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ASSATEAGUE ISLAND NATIONAL SEASHORE

HEARINGS

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

S. 20 and S. 1121

BILLS TO PROVIDE FOR THE ESTABLISHMENT OF THE ASSATEAGUE ISLAND NATIONAL SEASHORE IN THE STATES OF MARYLAND AND VIRGINIA, AND FOR OTHER PURPOSES

MARCH 19 AND 22, 1965

PART 2

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ASSATEAGUE ISLAND NATIONAL SEASHORE

FRIDAY, MARCH 19, 1965

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m., in room G–308, New Senate Office Building, Senator Alan Bible (chairman of the subcommittee) presiding.

Present: Senators Bible and Jordan.

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

Senator BIBLE. The committee will come to order.

As I indicated at the close of the hearing yesterday, and in order to accommodate those members of the legislature who are here this morning from Maryland and must return to their legislative session, I am disrupting the order of witnesses just a slight bit to accommodate them, and likewise, the Worcester County commissioners, and at the end of their testimony, we will return to the list of witnesses as scheduled.

In accordance with that change in the calling of the witnesses, our first witness this morning will be Hon. John L. Sanford, Jr., State senator of Maryland.

Senator Sanford.

STATEMENT OF HON. JOHN L. SANFORD, JR., STATE SENATOR OF MARYLAND

Mr. SANFORD. Mr. Chairman, members of the committee; my name is John L. Sanford, Jr. I am happy to be fortunate enough to have been elected by the people of Worcester County as a State senator. My home is in Berlin, Md.

I believe that I can safely say that all of the elected officials of Worcester County unanimously oppose any proposition for the acquisition by the Federal Government of all or any part of Assateague Island. Our reasons for this objection are numerous. However, I will confine my written objection to what we feel will be the economic effect that such action would have on our county, and also on the State of Maryland.

For tax purposes, Worcester County is divided into nine assessment districts. According to the table which I have prepared, I have set forth the names of the districts, the assessment on land alone, and then the assessment on land and buildings.

According to the schedule, Pocomoke, which is the first election district, has a land assessment of $2,544,065. Snow Hill, which is the second district, has an assessment of $2,312,007. Berlin, or the third district, has an assessment of $2,445,910. Newark has an assessment of $652,746. Bishopville, or the fifth district, has an assessment on land of $673,664. The seventh district is Atkinson, which is assessed at $813,209. Stockton, or district 8, has an assessment of $1,096,926. Now, Ocean City, which is district 10, has an assessment of $14,334,789, and Assateague, which up until the completion of our bridge last year was inaccessible other than by means of a derelict ferry, has an assessment of $2,862,692. This makes a total land assessment in our county of $27,736,008.

Now the land assessment with the improvements on it shows the change, of course, where Pocomoke would have $10,716,000, Snow Hill an assessment of $8,062,517, Berlin $10,645,354, Newark $1,577,976, Bishopville $2,480,798, Atkinson $1,211,157, Stockton $2,623,971, Ocean City $38,996,237, and Assateague $3,018,717.

When you add to the assessed valuation of the land and buildings, we have additional personal property, all districts $1,658,009; we have other assessment on personal property, individuals, and farms, $4,052,207; railroads and public utilities, $7,588,640; ordinary business corporations of $8,742,705; and bank stocks of $2,868,545, or a total assessable basis of $104,242,774.

I think in this table it will be seen that insofar as unimproved land is concerned, Assateague Island is the second largest item on the tax rolls of Worcester County, second only to Ocean City district. The land composing Assateague Island will be seen as assessed at a greater figure than the city lots, farmland, and woodlands in any of the election districts of our county with the exception of Ocean City.

Senator BIBLE. Might I ask you a question?

Mr. SANFORD. Yes, sir.

Senator BIBLE. To put this in perspective, as I understand, this is entirely within Assateague Island. This is no mainland assessment?

Mr. SANFORD. No, sir. For tax purposes only, this is Assateague or district 10–A. Now the inlet which comes up here——

Senator BIBLE. You are pointing to the bay side of the island.

Mr. SANFORD. Yes, sir; I am speaking to this point here.

Senator BIBLE. And by "here," you mean the bay side of the island, for the record.

Mr. SANFORD. The bay side of the island, between Sinepuxent Bay and the Atlantic Ocean. Anything that is in district 10, which is on the west side of the mainland, would be in the Ocean City district.

Senator BIBLE. Yes. Well, that is what I wanted clear for the record.

Now this is the actual 1965 assessment.

Mr. SANFORD. That is as of the first of the year.

Senator BIBLE. Now what were the assessments for 1964 and 1963 and 1962 and 1961?

Mr. SANFORD. That includes it up through 1964. I do not have the figures for 1961. I have just taken the latest figures that I had.

Senator BIBLE. Yes, but this is the 1965 figure. Was the 1964 assessment figure the same?

Mr. SANFORD. No, I think it is an increase in assessments on the 10th district. There is an increased assessment on Assateague Island district, by a slight percentage.

Senator BIBLE. Well, I wonder if you could supply it for the record, so that we can get a fairly good look at this, for, say, the last 10 years.

Mr. SANFORD. We will give you those figures. We have the county assessor here, and I think he will produce those for you.

Senator BIBLE. I will ask the county assessor this question when he is on the stand.

Mr. SANFORD. All right.

Mr. SANFORD. Now prior to the 1933 storm, when Ocean City inlet was cut through, Assateague and Ocean City was one large parcel of land. The characteristics of what is now Ocean City, which extends from the Delaware line to the Ocean City inlet, and what is known as Assateague are practically identical.

In view of this fact, and in view of the fact that we now have built a bridge to make access quite available to the people, it is not unreasonable to suppose that in the event that Assateague Island should be permitted to remain in the hands of the present owners, and to develop by individual enterprise in the orderly course of events, that in a very few years, Assateague would constitute the largest assessment item on the tax rolls of Worcester County, second only to the Ocean City district. And I don't believe it is too difficult to envision that Assateague would, within 15 years, under private enterprise—which I still believe is not a detestable word—closely rival Ocean City as a source of tax revenue for Worcester County.

Now in addition to the tax revenues which would be lost to Worcester County by the Federal acquisition of Assateague Island, we must consider that if Assateague should be allowed to develop by means of private enterprise, that workmen of all types—carpenters, masons, plumbers, electricians—would be in great demand, as would building supplies and equipment.

Such conditions would be in effect for many years, with the substantial enhancement in the income of a number of citizens and suppliers not only in Worcester County but throughout the Eastern Shore.

Now to realize the effect that the takeover by the Federal Government of Assateague Island would have on Worcester County, I would like to call this committee's attention to a similar effect that would come about, should the Federal Government decide to go into Baltimore County and take over the steel companies, Bethlehem Steel Co.'s plant at Sparrrows Point.

Now, in Baltimore County, the total assessable basis for real estate, including land and improvements, is $1,627,682,000. Now the assessment on the plant at Sparrows Point is $137,820,120, so that if the Federal Government should decide to take the steel company plant at Sparrows Point, less than 10 percent of the total tax base of Baltimore County would be removed.

However, I believe that I can safely state that, if such a proposition were advanced, one of the most bitter opponents of such a proposition would be some of the people who are advocating the Federal takeover of Assateague Island.

Now the total assessable basis of real property in Worcester County is $79 million, of which $38 million is in the 10th District.

Now Ocean City makes up practically 50 percent of the total assessment of Worcester County. Assateague Island contains approximately 23 miles of ocean front, whereas what we call Ocean City has only 9 miles. There can be no doubt that, in the course of a short few years, the assessable value of Assateague Island would exceed that of Ocean City, if it were allowed to develop commercially.

Assuming that the potential value of Assateague will only equal Ocean City, its loss removes a potential assessable basis of approximately $42 million, land, improvements, and personalty, or the equivalent of loss of potential revenue of $750,000 per year to Worcester County.

Approximately $516,000 would be a loss to the State of Maryland, due to the aid-to-education formula that we have now adopted, and the remaining $234,000 would represent a loss to Worcester County.

Such a loss would be about one-third of the total base if the potential of Assateague Island were added to the present total in an amount equal to the present value of Ocean City, and this would compare with a loss of less than 10 percent in the base of Baltimore County if Sparrows Point were to be removed from the base of that county.

The Federal Government has recently embarked upon the so-called Appalachian plan for the purpose of helping distressed areas get back on their feet.

I think that the Federal Government should seriously consider the economic impact which a proposed take-over of Assateague Island by the Government would have on the tax base of Worcester County, in view of the figures which I have submitted and which will be submitted for the record by Mr. Harrison, in accordance with the request of your chairman.

However, if after considering all of this, the Federal Government still insists on a proposed acquisition, I would suggest that the present act be amended to provide that the Federal Government shall pay annually to the county commissioners of Worcester County a sum of money in lieu of taxes equal to the amount that would be produced by applying the full county tax rate to the assessed value of real property, both land and improvements, on that portion of Ocean City district, provided that for the first year after the enactment of such legislation, the amount to be paid should be equal to the county tax rate applied to an assessment of $3 million and for each year thereafter the assessment should be increased by $3 million, until the base upon which the amount in lieu of taxes is calculated equals the full amount required.

Thus an amendment like this would eliminate the economic loss to Worcester County.

It is argued and I have heard it said that the establishment of a national park will attract tourists in large numbers, and that this, in turn, will be an economic boon to Worcester County.

I submit, however, that this will not, by any means, overcome the benefits which will follow by permitting private enterprise to develop Assateague Island.

I might state also I can't understand the unholy alliance between the proposal of a State park on Assateague Island and the Federal

acquisition of the rest of Assateague Island. I have seen, just yesterday, the brochure of the proposed development of the State park by the State of Maryland and if the committee would like to have that in the record, I will be glad to submit it.

Senator BIBLE. Well, if it hasn't already been supplied, I would be very happy to have that added to the files.

Mr. SANFORD. And that will show one of the most lush park programs that I have ever come in contact with.

Senator BIBLE. Is that for Assateague Island, as well as for the State Park?

Mr. SANFORD. No, sir; that is just for the State park on Assateague Island.

Senator BIBLE. Yes, that is the question I am asking.

Mr SANFORD. Are there any questions the committee would like to ask?

Senator BIBLE. I would like to ask just a few.

Translating this $3 million assessment in 1965 into dollars, how many dollars is that in Worcester County?

Possibly you wanted to have one of our county officers comment on that, and I could more properly direct it to him.

Mr. SANFORD. $54,000 to $56,000 a year.

Senator BIBLE. And I would also like to have furnished for the record the amount of actual tax dollars that can be attributed to Assateague Island since 1950.

Mr. SANFORD. Since 1950? We will submit a schedule.

Senator BIBLE. That would probably go to your assessor, the chairman of your board of county commissioners, I assume.

Mr. SANFORD. Our supervisor of assessments is here, and he will submit for the record a complete statement of the assessment from 1950 on, with the amount of taxes derived.

Senator BIBLE. Very fine. That would be helpful. What is the present population of Worcester County?

Mr. SANFORD. Approximately 20,000 some.

Senator BIBLE. And is that a fairly stable year-round population?

Mr. SANFORD. That is the year-round Federal census population.

Senator BIBLE. That will peak how high in what you consider the summer months?

Mr. SANFORD. In the summer months, over a week-end, we will have in Ocean City alone 150,000 to 200,000 people.

Senator BIBLE. And that would be for a period of 3 months, possibly June, July, August?

Mr. SANFORD. Would that it did happen. It will probably start in the middle of June and then run until about Labor Day.

Senator BIBLE. It runs about 2½ months, then.

Mr. SANFORD. Yes, sir.

Senator BIBLE. I see. What is your main city in Worcester County?

Mr. SANFORD. The county seat is Snow Hill, but the city that produces the most revenue by way of taxes, and with most activity, is Ocean City, Md.

Senator BIBLE. Is Salisbury in Worcester County?

Mr. SANFORD. Salisbury is in the adjoining county of Wicomico, which was formed back in the 1800's, partly from Worcester and partly from Somerset County. I think 1867.

Senator BIBLE. What are the main economic bases of Worcester County? What do you depend on?

Mr. SANFORD. The prime economic base of Worchester County is the Ocean City tourist business. Secondly, it is poultry, and then seafood and farming.

I might say, Senator, that, without Ocean City, Worcester County would be one of the poorest counties, and I think we would very easily qualify for aid under the Appalachia bill.

Senator BIBLE. Well, tourism, then, is an important factor. You have stated in your concluding paragraph that you don't feel that if this were developed as a national seashore, and attracts however many it might attract—and I am frank to say I don't know how many it might attract; there are various figures, as there always are in these properties always, but I certainly would think it would attract a sizable number of people—don't you think that that would bring in considerable in the way of tax dollars?

Mr. SANFORD. I do not believe that the type of tourist that would be brought by a national park would anywhere near equal the tax dollars that would accrue if we had cottages, motels, apartment houses, and private development on Assateague Island. I think that Ocean City alone is living proof of the fact that that type of tourism produces the tax money for our county.

Senator BIBLE. Well, I think that it is demonstrable with the national park system throughout the United States, that it does produce tax dollars to the area in which the park or the seashore or lakeshore is located, or the recreational area is located. I don't say how much it produces; I am frank to say that it is a little hard to arrive at any figure.

Yet get estimates, in hearing these bills as we do, and the chambers of commerce appear, and we will have in many cases the officials that are for these areas indicating that it does bring in a certain firm tourist dollar, year after year. But exactly how much it would bring in, I don't know.

May I ask you just one other question? I understand the main thrust of your argument. You think this should be developed privately, and by private investment, rather than as a national seashore.

I think this is what you are saying, and in the bill that is before us there is an area of 600 acres carved out, apparently to partly meet some of the objections of local officials.

Now would you have any idea what type of installations or establishments—motels, dining rooms, any type of tax wealth—would be put on this 600 acres?

Mr. SANFORD. I have no idea. I have not read the present bill, but I have read the prior bills, which I think are really a copy of it.

Senator BIBLE. I do not think that particular feature has been changed, frankly. I think this is the same one that was before us last year.

Mr. SANFORD. I think it is the same thing, and what the Federal Government would do is almost like saying what the Supreme Court will decide in a given case. I think it is problematical, and I would not venture an opinion.

Senator BIBLE. I see.

As State senator, are you State senator for more than one county?

Mr. SANFORD. Worcester County.

Senator BIBLE. Just one county. You have a bit of a reapportionment problem up there?

Mr. SANFORD. We have quite a number of problems of reapportionment, right now, in the Maryland Legislature.

Senator BIBLE. Coming from Nevada, at least, in this one area I certainly can join with you, because we have a red-hot one going out there.

I think I have no further questions, Senator, and I will defer now to the Senator from Idaho.

Senator JORDAN. Thank you, Mr. Chairman.

Senator Sanford, what is the ratio of assesment to actual value in your county?

Mr. SANFORD. When you ask that question, you mean on—we try to keep a valuation of 50 to 60 percent.

Senator JORDAN. Fifty to sixty?

Mr. SANFORD. But I might say that that is not actually done, in my opinion, because, in a position as attorney, I have in the last 2 years sold properties which would be assessed, we will say, at a hundred dollars an acre, and they will sell at $500 an acre. The lots on Assateague Island, we will produce for you figures which show the recent sales.

I requested our county supervisor to bring those figures along, and then he will show you on the table not only the assessment of those lots, but the actual sales, and the lots are not the most desirable.

Senator JORDAN. Perhaps we have the assessors coming up, and some of the questions I would have in mind asking you, I will reserve for him, if he is going to be here.

Mr. SANFORD. I think his name is on your list, Senator.

Senator JORDAN. Yes.

Mr. SANFORD. Joseph G. Harrison.

Senator BIBLE. Yes, he is going to follow your two fellow members of the legislature.

Mr. SANFORD. Yes.

Senator JORDAN. Very well. Then I will confine my questions to your statement. So I understand fully what you are talking about here, what you propose is that in lieu of taxes, the Federal Government, in the event they do take over this for Federal development, would pay to Worcester County a sum in lieu of taxes. Is that correct?

Mr. SANFORD. Based upon the present assessment of around $3 million, and as that increased, or as the Ocean City area increased in assessment, we would be paid correspondingly a greater sum of money than the assessment on the $3 million.

Senator JORDAN. And you are going on the assumption that the remainder of Assateague Island would grow to a value comparable to that of Ocean City now?

Mr. SANFORD. I might state that it is my firm belief, and I want to correct the record. I am not a native of Worcester County, unfortunately. I was born and raised in Baltimore, but I have had sense enough to get out of Baltimore and go down to what I call "God's Heaven." I have been there since 1929. I can remember the whole area prior to the cutin of the inlet.

I am going to put a phrase to some of them, maybe I shouldn't, but I call them "eggheads," those who want to make a distinction between a topographical area of Assateague and Ocean City. There is no deviation, from the sea-level standpoint or any other standpoint, and Ocean City, if permitted to develop in the same way that the private property owners want to develop it, and I think with the increased area between 9 and 23 miles, that in due course of time, I don't think it would be many years before Assateague would equal if not exceed Ocean City for tax benefits to our county.

Senator JORDAN. That is what I am after. I am not just trying to understand your statement. You propose, then, to start with the $3 million valuation, the first year, and increase it by increments of $3 million each year thereafter, until you come to a parity of assessment?

Mr. SANFORD. That is right.

Senator JORDAN. To that of Ocean City.

Mr. SANFORD. The reason I took the $3 million, Senator, because the total land and improvement value of Assateague Island today is $3,018,717.

Senator JORDAN. And against that, you have taken no offset, as the chairman suggested here, that would derive from the development of 600 acres by private development?

Mr. SANFORD. I have not, for the simple fact that the benefit in tourism would be in private individual's pockets, and I think that is counteracted by what would be people's pockets by working, furnishing the supplies for buildings there.

Senator JORDAN. But 600 acres of private development would be a sizable development, even under Federal control.

Mr. SANFORD. We are again faced with the bugaboo of dealing with the Federal authorities, and we don't know where we are going with that.

Just like we have been on the so-called wildlife refuge at the Virginia line, where for 3 or 4 years our Congressmen endeavored to get the so-called fence removed, and we were politely told "No."

Senator JORDAN. And just to pursue this a little further, you don't regard Federal development as bringing any benefits to your area that might be considered as offsets against this $3 million annual accretion that you would propose to add.

Mr. SANFORD. I don't say that, Senator. I want to make myself clear. I say that there would be some benefit from the Federal proposition. But I think that those benefits would be counteracted by people who were allowed to work and who were allowed to furnish building supplies in the course of the orderly development of Assateague Island, for the simple reason that today, with the development in Ocean City, we have a great demand for all forms of labor and building supplies. They come from Salisbury and Easton to do that right now.

Senator JORDAN. I am just trying to understand your statement, Senator, and I appreciate your reply to my questions.

I have no more, Mr. Chairman.

Senator BIBLE. Thank you very much.

May you have a very fruitful 10 days as you wind up your session, Senator.

Mr. SANFORD. I want to thank you gentlemen for showing us the consideration, and allowing us to get back to the hurley-burley of Annapolis.

Senator BIBLE. Yes, sir.

Next we have Delegate Russell O. Hickman.

Mr. Hickman.

STATEMENT OF RUSSELL O. HICKMAN, MEMBER, MARYLAND HOUSE OF DELEGATES FROM WORCESTER COUNTY

Mr. HICKMAN. Mr. Chairman.

Senator BIBLE. We are delighted to see you, Mr. Hickman.

Mr. HICKMAN. Mr. Chairman, before I begin, like Senator Sanford I want to thank you and the members of the committee for extending us the courtsey of being heard this morning at this special given time, so we can return to our duties in Annapolis.

Senator BIBLE. Delighted to do it.

Mr. HICKMAN. Mr. Chairman, members of the committee, my name is Russell O. Hickman, a member of the Maryland House of Delegates from Worcester County, an elective office in which I have been privileged to serve since January 1, 1955. During this 10-year period, I have had an opportunity to hear and observe the many problems presented to the 3,000 property owners on Assateague Island. Their toughest battle has been their long struggle to get a bridge from the mainland to the island, which project was finally completed during the past year.

Then came the dreadful tidal wave of 1962, which battered the entire Atlantic coast from Maine to Florida, as a result of which many millions were spent by the States and the Federal Government in disaster relief and recovery programs. These property owners resolved their own recovery program, with little Federal or State aid, if any. Now their battle for survival has shifted from the General Assembly of Maryland to the National Congress where their hopes and dreams for a home on their property could be forever ended, should Senate bill 20 be enacted into law.

In opposing this measure as written, I want to say that I have resided in Worcester County for 57 years and have witnessed the growth of Ocean City from a small town with two or three hotels and a few scattered homes to the magnificent resort it is today. The assessable basis of the corporate limits of Ocean City today is approximately $42 million and, incidentally,I have included the personal property, in addition to the $38 million mentioned by the distinguished Senator.

Senator BIBLE. So that explains the difference between the $38 million and $42 million?

Mr. HICKMAN. Yes.

During the next fiscal year, this basis will produce to Worcester County revenue in excess of $750,000 and to the State of Maryland something more than $75,000. I might add that in Baltimore City and 22 of the 23 counties in Maryland, the month of December produces the greatest yield of sales tax revenue, but in Worcester County the revenue from that source in each of the months of June, July and August is more than triple that in December and is from 400 to 500

percent greater in those months than the average of other months of the year.

It is estimated that the sales tax remitted to the Comptroller of the Treasury of the State of Maryland during the fiscal year ending June 30, 1964, from Ocean City alone, was something more than $500,000. The parimutuel tax from nearby Ocean Downs raceway remitted to the State of Maryland during the calendar year 1964 was approximately $120,000. Therefore, from the few sources mentioned here, Ocean City is producing annual revenue to Worcester County of more than $750,000 and to the State of Maryland more than $695,000. These items are exclusive of income tax, cigarette taxes, alcoholic beverage taxes, gasoline tax, licenses, fines, and other State and local taxes, all of which amount to several thousands of dollars. The point I wish to make in citing the above statistics is, while our poultry industry, our agricultural enterpises, our seafood industry and our manufacturing plants are all important segments of our economy, our real revenue-producing item is our seashore area and if the Federal Government had decided to buy that in its entirety 75 years ago, we would be one of the poorest counties in the State today, instead of ranking among the top five in assessable wealth as we do now.

Furthermore, Ocean City has recently annexed all that area known as North Ocean City, and its corporate limits now extend from the inlet to the Delaware line. If the growth continues in this area at its present rate, it will be completely filled within the next 5 years and if the Federal Government takes over all of the remainder of Assateague, our growth potential will be completely at an end. But, if we are left alone and allowed to grow in a normal manner, I fully believe that in 10 years our assessable basis and our revenue sources will be double that which they are today.

Senator BIBLE. How far is it from the southern limits of Ocean City to the Delaware line?

Mr. HICKMAN. Approximately 9 miles.

Senator BIBLE. Approximately 9 miles, and of that 9 miles, about how much is developed at the present time? How far do the streets run out? Are there a hundred and some streets, or what is the number?

Mr. HICKMAN. I am sure all of the members of this committee have heard of the Carousel Motel.

Senator BIBLE. Yes, we have. I think most of the Nation has.

Mr. HICKMAN. Incidentally, if the Government had bought that property 75 years ago, we wouldn't have that, either, and this is a million dollars worth of free publicity we had in Life magazine and all the other newspapers across the country.

Senator BIBLE. How far out do your street numbers run? I am just trying to get a perspective.

Mr. HICKMAN. I would say about a hundred streets. 105th, Main 110th, and probably further. I will stand to be corrected by some of those who follow me, who are more familiar with that. Our former planning and zoning director, for instance, and county engineer.

Senator BIBLE. Surely, the only purpose of my question is that you say you are developing Ocean City to the north. Now I am wondering how far you have developed it to the north. You say Ocean City is 9 miles. Have you developed half of it to date?

Mr. HICKMAN. Fully half, and I will make a rough guess, and as I say, I stand to be corrected—I live 15 miles inland from Ocean City, but of course I am there during the summer season frequently—I would say that of that 9 miles of coastline, that it is two-thirds developed.

Senator BIBLE. I just wanted a rough picture of it.

Mr. HICKMAN. I may be wrong. It may be more than that.

Senator BIBLE. Very fine. You may proceed, sir.

Mr. HICKMAN. Let us look for a moment into the real reason for S. 20 being before you at this time. Soon after the great storm in 1962, at a conference in Atlantic City, the Secretary of the Interior discovered this 24 miles of undeveloped ocean front property and decided that the taxpayers of the country should acquire it to add to his vast empire of public lands. So from there the Department of the Interior proceeded to have Robert Nathan Associates make a hurried survey and report on the feasibility of acquiring the entire 24 miles for use as a national seashore area, with the exception of 2 miles that had been acquired by the State of Maryland for a State park.

Prior to this, however, Worcester County had engaged Wilbur Smith Associates to make a survey and render a report, which had been completed, on the feasibility of constructing a bridge to the island to service the property owners in their private development and the patrons of a State park which was at that time being planned to cover approximately 9 miles of ocean front.

