, they will be offered to the Secretary of the Interior for the carrying out of the migratory bird conservation program, and might be made available to the States or municipalities for the benefit of other wildlife or to enhance public outdoor recreation. It also provides assurance that the Secretary of the Interior may acquire any Federal lands having definite value to migratory birds when those lands are declared surplus by other administrative agencies.

In view of the urgent and even critical present need to retain as much natural land of this type as possible in public trust for recreation and wlidlife use, we respectfully urge this committee to issue a favorable report on S. 2358.

Senator McGEE. The next witness is Mr. McBroom, Chief of the Division of Technical Services, the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, accompanied by Mr. Rissman.

STATEMENT OF JAMES T. McBROOM, CHIEF, DIVISION OF TECHNICAL SERVICES, BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ALBERT J. RISSMAN, SECRETARY, MIGRATORY BIRD CONSERVATION COMMISSION, DEPARTMENT OF THE INTERIOR

Mr. McBROOM. I am James T. McBroom, Chief of the Division of Technical Services, Bureau of Sport Fisheries and Wildlife, Interior Department.

I am accompanied by Mr. Albert J. Rissman, the Chief of the Branch of Realty of our Bureau.

The Department of the Interior reported favorably on this legislation in a letter to the committee of July 6, 1962.

I have a very brief prepared statement, but even it does not need to be read.

Senator McGEE. Mr. McBroom's statement will be inserted in the record.

(Mr. McBroom's statement in full is as follows:)

STATEMENT OF MR. JAMES T. MCBROOM, CHIEF, DIVISION OF TECHNICAL SERVICES, BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR, ON S. 2358

The Bureau of Sport Fisheries and Wildlife is the Federal agency primarily concerned with fish and wildlife protection and management and has been delegated certain responsibilities by various acts of Congress and by directives of the Secretary of the Interior. Under the provisions of the act of May 19, 1948 (62 Stat. 240, 16 U.S.C. 667 b–d), the Department of the Interior, through the Bureau of Sport Fisheries and Wildlife, has cooperated closely with the various States and the General Services Administration in the transfer of excess and surplus Federal lands for wildlife conservation purposes. Pursuant to that act, which would be repealed by S. 2358, eight units with a total area of 15,621 acres have been transferred to the Department of the Interior for use in the national migratory bird management program. In addition, 55 units with a total area of approximately 200,000 acres have been transferred to the States for the conservation of wildlife other than migratory birds.

S. 2358 would contribute to more orderly operation by the General Services Administration in carrying out its responsibilities for the disposal of land no longer needed by the Federal Government by incorporating the provisions for making land valuable for wildlife into the general authorities of the Federal Property and Administrative Services Act. The Act of May 19, 1948, which S. 2358 would repeal, is now separate and apart from this general authority applying to other disposals.

We are agreeable to the enactment of the proposed bill.

Mr. MCBROOM. We have experienced good results under the existing legislation, with eight units having a total area of 15,621 acres, having been transferred to the Department of Interior for use in our national migratory bird management program that have resulted from the operation of this law.

In addition, 55 units with a total area of approximately 100,000 acres have been transferred to the State for conservation of wildlife, other than migratory birds.

We endorse the principles of the bill, Mr. Chairman.

Senator MCGEE. I place in the record a communication from Thomas L. Kimball, executive director, National Wildlife Federation, 1412 16th Street, NW., Washington, D.C., in support of S. 2358; also a letter from W. T. Shannon, director, department of fish and game, 722 Capital Avenue, Sacramento, Calif. I offer for the record a communication from P. W. Schneeder, director of the Oregon State Game Commission, 1634 Southwest Alder Street, Post Office Box 4136, Portland, Oreg. Senator Maurine Neuberger has asked that this be made a part of the record.

THE RESOURCES AGENCY OF CALIFORNIA,
DEPARTMENT OF FISH AND GAME,
Sacramento, June 29, 1962.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: Reference is made to your letter of June 21, 1962, regarding pending hearings on S. 2358 and other bills relating to wildlife.

Unfortunately, your letter arrived too late for us to be able to comment before the opening of the hearings on June 26, 1962. As there will be additional hearings at a later date, the California Department of Fish and Game would like to go on record as favoring legislation as expressed in S. 2358 and H.R. 1171. We have no comment to make relative to S. 3270.

If you have need of any further comments or information on the subject we would be glad to furnish same.

Sincerely,

W. T. SHANNON, *Director.*

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., July 6, 1962.

Senator GALE W. MCGEE,
Chairman, Special Subcommittee, Senate Committee on Commerce,
New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the invitation to comment upon S. 2358, designed "to improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended."

