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# BIG HORN CANYON

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON PUBLIC LANDS  
OF THE  
COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
UNITED STATES SENATE



EIGHTY-EIGHTH CONGRESS

SECOND SESSION

ON

**S. 2048**

A BILL FOR THE ESTABLISHMENT OF THE BIG HORN  
CANYON NATIONAL RECREATION AREA, AND  
FOR OTHER PURPOSES

\_\_\_\_\_  
MAY 29, 1964  
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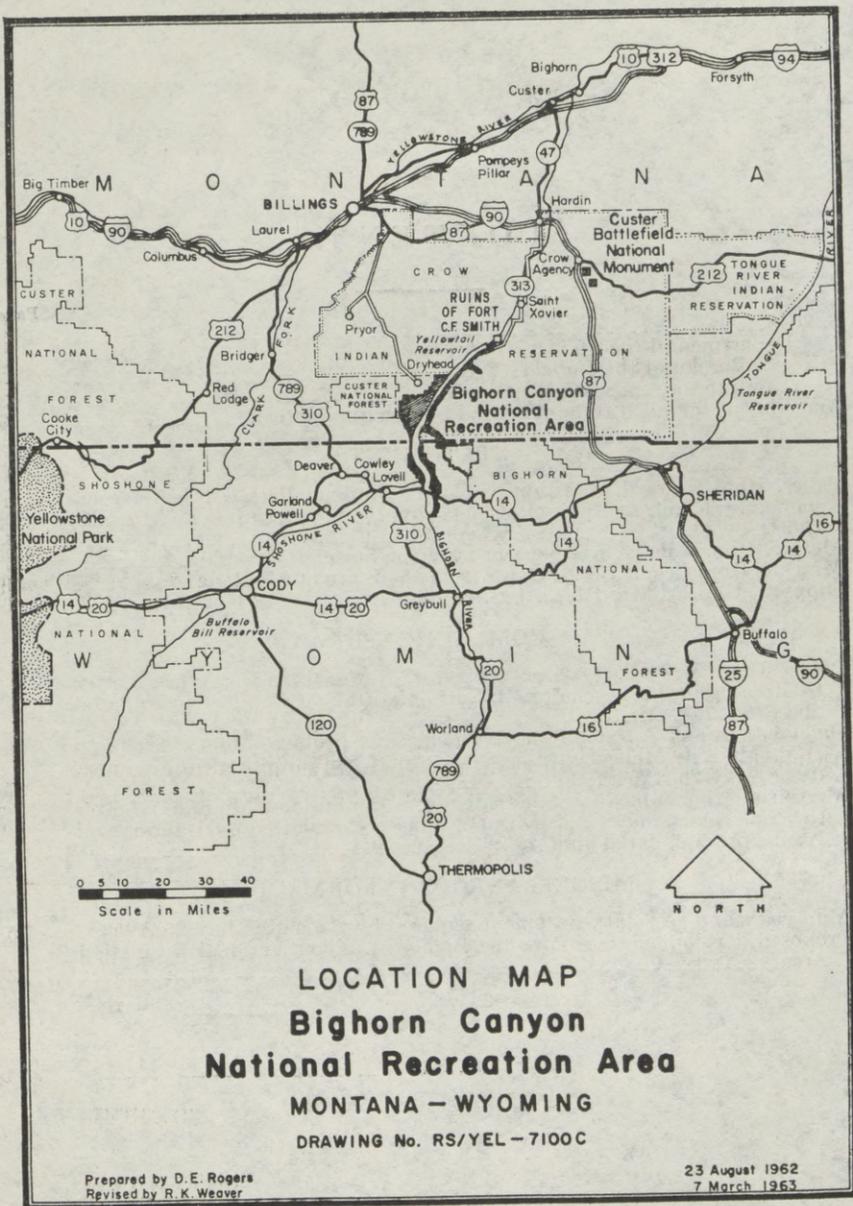
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## BIG HORN CANYON

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FRIDAY, MAY 29, 1964

U.S. SENATE,  
SUBCOMMITTEE ON PUBLIC LANDS OF THE  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m. in room 3110, New Senate Office Building, Senator Alan Bible presiding. Present: Senators Bible, Anderson, Hayden, Jordan of Idaho, and Simpson.

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; and Roy M. Whitacre, professional staff member.

Senator BIBLE. The subcommittee will come to order.

The Public Lands Subcommittee hearings this morning are called with the full knowledge that this is a holiday and that many of the committee members had commitments that would not permit their attendance at this time. However, the four bills we hope to take testimony on this morning are apparently noncontroversial, and I therefore trust that we will be able to complete the record on each during the day.

I know that the holding of this hearing today may well be an imposition on those in attendance since it has been designated as a holiday. Because of the floor situation and the additional announcement that starting as of Tuesday we will go in session at 9 o'clock in the morning, I think it is very apparent that we must take every opportunity to clear up our hearings on pending measures.

It is for that reason that I have scheduled hearings at this time.

The bill for consideration is S. 2048, to provide for the establishment of the Big Horn Canyon National Recreation Area and for other purposes. It was introduced by Senator Metcalf and cosponsored by Senator McGee, Senator Mansfield, and Senator Simpson.

Mr. Reporter, the bill will be incorporated in full at this point in the record, a bill introduced on August 15, 1963. I will also introduce at this point in the record the report of the Department of the Interior recommending the bill be enacted with several technical amendments, a report dated April 20 of this year, 1964. I would also have incorporated at this point in the record the official position of the Bureau of the Budget dated April 17, 1964, saying they have no objection to the enactment of S. 2048.

(The bill and reports referred to follow:)

[S. 2048, 88th Cong., 1st sess.]

A BILL To provide for the establishment of the Big Horn Canyon National Recreation Area, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Big Horn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Big Horn Canyon National Recreation Area", LNP MW-010-BC, June 1963, which is on file in the Office of the National Park Service, Department of the Interior.

(b) As soon as practicable after approval of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of subsection 2(b) of this Act, by publication of an amended description in the Federal Register.

SEC. 2. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction, notwithstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or any political subdivision thereof within the recreation area may be acquired only with the concurrence of the owner.

(b) No part of lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary.

SEC. 3. (a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this Act, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

SEC. 4. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the States of Montana or Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

SEC. 5. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., April 30, 1964.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: This responds to your request for the views of this Department on S. 2048, a bill to provide for establishment of the Bighorn Canyon National Recreation Area, and for other purposes.

We recommend that S. 2048 be enacted, and we suggest several technical amendments.

This bill would establish the Bighorn Canyon National Recreation Area in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and adjacent lands in the States of Wyoming and Montana by the people of the United States, and for preservation of the scenic, scientific, and historic features of the area contributing to public enjoyment. Section 2 provides authority for acquiring the non-Federal lands within the authorized boundaries and for inclusion of Crow Indian Reservation lands in the national recreation area. Such Indian lands could only be included in the area at the request of the Crow Tribal Council, "subject to any limitations specified by the tribal council and approved by the Secretary."

The Yellowtail Dam, now under construction on the Bighorn River near Lovell, Wyo., will be a 500-foot high, concrete arch structure with a crest length of 1,445 feet. The dam will create a riverlike reservoir 71 miles long across the States of Montana and Wyoming. The dam itself—one of the largest in America—will be a significant feature of the area and will be situated at the end of a spectacular canyon which extends 47 miles through the Bighorn Mountains.

The Bighorn Canyon, more deeply carved than any lying east of this point, is the result of an erosional history associated with the uplift period of the building of the mountains of the region—the Bighorn and Pryor. During the uplift period, streams were at work removing the less resistant materials and as a consequence formed the Bighorn River along its present course through the mountains. When the river had eroded a channel deep enough to expose the hard Bighorn Mountain limestone fold, it could not change its course, but was forced to carve steep canyons. These canyons range in depth from 800 to 2,200 feet and present on their walls the various strata of geological periods dating back many millions of years with colors ranging from pale yellow to the intense red of the Triassic Chugwater shale.

To the east of the canyon are the Bighorns, to the west the Pryor Mountains. A deeply incised upland prairie forms a vast green pedestal from the mountain walls to the canyon rim. The combination of uplifting and erosional forces has created a topography of extreme contrast—gently rolling land cut by sheer gorges and bounded by irregular mountains. The change in elevation from canyon floor to adjacent mountain tops approximates 4,000 feet.

In addition to the impressive scenery and geological story presented here, there are sites of significant archeological and historical interest. The Smithsonian Institution is presently studying a narrow strip of land running the length of Bighorn Canyon on which are situated campsites, tepee rings, a medicine wheel, aboriginal trails, flint workshop areas, rock shelters, petroglyphs, and buffalo kills. These sites and objects present conclusive evidence of habitation of the area by a prehistoric people, but it is not known who these inhabitants were. In historic times it is known that the Crow, or Absaroka, were among the earliest people to dwell in this area and they have remained to this day.

A few miles downstream from the damsite are the remains of Fort C. F. Smith (to be distinguished from Fort Smith Village, the Bureau of Reclamation construction camp). This infantry post was established in 1866 to protect the travelers on the "Bozeman Trail" from attacks of hostile Sioux who considered the trail an encroachment on their hunting grounds. Traces of this trail, which forded the Bighorn about 3 miles below the damsite, can still be seen where it passed the fort on the right bank of the river. Still farther downstream is the site of the Hayfield Fight. Here a small force of haycutters and their soldier guards successfully repulsed greatly superior numbers of attracting Sioux warriors. This result has been attributed to the use of newly issued breech-loading .50 caliber Springfield rifles, rather than muzzle-loading

weapons. The Hayfield Fight thus became a classic of the western Indian wars being the first battle in which these greatly improved weapons were used. These historic sites—comprised of a mixture of tribal and allotted lands—are located within the Crow Indian Reservation and would only be included in the recreation area in accordance with the provisions of the bill.

Impoundment of water by the Yellowtail Dam will provide a safe water highway into what has formerly been an almost inaccessible region. But more significantly, the impoundment will afford an opportunity for water-based recreational activities as varied as the imagination of the American traveler. Here will be a reservoir large enough for boating of all sorts, fishing should be excellent whether on the reservoir or along the river, and the surrounding terrain is interestingly adapted to associated activities such as camping, picnicking, hiking, observation of birds and wildlife, horseback riding, scenic drives, historical, geological, and archeological interpretation, and appreciation of the engineering accomplishments represented by the dam and its related facilities.

The proposed Bighorn Canyon National Recreation Area shown on the map referred to in the first section of S. 2048 would comprise approximately 63,300 acres, of which more than 56,000 acres are presently in Federal ownership. There are about 719 acres of Montana State lands and 6,418 acres of private lands within the area. Additional lands of the Crow Indian Tribe could be included in the area if mutually satisfactory agreements are reached by the Crow Tribal Council and the Secretary. Authority is included in the bill for the Secretary to make other adjustments in the recreation area boundary.

The proposed Bighorn Canyon National Recreation Area, situated in one of the Nation's major vacation lands, will be used by visitors from all over the country. Well-traveled vacation routes such as U.S. Highways 87 and 212, and Interstate 90 (now under construction) to the north and east, and Wyoming State Highway 14 to the south will provide access to the area. Since this is the only proposed reservoir national recreation area in the Missouri River Basin it will also fulfill the water-oriented recreation needs of a large number of people from the Rocky Mountain region and the Great Plains of the United States.

Based on the foregoing, the proposed Bighorn Canyon National Recreation Area has been found to satisfy the criteria for national recreation areas set forth in Policy Circular No. 1, adopted by the Recreation Advisory Council on March 26, 1963. The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, at its 48th meeting in March of last year, recommended that "this area be authorized for establishment as the Bighorn Canyon National Recreation Area under the administration of the National Park Service."