Now I want to submit to the members of this committee, if you will examine the report submitted by the Department of the Interior in April 1963, which is based on the survey made by Robert Nathan Associates, and then examine the bridge and State park report made by Wilbur Smith Associates, you will find that the projected figures and analysis pertaining to recreation values and potential in the Nathan report are those of the Wilbur Smith report multiplied by three, and, in fact, the Wilbur Smith report had considered 9 miles of Assateague Island for public recreation, and the Nathan report was based on 24 miles, and I submit, in ad libbing on that question, that I know that report was made very hurriedly. That can be verified by other county officials from Worcester County who will follow me, and much of their figures were gathered from our planning and zoning commission, of which the director at that time will follow a little later.

Now I do not like to take issue with the distinguished Senators from Maryland, each of whom are former colleagues of mine in the general assembly, as well as are a number of the Maryland delegation in the House of Representatives, because I fully realize that they are being pressured by an aroused public whose interest has been generated by sensational newspaper stories and other news media, magnified tenfold, for the specific purpose of rallying public support for their own thoughts and ideas.

I further want to emphasize that we do not object to any reasonable plan for reserving such lands as may be necessary for public use. We are not selfish and want the people in the metropolitan areas to have the privilege to enjoy the open spaces, the ocean breezes, the glitter of the moonlight at night, and the red sunrise in the morn, just as we do. This is evident by our support of a State park, not for just 2 miles, but for 9 miles or 10 miles if needed. This would be equivalent to the

full length of Ocean City from the inlet to the Delaware line and would suffice the need for public recreation for the next hundred years.

When you consider the fact that we have only 33 miles of coastline, enactment of this bill would mean that 75 percent of our most valuable asset would be Government owned and Government controlled. I therefore submit that passage of this bill would do my county the greatest injustice that has ever been perpetrated on any subdivision of any State in the history of this Nation.

It is not State ownership that gives us concern, but Federal ownership we do fear.

Senator BIBLE. May I ask you a question there?

Mr. HICKMAN. Yes, sir.

Senator BIBLE. Would you be opposed if the State of Maryland were to make an attempt to acquire all of the Maryland part of Assateague Island, and make that a Maryland State seashore?

Mr. HICKMAN. I most certainly would, because there would be no necessity for that vast area for that purpose. I would think the two miles is a little short for them. I think they will ultimately, in a few years, need 5 miles, possibly 6 or 7, at the most.

I think that the State would probably need 5 or 6 or 7 miles, and that we would favor. We would even favor them the full 9 miles, but that would be one-fourth of our coastline, 25 percent, in public ownership, and we think that is a maximum that should be under public ownership.

Senator BIBLE. Well, if I understand you correctly, then, what you are saying is you would have no objection to an ultimate acquisition by a State agency of the land from the present State park north to Ocean City, which is approximately 9 miles.

Mr. HICKMAN. That is right, sir.

Senator BIBLE. But you would object if the State were to attempt to acquire more than that for a seashore?

Mr. HICKMAN. I didn't get that question.

Senator BIBLE. I think possibly you have already answered. My question was that you would object if it was more than the 9 miles?

Mr. HICKMAN. Yes. Yes, we would object, but I was coming to in my further statement.

Senator BIBLE. Well, pardon my interruption. Maybe I am anticipating with questions.

Mr. HICKMAN. I will clarify that to some extent, but as I say, that area north of the State park to the inlet has had very little development, and very few property owners in that area. One of the largest property owners is a very distinguished gentleman who has served in high office in the U.S. Government, the former director of the Federal Reserve System, the Honorable Mr. Thomas P. McCabe, who was born in the same village, in the little small town in which I live.

I think he owns approximately 300 acres just north of the State park, which is good land.

Now north of that the beach is more subject to erosion than that south of the State park, and that south of the State park is already subdivided, and planned for private development.

Senator BIBLE. All right, I understand your point.

Senator JORDAN. At that point, Mr. Chairman, may I ask a question?

Senator BIBLE. Certainly. The Senator from Idaho.

Senator JORDAN. Is it subdivided clear from the State park to the Virginia line?

Mr. HICKMAN. I think the front lots, most of the high land, I will say. Now the west, on the bay side, the marsh areas are held by various gunning clubs, and much of it over there is not subdivided.

Senator BIBLE. I think you were down to your last paragraph when I interrupted you. I think you are in the last paragraph of page 3.

Mr. HICKMAN. Thank you, Mr. Chairman.

When we take a look at the Virginia portion of Assateague, where there are some of the best surf-fishing areas on the Atlantic Coast under the full control of the Department of the Interior, and observe that fence directly down the line between two neighboring States, which no man should dare to cross, the mention of Federal ownership frightens me immensely.

If the Federal Government is so interested—and this is a point I want to emphasize—in acquiring land for a national seashore, why did they in the past 2 years sell to the State of Delaware the Fort Miles area at Lewes, Del., just 25 miles north of Ocean City? There were 530 acres comprising 2 miles of shoreline with more than 100 buildings situated thereon. It sold for $63,000. I submit that this much land on Assateague will cost the Nation's taxpayers more than $2 million.

Senator BIBLE. That must have been a real bargain.

Mr. HICKMAN. I submit that this much land on Assateague will cost the Nation's taxpayers more than $2 million.

Senator BIBLE. I am sure I cannot answer your question. We will see if we can find out why they did this. I don't know.

Mr. HICKMAN. I hope, Mr. Chairman, you can.

In conclusion, I would like to say that we have never ruled out the possibility of a reasonable compromise to resolve this matter, but the Department of the Interior has shown no interest or desire to entertain a discussion of any compromise whatever. We most certainly do not accept their concession of making available through a leasing arrangement approximately 600 acres for construction of service establishments, as the bill provides, as a reasonable compromise in any way.

I will also submit that any bill that makes no provision for a highway from the Assateague bridge at Chincoteague, Va., to the Assateague Bridge in Maryland, is of no benefit to my county whatever.

It is, therefore, my suggestion that this committee take no action on this bill at this session of the Congress and between now and the next session you either make or cause to be made, a study of the possibility of resolving this problem by acquiring by the means of scenic easements and for public use the entire beach area from one end of the island to the other, and to acquire other easements, or the conveyance of development rights and open spaces or open areas, as may be necessary for public use. This method would leave the land under private ownership, be much less costly to the taxpayers and provide all the land necessary for both private development and public recreation.

I trust this suggestion will receive your favorable consideration.

I wish to thank the members of this committee, Mr. Chairman, for your kind attention.

Senator BIBLE. Well, I certainly appreciate your presence here this morning, Mr. Hickman, and I have no additional questions to ask you over and above those that I have already posed.

The Senator from Idaho.

Senator JORDAN. Just one question, Mr. Chairman, in the interest of time.

Has this last suggestion of yours ever been explored, the matter of scenic easements for public use of the entire beach area, from one end of the island to the other?

Mr. HICKMAN. I can't answer that. I am sorry. I can't give any reliable or competent answer on that question, Senator.

Senator JORDAN. Thank you.

Senator BIBLE. We are familiar with scenic easements, and we work with them in many of these park areas. I think yours is a very proper suggestion, and a very proper question. We will submit it to the authorities, as to what they have done on this. I don't know whether they have looked at it or not, but we will sure find out for you.

Mr. HICKMAN. I might add, right under the suburbs of this Capital City, and some of you might reside in the Montgomery or Prince Georges Counties in Maryland, the National Park Planning Council is providing open spaces through this means. Easements, scenic easements, and development rights, et cetera.

Senator BIBLE. They are becoming more and more used, not only by the National Park Service, but by the Forest Service and by State parks, as well. So this is something that should be gone into, and I think this is a very helpful suggestion.

Thank you very much, Mr. Hickman. Again I wish for you good luck as you close up your session.

Mr. HICKMAN. Thank you very much.

Senator BIBLE. Our next witness is Mark O. Pilchard of the House of Delegates of Maryland.

STATEMENT OF HON. MARK O. PILCHARD, HOUSE OF DELEGATES, MARYLAND

Mr. PILCHARD. Mr. Chairman, gentlemen of the committee, my name is Mark Pilchard. I am a member of the House of Delegates, representing Worcester County. Today I believe I speak for what is in the best interests of not only the people of Worcester County, but also all of the people of the State of Maryland, and all of the areas where the people live that could in any way be accommodated by any ocean resort area.

I will direct my remarks to the proposition that more people can better receive the kind of recreation they want, at a much lower cost to the taxpayer, with:

1. Private development of the section of Assateague known as Ocean Beach. That is the 14-mile section in the middle that is recommended for private development.

2. State development of the area they now own plus possibly the purchase of the section of the island north of the present State park site to the inlet; and ——

Senator JORDAN. Now, that is virtually to Ocean City, is it not?

Mr. PILCHARD. Yes. The inlet separates Assateague Island and Ocean City.

Senator BIBLE. And that is the so-called 9-mile stretch?

Mr. PILCHARD. The 9-mile stretch; yes, sir.

3. Federal development of that portion owned by the Department of the Interior located in Virginia to provide for public use of the beach area and broader public usage of the wildlife refuge area that would still be compatible with its primary purpose as a wildlife refuge.

Gentlemen, you have heard much about the 14 miles of Assateague which has been proposed for private development by the property owners. So you are well aware all of the elected officials of Worcester County are in favor of this plan.

Senator BIBLE. Well, I think in fairness to the record, we actually have not gotten into that as extensively as we obviously will before we are through with our hearing, because we have been running a little behind schedule and we really have not heard all the witnesses that have laid out this proposed development in a thorough manner. But I am sure we will, before the day is through. We did not get to it yesterday, very frankly, because we ran out of time. But we will get there.

Mr. PILCHARD. Well, I got together with them before yesterday, and I understood that they would all be heard.

Senator BIBLE. I certainly hoped that we would get to them yesterday, but the hour of 5 arrived a little faster than we thought it would, and we just did not reach them. But we will hear them.

Mr. PILCHARD. Yes, sir.

It has been stated by those opposing this proposition that a large amount of public funds would have to be spent in a private area if this plan of private development were followed. We accept the fact that some public funds may have to be used for dune line protection, and this is not necessarily so, but any expenditure in this area will not be a drop in the bucket compared to the cost of Federal acquisition, development, and maintenance of this 14-mile area. However, I feel that this cost is not the most important consideration. Foremost in my mind is: What does the public want in the area of seashore recreation?

No. 1, I believe, is access to the ocean and the beach. With the development as we propose, this access will be as available as with the proposal for all public development, since all beaches will be public.

Second, and of extreme importance, is to have access to accommodations for eating, lodging, and recreational facilities other than the beach and surf near the ocean where they can get the benefit of the cool sea breezes and the smell of the salt ocean air at all times, and so they can get to and from the beach and surf at will. This desire of the vacationer to be near the ocean at all times is a primary argument for private development of the section of Assateague known as Ocean Beach. Only through free enterprise private development, unencumbered by Federal restrictions, can the desires of the ocean resort enthusiast be met as the trend of the times dictates. One has to go no further than Ocean City to see the tremendous proof of this. Starting from an almost barren island, accessible only by boat, about the turn of the century, it has grown to a tremendous resort accommodating an estimated number in the millions in 1964. What the number is—I thought I had that figure, but I did not get the figure of what the actual statement was, but it is well in the millions.

The important fact to consider here is that practically all of the facilities to accommodate these people have been developed on the sand reef between the Atlantic Ocean and Assawoman Bay. Practically no new development has been made on the mainland immediately near Ocean City in the last few years.

Therefore it seems quite apparent that, with the center of Assateague Island developed privately by the dictates of private enterprise, the development of the northern section of the island as a State park and the southern section now in Federal ownership developed as a combination seashore and wildlife refuge, the recreational demands of the greatest number of mobile Americans can be most adequately met.

Senator BIBLE. Thank you very much, Mr. Pilchard. I would ask you one question I am interested in if your proposal were to be adopted, and that is, if the 14 miles were to be developed as a private development, you say all of the public would have access to the beach. How much of the beaches would they have access to? How far would it be from the ocean back?

Mr. PILCHARD. I don't know how many feet it would be, but in Ocean City—and it would be the same, I assume, as it is in Ocean City—from the boardwalk to the surf is open to all the public. Some places it may be a hundred feet, some places it may be 500 feet. In Ocean City there is one place that is almost a half a mile between the boardwalk and the beach.

Senator BIBLE. And your theory is that that would be sufficient ocean beach to accommodate the people who are going to come in future years for bathing and surfing, and fishing, and this sort of thing?

Mr. PILCHARD. If you develop the northern section as a State park, you would have 9 miles accessible to all the public from the surf, the whole island. If you developed the Federal refuge area in the south that is now barren, you would have at least a half a mile, all the way down the beach, that would be accessible to all the public.

Then in the 14-mile section of Ocean Beach itself you would still have that section of beach that would be open to the public, so, though the 14 miles of beach in the private area would certainly not be enough for all the people, but with the combination of the State park, the private sector with the public beach, and the Federal section, I think you could accommodate just as many people. Just as many people could have use of the beach as they could with all Federal development; yes, sir.

Senator BIBLE. What would happen if you turned your proposal around just a little and gave Ocean City growing room to the south, and used the area from the northern end of Assateague Island down to the State park as the private development, and then turned the 14 miles into a national seashore, and connected it with the Virginia sector? How would that work?

(Chorus of noes from the floor.)

Senator BIBLE. We have a very capable witness, and he will be able to answer in his own right, I am sure. He needs no further help.

Mr. PILCHARD. There are two objections to that. No. 1, on the Ocean Beach section there are approximately 3,000 property owners who have bought property on that land with the idea of developing it for themselves and for whatever use they may want, whether it be

private or to build public accommodations. I don't think that this land should be taken from them.

I think it should be kept in private hands, because I think they can better develop it to serve the public privately than the Federal Government can develop it.

The other objection would be that the northern end of the island, next to the inlet, is eroding. The reason for this erosion is that when the inlet washed through, cutting Assateague off from Ocean City, they built the jetty out to protect the inlet. The sand, as it washes, is in what they call a southerly lateral drift, the sand washes south all the time, so that the jetty that had been built on the north side of the inlet of Ocean City continues to catch the sand that flies south—that would ordinarily continue to build the beach up on Assateague Island. There is no place for sand to come to replenish the sand that is taken away from the north end of the island, but the sand that is washed from the north end of the island is taken south, and does build up the southern beaches, so the north end of the island needs protection. I think that this is an area that the Federal Government either is responsible for protecting, or it should be the responsibility of the Federal Government and the State to do something to this north end of this island, to protect it from this erosion.

Senator BIBLE. Well, if it is a bad investment for private investors, it seems to me it might be kind of a bad investment for Uncle Sam.

Mr. PILCHARD. Sir, it is my opinion that it is the Federal Government's—I don't say it is necessarily their fault, but in a way it is their fault that this island is eroding, because the jetties were not properly engineered. The island ——

Senator BIBLE. Was that an Army Engineers job?

Mr. PILCHARD. Yes, sir. But it is quite obvious that it was improperly engineered. Otherwise they would have protected the north end of Assateague Island, as well as protecting the inlet and Ocean City.

Senator BIBLE. We just wanted to clear this up for the record, and I think I understand your position very clearly.

Thank you for a very fine statement.

Senator Jordan.

Senator JORDAN. Mr. Pilchard, you have made a very fine suggestion, it seems to me, here, and I would like to explore it further. Tell me, what determines where the boardwalk goes at Ocean City? You spoke of a stretch of open beach between the boardwalk and the surf? What determines where the boardwalk goes?

Mr. PILCHARD. I think that is determined by the governing body of the subdivision—in this case, Ocean City. In the case of Ocean City, it would be the mayor or council, I think, of Ocean City. On Assateague, it would be whatever governing body was governing that island.

Senator JORDAN. In your opinion, there would be a comparable stretch of ocean beach in the 14 miles in the center of the island if it were permitted to be developed by private enterprise?

Mr. PILCHARD. Yes, sir; I feel that this is certainly so. Because you have to have some protection. You can't build right down to the ocean because the ocean, being as it is, you have to protect the land and the real estate from the limits of the ocean, so you can't

build right down to it. Therefore you have a beach from there to the surf, and there is just no way to keep that private. It will be open to the public.

Senator JORDAN. The deeds to these beach lots; how are they bounded? How far down the beach do they go? Do you know that?

Mr. PILCHARD. I do not. I can't answer that question.

Senator BIBLE. But that is a very very important question, but I think we have those in the audience that are competent to testify to that, so we can probably get that from some other witness.

Mr. PILCHARD. I think so.

Senator BIBLE. Thank you very much, and I wish you well as you continue in your legislative labors. If the people of Maryland solve the reapportionment problem, I wish you would let me know, because maybe I can help some of my own constituents.

Mr. PILCHARD. I am afraid we aren't going to be able to be of very much help to you in that area, sir.

Senator BIBLE. Thank you very much. Enjoyed having you with us this morning.

Our next group of witnesses, I assume, will be the Worcester County commissioners, Mr. Harrison, Mr. Carter, and Mr. Pittman.

Are you the chairman of the board, Mr. Harrison?

Mr. PITTMAN. No, I am Mr. Pittman, sir. I am attorney to the county commissioners, and Mr. Harrison is the supervisor of assessments of the county. Mr. Carter is our former county engineer and director of planning and zoning. Our commissioners, sir, have been here for the three cases. All of them have been up here listening to the hearing.

Senator BIBLE. Very fine. Will you proceed with your presentation, in any manner that you like.

STATEMENT OF L. HOLLINGSWORTH PITTMAN, ATTORNEY, REPRESENTING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY; ACCOMPANIED BY JOSEPH G. HARRISON, COUNTY ASSESSOR, AND C. KENNETH CARTER, FORMERLY COUNTY ENGINEER OF WORCESTER COUNTY

Mr. PITTMAN. Well, I don't want to scare you with this large envelope that has been placed before you, but we have maps and charts in there for your assistance.

Senator BIBLE. Thank you very much.

Mr. PITTMAN. Mr. Chairman, gentlemen of the committee, never before has the Congress of the United States faced such controversy in the acquisition of land for Federal purposes. This committee has had thrust upon it the onerous task of resolving conflicting theories of government, conflicting reports and recommendations, and the conflict of whether or not the Federal Government should condemn Assateague Island for a National Park. As always there are at least two sides to a controversy, and we are here to assist you, by presenting the position of the County Commissioners of Worcester County, Md., in opposition to Federal acquisition.

I am L. Hollingsworth Pittman, an attorney, acting for the County Commissioners of Worcester County, which is the governing body

of that subdivision of Maryland in which Assateague Island lies. On one side of me is Mr. Joseph G. Harrison of Berlin, Md., the county assessor, who has served, previously, for a period of 14 years as a county commissioner and for 6 of those years as president of that body. There is probably no one in Worcester County more competent to answer any questions concerning the financial structure of the county government, its budgetary and fiscal matters, and the value of its land and property. On my other side is Mr. C. Kenneth Carter of Ocean City, Md., who formerly was the county engineer and executive director of planning and zoning. Mr. Carter resigned from county service in January of this year, but has volunteered his services in this presentation. We appear as a group in order to conserve time and in order that we might, together, answer any questions you might have concerning the county's position in this matter.

First, let me point out that Worcester County, one of the oldest counties in the United States, has always gladly and willingly upheld and performed its duties and responsibilities to the Nation. If the United States wished to acquire part of its land or property for purposes of national defense or safety or for other necessary governmental functions, there would be no controversy. The county would cooperate in any way possible to see that the intent and purpose of the Federal Government was carried out. However, when the United States wishes to procure its most valuable asset, 72 percent of its ocean front, for the mere purpose of creating a playground, Worcester County must cry out in alarm.

I know that the area under consideration has been described to you many times, but I feel that in order to properly present the position of the county this must be done once again. Worcester County is composed of 483 square miles of land and has a total population of 23,700 persons. It is the easternmost county of Maryland and contains all of its ocean front of 32 miles. Its total acreage is 309,100 of which 2.1 percent is occupied by cities, towns, and urban areas. Farms occupy approximately 40 percent of the county and another 40 percent is occupied by forests and woodlands; 15 percent is composed of marshes. Obviously, Worcester County is principally a rural-agricultural area. 13,888 acres of its area, or 4.5 percent of the total land area, has now been removed from private ownership and is vested in public forests, parks, and preserves. We feel that this is a sufficient percentage of our land mass to devote to public use.

Assateague itself is an island 33 miles in length lying off the coast of Worcester County, Md., and Accomack County, Va., separated from the mainland by Chincoteague and Sinepuxent Bays. The southern part of this island, consisting of 13 miles of ocean front and containing 9,500 acres, lies in Virginia, all of which now belongs to the Federal Government. The Maryland portion of the island is 23 miles long and represents 72 percent of Worcester County's and thus Maryland's ocean front. The balance of 9 miles of Maryland's ocean front is the municipality of Ocean City, a summer resort, separated from Assateague by an inlet.

Of the 23 miles of Maryland's portion of Assateague, 2 miles or 8½ percent is set aside for a State Park and recreation area. The balance is in private ownership. The 8 miles north of the State park to the Ocean City Inlet are not susceptible to private development and the

county would have no objection to this area being procured by either the Federal Government or State government for park and recreational purposes. However, the 15 miles south, between the State park and the Federal preserve, is suitable for private development and, as you can see from the photo copies of development plats handed you and requested to be made a part of the record.

Senator BIBLE. They will be made a part of the files and the Committee will have them for study.

Mr. PITTMAN. This 15 miles has been subdivided and set aside for private development. There are approximately 5,280 lots of one-half acres each, which are presently owned by approximately 3,200 persons and families, who have long desired to build private and commercial recreational areas for the use of themselves, as well as the public. Contrary to other reports which have been placed before you, this 15 mile area is highly susceptible to private development, as your own investigations have probably determined. I refer you also to "Assateague * * * Worcester's answer", June 1963, and "A plan for private development on Assateague Island, Md.", September 1963, copies of which have been presented to each member of the committee, and a copy of which I now request be made a part of the record of this proceeding.

Senator BIBLE. Without objection, they will be made a part of the record at the end of your oral testimony.

Mr. PITTMAN. No development problem on Assateague Island is insurmountable. The county has faced these problems before in Ocean City and is ready, willing, and able to face them again on Assateague. The County has obtained, at no cost, all of the roads and rights of ways in the platted areas and has made extensive sanitary tests for private sewage disposal systems, has had presented to it a petition for the creation of a sanitary district, has negotiated with private industry for the construction of central sewage disposal and water supply systems, has contributed to the cost of protective dune construction, which long has been borne solely by the property owners, has instituted building codes and requirements, has caused the area to be completely zoned and planned by a professional planner, who is a consultant to the county planning and zoning board, and has contributed over one-half million dollars to the construction of an access bridge—which we are still prevented from using by the State government, even though we paid for a third of it.

All of this has been a tremendous financial contribution.

Senator BIBLE. Would you elaborate on that? Because I don't understand what you are saying.

Mr. PITTMAN. As was brought out yesterday, sir, I believe the Governor, a very fine gentleman—in fact, he is from our section of the State—stated to this committee that governmental departments of the State of Maryland have done everything possible to thwart our attempts to service these people with roads and access, so that we can build, and the State is presently refusing us permission to build a road through its park, which lies between the eastern terminus of the bridge and the property which these people seek to build on.

Senator BIBLE. Well, now, how did you contribute a half a million dollars to the construction of the bridge?

Mr. PITTMAN. If the chairman would permit me, sir, I think I will hit it on the next page.

Senator BIBLE. All right, very well.

Mr. PITTMAN. Or at least, it is in my prepared statement, sir.

Senator BIBLE. I think possibly this may be the same point on which some testimony was given yesterday, the fact that after these contributions had been made, there were certain accesses and approaches that were secured on both the island side and on the mainland side, but they never actually were used as a bridge. Was that the same half million dollars?

Mr. PITTMAN. No, sir.

Senator BIBLE. All right, maybe I am anticipating.

Mr. PITTMAN. This was a private endeavor, which bore no fruit.

Senator BIBLE. All right.

Mr. PITTMAN. All of this has been done at tremendous financial contribution to the private development of the area, to be recovered from taxes. Should the county now lose Assateague Island as a tax area, these expenditures will be for naught. The county will suffer a tremendous loss, not to be recompensed, by condemnation or contribution. This, an agricultural and rural society cannot willingly accept.

Economically, Assateague Island and its private development is vital to the health and the physical well-being of the county. At the present time this sparsely improved area, with only 30 buildings, has an assessable basis of almost $3 million, that assessment being based upon a blanket program of applying a $1,000 assessable value to oceanfront lots and a $500 value to interior lots. This is approximately one-fifth of the real value; for oceanfront lots are now being sold for $5,000 each and interior lots for $2,500 each.

Senator BIBLE. Will you develop that? I mean, in this area. Is that what you are saying?

Mr. PITTMAN. In this area, those lots, the few being offered for sale—because most of these people want to retain them—are being offered at those prices, and I believe there is a man that will speak later from our county who is in the real estate business, who will support that.

Senator BIBLE. Very well.