The National Wildlife Federation is unable to be represented in the public hearing scheduled for July 9, 1962, and I would appreciate it if this brief letter can be made a part of the record.

In considering this and other similar proposals, we hope the subcommittee can give merit to these principles:

1. Before any real property excess to needs of the Federal Government is disposed of, consideration should be given to what fish and wildlife (including, but not limited to, waterfowl) and other public recreational values the area may possess. The determination of what property is valuable chiefly for fish and wildlife and outdoor recreation should be made by the Secretary of the Interior, who has the basic Federal responsibility for fish and wildlife and parks as well as coordination for outdoor recreation. He could make this determination in cooperation with the Administrator of General Services Administration.

2. Federal real property suitable for fish and wildlife and outdoor recreation should be made available to the States or their political subdivisions for these public purposes without reimbursement or transfer of funds, subject to limitations outlined in section 3(b) of S. 2358.

We are sure members of the subcommittee are aware that State wildlife agencies are dependent largely upon sales of hunting and fishing licenses for their support and receive no general tax revenues. It, therefore, is difficult for many State wildlife agencies to acquire property even though members of the public would benefit thereby.

Thank you for the opportunity of making these comments.

Sincerely,

THOMAS L. KIMBALL, *Executive Director.*

STATE OF OREGON,
OREGON STATE GAME COMMISSION,
Portland, April 19, 1962.

Hon. MAURINE NEUBERGER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NEUBERGER:

We have been advised that S. 2358, 87th Congress, 1st session, referred by the Senate to the Committee on Commerce on August 1, 1961, is still in that committee's hands. This bill sponsored by the General Services Administration will have a substantial impact on our program here in Oregon. We have developed and are managing four areas acquired under terms of Public Law 537 (62 Stat. 240), namely:

1. Camp Adair near Corvallis, 2,116 acres, less military recaptures completed or pending of 439.06 acres.
2. Fort Stevens near Astoria, 1,466.50 acres.
3. Fern Ridge near Eugene, 36.63 acres.
4. Camp White near Medford, 1,600 acres.

Our important problems in the management of lands so acquired are threefold, as pointed out in detail in our letters of April 3 and July 13, 1961.

1. To properly utilize these lands, State funds must be used to develop and improve the game habitat thereon. Public Law 537 provides for recapture by the military forces without restitution of State losses and S. 2358, as written, does not change this. This makes the investment of State funds hazardous; budgeting must be done in a nebulous manner and long-range planning is difficult.

2. These lands were conveyed to us for conservation of wildlife only, limiting administration to single purpose management.

As we read S. 2358, this problem could be interpreted as corrected, but we would prefer to see it more plainly spelled out that the purpose of conveyance is for multiple-purpose management, giving primary consideration to wildlife conservation, with proper consideration for other compatible or complementary uses.

3. Public Law 537 provides for restrictive title conveyance and severs the remaining title rights from both Federal or State responsibility or authority.

S. 2358 apparently sets up the mechanics with the potential of correcting this problem by making possible appropriate conveyances of utility right-of-way easements, etc. by joint State and Federal concurrence and action.

The letter of General Services Administration published in the August 1 edition of the Congressional Record confirms this and we are in no position to question its opinion in this matter.

To summarize our position, it is our feeling that S. 2358 as it now stands is a substantial legislative improvement over Public Law 537 which it would repeal. However, in our opinion, S. 2358 would be improved if the purpose of conveyance was more definitely defined and provisions for restitution of losses in State investments thereon in case of military recapture were included.

The aforementioned letter of General Services Administration published in the Federal Register mentions that the U.S. Fish and Wildlife Service would police the land management practices. Since S. 2358 provides that the Secretary of the Interior must determine that the land has no "particular value for the carrying out of the national migratory bird management program" before it becomes available to the States, it would appear that the primary game management program would be a State's responsibility and the policing would apply mainly to land management. Consequently, the more appropriate policing agency would be General Services Administration.

Thank you for your many past courtesies and considerations. Because of the great value of these developed wildlife management areas to the wildlife resources of this State and the importance of this legislation to further management and development thereon, we respectfully solicit your support of this legislation in keeping with the points covered above.

Sincerely yours,

P. W. SCHNEIDER, *Director.*

Senator MCGEE. This concludes the hearings on S. 2358, and on S. 1542, S. 2138, S. 2678, S. 2770, S. 2927, S. 3201, S. 3270, S. 3504 and H.R. 1171.

The subcommittee will adjourn until further call.

(Whereupon at 11:30 a.m., July 18, 1962, the subcommittee was adjourned, subject to call of the Chair.)

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