Proposed developments would provide for the full scope of activities required for extensive public use. It has been estimated that this use will exceed 562,000 annual visitor days by 1970. The developments would include, among others, facilities for picnicking, camping, boating, fishing, hunting, primary access (roads and trails), parking, as well as scenic overlooks and appropriate interpretive media. Included within the area's boundaries is an area of 16,000 acres of land and water proposed for development and management by the Wyoming Game & Fish Commission for waterfowl and upland game.

The Crow Indian Tribal Council, a planning and economic consulting firm engaged by the council, and the National Park Service of this Department are presently making a joint master plan study of the total reservation area. This study will consider the recreation potential of the Indian lands and their relation to the entire recreation area. The results of the study will enable the Indians to determine the extent of tribal participation in the development of the national recreation area. Section 2(b) of S. 2048 provides a basis for the implementation of these joint plans through the inclusion of tribal lands if the Indians and the Secretary agree on this approach.

As a technical amendment we recommend that the single word "Bighorn" be substituted for "Big Horn" in the title and on lines 9 and 11 of page 1. Official geographical place names published by the Geological Survey identify the canyon, river, and mountains of the area by the single word "Bighorn."

In addition, we suggest three other technical or clarifying amendments. To make the intended limits of the exchange authority more explicit, we suggest that the following be inserted after "jurisdiction" and before the comma on line 19, page 2: "not needed for other Federal programs which he classifies as suitable for exchange or other disposal." On line 13, page 3, delete "Reservoir

project" and substitute "unit, Missouri River Basin project." In order to clarify the reference to administrative authorities in section 3(b), we recommend deleting "to carry out the purposes of this Act." On page 4, line 3, and substituting "for recreation and preservation purposes and for resource utilization not incompatible therewith."

The man-years and cost-data statement required by the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a), is enclosed.

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,

FRANK P. BRIGGS,  
*Acting Secretary of the Interior.*

*Estimated additional man-years of civilian employment and expenditures for the  
1st 5 years of proposed new or expanded programs*

Estimated additional man-years of civilian employment	19CY	19CY+1	19CY+2	19CY+3	19CY+4
<b>Executive direction:</b>					
Acting project manager.....	1	1			
Superintendent.....			1	1	1
Clerk-stenographer.....	1	1	1	1	1
Total.....	2	2	2	2	2
<b>Administrative services and support:</b>					
Administrative assistant.....		1	1	1	1
Total.....		1	1	1	1
<b>Substantive:</b>					
Chief ranger.....		1	1	1	1
Landscape architect.....	1	1	1	1	1
Park naturalist.....		1	1	1	1
Engineer.....				1	1
Park historian.....				1	1
District ranger.....		1	1	2	2
Park ranger.....			1	2	4
Clerk-typist.....			1	1	1
Seasonal rangers and interpreters.....		2	3	5	7
Laborers and craftsmen.....		2	11	16	22
Total.....	1	8	20	31	41
Total, estimated additional man-years of civilian employment.....	3	11	23	34	44
<b>Estimated additional expenditures:</b>					
Personal services.....	\$25,029	\$67,000	\$105,885	\$117,000	\$133,289
All other.....	506,458	535,000	1,578,000	1,820,000	1,065,000
Total.....	531,487	602,000	1,683,885	1,937,000	1,198,289
<b>Estimated obligations:</b>					
Land and property acquisition.....		100,000	110,000	100,000	2,900
Development.....	727,300	534,000	2,270,000	1,380,000	655,000
Operation (management, protection, and maintenance).....	31,487	102,000	183,885	187,000	198,289
Total.....	758,787	736,000	2,563,885	1,667,000	856,189

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., April 17, 1964.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate,*  
*New Senate Office Building,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 2048, a bill to provide for the establishment of the Big Horn Canyon National Recreation Area, and for other purposes.

S. 2048 recognizes that the impoundment of water by the Yellowtail Dam will provide potential water-based recreational opportunities and its enactment would authorize the establishment of the Big Horn Canyon National

Recreation Area. The report which the Secretary of the Interior is submitting describes in some detail the recreational and other features of the proposed area and recommends enactment of the bill with a perfecting amendment.

The Bureau of the Budget has no objection to the proposal that this area be dedicated at this time as a national recreation area and that the Secretary be authorized to acquire the limited additional lands needed to round out a recreational area which is already largely in Federal ownership.

However, the location of Big Horn in relation to our highly populated centers suggests some uncertainty as to the extent of public use. It would be our objective to closely observe the indications of public demand at Big Horn before making recommendations for financing any major development of facilities. A number of other proposals now pending before the Congress would establish national recreation areas near heavily populated urban centers, thus providing ready access to millions of the recreation-seeking public. The priority which would be accorded development expenditures at Big Horn would, in our view, need to be determined in relation to the requirements at these latter areas.

The Bureau of the Budget would have no objection to the enactment of S. 2048.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

(Senator Metcalf subsequently submitted the following amendment to the bill S. 2048:)

[S. 2048, 88th Cong., 2d sess.]

AMENDMENT Intended to be proposed by Mr. METCALF to S. 2048, a bill to provide for the establishment of the Big Horn Canyon National Recreation Area, and for other purposes, viz: On page 3, between lines 10 and 11, insert the following new subsection:

(c) (1) Notwithstanding any other provision of this Act or of any other law, the Crow Indian Tribe shall have the exclusive right to develop and operate, at no expense to the United States, water-based recreational facilities, including landing ramps, boathouses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

(2) As used in this subsection, the term, "shoreline" means that land owned by the Bureau of Reclamation which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of such facilities.

Senator BIBLE. I would first recognize our fellow member on this committee, Senator Simpson, for whatever he might care to say about this particular bill.

Senator Simpson?

**STATEMENT OF HON. MILWARD L. SIMPSON, A U.S. SENATOR FROM  
THE STATE OF WYOMING**

Senator SIMPSON. Thank you, Mr. Chairman. I am grateful that you have scheduled this hearing. I want to again thank you for your diligence on it. You have been a great chairman of the subcommittee. You are also so gracious and you do allow us to trespass on your time and the time of the committee, but I want to again repeat to you what I have said to you individually.

I am most grateful to you. I am proud to be a cosponsor of the bill which you have mentioned. I am grateful that you have sched-

uled this hearing so that we might consider S. 2048, which would establish the Big Horn Canyon National Recreation Area. I have been interested in this bill for some time, and I am eager to see it enacted into law. This legislation would provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and adjacent lands in the States of Montana and Wyoming. This is a magnificently beautiful and picturesque area that indeed is a tourist attraction. It is my belief that areas such as this should be fully developed to provide for their full use by the recreational-minded public.

Most of the needed land is presently owned by the Federal Government. Only a small portion of the designated land in Wyoming is privately owned and that land is owned by one rancher. Before I joined in cosponsoring this legislation, I saw to it that this rancher was contacted and given an opportunity to express his views. While he was, of course, not eager to transfer his land to the Federal Government, he did not object to the acquisition of his land for the creation of this recreation area, providing a fair and adequate amount of money is paid to him for the land.

This 63,000-acre recreation area would be located around the reservoir created by the Yellowtail Dam, which will be a 500-foot concrete arched structure near Lovell, Wyo. The dam will create a riverlike reservoir 71 miles long across the States of Montana and Wyoming. The dam itself, one of the largest in America, will be a significant feature of the area and will be situated at the end of a spectacular canyon which extends 47 miles through the Big Horn Mountains.

The Big Horn Canyon is more deeply carved than any area lying east of Wyoming. It ranges in depth from 800 to 2,200 feet and presents on its walls the various strata of geological periods dating back many millions of years with colors ranging from pale yellow to the intense red of the Triassic Chugwater shale.

In addition to the impressive scenery and geological story presented here, there are sites of significant archeological and historical interest. The Smithsonian Institution is presently studying a narrow strip of land running the length of the Big Horn Canyon on which are situated campsites, tepee rings, a medicine wheel, and by the way of unknown origin, no historian has been able yet to identify it as I think my colleague from Montana will testify, aboriginal trails, flint workshop areas, rock shelters, petroglyphs, and buffalo kills. These sites and objects present conclusive evidence of habitation of the area by a prehistoric people, but it is not known who these inhabitants were.

I might say at this juncture of my remarks, Mr. Chairman, that just recently above Cody, Wyo., they have found an ancient man society and the culture dates back over 9,700 years. They have excavated around it, and at the Whitney Gallery in Cody, Wyo., they have a person who for a better name they call Joe and it dates back to that period.

This is of great interest for people traveling through that country. In historic times it is known that the Crow, or Absaroka, were among the earliest people to dwell in this area, and they have remained to this day.

We of Wyoming feel that the designation of this already existing recreation area as a national recreation area will be of great assistance to us in attracting tourists.

Wyoming has the greatest hunting and fishing in the world, and we have the finest game and fish commission in the United States. Consequently, it is important that the National Park Service seek the complete cooperation of our State officials if this area is to be successfully created as a national recreation area. A well-developed recreation area can only be established if the National Park Service has the complete cooperation of the States of Montana and Wyoming.

I am pleased that the hunting and fishing in the recreation area will be conducted in accordance with the appropriate laws of the States of Montana and Wyoming. In my opinion, it is important to leave a great deal of the control and responsibility over these recreation areas in the hands of State and local officials. If the State Game and Fish Commission of Wyoming, the State Game and Fish Commission of Montana, and the National Park Service will work as a team, the Big Horn Canyon National Recreation Area will truly be one of the nicest and most beautiful areas in the Nation. I think that the enactment of this bill will add greatly to the establishment of recreational facilities throughout the Nation.

Thank you, Mr. Chairman. I may have some other remarks to make after the testimony by my colleague, Senator Metcalf, as well as of course some questions of the members of the Park Service.

Senator BIBLE. Certainly. I have flown over this area. I know roughly about it. It is an area of tremendous beauty. It seems to me that the time to preserve this area is before commercial enterprises move in. We have a comparable situation in my own State, a national recreation area. Interestingly enough last year visitations to the Lake Mead recreation area and to the reservoirs above and below it totaled over 5½ million visitors. It was the second most visited park in the entire system and the only one that was ahead of it was the Big Smoky. So carving these out and protecting and developing them early in the stage of their creation I think is a very, very important thing.

I would only have one question, and I think it is something that can properly be elicited from the Park witnesses, and that is, as you will note, this has an open ended authorization. I think in conformity with our practice, it is very wise to put some ceiling on both the amounts of land acquisition and the development cost. Now I don't know what that figure would be but I would think we could develop that through our witnesses.

The next witness will be the Senator from Montana, Senator Lee Metcalf.

Senator Metcalf, we are delighted to have you and I apologize for holding you this long.

#### STATEMENT OF HON. LEE METCALF, A U.S. SENATOR FROM THE STATE OF MONTANA

Senator METCALF. I am very grateful to the chairman for holding this hearing on this day. For almost everybody else in the Senate it is a holiday. Both Senator Mansfield and I have urged that this

bill be considered, and you are aware, as all of us are, of the parliamentary situation and I am very grateful to the committee, to the chairman and to its members for being here and holding this hearing. I have a prepared statement, Mr. Chairman.

Senator Mansfield and I have discussed it. He has gone over it and considered it, and with your approval I will offer it for the record and summarize it.

Senator BIBLE. The statement will be incorporated in full in the record. This is a joint statement on behalf of Senator Mansfield and you?

Senator METCALF. And myself, yes.

Senator BIBLE. And you may highlight it in your own way, Senator. (The statement referred to follows:)

STATEMENT OF HON. LEE METCALF, ON BEHALF OF HIMSELF AND HON. MIKE MANSFIELD, U.S. SENATORS FROM THE STATE OF MONTANA

Mr. Chairman, it is a pleasure to appear in support of S. 2048, sponsored also by the senior Senator from Montana (Mr. Mansfield) and the Senators from Wyoming (Mr. McGee and Mr. Simpson). Majority leader Mansfield, en route home at this time, has read my statement and asks that it also be considered his.