Mr. PITTMAN. Some lots have brought as much as $1,200 at tax sales. The income from this assessable basis has been $54,000 to $56,000 per year, representing about 6 cents of the county tax rate. In other words, if the area were lost, this would mean an increase of 6 cents on the tax rate to the other areas of Worcester County. This assessable basis of real estate is greater than that of four of the mainland election districts, which are well populated.

In addition to this, the county is also faced with the fact that its total land mass in the agricultural areas has been fully exploited. Worcester County contains no mineral deposits, or other natural resources, to be exploited, and has none of the attributes to entice industry into its area. Therefore it must rely solely upon its recreational features and location for its future governmental income. Presently this is restricted to the oceanfront areas. Minus Assateague Island, the only area for growth is Ocean City. This area now contributed 49 percent of all real estate taxes collected. Mr. Harrison, the county assessor, who is infinitely qualified to testify to these matters, estimates that there is but 15 or 20 years' growth remaining in

Ocean City and that after that time, expansion of the real estate tax base will virtually halt. Since the county is dependent upon real estate taxes for its income, and has little other tax resource, this fact is appalling. However, with the 15 miles of Assateague Island susceptible to improvement and development, the county would have a financial future upon which it could rely for at least 40 to 50 years. As you all know, from your experience with government at all levels, the costs thereof continue to increase by leaps and bounds. Severance of Assateague Island from Worcester County's tax base will stifle local economy and put the local government in the position of relying upon State and Federal assistance for its future progress. Neither the Congress nor the people of Worcester County wish this to happen. The creation of a Federal playground from Worcester County's only remaining asset creates a dismal future for the local people.

In addition to the loss of the future expansion of the economy, and present and future tax base, the county will be further embarrassed and damaged by the taking of Assateague because of its contribution to the construction of a State bridge from the mainland to the island. The bridge was completed in 1964, after years of negotiation with the State government, resulting in legislation which provided for a contribution of approximately $500,000 by the county, the balance to be contributed by the State of Maryland. In order to carry out its obligation, the county obtained $267,000 by way of composite State roads commission bond issues which are not redeemable for a period of 15 years. In order to finance this obligation, the county was forced to pledge a share of its gasoline tax revenues, which are now withheld by the State. Thus, for 15 years, the county is prevented from realizing part of its share of those funds for the maintenance and construction of county roads. With the loss of tax revenue from Assateague Island, it will become necessary for the county to levy additional taxes on the mainland areas for road maintenance and construction requirements.

Senator BIBLE. At that point, Mr. Pittman, is that an established method of developing county roads within the counties of Maryland? Is this the way it is generally done?

Mr. PITTMAN. Yes,sir. At some time in the far distant past, the county acquired roads. Say, 1835, back in that area. Later, the State took over the entire road system, including not only its own highways but the county highways. Still later, the county roads were returned to the county government for its own supervision, and the State assists in the support of maintenance and construction of those roads by——

Senator BIBLE. The county roads?

Mr. PITTMAN. The county roads, sir, by returning to the county shares of the gasoline tax collected by the State, on a proportionate basis, based on the mileage of the county roads involved.

Senator BIBLE. Well, in order to determine the bridge location where it is at the present time, and the approach roads to it, who made that determination? The State highway board? The State highway commission?

Mr. PITTMAN. It was a joint planning operation by the State roads commission, which is the State highway commission, and the county roads commission, and roads engineer, the location, of course, being

determined by their engineers, because it was the narrowest part of Sinepuxent Bay.

Senator BIBLE. And was this done as a part and parcel of the acquisition of the State park on Assateague Island?

Mr. PITTMAN. I rather fear, sir, that the park was an excuse for the construction of the bridge.

Senator BIBLE. Well, whatever it was, as a matter of fact, was it done together, as a parcel deal?

Mr. PITTMAN. No, sir.

Senator BIBLE. It was not.

Mr. PITTMAN. No, the land for the State park, sir, was acquired a couple of years before construction of the bridge began.

Senator BIBLE. Earlier.

Mr. PITTMAN. Yes, sir. Through condemnation and negotiation.

Senator BIBLE. Thank you.

Mr. PITTMAN. More of a predicament is created by reason of the fact that the county has issued bonds for $275,000 which are not redeemable for a period of 10 years. I might add, they are 15-year bonds, but we can redeem them in 10. In authorizing the issuance of these bonds, the Maryland Legislature also created Assateague Island as a special tax district subject to an additional tax of $0.90 per $100 of assessable evaluation in order to pay principal and interest on the bonds. If the Federal Government condemns Assateague Island, it condemns the entire special tax district designated to pay for the bonds. Thus the bonds must fall back upon their secondary liability of being general obligation bonds of the county. This, then, places the county in the position of losing the designated means for paying for the bonds and must levy additional taxes throughout the county to pay principal and interest, as and when it becomes due. Thus the Federal Government removes from the resources of the county the means of paying for this bond issue and, in my estimation, creates an abuse of responsibility and obligation to some of its citizens.

Moreover, this added bonded indebtedness also reflects upon the credit of the county and increases the county debt ratio. Though that ratio is not great at the present time, it must, of necessity, grow as the county provides the needed modern facilities for its citizens, such as new schools, libraries, its own recreational facilities, utilities, and roads. I know, and Senator Brewster has previously pointed out, that legislation is now pending in Maryland to reimburse the county for its expenditures on the bridge—if the Federal Government takes Assateague Island. But pending legislation is not acceptable to the county, for it does not guarantee retirement of the bond issues and does not erase the stigma of the increased debt ratio. Furthermore, there is no guarantee that the metropolitan areas which will control the State legislature, under recent Supreme Court rulings, will respect the attitudes, wishes, and necessities of rural areas. Together, all of this gives us the feeling that the Federal Governmnt is trying to cut our throats, and cares not for local feelings and welfare. All of a sudden we have become "small people," too insignificant for an omnipotent Federal Government to consider.

Some have said that one provision of the acquisition legislation before you will compensate Worcester County for its loss. I refer to

the setting aside of approximately 600 acres for a commercial-type development within the park area. This, when improved under the direction and at the discretion of the Department of the Interior, is to be subject to State and local taxation. The indefiniteness of availability of this area for taxation, to say nothing for the questionable value thereof, or how such will be assessed for local tax purpose, or the manner in which those taxes shall be presented and collected, leads us to believe that this is a mere blind which tries to salve deep and tortuous wounds. Our personal feeling is that it will be of little, if any, practical benefit to the county as a tax resource. If the Federal Government must take all of Assateague Island, we would rather it did not leave this questionable area for later conflict and dispute. We do not support this or any other provision of the acquisition bills.

The only way in which Worcester County could be compensated for the loss of Assateague Island would be by reimbursement for the expenditures that it has made, looking forward to private development of the island, including the necessary funds to immediately retire the outstanding bond issues for the bridge, either by purchase on the open market or by negotiation with present holders at required premiums, and by an annual grant in lieu of taxes, such as has been made in other areas, particularly those near military installations, those grants to be based upon present tax losses with an annual increase which, in turn, would be based upon the present assessable basis to which would be applied an annual increase, in ratio similar to the ratio of annual increase in the other county ocean resort area. Without this just type of compensation for its loss, Worcester County's future is dark and bleak.

The only other equitable solution to this problem is for the Federal Government to satisfy itself with the taking of the 8-mile area of Assateague north of the State park. To this the county would not object. This would leave that 15-mile area of Assateague suitable for private development on the county tax rolls, justify previous county expenditures and planning, and provide the bedrooms and facilities necessary for the enjoyment of those park areas, facilities which now do not exist within 10 miles of Assateague. If this solution could be utilized, Worcester County would not even object to the Assateague Bridge becoming a toll-free facility and such could easily be accomplished by this committee by merely amending the bills before it to change the boundary lines of the park and to eliminate the commercial area and provisions dealing with the bridge. Moreover, this would then become compatible with the, at least newspaper announced, plans of Senator Robertson and Representative Downing of Virginia to introduce legislation in the Congress to acquire Parramore Island and other coastal areas of the eastern shore of Virginia as Federal recreation parks. There could then be an entire system of Federal recreation and wildlife preserve areas along the Atlantic coast, consistent with Federal desires and supported by local interest. And the economy of the entire area, both in Maryland and in Virginia would be enhanced rather than the economy of one area being damaged beyond repair. We offer this as a satisfactory solution to your most difficult dilemma.

After I have finished, Mr. Harrison, our county assessor, will make a presentation concerning fiscal matters and assessable basis comparing

Assateague to the rest of the country, and Mr. Carter, our former county engineer and planning executive, will make a presentation concerning engineering studies that he has compiled, together with an explanation of the zoning and planning work in the area. After their presentations, we stand available to attempt to answer any questions that you might have.

In closing, gentlemen, we implore you to seriously consider and weigh the difficulties faced by Worcester County with the loss of Assateague and the resultant harm and loss to our people, and to consider also the solution offered. I believe that you can see the problems faced by us, and having dealt with government at all levels, can understand our concern. Never before has Worcester County been faced with such a crisis. We beseech you, if necessary we will get on our knees and beg you, to leave us alone, to not take Assateague Island, to not impair our credit standing or our future. Please do not bury us in the golden sands of Assateague.

Senator BIBLE. Well, that is a very very fine statement, Mr. Pittman. I take it you don't see any pluses whatever in the creation of a national seashore. You don't think that the thousands or tens of thousands or hundreds of thousands or whatever the figure might ultimately be over these years that lie ahead of us will bring or be of help to Worcester County?

Mr. PITTMAN. Senator, no, sir, I don't, because I don't believe these projected figures that have been tossed around into the millions of visitations—I think one figure by the Department of the Interior was 3 million visitations per summer.

Senator BIBLE. Yes, they estimate that, and I don't know how they estimate it.

Mr. PITTMAN. I don't believe them. I don't believe that more than well, proportionately, a handful of persons will stay at a bedroom 10 miles——

Senator BIBLE. Stay at a bedroom 10 miles from the area they wish to enjoy, and have to lug to the beach their blankets and their umbrellas and their cold beer and the children, and have none of those facilities readily at hand, when a private industry, in areas such as Ocean City, provides all the necessities for enjoying the beach—by the majority.

Mr. PITTMAN. Now, Senator, I realize there are bird watchers. I have a brother who is a scientist and a bird watcher. I watch, too.

Senator BIBLE. Which one of the Pittmans are you? We had a very distinguished Senator from Nevada, who was Kee Pittman.

Mr. PITTMAN. Yes, sir, you did.

Senator BIBLE. I hope you claim relationship to him, because he was a very great man.

Mr. PITTMAN. I would like to. I am afraid that the family roots branched out a little differently though. I wish I could. My family settled originally on the coast of Carolina, and wandered inland. Perhaps the same roots.

Senator BIBLE. Yes, sir.

Mr. PITTMAN. But I think really that the majority of people who wish to use ocean facilities would much rather be in a room where they can walk out of the door onto the beach, and use it. I was talking about the bird watchers. I am one, too. I watch ducks and geese, as have some of the other shooters before you, but I can't see

taking from our county its only—well, its last natural resort, and the only area in which we can grow.

Senator BIBLE. Of course, I want you to develop that, or have your assessor develop it, or your planner develop it, because you say this is the only area where you can grow. That does not square with the testimony that you have 9 miles of growing room to the north. And I want to have someone, and this probably is not your question, it is probably a planner's question, or maybe someone else, or maybe your chairman of your county commissioners, or your assessor or somebody, but I am interested in knowing how many building lots you have laid out on the ground north of the present developed Ocean City. How many building sites you have available, and things of that kind, because you make a considerable and a very impressive presentation about the number of lots that you have in this so-called 14 miles lying south of the State park. I think we both must recognize that these are just platted lots. You could not find those lots on the ground if you went there, could you?

Mr. CARTER. Yes, sir.

Mr. PITTMAN. Yes, sir; with the aid of a surveyor, or if you were familiar with the area itself. Mr. Carter will enlarge that.

Senator BIBLE. Well, we will talk to him as we move along, but my first question.

Mr. PITTMAN. In answer to your previous question, sir, Mr. Harrison estimates that the north Ocean City area, the northern part of the 9 miles from the inlets to the Delaware line, contains approximately a 15 to 20 year growth factor, but after that time, unless we grow vertically, there will be no increase, because you are bound by the bay on one side and the ocean on the other.

Senator BIBLE. Well, I realize his conclusion, and you are a splendid lawyer, obviously, and you made a very wonderful presentation this morning, and all I want is Mr. Harrison, or whoever it is that comes up with this conclusion that you only have 15 years growing room to the north, I want him to document that, and to give me the number of residences and commercial establishments that you have in Ocean City at the present time, and how many available lots you have from Ocean City 9 miles to the Delaware line, so we have something by way of comparison. I don't know if they are talking about 3,000 lots to the north. I don't have any idea. I would like to have the fact, rather than the conclusion. But I suppose that should be directed to Mr. Harrison, and if it is not available now, the way this merry little old hearing is going along, we are going to be here for some time. I am in no hurry, and I kind of enjoy this. This is a nice room, and you are nice people, and I am not going to crowd anybody, and I am going to play golf tomorrow morning, but we will be back here Monday, and I think we will probably be here until about—well, probably midsummer [laughter], optimistically, and so we are not going to crowd anybody. If that isn't available now, I would like to have it worked out. I think that is very important.

Mr. PITTMAN. May I ask that Mr. Harrison be permitted to speak, and perhaps that his statement will contain——

Senator BIBLE. Oh, I am going to let him speak, certainly. I am going to call on both of them next, but I wanted to explore that with you, in view of your statement that the U.S. Government is robbing you of a great potential tax base.

Let me assure you, we are only here trying to work out a difficult problem. You say that is undoubtedly the most difficult problem we have ever faced in this area. I don't think that is right. Senator Jordan and I had a July 4 hearing on Sleeping Bear Dunes, and if you think this is rough, you should have been there; and we went out to the Indiana Dunes, and we marched through two different groups of picket lines, one of them saying "Save the Dunes," and the other saying, "Go on Back to Washington."

So we have encountered these areas, and I am not saying yours is any less difficult. I don't know that it is any more difficult, but we are here as in a good deal of the capacity of judges, attempting to reach a fair verdict, and that is going to be the posture of the whole. I have no specific questions of you, and maybe before I open up the questions, I probably would have been better advised to hear both from Mr. Harrison and your planner, Mr. Carter. So we can proceed with those statements, unless you have something further you want to add, Mr. Pittman.

Mr. PITTMAN. I would, sir, in support of the statements that I did make about the work that the county has done, there, I have here with me, and there are sufficient copies before the Senators, a telegram that we received a day ago, yesterday. I would like, just as an example of what we are doing, to read this into the record, if you would permit me, because this concerns the availability of water and sewage.

Senator BIBLE. Certainly. You may proceed.

Mr. PITTMAN. This telegram, dated March 18, is addressed to Mr. Walter Onley, Jr., who is one of the county commissioners, or Mr. Carter:

> Reference status of utility service for Assateague Island paragraph No. 1 it was not possible for us to complete final construction plans and specifications and get a construction permit for a sewage treatment system prior to start of the Assateague hearing. However, the engineering design report and a set of construction drawings marked preliminary, were delivered to and discussed with the State department of health on March 16, 1965.
>
> Their review will require from 7 to 10 days depending upon their current workload and the availability of personnel for review. However, the proposed treatment plant and all major elements of the system were discussed with Mr. Brown, Mr. McCommas, or Mr. Bingley as design concepts developed and prior to the completion of the design report.
>
> In my opinion the material was well received, and there is no reason to believe that the system will not be processed in a normal manner and eventually be approved just as would any other similar project.
>
> Design has been prepared for construction in two or more stages so as to keep the project economically feasible and at this time it appears that the project will be economically feasible as soon as the first commercial development starts on the island.
>
> Arrangements have already been made with Edgell Construction Co. of Dover, Del., to construct the first 150 feet of interceptor sewer. This is planned as a test installation to see what method of construction will be used on the major interceptor sewer runs.
>
> Continued county support will result in a sanitary sewer system and a public domestic and fire water protection system being available for use this summer. I will continue to keep you informed as to progress.
>
> EDWARD H. RICHARDSON ASSOCIATES, INC.
> DUDLEY L. WILLIS, P.E.

So the work is progressing, sir, and this will show that water is available, sewage will be available, and this is not honky-tonk type of area.

Senator BIBLE. Now, Mr. Pittman, I neglected to ask you for the record if you would tell me a little something of the county governing

body for Worcester County. Is it composed of three or five commissioners, and how are they selected, and do they run every 2 years or 4 years, and you are what we would call out in my State a district attorney; is this right?

Mr. PITTMAN. No, sir; I am attorney to the county commissioners, and have been since 1959. They are a retainer client. In other words, I have my private practice, but there isn't enough legal work, or was not in the past enough legal work for the county to have a salaried attorney.

Senator BIBLE. Oh, Worcester has no salaried county attorney, or prosecuting attorney.

Mr. PITTMAN. Well, prosecuting, yes, sir, because under your Maryland system, the prosecutors, though elected from the county and paid by the county, are State officers.

Senator BIBLE. Oh, I see.

Mr. PITTMAN. I deal with no criminal work whatsoever.

Senator BIBLE. You are a resident of Worcester County.

Mr. PITTMAN. Oh, yes.

Senator BIBLE. You practice——

Mr. PITTMAN. In Pocomoke City, sir, at the southern end of the county, but I do only civil work for the county in its various departments.

Now, you had asked the number of commissioners. There are five, they are elected every 4 years and we have one member serving at large. The others are elected countywide, but must reside in a certain district.

Senator BIBLE. I see. So you have direct but countywide elections.

Mr. PITTMAN. Yes, sir.

Senator BIBLE. And you have five commissioners?

Mr. PITTMAN. Yes, sir.

Senator BIBLE. Thank you very much. I don't think we have that in the record, and I thought it might be helpful.

You wanted to present Mr. Harrison next?

Mr. PITTMAN. Yes, sir.

Senator BIBLE. All right, sir.

Mr. HARRISON. Senator Bible, chairman, Parks and Recreation Subcommittee, and associate Senators, my name is Joseph G. Harrison, Berlin, Worcester County, Md.

Gentlemen, I am here representing the Worcester County Commissioners as supervisor of assessments and property owners in Worcester County.

Senator BIBLE. Is that an elective office or is that an appointive office?

Mr. HARRISON. That is an appointive office.

Senator BIBLE. How long have you held this particular position?

Mr. HARRISON. Since 1960.

Senator BIBLE. Very well.

Mr. HARRISON. It is not my desire to consume too much of your time. However, there are several economic aspects pertaining to Assateague Island and Worcester County which you should know about before final decision is made on Senate bill 20 or Senate bill 1121 to acquire Assateague as a national seashore park.

Mr. HARRISON. Yes, sir. The total assessable basis for all of the 10th district; land and improvements as of January 1, 1965, is $44,463,115.00 or 53 percent of total county. Whereas in 1950 the total

assessment land and improvements for the 10th district was $9,192,-937.00. Those are the figures that I have up here on this map over here

Senator BIBLE. And that map will be incorporated for reference use because it does mark out the various districts that are referred to in the testimony, first of your State senators and then others up here, so I think it will be very helpful to the committee.

Mr. HARRISON. Yes, sir.

New construction in the 10th district of Worcester County accounts for 70 to 75 percent of all new property placed on our tax rolls each year for the past several years. During 1964 there were 523 transfers of property in the district against a total of 886 for the entire county. In dollar volume, transfers in the 10th district amounted to $14,799,-000.00 or 84 percent of county total.

From the above data, there is a clear indication that the financial condition of Worcester County to a large degree is dependent upon the seashore area, and real growth can be depended upon this area as in the past.

One might assume that there is only summer employment in the tourist area of Worcester County; however, this is far from being correct. In building and maintenance work as in the resort area, work forces reach in the remote corners of the county in supplying building materials. Worcester forests supply a fair percentage of the construction materials, piling, and finished lumber. Labor for all types of maintenance is supplied locally and at present time there are approximately 400 employees engaged in construction and maintenance work in the resort area. If Assateague is kept private, there is every indication that building in this area will progress in an orderly manner.

Senator BIBLE. At that point, and any one of them can respond to this, what do you estimate your year-round population of Ocean City itself to be? This is all within the 10th district, is it not?

Mr. HARRISON. Somewhat less than a thousand people.

Senator BIBLE. Somewhat less than a thousand in Ocean City, within the 10th district?

Mr. HARRISON. Yes, sir, but see, Ocean City, I am speaking about that part from the inlet to the Delaware line, the 1960 census showed somewhat less than a thousand people live there year round.

Senator BIBLE. Thank you.

Mr. HARRISON. In observing growth in the seashore area as accomplished by private capital with a minimum of Federal and State help, there is only one conclusion to be made, if Assateague is lost by passage of Senate bill 20 or Senate bill 1121, Worcester will be losing a most valuable asset.

Senator BIBLE. Thank you very much, Mr. Harrison. I directed this question to Mr. Pittman or maybe one of the delegates or the senator, but I think it probably properly belongs to you, and if it isn't readily available to you now, I want supplied for the record the assessment history of Assateague Island itself. In other words, how much was it assessed for in 1950, and 1951, and 1952, and how did you translate that into tax dollars? That can be supplied for the record, if you don't have it all readily available.

(The table referred to follows:)

TABLE 1.—*1965 assessment basis*

District	Land	Buildings	Total
1	$2,544,065	$8,494,656	$11,038,721
2	2,312,007	6,264,016	8,576,023
3	2,445,910	8,682,510	11,128,420
4	652,746	949,687	1,602,433
5	673,664	1,974,789	2,648,453
7	813,209	673,442	1,486,651
8	1,096,926	1,800,915	2,897,847
10	14,334,789	27,144,296	[1] 41,479,085
10-A	2,862,692	121,338	[1] 2,984,030
Total	27,736,008	56,105,649	83,841,657

[1] Total assessable basis for all of 10th district: Land and improvements as of Jan. 1, 1965, $44,463,115.

Mr. HARRISON. The 10th district includes the entire area of the coastline in Maryland from the southern boundary of Delaware to the Virginia State line, a distance of 32 miles, Assateague Island being that part of the 10th district south of the inlet at Ocean City, Md., for a distance of approximately 22 miles.

Beach land, particularly that located within 1,000 to 1,200 feet of the ocean, is the most valuable land in the county, regardless of whether on Assateague or north of the inlet in the Ocean City area. Assateague Island, January 1, 1965, on land only has a greater assessable base than any other district in the county.

I would like to make a correction. My figures are as of January 1, 1965, whereas the figures that are presented by Senator Sanford were of July 1, 1964.

Senator BIBLE. Very fine. I don't think there is any need of reading all of the figures on your first table over again, because other than the correction you have made, they are the same figures that have already been inserted in the record.

Mr. HARRISON. This copy of this record here, giving a full tax base of each district in the county, was included in the Nathan report. However, it only went to 1963, when that report was prepared, and I will be glad to finish this out.

Senator BIBLE. I would be happy to see the tax base that was used from the time that apparently this private development started in 1950, up to date, as well as the tax dollars that that brought into your county. I understand that right now, in your 1965 projected assessed valuation, this will bring you in something in the neighborhood of $55,000. Is that a correct figure?

Mr. HARRISON. Yes, sir. Offhand, I would say 1950 figure was probably less than $25,000 for the entire Assateague Island.

(The information requested follows:)

OFFICE OF THE COUNTY COMMISSIONERS FOR WORCESTER COUNTY, MD.
Snow Hill, Md., March 22, 1965.

Hon. ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee,
Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: In accordance with request in the hearings on Assateague Island on Friday, March 19, you requested that the assessable basis of Assateague Island be furnished your office as soon as possible.

The enclosed list of assessments as were applied to Assateague Island for the years 1957 through 1965. For the period prior to 1957, there was no

separation of Assateague Island from the 10th Election District of Worcester County, and the assessment prior to 1957 would be almost impossible to obtain without a great amount of research of the old records. However, the assessment prior to 1957 was considerably less than the figures shown because it was during this period that the lots were put on separately; whereas, in prior years showed the assessment on an acreage basis in many instances.

Trusting that this information is that which you desire, and if there is any further information which this office can furnish you, please do not hesitate to call on us, I am,

Yours truly,

JOSEPH G. HARRISON.

District 10–A, Assateague Island, assessable basis

Year	County tax rate	Assessment	County taxes collected
1957	$1.70	$2,475,613	$42,085.42
1958	1.70	2,592,813	44,077.82
1959	1.70	2,644,918	44,963.61
1960	1.80	2,804,352	50,478.34
1961	1.80	2,940,010	52,920.18
1962	1.80	3,088,759	55,597.66
1963	1.80	3,016,859	54,303.46
1964	1.80	3,050,335	54,906.03
1965 [1]	1.80	2,984,030	53,712.54

[1] Tax rate estimated.

Senator BIBLE. That is right. Well, I just want to see how it has developed over the years. Now I believe Mr. Pittman said that if this were to be taken over by the Federal Government, that there would be a great loss in the amount of money that the Worcester County has expended over and above this $500,000 that goes into the bridge for planning and other county expenditures directly related to Assateague Island. Is that figure available? How much money are we talking about?