The Senators from Montana and Wyoming would set aside some 63,300 acres along the Big Horn River above Yellowtail Dam as a unit of the national park system. The proposed national recreation area in south-central Montana and north-central Wyoming would include the spectacular Big Horn Canyon and would cover about one-third of the 195-mile shoreline created by the reservoir backed up behind the Yellowtail Dam, scheduled for completion by the Bureau of Reclamation in 1966.

The proposed area has outstanding scenic and recreation values. It straddles the Montana-Wyoming border. The river runs through the Big Horn Canyon, a narrow precipitous gorge 47 miles long, with walls rising from 800 to 2,200 feet above the river. On these walls are the strata of various geological periods dating back for millions of years.

In addition to the impressive scenery and geology presented here, there are sites of significant archeological and historical interest. The Smithsonian Institution is studying a narrow strip of land running the length of the canyon, on which have been found evidence of habitation by an unknown prehistoric tribe. Near the damsite are the remains of Fort C. F. Smith, an Army infantry post established in 1866 to protect travelers on the Bozeman Trail from the Sioux and Cheyenne Indians. The area also has immense possibilities for development of facilities for boating, camping, hiking, horseback riding, pack trips, swimming, fishing, and possibly winter sports. The reservoir behind Yellowtail Dam also will provide a safe water highway into what was formally an almost inaccessible region.

The proposed Big Horn Canyon national recreation area is situated in one of our Nation's major vacation lands. It is only 110 miles east of our oldest and largest national park, Yellowstone, which last year attracted 1,872,500 visits. It is near well-traveled vacation routes, such as U.S. Highways 87 and 212, and Interstate 90, now under construction, to the north and east. Wyoming State Highway 14 will also provide access to the area from the south.

Since this is the only proposed reservoir national recreation area in the Missouri River Basin, it would serve the water-oriented recreation needs of thousands of people from the Rocky Mountain region and the Great Plains.

For example, about 177,000 persons reside within a 100-mile radius of either end of the Yellowtail Reservoir. Assuming initial recreational developments are in operation, the Park Service estimates that by 1970 use of the proposed recreational area by these local residents will amount to some 154,000 visitor-days per year. In addition, the Park Service estimates that annual use by people from other parts of the country will amount to 406,000 visitor-days so that total usage by 1970 would be 560,000 visitor-days per year.

From the standpoint of economy, all but about one-ninth of the land involved is already in Federal ownership. Within the area, more than 29,200 acres are being acquired by the Bureau of Reclamation for dam and reservoir purposes.

Of the remainder, almost 27,000 acres are in the Federal land reserve. There are some 719 acres of Montana State lands, which under our bill could only be acquired with the concurrence of the State. Some 6,418 acres are privately owned—4,560 acres in Montana and 1,858 in Wyoming. The Park Service estimates cost of acquiring this land at \$313,000 based on the experience of the Bureau of Reclamation with land acquisition at Yellowtail Dam. It is the studied view of the sponsors of S. 2048 that this unique area should be established, and blocked out at this time, with development to come as appropriations are made available and on a priority list with comparable areas.

This view is shared by the Bureau of the Budget and the Interior Department's National Park Service and the Bureau of Outdoor Recreation. The later agency has documented the finding that the proposed Big Horn Canyon national recreation area meets the criteria for national recreation areas.

Senator METCALF. I wish to briefly summarize. Prior to the introduction of this legislation, the Senators from Wyoming and the Senators from Montana and their staffs held several conferences not only among ourselves but with members of the Bureau of Land Management and the Park Service, and we are all agreed on the urgency of this legislation. This proposed recreation area is unique. It is unique in that it is just being formed. This is an opportunity to get a reservoir formed behind Yellowtail Dam now under construction by the Bureau of Reclamation and do some of the things that we have desired to do in other recreation areas, but can't do because of the high cost as a result of the fact that we have come in after the area has been inundated.

For example, in this area we are going to have an operation by the Fish and Wildlife Service. I am told that if you can get in with a bulldozer before the area is inundated, you can build little islands that form much better goose nesting habitat than you can scrape up and dredge up after the inundation takes place.

Another thing is the boat ramps, the landing ramps that are going to be part of the water recreation of this area can be installed as a part of the planning at this time, and it would be a great deal more expensive to put them in later.

This is unique as to cost. Most of the land here, as has been pointed out by the Senator from Wyoming, is in Federal ownership. The Park Service estimates that the non-Federal land in the area can be acquired for some \$313,000, and that is a realistic figure, Mr. Chairman, because we have experience for the acquisition of land in that area at the present time as a result of the acquisition of land for construction of the Yellowtail Dam and inundation of the reservoir. This area is unique in that I know of no opposition from the people whose land is going to be taken, from the ranchers and stockmen in the area.

I know of no opposition from anyone whatsoever. This is unique in that there is a possibility of enlargement as to future needs. The Big Horn Canyon National Recreation Area would only cover about one-third of the 195-mile shoreline created by the reservoir backed up by Yellowtail Dam. The other two-thirds of the shoreline are on the Crow Indian Reservation. None of the Crow Tribe lands would be included in the initial area or taken by this bill, but the sponsors of the bill want the Indians to bring in as much land as they wish.

Prior to the introduction of the bill we held conferences with representatives of the Crow Tribe and with their management expert, the firm of Ernst & Ernst, and during this whole business of acquir-

ing reports from the agency we have continued to hold conferences. In fact, Mr. Chairman, yesterday on the telephone I talked to the chairman of the Crow Tribal Council, and he asked if I thought he should come back to participate in this hearing, and I informed him that this bill only applied to the Federal land that was being taken, and that the Crow Tribe could work out their program, and we were giving authority in this bill for the Secretary of Interior to negotiate with the tribe for necessary right and rights-of-way so that they could develop for their tribe and for the benefit of their people the necessary tribal recreational conveniences on their own land.

So the Crow Tribe and the Crow Tribal Council and their planning firm and consulting firm and the National Park Service are studying the area to consider the extent of the tribe's participation.

Mr. Chairman, this morning I held a preliminary conference with the representatives of some of the Secretaries, the Secretary of the Interior, the Bureau of Land Management, the National Park Service and others, because this is a new situation, the construction of a national recreation area, this new national recreation area on a Bureau of Reclamation project which is in the process of being constructed.

We are going to have the other agencies involved, the Bureau of Land Management, Fish and Wildlife Service, and, as pointed out by the Senator from Wyoming, administration, cooperative administration, as far as the Montana and the Wyoming Fish and Game Commission for administration of hunting and fishing rights and so forth.

I have often criticized the Secretary of the Interior and the Bureau of Land Management and others for their failure to cooperate with these agencies but in developing this bill we have had fine cooperation, consideration, and thoughtfulness in working out joint administration in this area. I want to say that the Bureau of Land Management has resolved a situation in Montana in the Badlands Grazing District just recently that seems almost as difficult as resolving the Cuban crisis, and I have nothing but confidence that we will be able to work out a joint administrative program with them. I am informed that they have a task force to work out separate relationships of the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation and other agencies that may be involved, and continue the multiple-use policies that we want to continue, grazing and other things, on this unique area.

And so, Mr. Chairman, on behalf of Senator Mansfield and myself I strongly urge the passage of this bill.

I have one comment as far as the suggested amendments are concerned. This is one of the things that I have commented on before. It is a weird and wonderful thing that you can send down to the Secretary of the Interior for a drafting service, and for drafting service only, proposed legislation after consultation and so forth, and then they send up a bill, and then when the committee report comes out they come up with several suggested amendments to the bill that they draft themselves. That is what has happened here. I have no quarrel with most of the technical amendments suggested. However, there is one amendment that recommends the deletion of

the words "to carry out the purpose of this Act" which are in most of the acts concerned, and the substitution therefore of the words "for recreation and preservation purposes for resource utilization not incompatible therewith," which is new language that I have been unable to find in any other bill. I don't know why it is put in, but I would suggest that we use the language that we have used in other acts, to carry out the purposes of the act as originally drawn.

Senator BIBLE. Do you like that language and not the suggested substitute language? When we question the departmental witnesses, we will ask them why they made this suggested amendment.

Senator METCALF. I don't know the difference either.

Senator BIBLE. I have no questions. I would again ask you as I did Senator Simpson, I would assume you would have no objection to putting an overall limitation on development costs and land acquisition costs?

Senator METCALF. No, I don't. As I mentioned, I especially don't because the figure that is in here is a realistic figure, and there will be a little bit of flexibility on the \$313,000. I am sure that the land can be acquired for that because it is based upon our present day experience in acquiring land in the immediate vicinity for the Yellow-tail Reservoir. In fact, I would feel that it would be well to do that so that we can have this committee and the legislative committee in charge to continue to have control so that this doesn't spread, unless we want it to be expanded.

Senator BIBLE. Now your bill introduced by four of you says that no part of the Crow Indian Tribe in Montana shall be included within the recreation area unless requested by the council of the tribe.

Indian lands so included may be developed in accordance with the rules applicable in the area specified by the council and approved by the Secretary.

How large is the Crow Indian Tribe of Montana?

Senator METCALF. How many members in the tribe?

Senator BIBLE. How many members in the tribe roughly?

Senator METCALF. The Crow Indian Tribe—I am sorry, Mr. Chairman, I don't know how many there are.

Senator BIBLE. It can certainly be supplied for the record.

Senator METCALF. Yes. I will supply it for the record. The Crow Indian Tribe is a substantial tribe. You will remember that we gave them by congressional action \$2½ million for their land to be inundated by the reservoir, and subsequently they have received substantial sums of money from the Indian Claims Commission for land that was taken earlier.

So they are a tribe of substantial resources, and they have employed the firm of Ernst & Ernst here in Washington, a consulting and management firm, to develop for them a plan for their recreation facilities of two-thirds of the shoreline here.

And I have long been an advocate that we don't do anything without the consent of, and consultation with, the tribes, and this bill only authorizes the Secretary to consult with the tribes and work out the management plan.

Now I can supply for the record the number of Indians who are members of the tribe.

There are 2,488 enrolled members of the Crow Tribe, 2,216 of these 2,488 enrolled members are actually living on the Crow Reservation. This is according to the 1960 Montana Almanac.

Senator BIBLE. Thank you very much. I am glad to have that for the record.

The purpose of my question was prompted by a section that we have in Lake Mead National Recreation Area. I would want to be satisfied that you are not going to find yourself confronted with problems as this area becomes developed and as it attracts many, many visitors. As I understand your position, the Big Horn Canyon National Recreation Area may be administered in that part that is described in the bill by reference, and exist side by side with another recreation area that can be administered and operated by the Crow Indian Tribe.

You think there is nothing incompatible in the operation of those two?

Senator METCALF. Yes, I don't believe there would be anything incompatible if the tribal government itself administered an area adjacent to the national recreation area. I would hope, however, and I think the present trend is that a management agreement would be entered into with the Secretary and the members of the Crow Tribe, and it would be administered as one unit, and this bill does authorize the Secretary of Interior to enter into a cooperative agreement.

Senator BIBLE. It would occur to me that that would be the preferable way for management, but I was assuming the instance where the Crow Indian Tribe, for whatever reasons, might say "No, we don't want to join up in one overall joint operating agency. We prefer to operate our own tribal land by ourselves and let the National Park Service operate the balance of the recreation area."

My question was pointed more to that situation than the situation where they do join up.

Senator METCALF. They can do that under this bill.

Senator BIBLE. Even if they didn't join up, you think that you could work it out operationalwise without difficulty?

Senator METCALF. I am sure we could, but I would suggest that the Interior witnesses be asked if they think that such an agreement would work out too.

Senator BIBLE. Thank you.

Senator Anderson?

Senator ANDERSON. No questions.

Senator BIBLE. Senator Hayden?

Senator HAYDEN. No questions.

Senator BIBLE. Senator Jordan?

Senator JORDAN. Mr. Chairman, I just want to commend our colleagues here for their diligence in getting on this thing early, and on the effort they have put forth to set aside this area early enough to accomplish the objective at a minimum cost. It is a fine effort. I like that country and I hope we can get out there and pay it a visit.

Senator BIBLE. The Senator from Wyoming.

Senator SIMPSON. Mr. Chairman, first of all, I want to congratulate my colleague on a splendid statement.

I notice, Senator Metcalf, you have brought in the fact that near the damsite are the remains of Fort C. F. Smith over in Montana. I can't resist the matter of prideful reference here to the fact that my grandfather, Finn Barnett, worked for L. C. Layson, and participated in the famous battle there near Fort C. F. Smith. He was for many years the sole survivor of that fight against the Missouri River chief when 19 of them held off some 2,500 Indians, and since it is so nearby perhaps it might even actually be included.

I think I might also say that the immediate prospect of a new designation of Highway 14 as a scenic highway because of this development would be of tremendous importance to those crossing the Big Horn, especially through the route which is at the south end of this recreation area.

Senator METCALF. We in Montana, as you in Wyoming, are looking forward to the development of that access road as a result of the increased traffic into this area, and it will bring our people in that south central part of Montana closer together with those people in northern Wyoming.

And, again, the Senator from Wyoming has pointed up another reason for the urgency of this bill at this time. The authorization of this recreation area will authorize the construction of access roads at a time when we can work on them before the inundation of the shoreline is established.

Senator BIBLE. Thank you very much, Senator Metcalf, for your very splendid statement.

Senator METCALF. Thank you.

Senator SIMPSON. May I ask the Senator from Montana one question, because I think while he is here it would be well to clarify it, Mr. Chairman.

Does the Senator from Montana understand that the States of Montana and Wyoming would be responsible and have control of the fish and wildlife resources or that the National Park Service would be responsible for that?

Senator METCALF. No; it is my understanding that the control of fishing and hunting would be under the respective laws of the State of Wyoming and the State of Montana and under the control of our respective commissions.

Senator ANDERSON. As I understand it, the Federal Government will put up the money and then the control will go to the States, the administration to the State and the fees to the State.

Senator METCALF. Yes, sir; except for that part under the control of the Fish and Wildlife Service administered as a refuge or a game range which is authorized. Where the hunting and fishing is permitted, and it is contemplated it will be continued to be permitted under the multiple-use concept here, except on the Crow Reservation, licenses will be issued by the State and the respective commissions will have control of setting the seasons and harvesting and administering the game.

Senator ANDERSON. Is that the traditional way of doing it with the Federal Government putting up the money?

Senator METCALF. Again, that is different than we have done in national parks. It is no different than we administer our national forests and our Bureau of Land Management lands.

Now, this is an area that is in between a national park, hasn't the same sanctity that we put in a national park, and we have just said it has a special use over and above the ordinary multiple use for recreational resources. But it would seem to me that here is an area where the analogy is more with the national forests and the Bureau of Land Management lands than it is with the national park lands, and, therefore, we try to give as much State sovereignty as possible.

Senator BIBLE. If the Senator from New Mexico will yield, this is a section which has caused those of us interested in the Lake Mead National Recreation Area great difficulty and many, many problems.

I would say that the section which is now before us to be the governing section so far as fishing and hunting on Big Horn Canyon National Recreation Area is concerned is almost word for word the same language we have in Lake Mead.

It reads as follows, and I think it is fairly self-explanatory. It says:

The Secretary shall permit hunting and fishing on lands and water under his jurisdiction within the recreation area in accordance with the appropriate laws of the States of Montana or Wyoming to the extent applicable except as the Secretary may designate zones where and established periods when no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies any regulations by the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

Senator ANDERSON. I don't think that says it is solely under the control of Wyoming and Montana.

Senator SIMPSON. Will the Senator yield?

Senator ANDERSON. Yes.

Senator SIMPSON. Under section 3 of the bill the user fees applicable will go to the Federal Treasury. The only fees that would go to the Montana and Wyoming Game and Fish Commission would be those areas within the confines of the State.

Senator ANDERSON. Under this language does the Secretary not have complete jurisdiction to close any area he wants at any time he wants for any reason he wants?

Senator METCALF. I believe that he would have.

Senator ANDERSON. So do I.

Senator METCALF. And it is contemplated, I think, that the Fish and Wildlife Service contemplates the establishment of a refuge on a part of the area for the development of both wildlife and waterfowl. But under our concept of multiple use, and hunting and fishing is permitted, and should be permitted on this area and continued, Montana Fish and Wildlife Service will have control of licensing of the hunters that go in there and the establishment of the seasons, as I understand it, and the licenses, the license fees would be established and set by the Montana Fish and Game Commission for the area lying in the State of Montana.

Senator ANDERSON. You say the establishment of the season. What does it mean when it says the Secretary may designate the zones and established periods when? Isn't that control of the seasons?

Senator METCALF. I feel that we have to give authority to the Secretary to administer the areas he sets aside.

Senator ANDERSON. I didn't want the record to show that this is going to be under the control of Wyoming, Montana, or anyplace else, but under the control of the Secretary.

Senator METCALF. Again, let me pay tribute to the Secretary of the Interior in the way that the things have been started. He worked out recently, in cooperation with the State of Wyoming and the State of Montana, I believe, a mutually satisfactory solution to the elk problem in the national parks.

Senator ANDERSON. I don't question that. I merely say that he has the right to work it out.

Senator METCALF. I feel that it is the intent of this legislation and that language that, except for those areas set aside in the public interest for the development of the game refuges and the areas the Fish and Wildlife Service deems necessary to protect as part of their game management program, there should be hunting and fishing on this area, and when there is, the seasons shall be set by the Montana or the Wyoming Fish and Game Commissions, respectively. The game limits shall be set by them, and the hunters shall have to have appropriate licenses from the State of Montana and the State of Wyoming.

Senator ANDERSON. Why don't we change the language?

Senator METCALF. I don't interpret it the way the Senator from New Mexico does. I feel if there is any doubt about it it should be changed accordingly and perhaps the Senator from Wyoming, who I am sure feels the same way, may offer an amendment.

Senator ANDERSON. If the Secretary may designate the zones where—

Senator METCALF. I want that. I want some zones where there is no hunting and fishing permitted. I want the Fish and Wildlife Service to have a right to establish a refuge if they want.

I mentioned the goose nesting areas. I want an area where people will be able to drive through as they can in the national parks and see some of our big game animals that abound in the area. But I also want hunting and fishing to continue in some parts of the area as an ordinary recreational resource, and I want that under the control of the State of Montana or the State of Wyoming, respectively.

Senator ANDERSON. I don't wish to argue the question. I merely say that when the bill is passed—and I hope it may be—I hope no one will then contend that the Secretary of the Interior does not have full power to say that no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and recreation anywhere in the area.

He has complete control, not the State.

Senator METCALF. I don't think that the Senator from New Mexico and I are too far apart.

Senator ANDERSON. In the main, I believe the State should be allowed to operate it. I just don't like to see it going in the record, a statement that the States are in control because as long as the Secretary has this authority he has the final word and he ought to administer that with full cooperation of the States, and I submit and hope he will.

Senator METCALF. That is a statement that I am in complete accord with.

Senator BIBLE. I am sure the committee can work this problem out to the satisfaction of the Senator from New Mexico, and the sponsors of the bill.

I might say, as I attempted to say a few moments ago, this is almost word for word the same section that we used in Lake Mead National Recreation Area on hunting and fishing. This has been in operation for 30 years. On the basis of experience it has worked out very well. It has caused no problems. And I am sure that language like or similar to this would work out equally well with the Big Horn Canyon National Recreation Area.

Any further questions of Senator Metcalf?

Thank you very much, Senator.

At this point in the record, Mr. Reporter, please include the statement of Senator Gale McGee, a cosponsor of this legislation, and have it incorporated in full, on Senate 2048.

(The statement referred to follows:)

STATEMENT OF HON. GALE MCGEE, A U.S. SENATOR FROM THE STATE OF WYOMING

Mr. Chairman, I deeply appreciate the opportunity to present this testimony to your committee on a project that I believe will provide a badly needed increase in recreational opportunities in Wyoming and Montana.

It does not take much vision to realize that one of the prime needs of coming generations in this country will be recreational areas to match our expanding population and increasing leisure time. By the year 1970 more than 214 million Americans will be looking for recreational space. As the largest landholder in the western portion of the United States, the Federal Government has a sizable obligation to do its best to make sure that recreational space is there.

The Big Horn Canyon National Recreational Area will fulfill a real need for additional recreational outlets in the areas of north-central Wyoming and south-central Montana. The water backed up by the Yellowtail Dam at the northern end of the recreation area will create a large lake amid some of the most spectacular scenery in the country. I refer to the Big Horn Canyon, whose stone walls rise from 800 to 2,200 feet above the water level. When this lake is filled it will provide a reservoir 71 miles long with a shoreline of 195 miles. The total acreage of land and water will be 63,287.

This is an area, between the Big Horn Mountains in Wyoming and the Pryor Mountains in Montana where the Great Plains merge with the Rocky Mountains. The visitor will be able to see terrain and vegetation typical to both areas in an area of wild beauty and rugged landscapes.

I will not go into detail on the variety of recreational outlets this area will afford, it will be ideal for camping, fishing, hiking, picnicking, horseback riding, swimming, water sports, and many more outdoor activities. The need for such facilities in this area can be illustrated by the fact that the Park Service estimates that by 1970 local residents—those within 100 miles of the recreation area—will spend 154,000 visitor-days there each year. This number will be swelled by an additional 562,000 visitor-days by tourists and others further away.

One further factor which supports the immediate development of this recreation area is its low cost. The Park Service estimates that basic acquisition and development costs will be about \$7.7 million. And when full recreational use of the area is reached, it will return annual monetary benefits of \$1,011,000, which is indeed a most favorable ratio.

Mr. Chairman, the Big Horn Canyon National Recreation Area meets all the requirements for a recreation project. It represents a constructive step in meeting present recreational needs and preparing for those in the future. Those of us who live in the West have enjoyed the bounties and beauties of nature and we hope that our children and grandchildren will have the same opportunities to enjoy nature and the relaxation and peace of mind that can come with outdoor recreation. This recreation area is clearly an advance toward that end.

Senator BIBLE. Our next witness on this legislation will be Howard Baker, the Assistant Director of the National Park Service.

Mr. Baker?

**STATEMENT OF HOWARD BAKER, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE; ACCOMPANIED BY FRANK E. HARRISON, CHIEF, DIVISION OF LEGISLATION AND REGULATIONS**

Mr. BAKER. Mr. Chairman, and members of the committee, S. 2048 would establish the Big Horn Canyon National Recreation Area in the States of Montana and Wyoming. The area will provide the public with excellent water-oriented recreational activities, now so rare to this vast inland region, along the 71-mile long reservoir being created by Yellowtail Dam, currently under construction on the Big Horn River.

The river-type reservoir will twist southward from the dam between steep canyon walls, seldom wider than 1 mile except at its upstream end, beyond Big Horn Canyon, where it will spread in shallow depths to a maximum width of 2 miles. The Interior Department's Bureau of Sport Fisheries and Wildlife plans a waterfowl and upland game management project in this area.

The recreation area's total area would be about 63,300 acres, including a reservoir water surface of some 17,300 acres. Almost 90 percent of the area covered by this bill is already in Federal ownership. Of the remainder, 719 acres are Montana State lands, and some 6,418 acres are private holdings, 4,560 in Montana and 1,858 in Wyoming.