Mr. HARRISON. Senator, that figure is not available, and it would be a task to get it, but it could be done. I am speaking of the moneys that the county has expended over the period of, well, let's just say the last 10 years, in assisting these people with their dune construction, things such as the designing of the sewer treatment system that is in progress now. Their planning and zoning work, getting programs, even for these hearings. You have one report there in the envelope by Julian Tarrant, who is the county professional planner under the Federal 701 program. Actually, he made a report for joint use by the county and the State government, on this Assateague Island, for which we contributed.

Senator BIBLE. Did the county pay for that?

Mr. PITTMAN. Yes, sir. We contributed, I believe, 50 percent; wasn't it, Joe?

Senator BIBLE. And how much is that in dollars?

Mr. PITTMAN. Do you remember?

Mr. HARRISON. I don't.

Mr. PITTMAN. Mr. Carter, who was the planner at the time, or the executive director, estimates between $2,500 and $3,000 was our contributive share to that report.

Senator BIBLE. Could you give me an idea of what figure you have in mind, when you say that you have made—and I don't question what you are saying—Worcester County has made considerable financial

contributions to advancing this private project on Assateague Island? In what range of figures are you talking? Have you spent $5,000, $10,000, $15,000?

Mr. PITTMAN. Senator, if I gave you a dollar figure, it would be incorrect, but my idea was to try to present to you that not only are we stuck with the bridge bonds, and have contributed to the reports, but paid the salaries of county employees that have worked on the island. Mr. Carter, while County engineer, had spent weeks over there, just planting grass to maintain the sand dunes. That took county employees, county equipment. That sort of thing, sir. I doubt if we could give you a schedule of it, or even an honest dollar sign.

Senator BIBLE. I don't want to make a big project out of this. I was just trying to get a figure in the back of my head as to what amount of money Worcester County might have expended, because I think you and I must both recognize that during this period of time, if you are going to receive $50,000 into the treasury of Worcester County from tax dollars, you certainly have been paid part of this by the taxpayer, haven't you? I mean, you receive a considerable amount of revenue.

Mr. PITTMAN. Yes, sir.

Senator BIBLE. By the tax assessments, and the tax levies you make on the property owners, on Assateague Island.

Mr. PITTMAN. Yes, sir.

Senator BIBLE. And I just wondered if the two did not kind of balance out, whether they do or don't.

Mr. PITTMAN. I will let Mr. Harrison answer.

Mr. HARRISON. Senator, may I inject? Every time we collect $1.80 on a real estate tax base, approximately $1.40 of that is absorbed in schools; so it only gives us the difference between $1.40 and $1.80 to spend.

Senator BIBLE. So you have 40 cents that you use for general county use.

Mr. HARRISON. That is right.

Senator BIBLE. But $1.40 goes first to the schools.

Mr. HARRISON. Yes, sir.

Senator BIBLE. There is only one other question that I wanted to ask you, Mr. Assessor, and somewhere in the course of these statements, you said that when you assessed, you used a different or a higher base or a higher value in Ocean City in the seashore than you do on other land. I don't know that I understand that.

Mr. HARRISON. Well, in the States——

Senator BIBLE. I thought valuations had to be equal. I mean I did not know you could discriminate between one area and another.

Mr. HARRISON. The only discrimination you have in the tax assessments in the State of Maryland is you do have different tax laws applying to agriculture lands than what you do other lands.

Senator BIBLE. And you assess for seashore, you assess Ocean City what percentage of full market value?

Mr. HARRISON. We try to maintain a base in there of assessment ratio between 50 and 60 percent.

Senator BIBLE. I see.

Mr. HARRISON. In 1962, the survey in the county as a whole, we came up with a 52-percent average. The figure is made up by a survey team from the State department of assessment of taxation.

Senator BIBLE. However, your overall—the $1.80 rate is the county rate alone?

Mr. HARRISON. Sir?

Senator BIBLE. Is that the combined rates, or the county rate alone? The county is $1.80?

Mr. HARRISON. $1.80 for the county rate, and the State rate is 15 cents on top of that.

Senator BIBLE. So if I resided in Ocean City, I would pay what, $1.95?

Mr. HARRISON. No; you would pay $1.80, 15 cents, and $1.40 city rate.

Senator BIBLE. I see. Well, it looks like you do a pretty good job of taxing there, just like they do almost everywhere else.

Mr. HARRISON. I will say this. We have quite a range in the assessment basis on beach front properties.

Senator BIBLE. I am sorry.

Mr. HARRISON. I say, we have quite a range in the assessment on beach front property, depending on what area you are in. We do have some in Ocean City that are assessed as high as $290 a front foot.

Senator BIBLE. Well, now, what is the size of these lots in this area in dispute, these 32 property owners? What do they average?

Mr. HARRISON. Practically all the lots in the Ocean Beach, the South Ocean Beach area, that is comprising the 14-mile area, are 100 by 200 feet.

Senator BIBLE. One hundred feet in width and 200 feet in depth?

Mr. HARRISON. Yes, sir.

Senator BIBLE. And if I had the first lot next to the ocean, how much would that be assessed?

Mr. HARRISON. Ocean front lots, at the present time, and they have been for the last 5 or 6 years, have been assessed at $1,000 each.

Senator BIBLE. Does that mean that I would pay them $1.95 multiplied by 10, would be $19.50? Would that be about my tax?

Mr. HARRISON. Yes, sir.

Senator BIBLE. Now, how about the lots immediately back of the ocean lots? Are they all the same size?

Mr. HARRISON. Yes.

Senator BIBLE. They are all 100 by 200?

Mr. HARRISON. Yes, sir.

Senator BIBLE. This is uniformly platted throughout this proposed subdivision.

Mr. HARRISON. Yes, sir.

Senator BIBLE. How about the lots that lie immediately back of the ocean lots?

Mr. HARRISON. They are 100 by 200, in assessment $500.

Senator BIBLE. So I pay about $9 or $10 a year taxes on that, this year.

Mr. HARRISON. Yes, sir.

Senator BIBLE. Were they always assessed at $1,000 and $500, since their inception?

Mr. HARRISON. For about the last 6 years.

Senator BIBLE. For 6 years. Prior to that, what were they assessed?

Mr. HARRISON. Some of them some places down there on an acreage basis.

Senator BIBLE. This is before they actually had been subdivided?

Mr. HARRISON. It was during the process that they were selling them off, and the prior supervisor that held this job before I took it over in 1960, some 2 or 3 years prior, had set this schedule of $1,000 on the front, and $500 for all other lots.

Now, sometimes that might have represented approximately 50 percent of the price, and sometimes, it might have represented less than 50 percent of the price. However, during the past 5 or 6 years we have not been able to give these people the same in public services as we have in the other parts of the county, and the county commissioners and my office felt as though this assessment that we have of the $1,000 on the front lots and $500 on the back lots was about what it should be for the time being. If we could have had access to this property, the road going down through the island on a private development basis, there is no question about it that we would be able to raise the assessments, and give the people more and everybody would be perfectly satisfied. I must say that there are very few of the lots on Assateague Island that do actually fall back on account of taxes and are brought up for tax sales, and we are in the process of reassessing in the Ocean City area right at the present time, and we are raising the assessments in Ocean City. We have some lots in there assessed at $10,500 on the boardwalk.

Senator BIBLE. How many $1,000 lots do you have in this area in controversy? I guess we will call it the 14-mile area for want of a better name. Is this Ocean Bay? Ocean Beach?

Mr. HARRISON. It is about 160 blocks, and four lots each. On the front.

Senator BIBLE. On the front.

Mr. HARRISON. Yes, sir.

Senator BIBLE. And then all the balance are assessed at $500. Is this correct?

Mr. HARRISON. Yes, sir.

Senator BIBLE. Now, what is the total number of lots that you assess at Ocean Beach?

Mr. HARRISON. I think it is some 5,400. We have them all assessed. It is on the tax rolls.

Senator BIBLE. And this is all available to us? I don't what to labor this point.

Mr. HARRISON. Yes; in fact, the Department of Interior has a complete record of the tax rolls as of the last summer.

Senator BIBLE. How many owners of these 5,400 lots?

Mr. HARRISON. Some 3,200.

Senator BIBLE. 3,200 is a pretty good round figure?

Mr. HARRISON. That is a round figure. We have cooperated with the Interior. Whatever we do, we want to be open and above board. We have got our own argument for the thing. We have supplied them with all the necessary information that they have asked us for.

Senator BIBLE. Oh, I am sure you gentlemen have been most cooperative all the way through. I think that is how it should be.

Do you have a question?

Senator JORDAN. I suggest, Mr. Chairman, we proceed and hear them all.

Senator BIBLE. Yes, sir, Mr. Carter. Do you want to proceed with your statement?

Mr. CARTER. Senator Bible, members of the committee, my name is C. Kenneth Carter, professional engineer and land surveyor, and I was a consulting planner, director of Worcester County and the county engineer. I wish to present Worcester County's proposal for the development of Assateague Island. The county commissioners propose that the north 8 miles of Assateague Island, as shown on the map in green, be acquired by State or Federal agencies for a recreational park of day-type use activity. The county further proposes that the beach front, in the 15-mile private development area, be opened for public use, and also that a road be constructed from the Virginia line south through the wildlife area to tie in with the existing recreational area at the south end of Assateague Island. We further propose that the Federal Wildlife Service open the frontal 500 feet of the beach for daytime recreational use. This would establish the beach and roadway for both recreational use and emergency evacuation. This roadway would further qualify Assateague Island, in the event of another disastrous storm, for emergency funds administered by the Office of Emergency Planning.

It is a known fact that less than 100 acres of beach area, between the Ocean City Inlet and the Delaware line, are used for public recreational purposes. This acreage supports an average of 80,000 people per day and has reached peaks of an estimated 160,000. This is the Fourth of July weekend, Labor Day weekend estimate.

The usage breaks down to 10,000 people per mile per day, using the acreage in Ocean City. The north 8 miles of Assateague Island, including the State park, consists of more than a thousand acres. The 15 miles of the private development area, when opened, will be more than twice the now available area between Ocean City and the Delaware line. The 500-foot depth of frontal beaches of the wildlife area will be an estimated 600 acres. This, then, in total, will be an estimated 2,000 acres on Assateague Island open to recreational use.

During the month of July 1964, which also was pony penning month, a count revealed that 19,000 people visited the Chincoteague-Assateague Recreational Area. This is an estimated 100 people per mile per day. The county feels that, with the opening of the State park, the beaches of the private development area, and the wildlife area, there would be available an estimated 2,000 acres which could support all the people expected to visit this area until the year 2000. This is using the Government's figures of 120 square feet per person allowable for recreational beach use. It is further felt that the people with residences on the island would draw more visitors and friends to spend time and make use of the recreational opportunities than the number of people who would drive all the way from a metropolitan area for daytime use only.

The county proposes to encourage private development of the 15-mile area shown on this map. And now, sir, I call your attention to the larger map which is Worcester County's plan for Assateague, showing the areas in color. The areas colored green are the areas recommended for open space. The areas in red are the areas that are restricted commercial zone, the areas as shown in the faded yellow are residential dwellings, which is restricted to single-family units on these 100- by 200-foot lots. The area shadowed in the background is the area which is not subdivided, but which is held by gun clubs for their recreational use.

Senator BIBLE. That is on the bay side.

Mr. CARTER. That is on the bay side; yes, sir. The area that we first look to is the area adjacent to the state park, which would be the first unit that we are setting up in the health program, which would be encouraged for private development. This area is the 16 percent of Assateague Island shown on photogrammetric maps as being 7 feet above mean low water, or better, and does not require filling before developing. This 15-mile area, when created into a sanitary district, could support public utilities when developed with the aforesaid plan. This would not cause an outlay of funds, except for those residing within the district area.

The photogrammetric maps, which all of the studies have been based on, have an accuracy of half-a-contour interval. This means that the maps have an accuracy of plus or minus 1 foot and indicate that there is a possibility of more land qualifying for development, especially in the timber-growing areas. Its accuracy is further indicated because it is a known fact that timber will not grow in salt water. In addition, a recent survey shows the elevation of land in Ocean City, which supports development and has previously supported development with adequate water and septic tank disposal systems, to be the same relative elevation as that of Assateague Island.

Senator, there have been recent surveys made by the geodetic surveyors which show the elevations that now exist on Assateague Island. I understand that the information is not available as yet, but I am sure it will be available to you.

Senator BIBLE. I am told we have copies of those, and I guess we have just received them.

Mr. Carter. But they do indicate the Ocean City area and Assateague area to be generally the same elevation, which proves one supports development and the other can support development.

Senator BIBLE. Now, this seems to be somewhat of a gray zone, or some difference of opinion. I have been rather led to believe that Ocean City was some feet higher than Assateague Island. I don't know whether that is right or wrong, but I suppose the maps should prove that.

What are the relative elevations, and how do you measure them? They are measured from what to what?

Mr. CARTER. We use the same datum as the Army Corps of Engineers and the geodetic surveyors, which is standard datum for the area, Coast and Geodetic datum, and we all relate to the same elevation when we speak of elevations, so that we are using equal datum.

Senator BIBLE. What elevation are you using? You measure that from what?

Mr. CARTER. We use mean low water.

Senator BIBLE. Mean low water, and under that measurement which you have used—you say it is the same as the Corps of Army Engineers uses, or Geodetic Surveys uses—what is the Assateague Island level? I realize there are ups and downs, but do you call it an average level, or what do you call it?

Mr. CARTER. No, sir; there are comparable elevations. The highway that exists, and has existed for many years from the inlet north to the Delaware line, in Ocean City, has an average elevation of plus 7, or better.

Senator BIBLE. Plus 7 or better. How much better?

Mr. CARTER. Well, up at Fenwick area, it reaches plus 14. The boardwalk in Ocean City—and I might say I did Ocean City's engineering for them for six and a half years—is set at a plus 14 elevation.

Senator BIBLE. That means it is 14 feet above mean low water.

Mr. CARTER. Yes, sir, and this would give you a relative picture, after visiting Ocean City, and looking at the beaches, of the height of the beaches.

Senator BIBLE. What is the level of Assateague Island?

Mr. CARTER. Assateague—I myself ran a set of levels from Ocean City down to Assateague, and the road as constructed, on Assateague Island started at a plus 7 elevation.

Senator BIBLE. Is that the road we saw the other day that seemed to be pretty well covered up with sand?

Mr. CARTER. Yes, sir. The frontal beaches have an average of plus 12 at the present time. Now, that is equal to Ocean City.

Senator JORDAN. These are on the ocean side?

Mr. CARTER. These are on the ocean side; yes, sir. Marsh elevations have an average elevation of 2.7, both north in Ocean City and south on Assateague Island.

Senator BIBLE. Well, then, it is a sound conclusion that they are both about at the same level. Is that correct? Ocean City and Assateague Island?

Mr. CARTER. Yes, sir. There is no great differential between the two. That is my conclusion.

Senator BIBLE. Very well, and pardon me.

Mr. CARTER. Units, speaking now of the sewer and water facilities, will be designed to contain the sewer and water facilities. The sewer facilities will be of the Imhoff or package type, which will support 50 family units or equal. They will be further designed, when worked into a master system for the entire 15 miles, to function as substations. Units two and three—which are also higher areas of Assateague Island—which run between 40th and 53d, and 73d and 98th Streets, respectively, would be development in progressive stages.

Since all of the area in the 15 miles is planned and zoned, with conditions, restrictions, and regulations requiring houses to be set back to provide open space and with signs and billboards outlawed, we do not feel that this would grow into a hodgepodge or honky-tonk type development. Of the 5,850 lots platted in this 15-mile area, 1,268 are zoned commercial. Those are the ones shown in red. These are separated into 9 areas of approximately three blocks, each being approximately 13 blocks apart. These commercial areas were further designed with reservations in the center for parks or open spaces,

in total, setting aside approximately 67½ acres for parks. This leaves 4,582 lots on which only single-family residences can be built. This in itself regulates density and open space.

Congress now has appropriated funds for the Army Corps of Engineers to study the erosion of Maryland ocean beaches. The county commissioners, knowing that it will probably require 5 years for such a study and a determination of how to protect our shoreline, have adopted a building code requiring piling foundations for buildings. This building code sets forth all the criteria needed to develop Assateague and our shoreline during the study period. A copy of this building code is enclosed in your envelope, to be made a part of the record.

Senator, I would like to interrupt here. Certain books have been given to you, the Greiner report, which states how houses should be built in this area. I was consulted on this matter, and their recommendations are strictly from the county's adopted building code for standards of elevation and pile-type foundations.

Senator BIBLE. Whose building report?

Mr. CARTER. Worcester County's.

Senator BIBLE. I understand, but whose base report?

Mr. CARTER. The Greiner, which is the State park area.

Senator BIBLE. All right.

Mr. CARTER. In summary, the county proposes that the north 8 miles of Assateague Island be acquired for State or Federal recreational use, that the south 15 miles of Maryland be reserved for private development, that the frontal 500 feet of the wildlife area beach be opened to the general public, and that a road be built connecting the Assateague Bridge with the Chincoteague Bridge, so that this entire area may be opened and used.

This is Worcester County's plan for the orderly development of Assateague Island.

Senator, sitting here since the beginning of the hearings, the question was proposed many times as to the cost of dunes and the cost of roads, and also questions on the number of lots existing on Assateague, and with your permission, I would like to go into that some.

Senator BIBLE. Certainly. I want not only the lots that exist on Assateague, I want to know how many plotted lots you have in this great area north of Ocean City. If you don't have this available now, it can be supplied for the record, because obviously we are not going to clear up the hearing today.

Mr. CARTER. Senator, I do have the complete land use of Ocean City above the inlet. I do not have it with me.

Senator BIBLE. I understand.

Mr. CARTER. I can tell you the lots which are buildable, the lots which are platted and are low, and require a little bit of filling, but I can give you the full picture of land use above the inlet.

Senator BIBLE. I wish you would do that and supply it for the record if you don't have it available now, because I would like to see the complete picture.

Mr. CARTER. I do have our land-use map which indicates but does not give the count that you request, and I also had our general zoning map of the whole county here, but this will be supplied to you.

Senator BIBLE. Thank you.

(The information requested is as follows:)

APRIL 8, 1965.

Re Assateague Island National Seashore, S. 20 and S. 1121.

HON. ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: I have just been advised that there was forwarded to you a letter over the signature of C. Kenneth Carter containing information relative to the Ocean City, Worcester County, Md., area in response to your request directed to the county commissioners at the hearing before your subcommittee on March 17, 18, and 19, 1965. That letter, in my opinion, did not contain the information which you desired. Mr. Carter advises that he turned over your request to the planning and zoning department and authorized them to write the letter over his signature. Evidently, they thought you wanted an up-to-date land use survey of the type used for zoning, which was not available. Mr. Carter and I believe you wanted a different type of information and hope that the enclosed, based upon a physical survey by Mr. Carter, himself, is what you desired. I also apologize for any delay in getting this information to you.

The area from the Ocean City Inlet north to 41st Street contains approximately 193 acres, 90 percent of which contains buildings such as homes, hotels, motels, and commercial establishments.

The area from 41st Street north to 65th Street, the ocean side of the coastal highway, contains 118 acres, 70 percent of which is improved. That which is unimproved is owned by individual lot owners. On the bay side of the coastal highway there is an area of 127 acres, 64 percent of which is improved. One-third of this area is low marsh and would require 4 feet of landfill to bring it to an elevation of +7 mean low water.

The area from 65th Street north to 94th Street contains, on the ocean side, 107 acres, 33 percent of which is improved. The other area is owned by individual lot owners. The bay side contains 115 acres, 30 percent of which is improved. Two-thirds of this area is low marsh and requires about 4 feet of landfill to bring it to an elevation of +7 mean low water.

In the area from 94th Street north to the Carousel Motel, usually referred to as 110th Street, the ocean side contains 100 acres, which is virtually unimproved, but which is a planned development, zoned and restricted for hotels, motels, etc. The bay side contains 350 acres with virtually no improvements; 80 acres of this area required no fill for improvements, however 270 acres require approximately 4 feet of fill to bring them an elevation of +7 mean low water.

The area from the Carousel Motel north to the Delaware line, which is usually referred to as "Fenwick" contains 150 acres, containing 900 lots, 50 by 145 feet (which is much smaller than the lot size on Assateague, which is 100 by 200 feet). This area contains 225 houses, hotels, apartment houses, etc., and most of the lots are owned individually. The bay side contains 650 acres, 150 acres of which are high enough for building but 500 of which need 4 feet of landfill to bring them to an elevation of +7 mean low water.

I trust that this proves to be sufficient information for your purposes. If not, please do not hesitate to call upon us for additional information. I am informed that Mr. Harrison has already forwarded to you the assessable history basis of Assateague.

On behalf of the county commissioners, Mr. Harrison, Mr. Carter, and myself, I wish to thank you and your committee for the manner in which the hearing was conducted, the courteous treatment extended to us, and for your obviously interested attentiveness to our presentation.

Very truly yours,

L. HOLLINGSWORTH PITTMAN.

Mr. CARTER. The statement was made that the dunes cost so much that Worcester County could not afford them. The cost of the dunes that have been given to you are the costs of the rebuilding of the dune after the disastrous storm.

Now this would be from building from the cutback of plus 5 elevation, and rebuilding back to what we call the Caldwell 7, which is an emergency type of protective dune. The county assumed the responsibility of this, and I was the agent in charge of the rehabilitation of

the beaches. The county went on the top of the dune, which is equal to that which now exists on Assateague Island, and erected sand fences to trap this.

Now by method of sand fence, and by beach grass plantings, we have raised the elevation of the protective dune another 4 feet. The cost of the sand fence is 0.1695 cent per foot.

Senator BIBLE. Translate that into miles or however you may, because we have heard various figures translated to miles. What is the figure that has been used, $1,000 a mile?

Mr. CARTER. $900 per mile.

Senator BIBLE. Well, that seems to be very similar to some of the testimony. Wasn't the testimony that it would cost about $1,000 a mile for dunes control?

Mr. CARTER. No, sir; I think your price as given was $100,000 per mile.

Senator BIBLE. Somewhere along the way, somebody used the figure a thousand. I thought it was per mile on dune control.

Mr. CARTER. I believe that that figure was the hydraulic-fill figure which we use for beach rehabilitation, which was bringing the elevation of the beach back from the disaster that it was in in 1962.

Senator BIBLE. Well, your testimony is that it will cost how much to do what?

Mr. CARTER. I state that it will cost $900 a mile to buy the fence to be erected on top of the now existing level of Assateague, which is equal to the dune that was pumped back in Ocean City immediately after the storm. We will then plant grass. The grass is native——

Senator BIBLE. May I just interrupt a moment? You say to build the fence? You mean, that is in place?

Mr. CARTER. Yes, sir.

Senator BIBLE. That is labor?

Mr. CARTER. No, sir; that cost is cost of buying the fence.

Senator BIBLE. How much does it cost per mile? To do what you are saying should be done?

Mr. CARTER. Between $2,000 and $2,500 per mile, to place the fence, and stabilize it so that we start trapping sand to raise the elevation. This has been our normal expenditure. We have built 6 miles north of 41st Street, and we have erected 3 miles on Assateague Island.

Senator BIBLE. And that would average out at a cost of $2,000 to $2,500 a mile?

Mr. CARTER. Yes, sir.

Senator BIBLE. Thank you.

Mr. CARTER. Now I do know that the county can afford this, because we have done 6 miles in Ocean City, and also 3 on Assateague. We have our own grass-planting machine, and it works very effectively, and to build up 4 feet of sand by trapping it has been very well received in our program.

The question arose about a road cost, whether or not a road could be built, and we have built roads north of Ocean City for years. The coastal highway has existed for years, and we can build the same similar type road.

Senator BIBLE. What kind of a road is that widthwise, and is it blacktop, macadam, concrete?

Mr. CARTER. This would be 8-inch clay base, with a surface treatment of tar and chip on top, and the width—or all of our streets in North Ocean City have a width of 50 feet. Now here, I believe, they have a width of 70, 80 feet; 80 feet. But that would be right-of-way. That wouldn't all be set aside.

Senator BIBLE. I understand. The highway is what, a two-lane highway, as you propose it?

Mr. CARTER. Yes, sir.

It would be proposed as being 40 feet, a minimum of 40 feet in width. It would have to be a minimum of 40 feet in width to qualify under the State's aid to the county.

Senator BIBLE. And that would cost approximately how much per mile?

Mr. CARTER. $20,000 per mile.

Senator BIBLE. $20,000 a mile. Thank you.

Mr. CARTER. Also to the number of lots on Assateague, I have testified that there are 5,850 lots, I believe, in the controversial area. There are other tracts. Mr. Moton, who testified yesterday, has between 3,600 and 3,300 lots and——

Senator BIBLE. His lie north of the State park?

Mr. CARTER. Yes, sir; his is the area we would like to give away. We support him completely.

Senator BIBLE. You didn't like the alternate suggestion of acquiring that for the growth of Ocean City and then putting other——

Mr. CARTER. No, sir. I am also a member of the American Shore & Beach, and we have studied considerably on this area, and have very much knowledge on this.