As envisioned by the Department of the Interior, this area will provide water sports, including all types of boating, along with hunting, fishing, hiking, riding, and sightseeing, so that the vacationist or the weekend visitor can choose outdoor activity to suit his tastes. As is the case with all such areas, our guiding principle will be preservation of natural and historic features with development of facilities for the maximum public enjoyment.

Yellowtail Dam, now being erected in Montana by the Interior Department's Bureau of Reclamation, will be one of the largest dams in America, a spectacular concrete arch 500 feet high and 1,445 feet long at its crest. Hydroelectric power generation is its primary purpose, other purposes being flood control, irrigation, and sedimentation storage. It is scheduled to start storing water toward the end of this year.

This legislation would provide a firm statutory basis for the creation of this new national recreation area as recommended by the President's Recreation Advisory Council. It represents an opportunity for the Congress to add a significant new facility to the national system of parks, seashores, and recreation areas.

The bill before you today would not take in any part of the Crow Indian Reservation, whose lands will border about two-thirds of the reservoir's 195-mile shoreline. The bill under discussion, however, provides that Crow Indian lands can be included in the recreation area at the request of the tribal council. The bill stipulates that such lands may be developed and administered as parts of the recreation area subject to any limitations specified by the tribal council and approved by the Secretary of the Interior.

The National Park Service, the Bureau of Indian Affairs, the Crow Indians themselves, and consultants retained by the Crow Tribal Council have now completed studies of the recreation potential of the Indian reservation. The results of these studies will assist the Indians in determining the nature and extent of their participation in the full recreational development of this area.

The Crow Indian Tribe will realize substantial financial benefits from Big Horn Canyon National Recreation Area, especially if the Tribe decides to participate directly in the coordinated recreational development of the area.

The Bureau of Reclamation is also constructing an afterbay dam, 2½ miles downstream from the main structure, to offset the fluctuations in outflow and provide a relatively even supply of clear, cool water in the river. Among other things, this will greatly enhance trout fishing on this stretch of the river.

In cutting the 47-mile-long Big Horn Canyon, the river has exposed geologic formations dating back many millions of years, producing highly scenic erosional features. And the area's mountains—the Big Horn Range to the east, the Pryor Mountains to the west—are part of a large, anticlinal arch which extends northward from central Wyoming into southern Montana. Geologists are still studying these ranges in an effort to determine how they came into being.

When the new dam backs up water to form this reservoir, the American public for the very first time will be able to easily view the canyon's spectacular walls, with colors ranging from pale yellows to the intense reds of some exposed shale. More adventurous visitors can explore nearby caves and tributary canyons. Except for occasional float trips, Big Horn Canyon itself has been practically inaccessible.

This remarkable natural setting also includes lush upland prairies between the two mountain ranges. In May and June, these grasslands are covered with flowers. Dwarf juniper, mountain mahogany, chokecherry, sumac, buffalo berry and sage grow on the hillsides.

In their natural habitats near the reservoir site are elk, mule deer, black bear, grouse, waterfowl, cottontail, muskrat, beaver and mink. The Crow Indians maintain a buffalo herd on the eastern side of the canyon, and wild horses from unclaimed ranch stock range through the Pryor Mountains to the west.

The National Park Service proposal permits continuation of grazing, and the bill directs that hunting and fishing shall be permitted in accordance with State law.

Archeological studies indicate that primitive man may have inhabited the Big Horn Canyon area more than 4,000 years ago. The Smithsonian Institution is continuing archeological studies at several sites in the canyon.

The approximately 6,400 acres of private lands to be acquired, incidentally, are largely undeveloped rangelands. We estimate they will cost no more than \$313,000, with purchases spread over a 4-year period. Development costs during the first year after establishment will be \$727,300, ranging upward to \$2,270,000 in the third year, then declining so that over the first 5 years they will total slightly more than \$5.5 million.

Gentlemen, the Big Horn Canyon National Recreation Area will offer something for everyone in the way of healthful outdoor activity, and offer it at a Federal cost far below those we must pay for recreational development in our Nation's more populous areas. I respectfully urge you to satisfy yourselves as to its merits, to ask us any questions that come to mind. Then, we hope that you will decide, as we in the Department of the Interior have decided, that it is worthy of this committee's endorsement.

I thank you.

Senator BIBLE. Thank you, Mr. Baker.

I would like to have you furnish for the record or testify from your own knowledge the manner in which you arrive at the \$51½ million development cost. I recognize that it is going to cost a considerable amount of money to open this area up with roads and with trails and with campgrounds and campsites and boat ramps, boat launchings, and that sort of thing.

Do you have a detailed breakdown as to how you arrive at \$51½ million over a period of 5 years?

Mr. BAKER. I would like to explain, Senator Bible, that this \$51½ million covers the first 5 years. Actually, our total long-range development cost would be in the neighborhood of \$10 million.

Senator BIBLE. And that is over how long a period of time?

Mr. BAKER. That could go on as long as 10 years.

Now, there will be one other item that is rather indefinite at this time.

The bill provides that the Crow Indians may propose that certain of their lands be added to the national recreation area. Now if that happens, it is possible that our development costs might be in excess of what we show at this time.

Senator BIBLE. As I understand it, you are assuming that the Crow Indian Tribe is not coming within the territorial boundaries of this proposed recreation area. Your figures are based upon the development of the area within the jurisdiction of the Park Service?

Mr. BAKER. As proposed by the bill, that is right.

Senator BIBLE. As proposed by the bill.

Mr. BAKER. Yes.

Senator BIBLE. That is approximately \$51½ million for the first 5 years, probably an overall \$10 million for a period of 10 years?

Mr. BAKER. That is right.

Senator BIBLE. Now, again, because I don't think your answer was responsive to my question, what do you do with the \$51½ million for the first 5 years? What do you end up with?

Mr. BAKER. The first thing we will have to do will be to build the launching ramps that are necessary. We hope to do that—

Senator BIBLE. Did I understand your answer correctly, these are the ramps that you are going to put in as the lake goes up and down?

Mr. BAKER. That is right.

Senator BIBLE. Ramps?

Mr. BAKER. We will also have to build some access roads.

Senator BIBLE. Can you tell us how much you have budgeted for building of ramps?

Mr. BAKER. I don't have it broken down just in that category. I can break it down generally.

Senator BIBLE. Why don't you generally tell us. You are asking the committee to approve a bill. The acquisition cost of the land will be \$313,000.

Mr. BAKER. That is right.

Senator BIBLE. The development cost over a period of 5 years will be \$5½ million.

Mr. BAKER. Yes.

Senator BIBLE. That is a pretty sizable chunk of money. What will you do with \$5½ million, just roughly?

Mr. BAKER. I can furnish that for the record, Senator.

Senator BIBLE. Can you testify to it generally, how much you are going to spend for roads and trails, how much you are going to spend for visitor centers, how much you are going to spend for campsites, how much you are going to spend for ramps?

Mr. BAKER. In the first 5 years we plan a visitors' center which we estimate will cost in the neighborhood of \$250,000, and we are talking now on the basis that this visitors' center, which would be at the Yellowtail Dam area, would be a joint endeavor between the Park Service and the Bureau of Reclamation, so we would have one visitors center for the area.

Also at the Yellowtail Dam area, we will need \$64,000 for access roads at the Box Canyon area. We will need \$155,000 for entrance roads to the visitors center including parking areas, walks, and so forth. We will need \$70,000 for a road development connecting the road proposed south from—

Senator BIBLE. What is the total amount that you have set out for roads and trails?

We certainly recognize you have got to connect this area up and make it accessible. Would that take about half the amount of your \$5½ million?

Mr. BAKER. As I recall, Senator, and I will find it here just as soon as I can, I think it is a little over \$2 million for roads and trails, and the remainder of the \$5½ million, which would be \$3½ million, would be for physical buildings and utilities.

Senator BIBLE. All right.

Now, what type of buildings are you going to build there?

You testified to a visitors center that will cost you \$250,000.

Mr. BAKER. Boat launching ramps would be chargeable to our buildings program. We have utilities.

Senator BIBLE. How much do you figure for ramps?

Mr. BAKER. It depends on the length of the ramps, of course.

Senator BIBLE. I know, but you must have some idea what your ramps are going to cost.

Mr. BAKER. They will cost us more than \$80,000 apiece.

Senator BIBLE. What is the total cost of the ramps that you are going to put in this area? You come up with a \$5½ million figure. All I want you to do is to justify the figure, how you arrive at it.

Mr. BAKER. We have three ramps involved, so it would be in the neighborhood of \$350,000 to \$400,000.

Senator BIBLE. Very well.

Now, how many other buildings are you going to put there besides the visitors center which cost \$225,000 to \$250,000, the ramps cost

\$350,000. Now, you testify to the physical structures. What are those physical structures, 1, 2, 3, 4, 5, and how much will each of them cost?

Mr. BAKER. We are going to have to have housing for a certain number of our employees, the people who will be stationed there permanently. We will have possibly in the first 5 years—we have the figures here.

Senator BIBLE. Maybe you have someone else here?

I am not trying to confuse you at all, Mr. Baker. The committee members may ask me what are you going to spend the \$51½ million for, and I want to be in a position to answer them.

Mr. BAKER. May I go back, then?

Here is a breakdown between roads, trails, buildings, and utilities. I see the roads and trails estimate now is \$41½ million and the buildings and utilities will be \$1 million.

Senator BIBLE. You are testifying now that in the first 5 years you are going to spend \$41½ million for roads and trails?

Mr. BAKER. That is right, and \$1 million for buildings and utilities.

Senator BIBLE. \$1 million for buildings and utilities.

All right, now for the \$1 million you are going to get a visitors center that will cost you \$225,000, you are going to get ramps that will cost you \$300,000.

That leaves you about a half million dollars. What are you going to do with the half million dollars?

Mr. BAKER. The rest of it will be for utilities. We will have to have water and sewage systems in the major developments, as shown in orange on that map. We will have to have housing for our permanent personnel. We will have to have campground facilities for camping areas and picnic areas, and this will, of course, include ranger stations or caretakers cabins and so forth.

Senator BIBLE. And then the next 5 years you envision the expenditure of another \$5 million. Of that \$5 million how much will be used for roads and trails?

Mr. BAKER. I don't have a breakdown on that one.

Senator BIBLE. If you don't have that on the second five, I guess we can just kind of see where we are going on the first five. You can furnish that for the record.

Mr. BAKER. I can try to furnish that for the record.

Senator BIBLE. I wish you would. I think they want to have a 10-year look at this program. It is about a 10-year program. It is going to cost about \$10 million.

Mr. BAKER. That is right, sir.

Senator BIBLE. I don't think that is an undue amount of money for the great area that you are going to open up, and undoubtedly the great visitation you will have, but I do want for the record some idea of exactly how you are going to spend it.

Now, I think you have covered the first 5 years fairly well, and I would like to have you cover the next 5, and supply it for the record.

(The information requested is as follows:)

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington, D.C., June 10, 1964.

HON. ALAN BIBLE,  
Chairman, Subcommittee on Public Lands, Committee on Interior and Insular  
Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: During the hearings of May 29 on S. 2048, a bill to provide for the establishment of the Big Horn Canyon National Recreation Area, Mont., your committee requested a breakdown of the estimated cost of development over the 10-year period from the date of establishment of the area.

Enclosed is a detailed statement of development costs in terms of "roads and trails" and "buildings and utilities" for the first 5 years and for 5 years thereafter. As the Department's witness testified, we anticipate that the total development will be spread over this 10-year period.

Certain questions pertaining to the recreational development of Crow Indian lands adjacent to the reservoir were also raised at the hearing. We anticipate that these questions will be resolved shortly and we will contact your committee further in this regard.

Sincerely yours,

HOWARD W. BAKER,  
Assistant Director.

*Big Horn Canyon National Recreation Area proposal (S. 2048)*

Estimated cost of development:	
1st 5 years-----	\$5,566,300
Future years (6 to 10)-----	4,831,445
Grand total-----	10,397,745
Breakdown of development 1st 5 years:	
Roads and trails:	
Circulation and access roads and parking-----	3,993,000
Boat ramps (3)-----	418,000
Campground, picnic, and service roads-----	150,000
Total, roads and trails-----	4,561,000
Buildings and utilities:	
Public contact buildings-----	250,000
Boat docks, marinas, and related facilities-----	321,300
Employee housing (permanent and seasonal)-----	160,000
Utility buildings-----	20,000
Campgrounds and picnic areas-----	254,000
Total, buildings and utilities-----	1,005,300
Breakdown of development future years (6 to 10):	
Roads and trails:	
Circulation and access roads and parking-----	\$2,215,845
Trails and paths-----	69,500
Campground roads-----	190,000
Total, roads and trails-----	2,475,345
Buildings and utilities:	
Interpretive facilities-----	350,000
Utility buildings-----	100,000
Utilities-----	70,000
Site development-----	206,500
Employee housing (permanent and seasonal)-----	620,000
Signs and markers-----	51,900
Water related facilities-----	50,000
Campground and picnic grounds-----	907,700
Total, buildings and utilities-----	2,356,100

Mr. BAKER. All right.

Senator BIBLE. Now, may I ask you one other additional question? It was one that was prompted by the query of the Senator from Montana, Mr. Metcalf, when he testified.

As you know, your official report on page 4 in the third paragraph states, in part, as follows:

Line 13, page 3, then the next sentence which is the one to which I am directing your attention: "In order to clarify the reference to administrative authorities in section 3(b) we recommend deleting 'to carry out the purposes of this Act' on page 4, line 3, and substituting 'for recreation and preservation purposes and for resource utilization not incompatible therewith.'"

Now, why did you substitute those words for the words "to carry out the purposes of the Act"? What do you gain by it and what is the necessity for it?

Mr. BAKER. Senator, I would like to refer you to section 3.

On page 3 of the bill starting on line 16, the bill refers to the management, utilization, and disposal of renewable resources in a manner that promotes or is compatible with and does not significantly impair public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

It is our thought that the recommended revised wording would be necessary to be sure that the intent of section 3 was adequately covered.

Senator BIBLE. I don't think you would get it under the words introduced in the bill "to carry out the purposes of this Act."

I think that is a point that the subcommittee can resolve. I don't think it is too important a point.

The Senator from New Mexico?

Senator ANDERSON. No questions.

Senator BIBLE. The Senator from Arizona.

Senator HAYDEN. No questions.

Senator BIBLE. Senator Jordan?

Senator JORDAN. Mr. Baker, do you have other situations of dual management of the National Park Service with Indian tribes in recreation areas?

Mr. BAKER. Not in recreation areas that I know of, Senator Jordan, but there is a national monument, I believe it is Canyon De Chelly in which we actually have lands that are owned by the Indians. We operate a part of the reservation lands under an arrangement with the Indians.

Senator JORDAN. Have you been able to work out a satisfactory arrangement with them?

Mr. BAKER. As far as I know, we have, sir.

Senator JORDAN. Turning now to some supporting data that comes from the Department of the Interior, having to do with civilian employment, I am looking at a sheet that says, "Subject matter: Legislation to provide for the establishment of the Big Horn Canyon National Recreation Area," the estimated additional man-years of civilian employment and expenditures for the 5 years of the proposed new or expanded program, and I look under a column headed "Schedule." And I ask you if it is true that you expect to have ultimately permanent personnel of 41.

Mr. BAKER. Yes, sir.

Senator JORDAN. And then the item below there, total estimated additional man-years of civilian employment, 44.

Mr. BAKER. That would be seasonal employment, sir.

Senator JORDAN. Man-years?

Mr. BAKER. Yes.

Senator JORDAN. This says man-years.

Mr. BAKER. That is right.

Senator JORDAN. But it would add up to 44 man-years?

Mr. BAKER. That is our estimate, sir.

Senator JORDAN. A total of 85 permanent?

Mr. BAKER. No, we would have 41 permanent employees.

Senator JORDAN. Yes.

Mr. BAKER. Forty-one man-years of permanent employees, and 44 man-years of seasonal employees.

Senator JORDAN. Yes. In other words, there would possibly be three or four times that many for a shorter period of time, and you are to end up with 44 man-years of seasonal employment?

Mr. BAKER. Because of the weather conditions in this part of the country, we would have most of our employment in the summertime.

Senator JORDAN. I can appreciate that.

Now, my next question is this: This is to administer approximately one-third of the shoreline of the reservoir? That is the part that you will be administering, isn't it?

Mr. BAKER. Pardon me, I didn't get your question.

Senator JORDAN. The part you will be administering will be approximately one-third of the reservoir shoreline?

Mr. BAKER. No. We will administer all of the recreation area as outlined on the map over there. The reference to one-third of the shoreline is in relationship to the ownership of the Indians.

Senator JORDAN. Yes.

Mr. BAKER. Now, the Indians do not own right down to the shoreline. The Bureau of Reclamation has acquired the land that is necessary to create the reservoir.

Senator JORDAN. Then you have possibly answered my question. Then the 85 man-years required to administer this project would be for the whole administration and not for one-third of it?

Mr. BAKER. That is right. Sorry.

Senator JORDAN. It would include the area that extends into the Crow Indian Reservation for administration?

Mr. BAKER. I am sorry, Senator. I am told now that the total that you are reading, going back to the page you are referring to, the total is 44 man-years. You see, we have some seasonal employment listed up there under seasonal rangers and seasonal interpreters which I overlooked. There is an item of 7 seasonal rangers and interpreters—they are seasonal people, so you have to take that out of the 41. It makes the total 44 man-years of employment.

Senator JORDAN. Then why do you have the total estimated additional man-years of civilian employment?

Senator BIBLE. Can Mr. Harrison respond to that, one or the other of you?

Just be seated, Mr. Harrison.

Mr. HARRISON. Senator Jordan, the word "additional" is used in the context of increased employment which will result from enactment of this legislation. The Bureau of the Budget requires that we furnish with each piece of legislation an estimate of the increase in cost and in personnel that will result to the Government by virtue of the enactment of the legislation. So, "additional" is used in this instance for that reason.

In other words, the bill will result in this additional amount of personnel. That is the significance of the word in this case.

Senator JORDAN. Then the total is not 85? The total is 44?

Mr. HARRISON. That is correct.

Senator JORDAN. The total is 44. That is confusing to me, and I wanted it cleared for the record.

Senator ANDERSON. You mean that additional does not mean addition?

Mr. HARRISON. It means additional in the broadest sense in that it is an additional cost to the United States.

Senator ANDERSON. How broad a sense can you get additional? It is additional or it isn't. What has the broad sense got to do with it?

Mr. HARRISON. The last line of the attachment to the Department's report of April 30, 1964, doesn't mean that the 41 is in addition to the 41 shown in the previous line, but the total additional employment of the Government as a result of this legislation.

Senator ANDERSON. You make it very clear.

Mr. HARRISON. It is difficult to explain, sir.

Senator BIBLE. We had better leave the record where it is, I think. I think the only point is this: Senator Jordan wanted to know how many permanent employees you had and how many seasonal employees you had in the fifth year of your operation. I think that is the only point he was trying to ask.

What is the answer to that question? How many permanent employees do you have in the fifth year of operation, how many total plus seasonal?

Mr. BAKER. You have me all confused now.

Mr. HARRISON. Senator, the total number of employees that will result from the enactment of this legislation is 44. It is composed of 41 employees in the category called substantive, one in the category administrative services and support, and the two people who are under the category executive direction, making a total of 44 people altogether, sir.

Senator BIBLE. You have got that 41 plus 3 is 44, but of that 44 how many are seasonal?

Mr. BAKER. I have totaled it up here, Senator. It totals up to 15 permanent.

Senator BIBLE. Fifteen are permanent. Then the balance would be seasonal?

Mr. BAKER. The balance are seasonal.

Senator BIBLE. That is the answer we want.

Mr. BAKER. Yes.

Senator BIBLE. The Senator from Wyoming.

Senator SIMPSON. Mr. Chairman, I think there are a number of things here that have got to be cleared up.

You have certainly got me confused now. I want you to be awfully sure that you are giving the committee the proper data with respect to the administration of these areas.

I think your testimony probably is a little bit confusing now.

It is my understanding that the two-thirds shoreline which comes out of the Indian reservation to which the Indian lands run right down to the shore is to be administered by the Indians, am I not right?

Mr. BAKER. You are right, sir.

Senator BIBLE. That wasn't your statement earlier.

Are we clear on this?

Mr. BAKER. I said, Senator, that we would be administering the water within the reservoir.

What the Senator just asked me with reference to the Indian reservation, is whether the Indians will administer their lands that they still hold down to the land that is owned by the Bureau of Reclamation.

Senator ANDERSON. The Senator from Wyoming said shoreline. Can't you identify where the line of authority is?

He said shoreline, didn't you, Senator Simpson?

Senator SIMPSON. That is right.

Senator ANDERSON. What is the answer on the shoreline? Who administers down to the shoreline? Never mind the land of the Bureau of Reclamation.

Mr. BAKER. Senator Anderson, the Bureau of Reclamation in buying land to construct this reservoir purchased certain lands from the Crow Indian Tribe in order to provide enough land for the reservoir to flood. Now, this means that there is a section of land above the high water of the reservoir that will be owned by the Federal Government.

The Crow Indian Tribe will administer their land that they still own down to that line.

Now, that line varies because of the topography, and so forth. But it is a very, very narrow line, approximately in the neighborhood of 300 feet.

Senator ANDERSON. 300 feet? Therefore, they will have control of boating facilities and all the recreation activities?

Mr. BAKER. No, because there will be an area in there that is public land above the reservoir water level that will be administered by the National Park Service.

Senator BIBLE. The Senator from Wyoming?

Senator SIMPSON. May I yield to my colleague from Montana, a member of this committee, because I am sure that he has something to submit here that will help clarify this matter.

Senator BIBLE. The Senator from Montana.

Senator METCALF. Thank you, Mr. Chairman. I think that there will be another massacre near the Custer battlefield if that interpretation is put on this legislation.

It is my understanding that insofar as the building of boat ramps and recreational—water based recreational resources within the Crow Indian Reservation right down to the shoreline will be under the administration of the Crow Tribe and under joint operation with the Secretary of Interior. It is our intent in enacting this legislation that that recreation resource be left to the Indian tribe.

I understand that you are taking some land, and it won't be exactly the same as the shoreline, but as far as recreation resources are concerned, it is certainly the intent of the Senators from Montana that the Crow Tribe will build the landing ramps and the boathouses and all those things right down to the water. I want that understood.

Senator ANDERSON. I understand the reason for the Senator's anxiety, because some of us have the same anxiety.

When they finished Grand Canyon Dam, it was proposed that a certain tribe of Indians be given all the recreation facilities, even though they did not own the land. When they finished, with the Navajo Dam, the same situation arose even though it is far away from the Navajo Reservation, and I understand the Indians aren't going to be allowed this.

You say in your statement:

The bill before you today would not take in any part of the Crow Indian Reservation whose lands will border about two-thirds of the reservoir's 195-mile shoreline.

Now, either it will or it won't.

Will it or won't it?

Mr. BAKER. Senator, the plan which you see on the board does not include any development on Crow Indian Reservation land at this time because we have not got together with the—

Senator ANDERSON. I understand. I wasn't looking at the board. I was asking from your own statement, your statement says: "The bill will not take in any part of the Crow Indian Reservation."