The lots in his area, I say, are from 36 to 38. Now there is a tract of approximately 2 miles north of the State park. That, too, is subdivided into 1,800 lots, and there are also 2 patents of land of considerable acreage attached to this, and in yesterday's testimony, it was given that there are some 7,000 lots on Assateague Island. I feel that I haven't totaled these up, but I know I am way over that figure right now.

Senator BIBLE. Well, if your component parts are correct, then you certainly are over 7,000 lots.

Mr. CARTER. Well, the only thing that I have to back that up is that I have surveyed most of this area, and worked this area for years.

Senator BIBLE. Very fine.

I have no questions of you, Mr. Carter.

Senator Jordan?

Senator JORDAN. Yes, just one or two, Mr. Chairman.

I would like to establish a little more accurate information about the width of this beach. I understand these lots are all 100 by 200. Is that correct?

Mr. CARTER. Yes, sir.

Senator JORDAN. 200 feet is the depth of the lot.

Now take a seafront lot, an oceanfront lot. Where does that 200 feet start, and where does it end, toward the ocean? And designate it by describing it, so that the reporter can pick out what you are saying, in addition to your pointer.

Mr. CARTER. The green area on the plat shows the frontal of the subdivided area. The area of beachfront existing in front of the

front property line would have a depth or an average depth between 75 to 250 feet, at various points along this 15-mile area.

Senator BIBLE. Measured from what water level?

Mr. CARTER. Measured from the mean low water.

Senator BIBLE. All from the same.

Mr. CARTER. All of this is the same datum, yes, sir. We did not wish to confuse. We wish to base everything there.

The line as shown here, the dotted line, represents just how far the subdivider went out, and how much beach he left is shown in the green. So the area is left for a lot of open space.

Senator JORDAN. And it is public ownership? That beach would be public ownership, then?

Mr. CARTER. I think our counselor had better answer that.

Mr. PITTMAN. Senator, that beach area is owned by the Ocean Beach Club, Inc., which is the property owners' association, and it was conveyed to them by the developer for the use of landowners on Assateague Island, and so they hold it, and actually can say what can be done with it.

At one time, they offered it to the county, oh, possibly 3 or 4 years ago—I have forgotten which—but at the time, the county was busily engaged in North Ocean City area, and refused the offer at that time for a conveyance, and it would have become a public beach at that time.

Senator JORDAN. But under your proposals, under your master plan, would the members of the club surrender this area for public use?

Mr. CARTER. We have been so advised, sir. I believe their president will speak to you this afternoon. But we have been so advised.

Senator JORDAN. We will ask him, then.

Mr. CARTER. Yes, sir.

Senator JORDAN. All right, now you are talking about the density under your master plan, the density of houses and occupation. How does this density that you talk about in your master plan for Assateague compare with the present density of development in Ocean City? More? Less?

Mr. CARTER. I don't quite follow that.

Senator JORDAN. All right. Referring here on page 4 of your statement. You are talking about 4,582 lots on which only single-family residences can be built. This in itself regulates density and open space. You set aside some commercial area. On your master plan, if it is fully realized, how would it compare with the present density and opens space area of that part which has been so intensively developed in Ocean City? That is my question.

Mr. CARTER. There are certain areas in Ocean City—the beachfront areas are allowed to develop, and have hotels and motels in a continuous line. The town of Ocean City has regulated the planning and the zoning in that area. The difference is that in some of their residential areas, they are allowed to have four apartments, and they could possibly have four units there, where we only have the one.

This was a tract of land that was given much more consideration, in my opinion, to be well planned, but the lots in Ocean City are 50 feet wide by 120 feet in depth, and here we have 100 by 200 lots.

Senator JORDAN. Then your density would be much less than the present development.

Mr. CARTER. Yes, sir. In other words, we could not go and increase the density of this area, so even being limited to the north, we are limited here also.

So we do feel that we need this area as well as the north area to develop.

Senator JORDAN. Now we have had testimony from other witnesses here that only the Federal Government could provide proper sanitation and sewerage, water supply, and so on. Your testimony would tend to be in conflict with that statement. You would insist that your county master plan is as adequate from a health and sanitation standpoint as that which the Federal Government has proposed?

Mr. CARTER. Yes, sir. We have just created a sanitary district from 41st Street in Ocean City north to 100th Street and the water facilities were put in under the county's direction. The sewer program is now becoming a reality, and the lands are very similar, and it was said the other day that engineers love to build highways and build sewer systems. We do. And we know where we can go and where we can't go, because economics enter into the picture.

So, yes, I believe that the county can do it.

Senator JORDAN. Just equally as well as the Federal Government, if not better.

Mr. CARTER. We don't have your funds, no, sir.

Senator JORDAN. You don't have my funds? I am just one of you.

Mr. CARTER. Yes, I am sorry, sir.

Senator JORDAN. That is all I have, Mr. Chairman.

(The information follows:)

CONSTRUCTION IN AREAS SUBJECT TO FLOODING AND EROSION BY OCEAN WATERS
(ADOPTED APRIL 23, 1963)

100. Scope

100.1 Purpose

The purpose of these regulations is to establish minimum standards and to make provisions and requirements regulating design, construction, reconstruction, installation, alteration, repair, razing, demolition, moving or removing of buildings and other structures, or parts thereof, or additions or accessories thereto, or equipment therein, including methods of construction, reconstruction, installation, alteration, repair, razing, demolition, moving or removing, and the sufficiency of materials used in connection therewith, for the purpose of protecting the public health, safety and welfare.

100.2 Where these regulations apply

These regulations shall be applicable to all properties, public or private, fronting on, adjacent to, or adjoining the Atlantic Ocean from the Delaware State Line to the Virginia State Line, between the mean high water mark of the Atlantic Ocean to the mean high water in the respective Bay, provided however, that it shall not apply within the corporate limits of Ocean City.

100.3 Conformity

1. No building or structure shall hereafter be constructed, altered or repaired whereby the size, shape or foundation is changed or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with the provisions of these regulations.

2. No building or structure shall be altered in any manner that would be in violation of the provisions of these regulations.

100.4 Effective date

These regulations shall become effective and shall remain in full force after *April 23, 1963.*

100.5 Enforcement

1. These regulations shall be enforced by the County Commissioners of Worcester County by the Department of Building Inspection of Worcester County hereby created, and the executive official in charge thereof shall be known as the Buildings Engineer, the authorized agent of the County Commissioners of Worcester County.

The Buildings Engineer shall be appointed by the chief appointing authority of Worcester County. Renumeration shall be as fixed by the County Commissioners of Worcester County.

2. Qualifications of buildings engineer: To be eligible for appointment, the Building Engineer shall have had at least five (5) years' building experience as a licensed professional engineer or architect, building inspector, contractor or superintendent of building construction, for three years of which experience he shall have been in responsible charge of work; and he shall be generally informed on good engineering practice in respect to the design and construction of buildings, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety, and general welfare of the occupants.

3. Relief from personal responsibility: The Buildings Engineer, charged with the enforcement of these regulations, while acting for the County, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of these regulations shall be defended by the legal representative of the County until the final termination of the proceedings. In no case shall the Buildings Engineer or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of these regulations; and any officer of the Department of Building Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

4. Official records: An official record shall be kept of all business and activities of the depatment specified in the provisions of these regulations, and all such records shall be open to public inspection at all appropriate times.

100.6 Permits

1. Required applications: Before any matter, thing, operation or work mentioned in, regulated or provided for by any provision of these regulations is started or commenced, and before any land, building or other structure is used for or in connection with any matter or thing mentioned in, regulated or provided for by any provision of these regulations an application shall be filed with the Buildings Engineer and upon approval a permit sshall be issued by the Buildings Engineer.

All premises subsequently to be sub-divided shall require a permit and shall be in conformity with these regulations; however, notwithstanding the issuance of a permit for the sub-division, each premise of such sub-division shall also require a permit; and such individual premise shall be in conformity with these regulations.

2. Form:

(a) An application for a permit shall be submitted in such form as the Buildings Engineer may prescribe.

(b) Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work.

(c) Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a coporate body, of its responsible officer.

(d) Such application shall describe briefly the proposed work.

(e) Such application shall be accompanied by a fee of ten dollars ($10.00).

3. Plans to accompany permit applications:

(a) Plot diagram: There shall be at least one plot diagram in a form and size suitable for filing permanently with the permit record, drawn with all dimensions figures showing accurately the size and exact location of all proposed new construction and the relationship to other existing or pro-

posed structures on the same lot and other structures on adjoining property in accordance with the latest zoning requirements, or in the case of demolition of such construction as is to be demolished and all existing buildings and structures that are to remain.

The scales to which plot diagrams are drawn shall be shown.

In order that the buildings inspector, on his preliminary inspection may be aware of the building location with respect to the property lines the corners of each building must be located accurately and indicated by stakes or some other acceptable markings.

(b) Grading diagram: The applicant shall provide a diagram or description showing the extent of any grading, excavating or any other alteration of the physical condition of land, as well as for paving or improving the surface of the land. The grading diagram shall show the scale to which drawn as well as existing grades and proposed grades.

(c) Building plans: The permit application shall be accompanied by building plans.

All plans shall bear the name of the owner, the purpose and location of the proposed structure. All buildings other than one and two family dwellings and their accessory buildings shall bear the signature and seal of a Registered Architect and/or Registered Professional Engineer. The term Architect shall be as defined in the Annotated Code of Maryland (1957 Edition) Article 43 and the term Engineer shall be as defined in the Annotated Code of Maryland (1957 Edition) Article 75½.

4. Revisions, changes and amendments: Nothing in this Section shall prohibit the filing of revisions, changes or amendments of applicant's drawings, specifications, or other data submitted with the application, at any time before the completion of the work for which the permit was sought. Such revisions, changes or amendments, after application, shall be filed with and be deemed a part of the original application.

103. Construction requirements

103.1 General requirements

All buildings and structures hereafter erected or moved within the area as set forth in Section 100.2 of these regulations shall be constructed, reconstructed, installed, altered, repaired, razed, demolished, moved or removed in conformity with these regulations and shall have floor elevations as set forth in Section 103.2 of these regulations.

103.2 Foundations, floors and openings (where protected by emergency dune or better)

1. All buildings and structures shall have the first or main floor elevation of not lower than +18 M.L.W. at the berm dune line and easterly thereof +10 M.L.W. at the east side of the Coastal Highway; from the east side of the Coastal Highway to the dune line, the first or main floor elevation will assume the respective slope between. At the west side of the Coastal Highway and westwardly to the waters of the bays the elevation of first (1st) floor shall be +9. In no case will be the first or main floor elevation be less than two (2) feet above the elevation of a finished or approved street or road, upon which the property abuts. In certain instances when the center of the proposed site is over two (2) feet or more above the road foundation will be placed below the frost line. All future designed streets to be at +7 M.L.W. Mean low water is datum of U.S. Coast and Geodetic Survey at Atlantic Ocean, Ocean City, Maryland.

2. (a) All buildings or structures shall be supported on pile, reinforced concrete piers, or monolithic concrete foundations. All such foundations shall be designed in accordance with approved engineering standards. In the area lying east of the easterly side of the Coastal Highway, all foundations shall be carried to the following minimum depths: At the east property line of the Coastal Highway the minimum depth required for the foundation shall be 0.00 M.L.W. and easterly thereof continue at the same depth for a distance of 200 feet. From the 200 foot mark the minimum elevation shall be progressively lowered to the berm line where the minimum depth shall be —10 M.L.W. (the berm line as set by the Corps of Engineers, 1962, the westerly base of said berm being set 500 feet from the East property line of the Coastal Highway), eastwardly to the berm dune line, —10 M.L.W.

(b) The building inspector is hereby authorized to waive the minimum foundation depths when any building or structure is erected or moved behind an approved sea wall having footings meeting the minimum foundation depths.

(c) All buildings and structures erected or moved east of the berm dune line shall have an open type foundation so as to permit dune maintenance under such building or structure.

(d) All timber piles shall be pressure preservative treated so as to retain a minimum of twelve (12) pounds of creosote oil per cubic foot of wood. A Jet will be permitted to assist piles, but before the desired penetration is reached, the Jets shall be withdrawn and the piles shall be driven with the hammer the last five (5) feet.

(e) All structures shall be securely tied to foundation by a method, to be approved by Building Engineer.

3. All buildings and structures shall be so located as to be in conformity with the requirements of any Zoning Ordinances in effect in Worcester County.

4. The provisions contained in Section 103.2 are minimum requirements only. Alternate methods of conforming to these minimum requirements will be permitted only after approval of the Building Engineer, with the consent of the County Commissioners.

103.3 Foundations, floors and openings (where not protected by emergency dune)

1. All buildings and structures shall have the first or main floor elevation not lower than +18 at the berm dune line and easterly thereof; +10 at the Coastal Highway and westerly to the bay; the elevation of the buildings between the highway and the dune line will assume the respective slope between. Such buildings or structure shall be supported on piles, reinforced concrete piers or monolithic concrete foundations. Such reinforced concrete piers or monolithic concrete foundations shall be supported on piles conforming to these regulations or extended to not less than the depth required for piles herein. All piles shall be driven down to a depth of not less than ten (10) feet below mean low water and if of timber, they shall be pressure preservative treated for complete penetration. All timber piles shall measure at least six (6) inches in the smallest diameter at the tip and all piling shall be adequately braced. These requirements set forth in Section 103.21 are minimum requirement and alternate methods of conforming to these requirements shall be permitted after approval by the Buildings Engineer. Mean low water is datum of U.S.C. & G.S. at Atlantic Ocean; Ocean City, Maryland.

2. All buildings and structures shall be so located to be in conformity with the requirements for setback or beyond the Atlantic Ocean front building line to conform with the requirements set forth.

104. Occupancy permit

104.1 General requirements

Because of the extensive damage in the Ocean Area, all buildings or units for rent or lease must be inspected before occupancy.

1. Applications will be made to Buildings Engineer together with a fee of five dollars ($5.00).

2. Permits must be kept in a visible place on the premises for public to to see.

105. Penalties for violating these regulations

1. Whoever violates any of the provisions of these regulations shall be guilty of a misdemeanor and shall be fined not less than $100.00 nor more than $500.00, or imprisoned for not less than five days nor more than thirty days, and every day that such violation shall continue shall be construed to be a separate and distinct violation.

2. In addition to the above, the County Commissioners of Worcester County may in their discretion stop, halt and enforce by action at law or in equity and violation or proposed or intended violation of the provisions contained herein.

II. The effective date of this resolution is April 23, 1963.

Senator BIBLE. Gentlemen, you have been very helpful and have presented a very full case. It is going to need some supplementing, as was indicated by the questions which I asked, and I would hope that you would get that to us very early, because I think that what-

ever decision is made, that in fairness, it should be made fairly soon. I don't see any basis at all for keeping this up in the air indefinitely. The longer we keep people uncertain, I think the more unsatisfactory it is to everybody, so if you could have that in fairly soon, we would appreciate it.

Mr. CARTER. Yes, sir.

Senator BIBLE. We will stand in recess until 2 o'clock this afternoon.

Mr. PITTMAN. Mr. Senator, may I say that I would like to commend this committee on the conduct of this hearing? I think that you all have been marvelous.

Senator BIBLE. Thank you very much, Mr. Pittman.

We will print the documents "Assateague—Worcester's Answer" and "A Plan for Private Development" at this point.

(The documents referred to follow:)

ASSATEAGUE—WORCESTER'S ANSWER

INTRODUCTION

On April 18, 1963, Stewart L. Udall, Secretary of the Interior, forwarded to the Governor of the State of Maryland, the Honorable J. Millard Tawes, a report entitled "Assateague Island and Vicinity, a Study of Recreation Values and Potential Use," prepared by the Bureau of Outdoor Recreation, U.S. Department of Interior, April 1963, together with the approval of the Secretary. This report recommended public ownership of the entire area known as Assateague Island, either wholly by the Federal Government or in conjunction with the State Government. This report and recommendation was based upon an economic feasibility study conducted by Robert R. Nathan Associates, a private enterprise. The Department of Interior report was made without consultation with the local government of Worcester County, Md., in which Assateague Island lies, and without consideration of the wishes of the citizens of that county. It was not until after publication of the report that the Department of Interior had the courtesy to even call upon the local governmental officials.

A study of the Department of Interior's report discloses an obviously slanted point of view in order to support its recommendations and immediately shows that much of what it calls fact is supported only by half-truths and false and misleading information. Indeed, its central recommendation of public ownership of Assateague Island for public recreational use and wildlife preservation would seem to be contrary to the stated objectives of the Congress of the United States and the Outdoor Recreation Resources Review Commission policies.

Worcester County feels that the recommendations set forth in the report of the Bureau of Outdoor Recreation and approved by Secretary Udall are most detrimental to the economy and welfare of Worcester County, Md. This, then, is Worcester County's answer to Secretary Udall and the Department of Interior.

I. PUBLIC OWNERSHIP NOT NECESSARY—SUMMARY

The Department of Interior's proposed plans for the establishment of a national seaside recreational area for Assateague Island as projected by the Bureau of Outdoor Recreation in its report of April 1963, does not set forth sufficient ground to make such a park necessary or warrant it. The report does not seem to differentiate between public use and public ownership for recreational purposes. Certainly, there is sufficient area in other Atlantic seaside commercially, privately, and publicly owned facilities to service present and future demand. In the Assateague area alone, the State of Maryland has already established 2 miles of ocean front in a State Park and intends to add 6 additional miles in the near future; Virginia private enterprises have established 4 miles of intensive-use recreational facilities; and the Department of Interior has approximately 9 miles of ocean front in a wildlife preserve, the use of which could be made readily available to recreational use compatible with the purposes of the refuge. In addition to this, the area is in the immediate vicinity of the commercial public recreational facility—Ocean City, Md.

The stated policy of the Federal Government, as evidenced by the ORRRC report, congressional statements of policy, and even the Secretary of Interior himself, is that the Government should not step in where private enterprise can provide necessary facilities. As long as private enterprise, supported by the existing public facilities, affords the public access to seaside recreational areas, the Federal Government should not expend huge sums of money merely to make that access "free."

Moreover, Federal acquisition of such facilities should not be undertaken without consultation with, and consent of, State and local authorities.

The cost of such acquisition, development, and maintenance are prohibitive in the face of the restricted use envisioned by the Department of Interior.

It would, therefore, seem frivolous to forceably take by condemnation the property of approximately 3,200 owners, themselves members of the public, for additional seaside recreational facilities.

A. Adequate facilities already existing

It is somewhat difficult to conceive the position of the Outdoor Recreation people that here are not now adequate shoreline facilities for current demand, nor that there will not be adequate facilities for future demands, for the public at large. Certainly, experience proves that the general public as a whole is not very interested in visiting recreational areas which are in a pristine or primitive state of improvement and contain no modern conveniences. The overwhelming part of the public which desires ocean front entertainment is invariably drawn to larger population centers where comfortable hotel and motel accommodations are available, as well as shopping facilities and evening entertainment activities such as night clubs, shopping areas, and amusement areas. These are certainly available in every State bordering the Atlantic Ocean, notably New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and particularly Florida. These areas are open to the public and as a matter of fact cater to and depend upon the public for their support, and do not restrict themselves to any economic class. Take, for example, the classic seaside resort of Atlantic City, N.J.; and of course, to a smaller degree, Ocean City, Md. As long as proper personal conduct is maintained, no one has been denied the use of this type of recreational facility. The great majority of those seeking seaside recreation prefer this type of commercial facility, which offers, in effect, a 24-hour service. And, other than a curiosity visit, this tremendous group would shun a daytime only facility.

While it is admitted that a certain segment of those desiring seaside recreation do avail themselves of a daytime-only facility, such has been the case only where that segment can reach the daytime facility by direct routes from their own individual residences. It is inconceivable that any large number of persons would spend their vacations 250 to 500 miles from their homes in motels and hotels 5 to 10 miles from the recreational outlet. To maintain otherwise is sheer folly.

We then come to a very small segment of the seaside-desiring group who are certainly in the great minority and would do just that. This very small group can be generally classified into the magnifying-glass nature lover and the bird watcher. But, here, too, there are existing facilities for this group, notably Cape Cod, public recreation areas in Delaware, the Chincoteague Wildlife Refuge and Cape Hatteras, but to mention a few of the more well known. It would seem frivolous to invest millions and millions of dollars of tax money to provide additional facilities for this small group.

Mr. Udall's report on page III–3, and many other places, states that the Federal Government would prepare for an immediate annual load of 1,300,000 persons and anticipates the level of visitation to be 3 million by 1975. This unsupported estimate of use for a daytime-only facility with no living accommodations or other conveniences seems absolutely frivolous. However, even if such be true, Mr. Udall points out by his own report that adequate facilities already exist. On page II–11, it is pointed out that the 2 miles of beach at Ocean City, Md., supports 20,000 to 35,000 visitors per mile on a peak summer weekend day. Using Mr. Udall's low figure of 20,000 per mile, or 40,000 for the 2 miles, we have an annual visitation of 3,600,000 during the 90-day summer season—this on 2 miles. On the same page, Mr. Udall acknowledges that the remaining 7 miles north of Ocean City to the Delaware line has not been developed and is no more than one-quarter developed. Certainly, this is sufficient and adequate for future service of his 3 million annual visitations. Furthermore, if the 3 million visitations are to be restricted to Assateague Island, such can easily be

handled by the 2 miles already acquired by the State of Maryland for a public park, and the additional 6 miles north thereof to be acquired in the future. If this is not sufficient for Mr. Udall's 3 million visitors, why does he not then open to public recreation the beach front areas of Chincoteague National Wildlife Refuge located at the southerly end of Assateague Island and containing 9,000 acres in area, a half of the entire area of Assateague Island and about 9 miles of oceanfront, where "the summer months are quiet except for a few black ducks and a handful of blue-winged teal," which is now open only at times "that the proposed use of the property does not conflict with the needs of the birds." (See "Chincoteague, a National Wildlife Refuge," U.S. Department of Interior, 1947, pp. 1, 12, and 17.)

B. Acquisition against stated policy

In spite of the fact that sufficient and adequate facilities are available to those seeking seaside recreation, Mr. Udall still recommends public acquisition of additional seaside facilities, comprising, at present, some marsh areas, and approximately 5,850 subdivided and platted one-half acre lots owned by approximately 3,200 individuals and families. This is not an area being dedicated to the Federal Government, but which the Federal Government will have to purchase. And the overwhelming majority of the 5,850 lots will have to be taken from private ownership by forced condemnation by the Federal Government. A cursory examination of various documents and reports discloses that such action would be against the stated policies of the Congress and even the Outdoor Recreation Resources Review Commission.

The ORRRC report "Outdoor Recreation for America," January 1962, on page 5, states "The Commission wishes to emphasize, however, that the key elements in the total effort to make outdoor recreation opportunities available are private enterprises, the States, and local government. In relation to them, the role of the Federal agencies should be not one of domination but of cooperation and assistance in meeting their respective needs." On page 6, it is said: "The States should play a pivotal role in making outdoor recreation opportunities available by (1) Acquisition of land, development of sites, and provision and maintenance of facilities of State or regional significance. (Maryland now has 2 miles of oceanfront on Assateague Island and plans to acquire 6 additional miles.) (2) Assistance to local governments * * *. Individual initiative and private enterprise should continue to be the most important force in outdoor recreation, providing many and varied opportunities for a vast number of people, as well as the goods and services used by people in their recreation activities. Government should encourage the work of nonprofit groups wherever possible. (Small Business Administration has complied with this statement by extending loans to the property owner's organization on Assateague Island for the purpose of replacing bulldozers and sand dune formations.) It should also stimulate desirable commercial development, which can be particularly effective in providing facilities and services where demand is sufficient to return a profit." And, again, on page 157, we find "The most important single force in outdoor recreation is private endeavor—individual initiative, voluntary groups of many kinds, and commercial enterprise. When Americans seek experience in the outdoors, they do not necessarily turn to government. Approximately two-thirds of the Nation's land is in private ownership, and in the Eastern States the proportion is much higher * * *. People on weekend trips and vacations involving outdoor recreation usually patronize private accommodations, while some stay at privately owned cottages in seashore, lake, or mountain settings * * *. The activities of private landowners and suppliers of food and services in meeting public needs for outdoor recreation will be governed chiefly by the prospect for private profit * * *. Even this chapter, therefore, which is devoted to the private role, must deal largely in terms of the relationship of government to the private sector. Outdoor recreation, unlike such a service as police protection, cannot be the responsibility of government alone. General access to the out-of-doors and simple facilities should be made available to everyone, but the more specialized activities are among the good things of life that must be paid for by the individual who wishes them. Government can help make opportunities available and can carry out projects in the public interest that cannot be done privately, but it *does not, cannot,* and *should not* provide for all the outdoor recreation needs of every citizen." [Emphasis ours.]

This statement of policy is also evidence by Senate Report No. 11, February 28, 1963, by the Committee on Interior and Insular affairs, accompanying S. 20, Federal and State programs relating to outdoor recreation. Among other things, the report sets forth that the act was amended on page 3, line 10, to include "private interests." In support of that amendment, the committee said "The Outdoor Recreation Resources Review Commission recommendations and the bill itself contemplate that a very large part of the Nation's outdoor recreation needs will be met by private interest." After quoting from the ORRRC report, the committee then stated "The committee agrees with the Commission that private interest groups, both commercial and nonprofit, should be provided technical assistance within the general guidelines to be found in the ORRRC report * * *." The act was further amended in the House of Representatives and referred to a conference committee which agreed to certain amendments which again reflected the attitude that private interests should provide many recreational facilities and should receive technical assistance and advice in connection therewith, together with the additional policy standards that the Federal Government should take into consideration the plans of state and local political subdivisions for such recreational facilities.