Mr. BAKER. That is right.

Senator ANDERSON. Senator Metcalf has very correctly pointed out if it subsequently develops that the Government owns the 300-foot strip and it has charge of the boat docks and it has charge of all the recreation, we will be faced with another Custer massacre, because they will have been misled by your own statement.

In your own statement you say, "Their lands will border about two-thirds of the reservation's 195-mile shoreline."

Now, border does not mean approach, does it?

Mr. BAKER. No, I don't think so.

Senator ANDERSON. It means border. If it borders that much, who is in control of the recreation areas, the Indians?

Mr. BAKER. The Indians will control the development on the land; yes, sir.

Senator ANDERSON. That would be a good place to leave it.

Senator METCALF. Yes, let's leave it that way.

Senator BIBLE. Senator Simpson?

Senator SIMPSON. The other question that we have to clarify, thanks to the colloquy between the Senator from New Mexico and the Senator from Montana, is the question of this game and fish business in the two States, and I have some questions here which I think you can answer, Howard, pretty direct, and let's get this thing clarified and make it crystal clear, because otherwise we run into some great difficulties, as you well know.

The witness is familiar with the situation that exists between the State of Wyoming and the National Park Service with respect to the elk herd in the Grand Tetons. Would a similar arrangement be

worked out with the Montana Game and Fish Department and the Wyoming Game and Fish Department?

Will that be worked out there?

Mr. BAKER. Senator, this plan for cooperation in the Big Horn Canyon area would be quite different from the Grand Teton legislation. At Grand Teton, the law provides that the National Park Service and the Secretary of Interior will jointly conclude with the fish and game commission and the Governor of Wyoming that certain reduction of elk is necessary within Grand Teton National Park, and that reduction will be done through hunting by people who are deputized, who have a State hunting license, and are then deputized as park rangers.

In this case, the Secretary of the Interior will manage the fishing and hunting on the area, but in accordance with State fish and game laws.

Senator SIMPSON. Then let me ask you this question: Will the fishermen have to have a Wyoming fishing license to fish on the Wyoming side of the Big Horn Canyon recreation area?

Mr. BAKER. In my understanding, yes, sir; they would.

Senator SIMPSON. And similarly on the Montana side with a Montana license?

Mr. BAKER. Yes, sir.

Senator BIBLE. In that connection, I might suggest that we have a comparable problem in Lake Mead, which has common boundary lines between Arizona and Nevada, and they work out by special statute with the State of Arizona a joint license so that you can buy one license and it operates in both States.

I imagine something along that line would be indicated here, because it is pretty hard to know when you are in Wyoming and pretty hard to know when you are in Montana, if you are out on a body of water.

Mr. BAKER. That is a great help, too, Senator, and we are hoping to do that at Flaming Gorge. I think the States are now working together on that very same problem.

Senator SIMPSON. Yes, and that is why it is important to clarify this thing and not leave it in the conjectural area, because the record discloses in national parks no State licenses are required, as you know.

That is correct, isn't it?

Mr. BAKER. State licenses are required in Grand Teton National Park to fish.

Senator SIMPSON. Yes, but not in Yellowstone.

Mr. BAKER. There is no license required in Yellowstone.

Senator SIMPSON. Under what circumstances are the Wyoming licenses allowed in the Grand Teton National Park.

Mr. BAKER. Because we do not have exclusive jurisdiction there.

Senator SIMPSON. Howard, I don't know why I don't hear you. Is your microphone on?

Mr. BAKER. Yes.

Senator BIBLE. Could we have some staff member give Mr. Baker a little bit of assistance? We are having great difficulty hearing him.

Mr. BAKER. At Grand Teton National Park we do not have exclusive jurisdiction. Therefore, the State of Wyoming has authority to assess a fishing license fee in the park.

Senator SIMPSON. Would that not be the same here? You would not have exclusive jurisdiction.

Mr. BAKER. That is right.

Senator SIMPSON. Then I want to ask you this question: Will the States of Wyoming and Montana be responsible for and have control of the fisheries and wildlife resources, or will the National Park Service be responsible and have control?

Mr. BAKER. Section 4 of the bill before you provides that the administration of hunting and fishing will be under the control of the Secretary of Interior, but he will do it in consultation and cooperation with the fish and game departments of both States. The Secretary of Interior will have the authority to close certain areas to hunting and fishing in accordance with the stipulation as set forth in the proposed legislation for public safety or development areas, and so forth.

Senator SIMPSON. That provision denies the actual positive statement with respect to section 4, does it not, that exception, it virtually denies it, does it not?

Mr. BAKER. I wouldn't think so, sir.

Senator SIMPSON. Well, I wanted to get your ideas.

Senator ANDERSON. Would the Senator yield?

Senator SIMPSON. I yield to the Senator.

Senator ANDERSON. You used the term "consultation and cooperation."

Mr. BAKER. Yes.

Senator ANDERSON. Where do you find the word "cooperation" in the bill?

Mr. BAKER. I am sorry, I was using that as my own interpretation. It isn't actually in the bill, I don't believe.

Senator ANDERSON. No.

Mr. BAKER. I am sorry.

Senator ANDERSON. Now, when an appropriation item comes up I can have consultation with my able friend from Arizona, but he will put in the bill what he well pleases, won't he? The Secretary may consult as much as he wants to, but he doesn't promise that he will cooperate, necessarily.

He ought to and we all want him to, but he doesn't have to.

I don't think there ought to be any misunderstanding on that point. He will control, and you have said that earlier, that he will control it, and let us hope that he is smart enough to do it in cooperation with the States, but the law won't compel him to do so.

Mr. BAKER. That is right.

Senator BIBLE. The Senator from Wyoming.

Senator SIMPSON. Look at section 3(b) of the proposed enactment, Mr. Baker. I would like to have you clarify it.

In the administration of the area for the purposes of this act the Secretary may utilize such statutory authorities relating to areas administered and supervised et cetera, by the Secretary and the national park and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this act.

What authorities are available? What is in the mind of the Park Service on this?

Mr. BAKER. I would like to have Frank Harrison answer that.

Mr. HARRISON. Senator, I may preface this by saying, as you know this is the language which has been before this committee in the national seashore legislation that has been enacted. It is authority which goes beyond the 1916 Park Act. It is intended to give the Secretary general authority to administer these areas in accordance with—for instance, the various authorities available to him with respect to mineral leasing. His authority with respect to permitting the harvesting of timber could be used. It is broad authority, sir.

It is intended to do more than simply provide authority for preservation in the sense of a national park as we have thought of it in the past.

Senator SIMPSON. I can agree in some part. Of course the Senators from Montana and Wyoming are very eager to see this legislation enacted, but by the same token if we don't clarify some of these features in here which seem to be pretty vague and unconfined, I think we will be held responsible by our constituencies in the two States.

What governmental entity would be responsible for policing and controlling the surface uses of the water?

Mr. BAKER. The National Park Service.

Senator BIBLE. Might I interject and ask a question which continues to trouble me, and I ask it at this point with the Senator's permission, because I keep coming back to your own statement.

The bill before you today would not take in any part of the Crow Indian Reservation whose lands will border about two-thirds of the reservoir's 195-mile shoreline.

Now, I take it from that that I could put a boat into the water as the reservoir fills, within the jurisdiction of the Crow Indian tribe. Is that or is that not true?

Mr. BAKER. There would be no way to get the boat in in the first place.

Senator BIBLE. Why?

Mr. BAKER. Because it is in an inaccessible area.

Senator BIBLE. Somewhere along the way, though, you are going to develop this area so that you can get to the water, aren't you? Two-thirds of it is along the shoreline.

Mr. BAKER. We are going to develop the land that is outside the Crow Indian Reservation. If the Crows want to participate, we will work with them and perhaps some of their land, as the bill actually provides, will be added to the national recreation area and developed.

Senator BIBLE. The purpose of my question is this: Assuming that I can get my boat onto these waters by virtue of coming through the Crow Indian Tribe land, who, then, has jurisdiction if I come in via the tribal land? Does the tribal council have jurisdiction or does the National Park Service?

Mr. BAKER. After you get your boat on the water, sir, you are under the National Park Service jurisdiction. While you are getting your boat to the water, at the present time you are under the Crow Indian Reservation.

Senator BIBLE. Then if I go swimming on the water that laps on the lands of the Crow Indian Tribe, am I under the jurisdiction of the Park Service or the Crow Indian Tribe?

Mr. BAKER. You are under the jurisdiction of the National Park Service.

Senator BIBLE. The minute I put my foot in the water?

Mr. BAKER. Yes, sir.

Senator BIBLE. So long as I keep my foot on land, the foot that is on land is under the jurisdiction of the Crow Indian Tribe and the foot that is in the water is under the jurisdiction of the National Park Service, is that correct?

I am not trying to confuse you. I think you have an area here that has to be clarified. I think you are going to get into countless trouble in the years ahead, and maybe it is something that we can't thresh out here by questioning the witness, but I am sure that we had better have a pretty clear understanding of where we are heading, particularly in view of the fact that two-thirds of this shoreline, according to your own testimony, belongs to the Crow Indian Reservation.

Mr. BAKER. But when we talk about shoreline, Senator, I think we are talking about the flood stage shoreline. Now, the Bureau of Reclamation has had to acquire—

Senator BIBLE. That isn't what this sentence says. This sentence doesn't say flood stage shoreline, and I am only suggesting this not only to the Park Service people who are the authors of the bill, because I think we are moving into an area here that can cause constant friction in the years ahead, and I don't know that it can be resolved here, but I think we had better take a good, close, magnified look at this.

Senator ANDERSON. Let me ask a question there. When you say the flood stage shoreline, that only exists a very small part of the time.

Mr. BAKER. That is right.

Senator ANDERSON. Do the Crow Indians understand that they won't have a bit of jurisdiction over this area at any time thereafter, and have they agreed to that?

Senator SIMPSON. I wish the Senator would propound that question again. I want the Senator from Montana to hear it.

Senator ANDERSON. I simply say since you said that the line is going to be the flood stage shoreline, and I get into this only because we had a long discussion at one time about submerged lands, tide-lands, and various other kinds of lands, that the shoreline at the flood stage is obviously higher than the normal shoreline of the area, and, therefore, all land between that belongs to the Park Service.

Now, do the Crow Indians understand that under the terms of this bill they will not have jurisdiction and control of these shorelines and will not have the right to license boats or arrange for fishing or things of that nature?

Mr. BAKER. That is my understanding, sir.

Senator ANDERSON. That they do have it? I am trying to find out what is their understanding.

Mr. BAKER. They understand that the Bureau of Reclamation has acquired a right along that river and a part of that acquisition was from Crow Indian land. And so they know that they have no right within the area acquired by the Bureau of Reclamation for the construction of the reservoir.

Senator ANDERSON. Mr. Chairman, I think it would be important if we had a Crow Indian to testify because some Indian might not agree with that.

Senator METCALF. The Senator from Montana.

Senator ANDERSON. Disagrees with that?

Senator METCALF. Yes.

Senator ANDERSON. I know he is speaking for them because I know the Indians are sensitive on these points, or I think I know it.

Mr. BAKER. May I say this: I understand the Bureau of Reclamation bought in fee land to an elevation of 3,675 feet. Flood stage actually is less than that. It is 3,657 feet.

Senator ANDERSON. So they never come down to the water's edge?

Mr. BAKER. That is right.

Senator ANDERSON. That is hardly the way you have your statement, is it? Didn't you say in your statement that:

The bill before you will not take in any part of the Crow Indian Reservation whose lands will border about two-thirds of the reservoir's 195 mile shoreline.

You don't mean "border," do you? You mean "in the neighborhood of."

Mr. BAKER. Perhaps the word "border" was an unfortunate choice of words, but actually in a broad sense it does border.

Senator ANDERSON. In view of what Senator Metcalf and Senator Simpson have been getting to, if they don't border they ought not to be told they border and I am sure you wouldn't want to tell them that.

Mr. BAKER. No, but my point, Senator, is they already know what the situation is.

Senator ANDERSON. And they are happy about it?

Mr. BAKER. As I understand it, they are.

Senator ANDERSON. I think we had better find that out from them as well. I am not trying to question your statement. I assume that is a correct statement, but it would be different from most Indian tribes who have a chance to recognize recreational values in the land they formerly held. As pointed out by the Senator from Arizona, they have made very attractive developments along rivers. I know this might be very appealing to them. I wonder if the Crow Indians would have sold if they knew that the Federal Government would then exert exclusive jurisdiction over this land.

Senator BIBLE. I think the suggestion made indicates that we had better spell out A, B, C, and D, and very clearly in the law itself exactly where the jurisdictions lie insofar as the National Park Service is concerned and insofar as the Crow Indian Tribe is concerned. I think it will avoid many problems in the future and I think this should be done. I think it can be done so that there can be no misunderstanding on it.

Mr. BAKER. Senator, we are now meeting with the Crow Tribe to determine the extent of their interest in participating in this total program, and a part of those discussions will be the extent to which development will take place on their lands.

Actually, there is not enough land for anybody else but the Crows to do it at the present time.

Senator BIBLE. I am not questioning the negotiations or the understandings that have been reached or attempted to be reached, but I

think we had better spell it out very clearly in the law itself and just solve this in the future.

Senator SIMPSON. Mr. Baker, is the Park Service going to control the use of the waters for purposes other than those stated in section 4? Will it get State approval for such control?

Mr. BAKER. I don't quite know what you have in mind, Senator, but the boating on the reservoir, of course, would be done in accordance with the State laws with reference to boating acts, the licensing of boats, and so forth. That would all be done in accordance with State law.

Senator SIMPSON. Your last exception is except in emergencies any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the two departments. Would you have any objection to the words "consultation and approval"?

Mr. BAKER. The Secretary, by this act, would be given administrative responsibility for the national recreation area, and I don't think it is proper to place him in a position where the States have a veto power over his administration.

Senator SIMPSON. I think I have asked you this, Howard, but just to be sure, in your judgment does the procedure called for in section 4, which relates to hunting and fishing in the recreation area, differ in any substantial degree from the procedure followed in Grand Teton National Park?

Mr. BAKER. I explained that awhile ago, Senator, but it is quite different from the procedure followed at Grand Teton.

Senator SIMPSON. I am talking now about the fish feature.

Mr. BAKER. The fishing at the recreation area will be in accordance with State rules and regulations. At Grand Teton National Park, yes, it is done in accordance with State rules and regulations, but in many cases we have a deeper interest in the State rules and regulations, and I know we have been discussing many times with the State the need for some change in their procedures.

Senator SIMPSON. To what degree, if any, will the State prerogatives and responsibilities over the management of the area be deterred or changed by the designation of the area as a recreation area?

These are questions for the fish and game department, as you probably recognize, and we alerted your department for answers.

Mr. BAKER. The State will continue to establish the hunting season, the fishing season. They will collect the fees. They will license the fishermen. They will license the hunter. They will stock the reservoir. They will be in a position to do research on the reservoir.

So long as these things are all done under the general management of the Secretary of Interior, and so long as they do not conflict with the primary purpose for which the recreation area has been established, I see no reason why they would not be compatible.

Senator SIMPSON. You recognize this constitutes quite an expense to the States of Montana and Wyoming.

Is there any reason to fear that the level of the reservoir would be lowered to such a degree that the fish-feeding grounds and the improvements around the reservoir would be damaged?

Mr. BAKER. That would have to lie with the Bureau of Reclamation because the basic project, of course, is the reclamation project which is designed to develop hydroelectric power and certain flood

control and sediment control, and so forth. While we hope the water level will remain during the use season at a level that will involve a minimum of fluctuation, that responsibility would not be under control of the National Park Service but would be controlled by the Secretary of the Interior.

Senator SIMPSON. When the legislation was being drafted it was said that the Wyoming land privately owned, and that was, I think, in the control of one person, was needed for the building of a road. It was suggested that there was a possibility that the scenic easements and the highway right-of-way could be acquired thus permitting the Wyoming landowner to obtain his fee land and continue to use the land as he is presently doing.

Is the Park Service still agreeable with this possibility and, if so, have you made any plans in that connection?

Mr. BAKER. The land you are referring to, I believe, is owned by Mr. Tillett. Two of our road proposals would actually cross land owned by him. We have had discussions with Mr. Tillett and members of his family and I don't believe that he is particularly interested in a scenic-easement type of approach. It looks as though we may have to actually acquire a good part of his holdings which lie within the recreation area.

Senator ANDERSON. Thank you very much.

Are there other questions?

Senator Metcalf?

Senator METCALF. Mr. Chairman, I again appreciate this opportunity to interject myself into this committee. I have had several consultations with both the representatives of the Crow Tribe and the Crow Tribal Council themselves.

And regardless of the fact that you have told this committee that the Indians understand that they don't own the recreational rights on this reservoir, it has been the basis of all of our discussions and consultations with Ernst & Ernst, with the tribal council and with representatives of the National Park Service, that the water-based recreation on land adjacent to the Crow Tribe shall be developed by the Indian tribe and not by anybody else, and that the fact that you have taken flowage easements and that they can no longer sue for damages for damage to crops or other such damages doesn't enter into our concept that landing ramps, fishing facilities, and all the water-based recreation, whether it is on the 10 feet or 300 feet that you were talking about that belongs to the Bureau of Reclamation, shall be developed by the Crow Tribe for the benefit of the tribe and the tribal council as a result of cooperative agreement with the Secretary of Interior. If you can't have a cooperative agreement for joint management, they will build the roads and make this accessible and build landing ramps and go out into the water and build fishing and diving docks, and so forth.

Now, if that right isn't spelled out in this bill, and if that isn't the understanding of the National Park Service, then we have to submit an amendment to protect the rights of the Indians that I also represent.

Mr. BAKER. I don't disagree with anything you have said because it is our intent that the Crows will have the right to develop water-based recreation facilities on their land—

Senator METCALF. On the land bordering that part of the shoreline that lies within the reservation.

Now, when you say their land, and then you weasel out of it with the Bureau of Reclamation owning the 10 feet between the high water mark and the low water mark or 300 feet or they have taken jagged edges so that it is down there, that isn't their land any more under your concept. But under my concept, it is their land, that shoreline that lies within the boundaries of the Crow Indian Reservation.

(Senator Metcalf later submitted an amendment to the bill S. 2048 that is printed on p. 6.)

Senator BIBLE. It is apparent to the chairman that we have an area here of some difference of opinion. I think above everything else that this must be clarified in the law so that the many, many years that we face in the future we don't have any misunderstandings about it, and I think we can attempt to work out some language that will clarify this, but it appears to me it would be a little hard at this time.

Does the Senator from Wyoming have any further questions?

Senator SIMPSON. One further question: In the Flaming Gorge area, Mr. Baker, Utah and Wyoming have entered into an agreement with the Park Service with respect to management and control there.

Has there been any exploration of that ground with respect to Montana and Wyoming in this area, or is this too early to contemplate?

Mr. BAKER. I don't think we actually have an agreement between the National Park Service and the Fish and Game Departments of Utah and Wyoming at Flaming Gorge. Actually, I think what you are referring to are agreements between the two States. We have discussed the management of the fish and wildlife resources of the Big Horn Canyon recreation area with both State fish and game departments, but we do not have an agreement.

Senator SIMPSON. Are those agreements with Utah and Wyoming acceptable to the Park Service?

Mr. BAKER. As far as I know, they are.

Senator SIMPSON. That is all.

Senator BIBLE. Further questions of any of the witnesses before us from the Park Service?

Thank you very much, gentlemen.

I am not going to close this hearing. I am going to recess this hearing until there is some clarification, particularly in this area of the jurisdiction of the Crow Indian Tribe and the National Park Service. I hope that we can clarify it in executive session.

We will now proceed to hearings on Senate 1870.

(Whereupon the committee turned to other business.)

(Subsequent to the hearing the following communication was ordered printed:)

U. S. SENATE,  
OFFICE OF THE MAJORITY LEADER,  
Washington, D. C., June 1, 1964.

HON. HENRY JACKSON,  
Chairman, Senate Committee on Interior and Insular Affairs,  
U. S. Senate, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed is a letter I have received from Mr. Frank A. Gallagher and Mr. Thomas N. Kelley, attorneys, in Billings, Mont., endorsing the provisions of S. 2048, the bill which would authorize the creation of the Big Horn Canyon National Recreational Area.

I thought perhaps the committee might like to have this correspondence for its files. Both of these gentlemen are quite well versed in matters of importance to this area of Montana and I wanted you to have the endorsement in your files.

Thanking you and with best personal wishes, I am,  
Sincerely yours,

MIKE MANSFIELD.

LAMEY, CROWLEY, KILBOURNE, HAUGHEY, & HANSON,  
*Billings, Mont., May 26, 1964.*

Re Big Horn Canyon National Recreational Area.

Hon. MIKE J. MANSFIELD,  
*U.S. Senator,  
Senate Office Building,  
Washington, D.C.*

DEAR MIKE: We are writing about the bill providing for the establishment of a Big Horn Canyon Recreational Area. We understand that the project has been approved by the Department of Interior and that hearings will be conducted shortly thereon. We are very much in favor of this bill as we believe that it will provide a needed water recreational area for the people of this area as well as substantially enhance Montana's reputation as a tourist and playground attraction.

We understand that time is a vital factor in connection with the proposed project because of the great difficulty of building boat ramps after the reservoir behind Yellowtail Dam is filled. As you know, the reservoir could be filled as early as July 1, 1965. Once the reservoir is filled, it will be practically impossible to build the proposed boat ramps at Box Canyon, Barrys Landing, Horseshoe Bend, and Kane Bridge. Box Canyon and Barrys Landing are the only possible sites for boat-launching facilities in Montana and unless the bill is passed and the project completed before the reservoir is filled, Montana will probably never have a site at which boats can be launched. Once the reservoir is filled, the only spot at which boats could conceivably be put into the water would be down at the Kane Bridge site in Wyoming. Even that site may eventually silt in and thus be suitable as a launching site for small boats only.

We would appreciate any efforts you can make which will expedite the passage of the bill and thus insure Montana of this very fine proposed recreational area.

Best personal regards.  
Respectfully yours,

FRANK A. GALLAGHER.  
THOMAS N. KELLEY.

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I thought perhaps the committee might like to have this correspondence  
for the record. I have enclosed a copy of the letter which I received from  
you to the effect of the above and I would be glad to have the enclosed  
returned to me.

Very truly yours,  
FRANK A. GILLMORE  
THOMAS A. KELLEY

Dear Sir: We have been in communication with the various  
groups in the New York area and have been advised that the  
Department of Justice is interested in the work of the  
various groups and is desirous of having a list of the  
names of the various groups and their addresses. It is  
requested that you advise us of the names of the  
various groups and their addresses so that we may  
be able to contact them and advise them of the  
work of the various groups and the need for  
their cooperation in the work of the various  
groups. It is requested that you advise us of  
the names of the various groups and their  
addresses so that we may be able to contact  
them and advise them of the work of the  
various groups and the need for their  
cooperation in the work of the various  
groups.

We would appreciate any advice you can give which will expedite the  
passage of the bill and thus insure the success of the very fine proposed  
legislation.

Respectfully yours,  
FRANK A. GILLMORE  
THOMAS A. KELLEY