It should also be noted that Report 109, April 3, 1963, accompanying S. 4, of the Senate Committee on Interior and Insular affairs amended the so-called wilderness bill to provide that there would be no right of condemnation with respect to privately owned land within the boundaries of the wilderness areas, and also provided for public notice and specific advice to the Governor of each State and the governing board of each county affected, prior to submitting any recommendations to the President for areas to be incorporated into the wilderness system. Though the same situation is not existing in the case of Assateague, it should again be noted that the Secretary of the Interior in no way contacted the Board of County Commissioners for Worcester County until after the Bureau of Recreation report was completed, printed, and presented to the Governor of Maryland with Secretary Udall's recommendation, and not until after a request was made by Worcester County through the office of Senator Brewster, of Maryland. Report 109 also contains the minority report of S. 4, which supports both of the above conclusions, though it felt that the restrictions upon S.4 were not sufficient and felt that no urgency in its passage existed. Again, it is interesting to note the objection of Senator Simpson, of Wyoming, concerning the deprivation of the individual States of the opportunity to develop their own rich natural resources.

And, again, Secretary Udall, himself, in an address before the National Conference on Outdoor Recreation Research at Ann Arbor, Mich., May 7, 1963, said: "If we are going to obtain the benefits accruing to the public use of outstanding recreational areas, especially in the East, we must at the same time recognize that if there be existing private uses compatible with public recreation, such should be protected." Assateague is a 33-mile island. Eight miles of the north end are to be a State park. Four miles at the south end are now a privately operated public use recreation area. Nine miles at the southern end, north of that area, are a wildlife preserve, whose beaches could be opened to recreational development. Why is public use of the intervening middle section of 15 miles incompatible merely because the interior lots are privately owned by 3,200 members of the public who will use those recreational facilities?

C. Prohibitive costs of acquisition and development

On page 29 of the Bureau of Outdoor Recreation report of April, 1963, Mr. Udall sets forth the estimated cost of acquisition and development of 15 miles of Assateague Island. His cost of acquisition of real estate would seem to be based upon the fact that Worcester County now has approximately a $3 million assessment for this area and that its assessments generally run between 50 and 60 percent of value. His cost of real estate acquisition in the amount of $7 million is totally out of line with what he could be expected to pay for the property in a forcible condemnation proceeding. This, again, is due to inadequate investigation of background material. If such an investigation had been made, he would have found that assessments in the developed area were based upon a blanket valuation of ocean-front lots at $1,000 assessed value and all other platted lots at $500 per lot. This assessed value, in resort areas subject to inflated demand, is not based upon fair market value, which is the value the property would bring at voluntary sale, but is based upon a realistic standard applied

by the assessor's office to reflect a level which would not throw off the economy of the county, which is based on land values, in the event of an economic collapse, which would immediately deflate this type of property to a point where it would have no market value because of no demand. At the present time, some ocean-front properties are being offered for sale and purchased for approximately $5,000 and back lots around $2,500. Though some persons would be willing to settle with the Federal Government rather than face condemnation proceedings, 3,200 families will not all settle. And it is a recognized fact that very seldom does a jury, in a forcible condemnation suit, make an award anywhere near the governmental body's appraised value. When cost of title search, court costs, jury costs, travel, etc. are added to the cost of the land itself, it is felt that a conservative estimate of property acquisition would be closer to $25 million. Nor does this take into consideration the cost of acquiring 15 miles of one of the world's finest natural sand beaches, which is owned by a separate community entity.

Also, within the cost of acquisition, there should be taken into consideration the fact that each of the properties sought to be acquired is now subject to a special tax district, and thus subject to imposition of a continuing lien of 90 cents per $100 assessed valuation for a yet-to-be-determined period in order to defray, together with tolls, the cost of the construction of the bridge to Assateague Island from the mainland of Worcester County. How is this lien to be satisfied by the Department of the Interior?

In his cost of development, Mr. Udall has included $2,030,000 for use facilities. The report does not specifically spell out what these use facilities will be, but generalizes such to be bathhouses, concession buildings, picnic tables, shade areas, parking areas, and boat docks. Adequate facilities must be provided for drinking water, sewage disposal, and storm shelter for his 3 million annual visitors. If the Secretary thinks the cost of providing water sources and sewage disposal for a few thousands private owners is prohibitive, what would be the cost of providing those facilities for 3 million visitors? And these use facilities must include provisions for restaurants and bathhouses for 3 million people. We all know that 3 million people are not going to drive 5 to 10 miles twice a day in bathing suits, lugging sandwiches, thermos bottles, and beer coolers, together with blankets, umbrellas, and sunburn lotion to make day-only use of his proposed park.

In addition to the above, Mr. Udall has included a figure of $3,300,000 for the construction of dunes, roads, and trails. On page 19, of this report, the Secretary states that adequate dunes "might run as much as a million dollars per mile." There being 15 miles within the proposed park areas, this amounts to $15 million, not $3,300.000. Even at the Secretary's figures on page 14, concerning costs of the dunes, the figure used of $231,000 per mile, for Assateague, would equal $3,465,000; at $80 per foot, the cost would be close to $6 million; and the cost at $65,000 per mile would be roughly $1 million. The cost of bulldozed dunes is ignored since the Corps of Engineers strenuously objects to such type of construction because of the erosion effect upon the shelving beaches.

Included in the $3,300,000 figure are roads and trails. If we presume that by trails, he means footpaths, we can dismiss comment on costs, for as we all know, the cost of bushing footpaths is relatively minor. However, we cannot dismiss the cost of building roads. On the map following page 23, of the outdoor recreation report, Mr. Udall shows proposed construction of a road leading southeastwardly from the Stephen Decatur Highway on the mainland of Worcester County across the Sinepuxent Bay to Assateague Island and then southward to the wildlife preserve where it branches and becomes two roads. Assuming two roads in the wildlife preserve to be approximately 15 miles, the road through Ocean Beach and South Ocean Beach to be 15 miles, the road through the existing State park to be 2 miles, and the road on the mainland to be approximately 1 mile, total road mileage is 33 miles. The area across Sinepuxent Bay would, necessarily, have to be bridged. We already know that the approximate cost of the road on the mainland and the bridge leading to the State park is $1,500,000. The cost of the remaining 32 miles of road would depend upon the type of road Mr. Udall has in mind, which is not set forth in the report. The present type of county road which is being constructed in Worcester County uses a 50-foot right-of-way consisting of 24 feet of surfaced travel area plus two ten-foot shoulders on either side. The surface of tar and stone construction is designed to carry a peakload of 2,000 to 3,000 vehicles per day. The cost of this type of road is approximately $20,000 per mile, and according to Mr. Udall's plans

would equal $640,000 for Assateague Island. However, this type of road does not meet State specifications for intensive use, and necessarily would not meet Federal specifications. If we accept Mr. Udall's projection of 3 million visitors annually, for the summer period, this would equal approximately 35,000 per day, and if we assume 3 persons to a vehicle, we arrive at somewhat more than 10,000 vehicles per day. This results in what highway engineers consider to be "congested use," and would require a dual highway with median strip. (The State Road Commission of Maryland considers any more use than 3,000 to 4,000 vehicles per day to require a dual highway.) This type of construction would require at least four travel lanes separated by a median strip and would require a 120-foot right-of-way. The approximate cost of such construction would be $250,000 per mile. This would require a construction cost of $8 million for Assateague Island.

It is admitted that the above discussion may not be accurate, but it must be remembered that it is based on Mr. Udall's report, which, in itself, is very vague and inaccurate. However, it will give an indication of how to treat figures shown by Mr. Udall for cost of development of Assateague as a Federal park.

There is very little that can be said about Mr. Udall's figure of $600,000 for annual operation and maintenance. This, of course, would depend upon many factors, including storm damage, erosion damage, natural maintenance, number of personnel involved, amount and type of equipment involved, etc. However, it is felt that this figure is ultraconservative for the maintenance of a recreational park area servicing 3 million annual visitors. However, reference to National Park Service appropriations and appropriation hearings before the Congress for the years 1962 and 1964 for other seaside park areas will certainly point out the conservativeness of this projected figure.

II. ERRONEOUS INFORMATION AND FINDINGS IN APRIL, 1963, REPORT—SUMMARY

It can be safely said that the outdoor recreation report of April 1963, contains a tremendous amount of false, misleading, and erroneous information collected in a short period of time, without proper research and investigation, by economic surveyists having no competence in some of the fields pursued and not knowing how to evaluate the disjointed material collected.

This is particularly true in the case of water supply, sewage disposal, safety, and erosion control. It should be sufficient to say that in general, the 15 miles of Assateague under consideration is as safe for construction as is the north Ocean City area where millions and millions of dollars have been spent on the construction of private homes, apartment houses, hotels, and motels; that the erosion problems on this section as Assateague Island are no different than the problems in North Ocean City and can be handled in the same way; that there is an adequate supply of water for private wells and adequate area for private sewerage systems, with proper supervision. Intensive testing by health department officials in May 1963, proved adequate percolation for private sewage disposal systems. At the first stages of construction, public water supply systems and sewage disposal systems are not necessary, but can be installed when the density of population should so require, as was the case in North Ocean City, which developed over a period of 20 to 30 years.

The "facts" recited in the Outdoor Recreation Report of April 1963, are so obviously slanted half-truths, based upon false, erroneous, misleading, and misinterpreted statements and information that they cannot be considered as a substantial base upon which to predicate Federal condemnation of Assateague.

A. General

It is impractical and unnecessary, at this time, to comment on every erroneous statement made in the Report of the Bureau of Outdoor Recreation of April 1963, some of those points being minor and to which little attention would be paid. However, there are several outstanding subjects about which the report comments in a most detrimental manner. These comments, obviously, are based upon insufficient information and lack of research. Comment will be made upon these in separate subheadings.

There is one impression which should be brought out immediately to avoid misunderstanding in consideration of the report. Throughout the report there is referral to a 15-mile stretch of Assateague Island which is in the ownership of Ocean Beach, Inc. This is not so. That 15-mile stretch consists of approximately 5,850 lots, which are owned by approximately 3,200 individuals. There

is no one entity controlling the area, and, therefore, though the report reads as if one entity were to be dealt with, there are at least 3,200 entities to be dealt with.

B. Water Supply

Pages 11 and 12 of the report deal with "water supply problems." While there are and will be water supply problems in this area, they will be no greater than the same problems faced in other like areas, notably, the North Ocean City area of Worcester County. Generally speaking, water supplies on Assateague Island have been entirely satisfactory and have been and can be filtrated and purified by relatively inexpensive individual units. This has been done for many years in North Ocean City, which is a very, very similar area, but has had a tremendously greater growth in density of population, being improved by private homes, apartment houses, and motels. The report on page 11 states "the Maryland State Health Department indicates that these shallow wells are in danger of pollution from the septic fields already installed or planned for the island." The previous paragraph states that there are 30 drilled wells on Assateague Island. It is difficult to believe that the State health department made such a statement in view of the fact that the 30 drilled wells are widely scattered over a 15-mile area. Even a layman could not accept such a statement, much less a sanitary engineer. In further support of this, if we consider North Ocean City, which began development shortly after World War II, has used both shallow and deep wells and contains the same type of soil construction, it was not until 1960 or 1961 that the State health department began making recommendations to the local county government that it plan to install a public water facility because of the density of population growth. And as a matter of fact, the State health department preferred public sewage disposal systems to be installed before public water supply systems.

Much has been made of an opinion of the Department of Geology, Mines and Water Resources (Maryland) that the wells on Assateague Island could become polluted from both salt water and affluence. Again, any seaside area could become so subject to pollution. This, too, is a problem faced by North Ocean City. However, tests made shortly after the March 1962, storm which washed over North Ocean City disclosed a minimum of salt water pollution, and health authorities recommended only the capping of abandoned wells and the drawing off of the minor pollution which did take place. Therefore, since the water supply is adequate for future needs (I–8), there is no reason that this area cannot be privately developed as was North Ocean City, until such time as the density of population warrants a public water supply system.

C. Sewage Disposal

The Outdoor Recreational Report, April 1963, has much to say about sewage disposal. In fact, the report, in part, seems to be preoccupied with the subject. On page 4, in Mr. Udall's summary, there is a statement "the installation of individual septic tanks has been condemned and forbidden by the State health authorities as a public health hazard." This is absolutely false, it has not done so. On pages 12 and 13, certain statements are attributed to one Brown. Either he is misquoted, misinterpreted, or the statements attributed to him were intentionally misleading. The test holes dug for the State park acquisition were dug during one of the wettest periods of the year and certainly 70 percent would fail to percolate, as would 70 percent of test holes in North Ocean City or even on the mainland waterfront areas at that time of year. Five years ago, the State health deaprtment did not make a complete survey of Assateague Island, but made only spot checks in places pointed out to technicians, again at a wet period of the year. Paragraph 3 is deliberately misleading and false. The health department has never enjoined the sale of lots in North Ocean Beach. The injunction to which reference is made was placed against the sale of lots in a development within the north couple of miles of Assateague Island, which are admittedly unstable and unsuitable for development and which will comprise a part of a State park. Paragraph 5 is a gem in that dry spells which percolation tests do prove good drainage are the summer seasons when the properties would be in use. It is during the rainy periods of late fall and early spring when there is saturation, both on Assateague and North Ocean City, as well as waterfront areas of the mainland, but these are the times when the properties are not used. Paragraph 6 is absolutely false in that a gravity flow sewage disposal system has actually been designed for North Ocean City and

has been approved by the State health department. The elevations in this area are very little different from Assateague Island. Paragraph 7 is not applicable, in that this area has already been developed and before the development plats were recorded among the land records of the county, the same were approved by the health department—a State requirement before plats can be filed. Without sufficient density of population, there is no necessity, in the early stages of development, for a communal system of sewage disposal as implied or stated on pages 19 and V–5. Furthermore, the State health department cannot prevent construction on the island by denying permits for individual septic tank systems. This was admitted by the same Brown after his "cesspool paradise" statement as quoted on IV–4, in the presence of Dr. Prather, commissioner of the Maryland State Health Department, the local health officer, and the County Commissioners of Worcester County, when it was admitted that if an application were made and percolation tests proved good drainage, the permit would have to issue. In addition to this, if a permit were denied, the property owner would have the right to construct an outhouse, either of the old halfmoon design, or even the new contract design where sanitation companies will provide collection tanks in spring, keep them clean during the summer, and remove them from the premises in the fall.

It is certainly admitted that some sections of Assateague Island, notably the north end, which will be acquired by the State for a park, and two minor areas within the midsection, commonly known as the flats or levels, are at this time without public facilities, totally inadequate for construction. However, the bulk of the 15 mile stretch privately owned by 3,200 lot owners is as suitable at this time for private construction as is the section north of Ocean City. And there is no reason that construction should not proceed until such time as the population has risen to the point where it can support public facilities.

Particularly so, since on May 29, 1963, intensive percolation tests, conducted by State health department sanitarians, while it was raining, after a heavy rainstorm the previous night and during a period of very high tide, proved that the overwhelming portion of this section of Assateague Island would properly support individual septic tank systems, and that a good portion of the balance could inexpensively be made to do so.

D. Safety and erosion control

Much in the April 1963, Bureau of Recreation Report deals with erosion and safety of private construction. In order to clear the air, it should be stated that Coast and Geodetic Surveys from about the middle 19th century to present show very little, if any, general change or westward migration in this coastal area, not 100 to 150 feet as stated on page IV–6 of the April 1963, report, which is based upon a verbal estimate of the Department of Interior. The overall action is of constantly taking away and adding to, so that certain small areas are 1 year recessed and another year rebuilt, and even enlarged. There is an overall southward littoral drift which, because of the north jetty of the Ocean City Inlet, has caused beach starvation of the first couple of miles of the north end of Assateague Island. This is the only section that has had any marked westward migration. This area is totally unsuitable for development in its present state, and is to become a part of the State park. The balance of Assateague Island has remained little change in the last 100 years. The beach front and dunes which were removed by the March 1962, storm and deposited on the interior of Assateague Island thereby raising it, immediately began to build back after the storm. Approximately 40 to 60 percent, depending upon location, of that which was lost on the beach has now been replaced. Except for the action taken by the Corps of Engineers in building a 12-foot dune from Delaware south to the Ocean City Inlet, this area is no different than the area north of Ocean City. In relation to dunes, the property owners association has begun a program of rebuilding those dunes with sand fences and related works and has obtained a Small Business Administration loan, as a nonprofit organization, in order to further that project. In a matter of a couple of years, the beach front area will be entirely restored. mostly by nature itself. Concerning Government participation in erosion control works, it might be said that except for the building of one or two groins per year by the State Roads Commission of Maryland, beginning in the 1930's. North Ocean City received no assistance from the beginning of history until the beginning of the year 1962. Assateague Island has existed just as long, without Federal aid. In the future, Federal aid will be welcomed and since the Assateague Island beach front will, in time, be owned totally by the State of Maryland, by a nonprofit community organization representing the lot owners in the 15-mile stretch in question, and by the Federal Government, it is believed that

the conditions of Federal assistance for erosion control works will be met. As far as expending public moneys for these works is concerned, it is felt that people should receive the same assistance for such protection as birds, if not more. The Department of Interior, in its budget, has requested aid for its birds in the form of restoration of the dunes it is now constructing on the Chincoteague Wildlife Refuge. And whether the money comes by way of specific appropriation for erosion control construction by the Corps of Engineers or by way of appropriation to the Department of Interior for its own construction, it is still public tax money.

Further commenting on dune construction, the Department of Interior is correct when it says on page 18 that no authorative study has been made on protective measures. This is true of the entire coastline of Maryland, including Assateague Island. A plan of such a study is now under advisement by the local authorities, but this study also includes Ocean City and North Ocean City to the Delaware line—in other words, covering the entire coast of Maryland from Delaware to Virginia. Only when that study has been completed and the Corps of Engineers makes its recommendations will corrective measures be instituted on a large scale. In fact, an appropriation of $90,000 for such a study by the Corps of Engineers has just been approved (May 1963) by the appropriate congressional committee. Concerning the 12-foot dune constructed by the Corps of Engineers in North Ocean City after the March 1962 storm, it should be pointed out that this was more in the nature of a beach restoration program, it being admitted by the Corps of Engineers that the height of the dunes was minimal protection only against "10-year" storms, and would not suffice against storms of a higher density. Thus, other than beach restoration, North Ocean City is no more protected than is Assateague Island, yet millions and millions of dollars of construction has been placed in North Ocean City, and continues to be placed. There is no reason why that should be denied to Assateague Island.

As far as construction on the island is concerned in the section under question, there is no dispute but that safe construction can be made. Assateague Island was awash as a result of the March 1962 storm; so was Ocean City and North Ocean City, but they survived. No greater percentage of construction was lost south of the inlet than was lost north of the inlet. Homes properly constructed on pilings had little or no damage. As a matter of fact, one home, personally built by the man and wife owning the lot, lost no more than its front steps. The homes lost were those that were not properly constructed on piling or were not properly tied to that piling. The overall elevation of Assateague Island is little different than was Ocean City and North Ocean City in the past. As a matter of fact, the general elevation of Assateague Island was raised 10 to 12 inches as a result of the storm washing the beaches and dunes inland. If anything, construction is now more safe than it was previously. It is admitted that the "flats" or "levels," which are a small portion of the area, are unsuitable for building and are below the level of the surrounding territories (even though 2 front lots passed May 1963 percolation tests). At times, these areas have been awash, but this is not true of the balance of the island which is further proven by the fact that vegetation does exist in quite some quantity and vegetation will not exist in salt-impregnated lands or those continuously awash. Some stands of pine on Assateague Island now have a stumpage of at least 30 inches and are situated as high in elevation as some commercial stands on the mainland.

As stated on page I–8, a building code is now in effect which requires construction on piling in areas subject to inundation and requires those pilings to be driven into the ground below mean low water level certain depths, depending on the distance from the ocean front. This code also requires certain first floor elevations depending upon the relation to the ocean front. All of this is subject to inspection and approval by the county engineer.

III. WORCESTER COUNTY'S POSITION—SUMMARY

The question has been asked, "Has Worcester County any position in this matter?" The answer is "Yes." The problem is that no one has ever taken the time or trouble to find out what that position was and the county authorities were not consulted when the Department of Interior plans were formulated. The metropolitan press has preferred the socialistic approach of government ownership of facilities which could be just as well, if not better, developed by private initiative, capital and industry. Thus, the public news media has clamored in support of the Department of Interior plans for bureaucratic ownership of private property and has never exposed local views. This matter has

gone for enough without consultation of the local authorities, and Worcester County has, therefore, here presented its answer and its position.

From this work, it will be seen that Worcester County believes Mr. Udall's Bureau of Outdoor Recreation Report, and recommendation, of April 1963, is based upon false and misleading information and is ill conceived. Worcester County does not believe that it is necessary or that it is warranted that the Federal Government condemn Assateague Island for a Federal recreation project, and does not believe that it would become anything but a barren wilderness useful only to bird watchers. It feels that if the public needs the services proposed, they can be acquired nearby in the State park to the north or in the wildlife refuge to the south. Worcester County believes that the Federal condemnation of Assateague Island will detrimentally affect its local economy with no ensuing benefits. Worcester County believes that the 3,200 lot owners who have waited 10 years or more to see their dreams of a seaside home come true should be protected in their private holdings. And Worcester County believes that Assateague Island should be privately developed with private capital, initiative, and energy in the American way, and not by socialistic bureaucrats desiring public ownership for the satisfaction of those few who do not have the industry and energy to provide for themselves.

A. Natural resources

Worcester County is predominantly an agricultural society with virtually no manufacturing industry other than that based on agriculture. It has no natural resources other than its lands and its location. Its agricultural society has fully exploited the tillable land and the forests. Its only natural resource left is its location and its recreational possibilities. The seaside recreational facilities north of the Ocean City Inlet have been fully exploited, if not developed. Development is arrested by the scarcity of land, not the abundance thereof. This scarcity has driven the purchase price of that land so high that it is a deterrent to any type of construction less than extreme high density. As lending capital becomes available to finance the structures to house such necessarily high density of residence, development takes place. The only natural resource left to Worcester County is the 15 miles of Assateague Island earmarked for private development. Worcester County believes that this area should be permitted to continue in the building of private homes and enterprises, that being public recreation in itself, and that such should be encouraged.

The area in question has been very properly platted and subdivided into approximately 5,850 lots and the plats adequately provide for beach-front bathing areas, 80-foot lateral streets, and a 160-foot main road; easements have been created for future utility services; setback lines have been provided for orderly arrangement of dwellings; commercial enterprises have been grouped at suitable intervals; and parks and offstreet parking areas have been created. All in all, this area could develop into one of the most scenic and orderly summer resorts on the east coast.

B. Local governmental economy

The governmental economy of Worcester County is based virtually entirely upon taxes derived from the assessable value of real estate. Any appreciable loss of assessable basis is an economic blow to local government. Assateague Island, with its approximately 40 buildings, has an assessable basis of approximately $3 million from which the county derives a real estate tax income of approximately $54,000 per year. This assessable basis is greater than the real estate assessable basis of four of its seven mainland election districts and provides a greater income to the county coffers from real estate taxes than do those four districts. If Worcester County is to improve its economy, it must have the assessable basis represented by Assateague Island now, and must be able to look forward to the increasing assessable basis due to private development, not Federal ownership. Present loss of Assateague would result in an immediate increase in local taxes, countywide, of 6 cents per $100 assessable value; the future loss could not be estimated.

The county is not unaware of the governmental problems to be faced in private development of Assateague Island, but it has coped with those same problems in Ocean City and in the North Ocean City area and is prepared to again cope with them. Streets and roads will be constructed when and as they are necessary, as was done in North Ocean City and as is now being done there. Public water supply and sewage disposal systems will be provided by the Worcester County Sanitary Commission when and as the population density requires such and is able to support such, as is being done now in North Ocean City,

which has developed over a period of 30 years. Street lighting and police protection will be afforded during the summer season, as it is now in North Ocean City. Erosion protection will be considered in the future, after study is made by the Corps of Engineers, as will be the case in North Ocean City. However, Worcester County also realizes that development of Assateague Island will provide employment and wages for construction workers, well diggers, contractors and furniture dealers, appliance dealers, repairmen, and domestic servants from the mainland. It also realizes that in spite of the expenditures that it must make on Assateague Island, it will not have to provide its most expensive service to that area, that being a public school ssytem, for the area will be one for summer use alone. That portion of the tax dollar appropriated for public schooling will accrue to the benefit of the rest of Worcester County, as will those expenses attributable to other local public services not suitable for the island.

C. Worcester County's plan for Assateague Island

Has Worcester County prepared any plans for Assateague Island? Certainly. It has not set down in a nicely bound brochure any overall dreamer's plan for Assateague Island, but, Worcester County has discussed, time and time again over the period of 10 years what it wishes to be done. The county roads board has discussed many times the taking over of the streets and roads and how and when the same will be improved. The Worcester County's Planning and Zoning Commission has included Assateague Island in its studies for immediate zoning, under a Federal participation program affecting the entire county, has consulted with the property owners' association, and has directed its professional consultant to proceed first with that area. The Board of County Commissioners and the county engineer have discussed building codes and standards for Assateague Island and have made it subject to its coastal building code. Assateague Island has been the subject of numerous conferences with the Corps of Engineers, the Maryland Civil Defense Department, the Maryland State Department of Forests and Parks, the Maryland State Planning Department and the Maryland State Roads Commission, concerning erosion protection studies and corrective measures, resulting in congressional committee approval of a $90,000 study project for the entire coast. In conjunction with local health officers and the Maryland State Department of Health, Assateague Island has been discussed many times concerning water supply and sewage disposal systems; and Worcester County has just completed a detailed study of percolation tests, conducted by health department officials, proving the adequacy of private disposal systems. Several years ago, the Board of County Commissioners held discussions with the Eastern Shore Public Service Co., and Choptank Electric Cooperative, the two electrical utility concerns in this area, and granted them franchises for service to the island, which was supplied over 2 years ago. Access to the island has been the subject of public discussion and determination for almost 10 years—the county favoring access by a State-owned bridge—which has now been realized. In the past 3 years, county officials had agreed with the Governor of Maryland, the State Roads Commission, the Department of Public Works and the Department of Forests and Parks, for public development of the northerly 8 miles of Assateague Island, and agreed with State officials, who had the courtesy to consult locally first, not to object to public development of that area, and cooperated in that project by voluntarily conveying to the State, at no cost, all of its right, title and interest to any lands, rights of way or easements which it previously had.

In addition to the above, Worcester County has acquired and presently owns the fee simple interest in all of the streets and roads, and also park areas, shown on the various subdivisions plats of Ocean Beach, and South Ocean Beach. These were conveyed to the county by the property owners' association, voluntarily and at no cost to the county.

In addition, the county has entered into an agreement with the State Roads Commission of Maryland and with the Board of Public Works of Maryland to participate in the approximate amount of $500,000 in the construction cost of the approaches to and the State-owned bridge across Sinepuxent Bay to Assateague Island. In furtherance of this project, 2 years ago, it participated in State bond issues in the amount of $175,000 and is currently further participating in other bond issues. These are debt obligations of the county which must be met.

In 1961, the Maryland Legislature created a special tax district on Assateague Island, placing a lien on each property thereon in the amount of 90 cents per $100 assessed valuation to pay principal and interest on bonds issued by Wor-

cester County for part of the construction cost of the bridge, which lien will remain until all of the bonds mature and are paid. This plan of repayment of part of the cost of construction was voluntarily agreed to by the property owners' association representing the 3,200 lot owners.

A Plan for Private Development on Assateague Island, Md.

Final report September 1, 1963, prepared for Maryland State Planning Department and Worcester County Planning Commission

(By Julian Tarrant, planning consultant, Richmond,Va.)

INTRODUCTION

In January 1963, Worcester County began a 2-year study and planning project, under the urban planning assistance (701) program, for the purpose of preparing a long-range county development plan, a complete zoning ordinance, subdivision regulations, and a capital improvements program. This will be comprehensive in scope and countywide in extent, showing among other things the planning commission's recommendations as to the general location, character, and extent of roads, bridges, waterways, waterfronts, parks, airports, public facilities, and other matters, and the desirable use of buildings and land for various purposes—all in anticipation of county needs and objectives projected some 20 or 25 years ahead.

As an integral part of Worcester, Assateague Island will be covered by the general overall plans. Because of recent developments, however, including a decision by the State of Maryland to proceed with construction of a bridge to the island, and a proposal by the U.S. Department of the Interior to acquire most of the island for a national seashore area (all except the State-owned portions), it has become necessary to study the island in much greater detail and to do so immediately. At stake are the properties of more than 3,000 lot owners as well as other interests, including the county's interest in its tax revenues and other economic factors. The case for public ownership has been stated for the Interior Department in the report of its Bureau of Outdoor Recreation entitled "Assateague Island and Vicinity", April 12, 1963. The alternative of private development is the subject of this report. Its purpose is to present the best available facts and to indicate the most feasible method of private development, in the hope that the findings and recommendations may assist the authorities in evaluating the two alternatives and deciding the question of public policy as to whether private development should be allowed to proceed or whether the entire island should be acquired for public use.

This study concerns only the southern 15 miles of the island, in Maryland, the part now in dispute. Physical conditions have been investigated, factual data verified insofar as possible, authorities interviewed, opinions and recommendations obtained, basic costs ascertained. New maps have been prepared from hitherto unused topographic information obtained after the major storms of March 1962. Various possibilities have been explored and recommendations are made as to a feasible plan of private development, at a standard that will provide at least a minimum level of safety and permanency, and producing a community that will bring lasting credit to the county and satisfaction to the owners.

PROBLEMS AND POSSIBILITIES

Present Conditions

A general description of Assateague Island, covering physical conditions, ownerships, development problems, and the like may be found in a report by the Bureau of Outdoor Recreation, U.S. Department of the Interior, titled "Assateague Island and Vicinity", April 1963. Additional information is contained in a report by the Governor's Committee on Assateague Island, May 1963, and in a report by the Worcester County Commissioners, June 1963, which disagrees with many of the findings in the other reports. Various other studies and reports are also available. Further onsite investigations have been made during this study and additional material has been utilized which was not previously published. A new map has been prepared of the southern 15 miles of the island, showing the topography and elevations as they existed shortly after the disastrous storms that occurred in March 1962. Responsible officials have been interviewed with respect to desirable developmental standards and requirements

for protection of life, health and property. All of this will be summarized in the following presentation.

Assateague Islands extends for some 24 miles in Maryland and several additional miles in Virginia. It is a low exposed barrier reef consisting almost entirely of sand, ranging in width from about 2,000 feet to a mile or more. Along the ocean front there is a fine wide sand beach but the back side of the island presents a very irregular pattern of marshes, inlets, and smaller islands. Natural lands elevations, as revealed by the 1942 topographic maps of the U.S. Geological Survey, have been comparable with those prevailing along Fenwick Island north of Ocean City, except that the ocean-front dunes north of Ocean City averaged some 4 feet higher. Assateague Island is more vulnerable, therefore, to storms in which the waves and high waters tend to wash over substantial parts of the island. Considerable damage has occurred. The northern end of the island has been moving backward as a result of storms and the effect of jetties constructed at the Ocean City inlet, but in the portion of the island under present considerations of shore erosion studies made by the Maryland Department of Geology, Mines, and Water Resources shows that much of the ocean shoreline has been building out slowly over a long period of years.

Up to now, the only access to the Maryland portion of Assateague Island has been by means of a private ferry with limited capacity, undependable service, and high tolls. Access thru the Virginia portion is blocked off by the Chincoteague National Wildlife Refugee even though a bridge has been completed from the town of Chincoteague to a public beach area at the southern tip of the island. The Maryland State Roads Commission is now constructing a bridge to the island at a point about 8 miles from its northern end and the Commission of Forests and Parks is acquiring about 2 miles of the island at this location for a State park. Recommendations have been made for the acquisition also for State park purposes of the remainder of the island from this point northward to the inlet.

Most of the 14 miles of the island extending from the State park project southward to the Virginia state line has been subdivided under the name Ocean Beach and South Ocean Beach. It is this part of the island that is now in question. As nearly as can be ascertained from the map, these subdivisions cover an area of approximately 4,270 acres or 6.7 square miles. It is reported that there are 5,850 lots and that all but 2 or 300 of these have been sold to approximately 3.200 various owners, but at present there are only about 25 houses. All lots (with minor exceptions) are 100 feet by 200 feet in size, or 20,000 square feet each, with the intention of preserving a low density, open type of development and permitting the use of individual wells and septic tanks. Deed restrictions limit the use of most lots to single-family dwelling but at intervals of about 1½ miles there is provision for a cluster of hotels, apartment houses, and business establishments around a public plaza. The beach itself is under the control of a property owner's association, Ocean Beach Club, Inc. All streets are laid out 80 feet wide except for the main longitudinal highway which has width of 160 feet. While continuous for 14 miles in length, the subdivision varies in depth from two blocks up to nine blocks from the oceanfront. A substantial proportion of the back lots are in the bay marshes and inlets, while not over 16 percent of the entire subdivided area was high enough after the March, 1962, storms for safe development without some filling.

Substantial portions of the island lying between the subdivided part and Chincoteague Bay or Sinepuxent Bay remain in various ownerships, including several private fishing and hunting clubs. The U.S. Department of the Interior owns 418 acres of salt marsh islands lying a mile or so north of the State line, these being part of the Chincoteague National Wildlife Refuge.

Detailed topographic maps at a scale of 100 feet to the inch have been obtained for the entire Maryland portion of Assateague Island, showing the conditions prevailing on May 6, 1962, after the severe March storms. These maps were prepared for the Maryland State Road Commission by Maps, Inc., using aerial photography and instrumental ground control with at least 90 percent of the elevations guaranteed accurate within 1 foot. Contours at 2-foot intervals were based on mean sea level (m.s.l.), U.S. Coast and Geodetic Survey datum, but have been converted to mean low water (m.l.w.) datum for the present study, the difference being 1.7 feet. Maps, Inc., has been doing similar work for the State roads commission for several years and their work has been found to be reliable within the tolerance specified. The base maps used in this study have been adapted from these larger scale topographic maps. Since this survey was made it is possible, of course, that windblown sand accretions have raised the elevations in various locations, but no additional survey is available.

Normal high tide along the oceanfront would be a little under elevation 4 as shown on the accompanying maps, the mean high water mark at Ocean City being 3.4 feet above mean low water. On the back side of the island, however, in Chincoteague and Sinepuxent Bays, the tides are less, amounting only to about 1 foot at some points. Elevation 4 has been indicated on the map as representing approximately the high tide mark on the ocean side of the island, except of course, during severe storm conditions.

For reasons to be presented later, elevation 7 has been taken as the minimum ground level at which any permanent construction should be undertaken on the island. Of the entire 4,270 acres now subdivided, only 670 acres or 16 percent are found to be at or above this elevation, and only 1 percent are higher than 12 feet above mean low water. Eighty-four percent of the subdivided area would require filling of anywhere from 1 to 7 feet or more, and 5 percent of this was actually under water at the time of the survey. A rough calculation based on averages indicates a need for around 17 million cubic yards of fill material to bring these parts of the subdivision up to minimum grade.

Requirements for private development

Any large-scale development of Assateague Island for private purposes entails the consideration of a number of factors of which the following are probably the most important:

1. Protection from storms, by means of an adequate beach and protective dunes and the filling of land where necessary to a safe elevation above high water.
2. Safe water supplies, by means of properly constructed and protected individual wells or by community water systems.
3. Sanitary waste disposal, either on an individual basis or by public sewers and treatment plants.
4. Access, by means of an adequately paved road through the State park property and down the length of the subdivided area, at a safe elevation above high waters.
5. Evacuation in cases of emergency.

Minimum development standards have already been set in several respects, either by deed restrictions or by county ordinance. Under the deed restrictions, development is limited to one single-family dwelling per lot, except in the nine commercial centers spaced about 1½ miles apart and consisting of 8 to 10 square blocks each with 2 or 3 blocks of parks. Buildings must be set back 20 feet in front and on each side, and 80 feet from the rear lot line. Standards are prescribed for the construction of septic tanks and for sinking and sealing of wells. No tents, trailers, or privies are permitted. Building plans are subject to approval by the Ocean Beach Club, Inc., and all construction must conform to the basic building code of the Building Officials' Conference of America, Inc. Buildings must be on piling which must be enclosed by lattice or similar work.[1] Each dwelling must have at least 800 square feet of floor area.

Effective April 23, 1963, Worcester County adopted regulations requiring permits for all construction on the island. Minimum elevations are established for the lowest floor of each building, ranging from 18 feet above mean low water at the dune line to 9 feet in the area west of the coastal highway, but 2 feet above the established street grade in any case. Street grades are set at a minimum of 7 feet. Buildings must be on piling or monolithic concrete foundations meeting specified construction standards.

Enforcement and administration of the deed restrictions is now in the hands of Ocean Beach Club, Inc., which was organized by the property owners to take over the rights and responsibilities of the original development corporations. These include the reversionary rights in streets, parks, beach area, etc., the right to approve individual building plans, the enforcement of restrictions, and the responsibility to maintain the community property. The club recently conveyed all streets and parks to the county, and has offered to transfer the beach as well if desired. An annual assessment of $10 on each lot is levied by the corporation for maintenance of beaches, dunes, and the like.

Administration of the county regulations is vested in the buildings engineer, acting for the county commissioners.

Water supply and sanitary controls are under the State health department. According to the chief of the bureau of environmental hygiene, individual wells and septic tanks are permissible for scattered developments (not exceeding one

[1] A requirement not generally observed.

dwelling per acre or one on every other lot), subject to the following conditions:

"*Wells.*—These must be sunk at least to the Pocomoke aquifer, 150 to 200 feet down, or to the Manokin aquifer, 250 to 350 feet or more in depth, depending on location on the island. The depths increase toward the south of the island. Wells must be properly constructed and cased to prevent the infiltration of salt water from the surface sands into the lower acquifers. Shallow wells are subject to salt water and septic tank contamination and would not be approved.

"Sanitation.—Individual septic tanks and drain fields may be approved where located on land of sufficient elevation to allow for 3-foot drainage trenches above the ground-water table, during at least the dry summer season. A minimum land elevation of about 7 feet would be required to meet these conditions, and the soil would also have to meet the usual percolation tests. A series of such tests made by the county health officer on May 29, 1963, at 30 locations extending from end to end of the subdivided area, showed that percolation is good in most locations. These tests were made during high tide on a rainy day, the total rainfall for the 24-hour period ending at 4 p.m. that day having registered nearly one-half inch at the official Ocean City gage. The total rainfall for May at Ocean City was 3.75 inches. The tests were made at this time in order to ascertain the percolation factors under unfavorable weather conditions rather than the most favorable."

Wherever the density of development may reach a level of about 50 houses per 50 acres, a central water system and a sanitary sewer system and disposal plant would be feasible and will probably be required by the health authorities. Any concentrated business or hotel development would provide the logical nucleus for these water and sewer systems. It would not be necessary to have a single system serving the entire length of the island, but several detached systems could be developed to serve the portions needing them and at some future time they could be interconnected.

Each central water system would have to be supplied from deep wells into the Pocomoke or Manokin aquifers of which the latter is reported by the U.S. Geological Survey as being the most productive. Sustained yields of 500 gallons per minute have been obtained from the Manokin supply in the Ocean City area, but no large-capacity well has yet been sunk on Assateague Island and the quantity of obtainable water is still unproved. Small 2-inch domestic wells are producing at the rate of 20 to 30 gallons per minute. Caution is advised by the U.S. Geological Survey in developing public supplies—in the nature of test wells, pumping tests, water analyses, and the like in order to determine optimum spacing of wells, the effect of new wells on existing ones, maximum pumping rates, and measures for preventing salt-water encroachment into producing aquifers. Central water systems should include standard fire hydrants and adequate pipe capacities to serve them.

Central sewer systems, like the water systems, could be built independently at various locations on the island and could be joined up later. Each system would need to have a disposal plant providing at least primary treatment, with discharge into the bay at locations where minimum damage to shellfish would result. The affected area in each case would extend 500 to 1000 feet from the outfall. A map obtained from the State bureau of tidewater fisheries indicates that there may be acceptable locations at intervals along the bay shores of Assateague Island, but there may be conflicting views on this that would have to be adjusted. The construction of ocean outfalls for small package treatment plants is not deemed necessary or economically practical at this time.

Various kinds of protective dunes have been proposed for construction on Assateague Island. One of these is the Caldwell type such as built during the past year along the beach north of Ocean City. This is only a temporary or emergency type dune, however, built to elevation 12 above mean low water and designed to withstand only a ten-year storm. These dunes were built with Federal aid as an emergency measure to repair the storm damage of March 1962, and give temporary protection to the extensive private development on that island. Such dunes would not ordinarily be eligible for Federal assistance, especially on Assateague Island where there is no emergency.

Highly qualified experts in the field of beach protection and development, serving as consultants to the Governor's Committee on Assateague Island, recommended on May 6, 1963, that the minimum type of dune to provide adequate and reasonably permanent protection would be a 16-foot dune, at least 50 feet wide at the top, having a seaward slope of 20 : 1 and protective planting or hard surfacing over the top and down the sides to the high water line. This type of dune will probably be qualified for up to 50 percent Federal aid through the U.S. Army Engineers, under current public law. Because of its height and

slope requirements, this type of dune needs a space of at least 370 feet measured from the mean low water line, whereas the existing beach area along most of the island is insufficient for this purpose. In most cases, such a dune would eliminate most of the oceanfront tier of lots as now platted but would give dependable protection to the remaining lots in the rear.

To bring all the land in the subdivisions up to elevation 7, in order to permit the use of septic tanks, to provide a reasonable degree of protection from floodwaters, to afford adequate drainage, and to meet the present county regulations, will require a landfill program of major proportions. Fills of 1 to 7 feet in depth, spread over 3,600 acres or 5.6 square miles, will require an estimated 16 to 18 million cubic yards of material. Hydraulic filling would be the cheapest method, with material pumped from the bay bottom at various locations—assuming the availability of suitable material at reasonable pumping distances. Also involved in such an operation would be a conflict with the fish and wildlife interests inasmuch as the shallow waters on the bay side of Assateague Island have some importance to the clamming and crabbing industry. More detailed investigations will be necessary to determine whether there are locations suitable for sand dredging that are not vital to the shellfish interests. The dockside value of all commercial fisheries in Worcester County is only about $500,000 per year—an item of questionable importance to the county as compared with the value of agricultural production ($19 million) or of manufacturing ($20 million) or of the retail and service trades including tourism ($50 million). There are oyster-seeding beds in the Rum Harbor area, near the south end of the island, but most of the oyster beds are across the bay.

Hydraulic filling could be undertaken in segments, over a period of years in keeping with the rate of development on the island. Such a program should be coordinated with the installation of protective dunes, construction of roads, and plans for water and sewer systems, so that one or two sections of the island would be made available for development at a time.

A lightly surfaced access road was constructed by developers of the Ocean Beach subdivisions some years ago, located along the line of Baltimore Boulevard as shown on the subdivision plats and connecting with the existing ferry. The road has suffered extensive damage from storms and lack of use, is partially covered by sand, and in some sections is washed out entirely even though it was located generally along the highest ridge of land on the island. The latest topographic maps show that more than half the length of this road (54 percent) is below the established minimum elevation for roads on the island and would have to be brought up to that level. The road would have to be entirely reconstructed to present county standards meeting the requirements for Federal aid—a 50-foot section with 24-foot pavement and 12-foot shoulders, surfaced with two coats of tar and chips. Reconstruction in the same location, however, is not recommended.

Lateral roads need not be improved immediately. Under present county policy, these will be surfaced whenever there are three dwellings of $30,000 of assessed valuation to be served in one block.

The matter of evacuating the island in the case of a severe storm has been investigated. Apparently this will present no problem. The new 2-lane fixed bridge will be able to evacuate around 2,400 vehicles per hour using both lanes in such an emergency, and this should just about clear the island if necessary in about 2 hours. As an additional safety measure, it might be desirable to arrange for an emergency exit southward through the National Wildlife Refuge to the Chincoteague Bridge, to be held in reserve. Evacuation by small boats in a severe storm would be extremely hazardous inasmuch as small craft warnings go up when the winds reach 25 miles per hour whereas it takes a "strong gale" (about 50 mile-per-hour winds) to create disaster conditions.

Development costs

If the Ocean Beach and South Ocean Beach subdivisions are to be developed in their entirety, the investment required for basic improvements to place the property in condition for such use will come to a total figure ranging from around $10½ million to almost $19 million or more. On a per-lot basis the cost would vary from about $1,570 to almost $5,000, depending on unit prices, how the costs are allocated, and when the individual developments occur. The table shows a breakdown of these figures according to the items of work involved and allowing for variations in unit cost figures.

Estimated development cost—Assateague Island (subdivided portion south of State park project)

[Julian Tarrant, consulting city planner, June 15, 1963]

Item	Northern 3 miles		Remainder		Total 14 miles	
	Basic cost	Per lot [1]	Basic cost	Per lot [2]	Basic cost	Per lot [3]
Protective dune, 16 feet (50 percent local share only)	$750,000	$800	$2,750,000	$640	$3,500,000	$665.
Filling, where needed, to elevation 7 feet above mean low water (40 cents to 50 cents per cubic yard).	$500,000 to $600,000	$1,220 to $1,460 (400 lots only).	$6,300,000 to $7,900,000.	$1,580 to $1,970 (4,000 lots only).	$6,800,000 to $8,500,000.	$1,550 to $1,930 (4,400 lots only.)
Paving, Baltimore Boulevard ($20,000–$25,000 per mile)	$60,000 to $75,000	$65 to $80	$220,000 to $275,000	$50 to $65	$280,000 to $350,000	$55 to $70.
Water supplies:						
A. Individual wells		$500 to $600		$500 to $600		$500 to $600.
B. Central system	$500,000	$600	$2,700,000	$600	$3,200,000	$600.
Sewage disposal:						
A. Septic tanks		$350 to $400		$350 to $400		$350 to $400.
B. Central system	$500,000	$600	$2,700,000	$600	$3,200,000	$600.
Totals:						
A. Initial development (wells and septic tanks)	$1,310,000 to $1,425,000.	$1,715–$1,880 [4] to $2,935–$3,340 [5].	$9,270,000 to $10,925,000.	$1,540 [4] to $3,675 [5]	$10,580,000 to $12,350,000.	$1,570 [4] to $3,665 [5].
B. Final development (central water and sewer systems).	$2,310,000 to $2,425,000.	$2,915–$3,080 [4] to $4,135–$4,540.[5]	$14,670,000 to $16,325,000.	$2,740 [4] to $4,875 [5]	$16,980,000 to $18,750,000.	$2,770 [4] to $4,865.[5]

[1] 9,24 lots, not including 132 ocean-front lots needed for dunes.
[2] 4,310 lots, not including 484 ocean-front lots needed for dunes.
[3] 5,234 lots, not including 616 ocean-front lots needed for dunes.
[4] For lots requiring no fill.
[5] For lots requiring fill.

The biggest item in this list is for land filling, estimated to cost a total of $6,800,000 to $8,500,000, depending on actual unit costs. For lots that do not require any fill, the total per-lot cost is lowest; for lots on which some fill is required, the figures used in the table are averages without regard to the depth of fill. At a unit price of 40 to 50 cents per cubic yard, 1 foot of fill on a 20,000 square foot lot, including its share of street space, will cost $430 to $530. There are 2.8 square miles of lots that would require an average of 1½ feet of fill, 2.4 square miles averaging 4 feet, and 0.4 square miles averaging 6 feet.

Where lots are to be developed intially with individual wells and septic tanks no basic water and sewer costs are involved for general improvements prior to private construction, but each builder will be faced with the cost of his well and septic tank installations. Later on, when central water and sewer systems are required, the per-lot share of these general improvements would have to be added to the original investment in well and septic tank. For those lot owners who do not build until the central water and sewer systems are available in their locality, the cost of individual wells and septic systems will be saved.

The unit cost figures on which these estimates are based were derived from the following authorities:

Dunes.—The type of dune herein recommended, 16 feet high, is quoted by the chief engineer of the State roads commission at $500,000 per mile, approximately, which includes protective planting. This figure assumes that proper fill material will be available by dredging from the bay. If approved by the U.S. Army Engineers for 50 percent participation, the local share would amount to $250,000 per mile which is the figure used in the table. The cost of a temporary Caldwell type of dune, only 12 feet high, would come to about $350,000 per mile or 30 percent higher in local costs because there would be no Federal participation. Such a dune would undoubtedly prove to be a poor investment inasmuch as the Weather Bureau records show that destructive tropical storms have been striking the Maryland coast on an average of about once every 4 years during this century.

Filling.—Current prices on large-scale hydraulic dredging and land filling have been obtained from engineers in the Norfolk district office of the U.S. Army Engineers and from experienced contractors who are doing this kind of work in the Chesapeake Bay area. Wide variations in unit costs may be experienced because of the different local factors involved, but a range of from 25 cents to 75 cents per cubic yard may be encountered, with an average of around 40 to 50 cents. Current land-fill operations in the North Ocean City area, by hydraulic dredge, are reported to be averaging about 44 cents. The range of estimates used in the table assumes unit costs of 40 to 50 cents per cubic yard.

Paving.—Figures quoted by the county engineer of Worcester County on the minimum type of Federal-aid roads now being constructed in the county run from $20,000 to $25,000 per mile. This does not include the cost of major fills where necessary, which cost is included, however, in the general filling operation quoted above. No allowance has been made in the table for possible Federal aid on the Assateague Island road which, if made available, would reduce the local cost somewhat—but this is a relatively minor item in the total cost.

Water supplies.—Information on prevailing costs for private wells in Worcester county was obtained through the experience of the county health officer and county sanitarian. The type of well recommended for Assateague Island, 150 feet or more in depth, costs $500 to $600 or more complete with screen, pump, pressure tank, and fittings. A central water supply and distribution system complete with fire hydrants and house connections, similar to that being installed in the North Ocean City sanitary district, will cost approximately $600 per lot of 20,000 square feet.

Sewage disposal.—Information furnished by the county health officer and sanitarian is that a properly designed septic tank and tile field installation for a single-family home on a 20,000 square foot lot should cost in the neighborhood of $350 to $400, provided no special installation costs are involved because of inaccessibility or other reasons. The cost of a central sewer system and disposal plant, based on cost estimates for the proposed installation north of Ocean City but without an ocean outfall, is estimated at $600 per lot for the size of lot on Assateague Island.

In computing the per-lot costs for protective dunes, filling, and paving, allowance was made for the ocean-front lots that would be eliminated for the most part by the recommended dune construction.

Depending on how it may be decided to allocate certain costs among the various lot owners, it will be noted that some lots that are favorably situated on high ground could be utilized at a fairly reasonable outlay of around $1,600 each,

including protective dunes, individual wells and septic tanks, and a proportionate share of the Baltimore Boulevard improvement. These costs do not, however, take into account the expense of providing an access road from the new bridge through the State park area to the north boundary of the subdivision, which road presumably would be constructed at State expense. The great majority of lots, however, would require very substantial investments for filling, in addition to the protective dunes, wells, septic tanks, and main road, to the extent that the expense of conditioning them in most cases probably could not be justified.

Possible development policies and patterns

Major savings in development costs could be achieved by eliminating some parts of the subdivided area and concentrating the development measures in the portions where conditions are most favorable. Further economies in initial outlays would be secured through stage development. By eliminating or indefinitely postponing the fills required for much of the rear part of the subdivision (most of the lots over two or three blocks back from the ocean front) the total development cost and the average cost per lot might be reduced to a reasonable figure. If left in their natural state, these rear portions might be used to better advantage as regulated public hunting grounds, game management areas, marinas, and the like. The game and island fish commission reports that these shoal waters along the bay are of special importance for certain species of migratory waterfowl that are found nowhere else in the State.

To illustrate the possibility of developing only the best-located land to begin with, an analysis was made of the first 3 miles at the north end of the subdivision where the highest land is found and the least amount of filling would be required. This section, unit No. 1, is also the most readily accessible from the new bridge. The average cost per lot for those lots on which some fill would be needed in this area would be somewhat less than on the remainder of the island, due to the lesser amounts of fill required, but for the higher lots on which no fill is needed the costs would be greater than elsewhere due to the smaller number of lots per mile of dune and road. This part of the subdivision is only three blocks deep. On the average, however, the minimum cost per lot for all necessary improvements in unit No. 1, including wells and septic tanks, would be about $2,270 or 25 percent less than on the remainder of the island. Further economies could be achieved by restricting the development in this area to a depth of only two blocks, thus eliminating more of the fill area.

Unit No. 1 would extend to about South 20th Street. It contains about 411 acres of usable land without filling (56 percent of the total land in this section), another 226 acres that would require fills of 1 to 3 feet, and 99 acres of fill exceeding 3 feet. Two commercial centers are platted within this 3-mile stretch, for stores, apartments, and hotels, surrounding a three-block plaza in each case. These centers, if they develop, will provide the nuclei for central water and sewer systems that can be extended outward as needed to serve the surrounding residential areas. Initial development could proceed with private wells and septic tanks as already discussed. As will be seen in the table, the initial public outlay for development of this 3-mile stretch probably would not have to exceed $1½ million, by which expenditure 924 lots would be made available for development even though 132 of the existing lots would have to be devoted to dune construction.

Stage construction will have to be the general policy on Assateague Island, because of its size and the total costs involved. This would be the normal course of events as in the case of the Ocean City area, only 9 miles long, which has been growing in several stages over a period of decades. The municipality of Ocean City is 3 miles long, the same length as the proposed unit No. 1 on Assateague Island. Ocean City has both water and sewer systems. An additional stretch of about 3½ miles north of Ocean City is now in the process of being equipped with central water and sewer systems and the remaining sections to the Delaware line will follow later.

Additional units of development on Assateague Island, south of unit No. 1, could be located most feasibly at the following points:

Unit No. 2: A stretch of approximately 1 mile, from about 40th Street to 50th Street, extending two blocks inland and including one business center. This unit is about 2 miles south of unit No. 1 and is separated from it by a low area known locally as Little Levels. The area is relatively high, would require a minimum of fill, and is protected in the rear by natural dunes and trees rising to elevations of about 20 feet in some spots. A protective dune in front, some filling, and at some stage a central water and sewer system centering on the business section would provide for a safe and practical development.

Unit No. 3: About 2½ miles farther south from unit No. 2 beyond another low area known as Fox Hill Levels, there is another relatively high section of island extending from about 78th Street to 97th Street. This section includes two business centers and could be developed in a similar manner to unit No. 2, but not more than two blocks deep. This part of the island is subdivided to a depth of 8 or 9 blocks but that portion beyond the second block is nearly all marshland that would be expensive to fill. An average of at least 4 to 5 feet of fill would be required, at a cost of at least $1,700 to $2,150 per lot. By comparison, the cost of filling in the North Ocean City area has been running around $250 to $300 per lot—due to smaller lot sizes and less depth of fill. These marshes should probably be acquired for wildlife areas, especially since they include the important oyster-seeding area known as Rum Harbor.

From unit No. 3 to the Virginia line, another 3½ miles farther south, there is a possibility of later development by expansion of unit No. 3. This land is not a high in elevation but the beach area is wider and some of the existing beachfront lots could probably be saved. For most of this distance, the subdivision extends only two blocks deep and the unsubdivided marshes and islands to the rear could be acquired for public hunting and game management purposes. Some 400 acres of these islands are already owned by the U.S. Fish and Wildlife Service.

FINDINGS AND RECOMMENDATIONS

Private development on at least a good part of Assateague Island is altogether possible, but it will be expensive. Whether or not the capital investments and maintenance costs and difficulties will be justified, both to the individual lot owners and to the public at large, is a matter of collective judgment. Lot purchasers have already invested substantial sums in their properties and some of them may find that the additional burden to make these lots truly usable is prohibitive, even though spread over several years. Firm figures are not possible at this stage, due to the variables involved and the decisions that must be made, but before proceeding with private development all concerned should face up to the entire problem and fully understand the total cost.

Any practical scheme of development will recognize the fact that growth will take place over a period of many years and not overnight. Hence the plan must be capable of step-by-step execution, with the costs spread out accordingly. The standards of ultimate development must be set at the beginning, however, and in this regard sound planning would insist upon reasonably good standards of safety, durability, and appearance. To allow a slipshod, haphazard, risky type of growth would be contrary to the aims of the county to secure, through adequate planning, "a coordinated and harmonious development" which will best promote "health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development."

In setting the standards herein recommended for development, including the type of protective dune, ground elevations, and the like, the examples already set by the subdividers and the county have been followed. Minimum street grades and floor levels have been established, and regulations have been adopted governing methods of construction, setbacks, use of land, and other matters. Although it may be possible to build houses with security on pilings without fill or protective dune, it is assumed that the county would not be satisfied with a community on stilts, exposed to the hazards of the open sea, unsightly, and unsubstantial in appearance.

Development costs might differ appreciably from those quoted herein, due to the many factors involved. Time itself will have some effect. Dune and fill requirements, the two largest cost items, will undoubtedly change as a result of wind and water action that tends to redistribute the sand and build up the beach. Cost estimates herein were based necessarily on conditions existing shortly after the storms in March 1962, and subsequent changes could possibly reduce the costs to some extent. As yet, however, there is virtually no natural dune accretion along the beach. During an inspection tour on July 12 it was noted that the surf at high tide was just topping the dune line in many places, and in any kind of storm the waters would have been washing across the island to the bay. The hope has been advanced that the front tier of lots might not be needed for protective dunes if construction is deferred until the beach builds out through natural accretion, but this would take a hundred years or more, at the current average rate of growth, to secure the needed width. In some

locations the waterline is not advancing at all. Some buildup of sand deposits has been achieved with sand fences, and such treatment together with small dunes pushed up by bulldozers can provide a measure of temporarly protection. But it should be clear that in the long run and on other than a piecemeal basis the costs of basic improvements will be fairly close to the estimates herein quoted and are not likely to decline in time but on the contrary are more likely to increase due to steadily advancing prices.

If it is decided that private development should be allowed to proceed in the southern 14 miles of Assateague Island, then the following recommendations should be observed:

1. That such development be permitted on a unit-by-unit basis, beginning with unit No. 1 at the north end, and step-by-step within each unit. The spaces between the three suggested units should be held in reserve for future determination as to use and development.

2. That the development in each unit be limited generally to the first two or three blocks from the beach westward, where the least amounts of fill are required, and that the remaining areas to the west be placed in public reservations for game and fish management, hunting, marinas, and similar purposes. These might be county, State, or Federal preserves.

3. That development within the units be permitted initially on a low-density basis (limited to one dwelling per acre) with individual deep wells and septic tanks, where the land is at or above elevation 7 (mean low water) except on lots required for protective dunes.

4. That protective dunes be built as soon as possible in accordance with the specifications herein cited (or otherwise if necessary to receive Army Engineers approval for 50 percent Federal aid). These dunes to be placed only in front of the units being opened for development, if such limitation is feasible, and the local share of cost be charged to the lots in these units. If dunes are required elsewhere, their cost should be financed by other than the property owners so long as the properties affected are withheld from development.

5. That hydraulic filling be initiated first in unit No. 1 so as to prepare this area for development, and be undertaken in units Nos. 2 and 3 as justified. Filling of the entire unit need not be undertaken all at once but may be broken down into subunits of perhaps two or three blocks or more, depending on the willingness of property owners to join together in a filling job and the minimum feasible size for a hydraulic operation. Separate filling of individual lots would not be practical by hydraulic methods, and the cost by trucking from the mainland would be much more expensive. Filling should be to elevation 16 next to the protective dune, should slope back to elevation 7 at Baltimore Boulevard, and should not be less than elevation 7 elsewhere.

6. That central water and sewer systems be installed in one unit at a time, as outlined in the preceding text, as and when the density of development may reach the point where such facilities become necessary and practicable. For this purpose, a sanitary district should be formed. Standard fire hydrants should be included as in the North Ocean City area.

7. That a standard all-weather road be constructed by the county or others, at local expense, from the new bridge to the subdivided area and down the length of the island as far as it may be opened for active development. This should be located not on Baltimore Boulevard, which cuts through the several business areas and plazas, but on the dual highway location one block west, as the first half of such a thoroughfare.

8. Most of the ocean-front lots will have to be acquired for dune construction. The next 100 feet or more of lots should also be acquired for resubdividing into new oceanfront lots which should then be offered first to the previous ocean-front owners, on an exchange basis.

9. That consideration be given to a resubdivision of the remaining lots in each unit where central water and sewer systems are to be installed, for the purpose of reducing their size and increasing the economic feasibility of water and sewer installations. Such facilities will be quite costly per lot for the existing 20,000-square-foot lots. Also, by increasing the number of lots in each development unit, some people can be accommodated who will lose their lots in the flats or marshes. This amounts to a "cluster" development. Resubdivision can be achieved through pooling of ownership.

10. That further and more detailed studies be made to determine and reconcile any conflicts that may exist between these proposals and any fishery, wildlife, property ownership, or other interests.

11. That the ocean beach area be transferred to public ownership, preferably to the county, for adequate maintenance of beach and dunes and for policing.

12. That a more detailed plan of development be prepared for each development unit, showing the established limits of development, grades for landfill and streets, location of dunes, revision of lots, provisions for water and sewage disposal plants, marinas, public buildings, and the like.

Senator BIBLE. The subcommittee will be in recess until 2 o'clock.

(Whereupon, at 12:30 p.m., the subcommittee recessed, to reconvene at 2 p.m., the same day.)

AFTER RECESS

Senator BIBLE. The committee will come to order.

We have a statement from Dr. Paul L. White for inclusion in the record and, without objection, we will insert it at this point.

(The statement referred to follows:)

STATEMENT OF DR. PAUL L. WHITE

I believe in the governmental right to condemn private property—if—they can prove a great enough need or if there is no alternate solution to the problem. I hope to prove there is no need and also present an alternate proposal.

When studying the coastline for recreational purposes it falls into certain geographical divisions rather naturally. In considering this legislation I think we must study the coastline from Delaware Bay to Cape Hatteras. Areas presently open to the public include several oceanfront tracts owned by the State of Delaware; the Maryland-owned section of Assateague as well as U.S. game refuge; last, but very important, is the Cape Hatteras National Seashore.

The use of a public facility will fall into three main categories: (1) Day trips, (2) campers, (3) tourists staying in hotels or motels. Obviously the number of people close enough to make a day trip is relatively small. Jones Beach or Sandy Hook State Park are not a comparable situation by any stretch of the imagination. Campers will always be small in numbers. Hotel and motel accommodations will only be used by a relatively wealthy segment of the population. If we study any other seashore area we can see that although there have been lots of new motels built recently, the really tremendous growth has been in private cottages and other housekeeping facilities. Why? Owners of such property spend enough time there to participate in the sailing, water sking, etc., so obviously available. People who rent such facilities can afford to bring their families and spend their whole vacation there.

All responsible citizens as well as governmental agencies should be guided by the philosophy "to do the most good for the greatest number of people." The Department of the Interior will subscribe to this theory but would interpret "the greatest number of people" as the entire population of the United States. I should like to coin a new recreational evaluation: "human being hours." If part of Assateague Island is allowed to develop under private enterprise, the number of "human being hours" spent on that stretch of land will be many, many times higher than if it becomes a national seashore. Where do you see children participating in sailboat races, putting around in outboards, etc? Certainly not adjacent to day-trip, camping, or motel areas.

Would it be advisable for the Department of Interior to own all the undeveloped Atlantic seashore? If no, just how much? Does the motto "moderation in all things" apply here?

As a positive, constructive, alternative to acquiring more land on Assateague Island, I propose that the Department of the Interior sell its wildlife refuge, which is now a very valuable piece of real estate, and with that money purchase a much larger piece of property in the more than 50 miles of undeveloped coastline between Chincoteague Inlet and Cape Charles. There would be enough money to both purchase and develop this larger tract and it would not cost the taxpayer anything. This alternate site will accomplish everything the Assateage site can. In addition it would open a prime recreational area to the accumulation of "human being hours" of which I spoke before. There have been all sorts of plans for Assateague. I call this one the "White plan."

I quote from the column titled "March Storm of 1962 Recalled" from the March 4, 1965, issue of the Eastern Shore Times: "All of them recovered, however, and a testimonal to the fact that we believe this is a once-in-a-lifetime storm is that newer, larger, and more plush hostelries are being built on the beach as fast as loan money becomes available. The foundation of this legislation is in the storm of 1962. Why withdraw from maximum use this beautiful recreational area for another lifetime?

Senator BIBLE. Our first witness this afternoon is Robert L. Colbert. Mr. Colbert?

STATEMENT OF ROBERT L. COLBERT, REPRESENTING HIMSELF AND FAMILY

Mr. COLBERT. My name is Robert L. Colbert. I am representing my family in our struggle against the Federal Government's acquisition of our property on Assateague Island.

I would like to deviate just a second here. Colbert is a French name and thank God that the three storms that Columbus ran into in the Atlantic Ocean didn't deter him. I am glad he had the vision and the intestinal fortitude. Maybe President Johnson and the new Secretary of the Treasury wish he had turned back.

I am a real estate salesman in Virginia. This has been my basic occupation for the past 11 years. I am a member of the Million Dollar Sales Club in northern Virginia for the year 1964. I have traveled much in the State and have looked at lots of beach property in Florida, especially the past 10 years. Our family does own land on Fort Myers Beach, an elevation of 5 feet on the whole island, and also other beach property. The elevation, as pointed out this morning is 12 feet on Assateague Island and the new geological survey maps that were supposed to come out last May have been suppressed by the Secretary of the Interior and therefore they are not available at the present time for public use.

It is a pleasure to be able to speak before you today. Be it recognized that the Constitution of the United States does grant the right of free speech and you are granting this today. Also, in the Constitution, it provides for the right of eminent domain; taking of private property for public use. It does not say in the Constitution that the Federal Government has the power to take private property and lease it to private individuals or corporations so they in turn may make a profit. Under the present plan this is what you gentlemen are being asked to do. In my opinion this is unconstitutional.

I would like to quote briefly from Senate bill 20, page 8, section 7, paragraphs (a) and (b):

(a) In order that suitable overnight and other public accommodations on Assateague Island will be provided for visitors to the seashore, the Secretary is authorized to select and set aside not to exceed six hundred acres having a suitable elevation in the area south of the island terminus of the bridge constructed by the State of Maryland, and to provide such land fill within the area selected as he deems necessary to permit and protect permanent construction work thereon.

(b) Within the area designated under subsection (a) the Secretary shall permit the construction by private persons of suitable overnight and other public accommodations for visitors to the seashore, under such terms and conditions as he deems necessary in the public interest * * *.

As of yesterday the Secretary of the Interior has handed you gentlemen a blank check. He has not specified what he intends to put over there, who he intends to have lease this property, and these are items that are of utmost concern to us in private development, plus the fact of the constitutionality of it—and I have taught American Government, and I would like to know just exactly where in the Constitution it provides for leasing of our land to private individuals.

First of all, Mr. Udall has not proved that there is a need for all of this 33 miles of beach for public use. The 10 miles in Virginia controlled by the Government has not been used for anything in the past 20 years. Not until the private individuals of Chincoteague put up the money for a bridge did anything happen on the southernmost part of the island. Some inhabitants on Chincoteague has never seen the ocean side of Assateague until the bridge was built by private enterprise. This was done about 2 years ago.

Population in Chincoteague is not much different today than it was in 1943, even with the new missile site at Wallops Island. This type of development by the Federal Government does nothing for the economy or for private or public enjoyment. If only 3 million people will use Assateague by 1975 as pointed out in the Government report then the land will be poorly used. There are 34 to 40 million people within 2½ hours' driving time now. By 1975, this figure will be 60 to 70 million. Worcester County, by that time, will have one of the best economic positions it could ask for.

The 15 miles platted and zoned by Leon Ackerman was a commendable job. It would be a salesman's pleasure to sell lots there today. As a buyer it would be a pleasure to buy and own property there. If one wants a house there it is properly zoned. All businesses are in special sections also. There is not the mess found in Ocean City or other beaches.

Restrictions have been placed on house sizes and all lots are half acre in size. There is plenty of land for everyone.

Mr. Chairman, I have a plat, but it is the only one I have and I would like to keep it. I think Ocean Beach Club, Inc., might be able to supply it.

Senator BIBLE. Each of us have been supplied a copy. That is the one that has the pictures of the pretty girls?

Mr. COLBERT. Yes, sir.

Senator BIBLE. Yes, we have it.

Mr. COLBERT. And I would like to have two, three, or four of those, but my wife would object.

Under that plat, sir, when you are buying property, and being a salesman I fully appreciate this, you go down and buy a lot for a house. You don't want a beer hall next to you or apartment houses next to you. You want your privacy, and this is what the individual who buys a house or a lot down on Assateague will have. If they want commercial development they have it. They have it in specified areas, and this is a must and there won't be another island developed on the east coast of Virginia that would compare with this, or on the east coast, period.

The beach is one of the best on the east coast. If you will notice on a Coast and Geodetic Survey chart you will see the gentle slope of

the sandy beach into the water. It is much more gradual than other beaches in the area, and that is a most important element.

The safety factor there is much to be cherished. Not that the beach is 100 percent safe, but children can enjoy the water. As parents, this is one thing we consider when we are on any ocean beach.

In 1951–52, my mother purchased our nine lots—six commercial and three residential. I was in the U.S. Marine Corps. She was a GS–4 in the Government. My mother has the vision to see what could be done with such a piece of property. Now today you will be taking away from her and others what they worked and slaved for. I didn't do any fighting in the Korean conflict, but my brother served on the aircraft carriers, *Yorktown*, *Ranger*, and *Swanee* in World War II. He did fight for us. We are a free people and we intend to stay free, and we intend to keep our land and develop it. If it was needed for national defense that would be different, but you plan to let someone else come in and make a profit on our land, if public development is allowed.

We swore to defend the Constitution and defend our people and families. This we will do.

I might add, at least three-fourths of the people who own lots on Assateague Island have fought for this country. With respect to some of them, probably their families were killed, and if this is the type of democracy that we are going through right now with the people in South Vietnam fighting for us, then I can't say much for what they are fighting for.

Gentlemen, we have a trailer and this past summer we were in Canada on the Georgian Bay and we saw the loss of nearly all the beaches. This was due to the sinking water table in the Great Lakes. Millions of these people will be flocking to this beach. Not for an overnight stay but for weeks at a time. Not only these millions around the Great Lakes, but the 40 to 50 million in 2 to 2½ hours' driving time. These people will be looking for accommodations. They want to know when they travel so far they will have a place to stay. I did when I went up there. One can not rely on a public first-come, first-served when traveling such a distance. Private locations, in general, provide much better accommodations than public.

In a recent trip to Snow Hill, county seat for Montgomery County, I find the county wanting to rezone all commercial property on the island back to residential. This is deplorable. Another Ocean City would result. Value would be taken away from present landowners. At the present time a big swindle is all I can see. And my father-in-law suggested I use the word "injustice" instead of the word "swindle." He is 83 and knows much better than I do.

Senator BIBLE. You have just used both words now, so you may proceed.

Mr. COLBERT. Who gets money if you take our property? If you take the land are you going to pay the owners of the 5,850 lots all the money for the 15 miles between the State park and the Government line to the south? I am talking about the lot owners, the beaches, the roads and the parks and their lots, not what is behind their land that they did not purchase.

Road rights-of-way have been deeded over to Worcester County. Since these rights-of-way cost the county nothing and the roads have

not been constructed, the amount of money that might be allocated for this land should go to the lot owners.

If the Island is condemned, the owners of the 5,850 lots should receive the total figure. Money should not go to the county, or any other individual, or group, or corporation, who might say they are entitled to the condemnation for the roads, parks or beaches.

There again under S. 20, section 7, page 8——

Senator BIBLE. I would simply caution you that 9 of your 10 minutes have been used.

Mr. COLBERT. Thank you, sir.

The site of any facility constructed under authority of this section shall remain the property of the United States; however, each such privately owned overnight or other accommodation facility shall be subject to taxation by the State and the political subdivisions thereof in which such facility is located.

I would like to give a brief summary.

Private Property: Planning, zoning, location, bridge, beaches excellent. Plenty public land adjacent. Right of individual to use the capitalistic system—not the communal system.

And that is a perfect salesman's paradise when you have zoning like that. We have plenty of public land and several years ago I was working in the course of communism in the State of Virginia in Fairfax County and, brother, that is a real sore point with me.

The outdoor Recreation Resources Review Commission has recommended that individual initiative and private enterprise should continue to be the most important force in outdoor recreation—that Government should stimulate desirable commercial development to provide needed facilities.

That is quoted from a statement by Lawrence N. Stevens, Acting Director of Bureau of Outdoor Recreation, Department of Interior, in Baltimore, August 15, 1963.

The present zoning plan for this part of the Island best meets these requirements.

Right of the individual to use private capital for private development must be guarded if we are to maintain the freedom of this country, and a lot of people just don't buy that today.

If property is condemned only lot owners of record at the time of condemnation would be entitled to all condemnation money for the 15 miles of beach that was sold by Leon Ackerman.

Prompt and fair payment is requested if you condemn this property.

Senator BIBLE. Thank you very much, Mr. Colbert. I certainly appreciate your statement.

Mr. COLBERT. I would like to make one more statement, sir.

Senator BIBLE. If we are going to hear you at this time, since we are pretty close here, we are going to shut some people off.

Mr. COLBERT. There is only one of its kind on the east coast, supposedly. You have population, you have value, and you have location, and there isn't anything else that you can do to come up with a better piece of property, and as to condemnation figures that have been talked about so far, I don't know where they are getting their figures, but we did not buy that land to get 6 percent on our money. We have six commercial lots and three residential. The commercial lots were not purchased for just 6 percent increase in profit. We want much more if you are going to condemn, but we want to develop this.

Senator BIBLE. Thank you very much.

Senator JORDAN. I don't like the reference of some of the witnesses that we are going to take the property. We are not going to take the property. We are only referees.

Mr. COLBERT. I refer to the Federal Government. I am sorry.

Senator BIBLE. Thank you, Mr. Colbert.

Mr. COLBERT. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is Mr. Alton L. Malone.

He is not here. Our next witness is Mr. Marcus J. Williams. This is for Mr. Williams and for Mr. Bunting and we are allotting 30 minutes. It is now 2:24.

Mr. Williams and Mr. Bunting, will you come around and give your testimony at this time.

STATEMENTS OF MARCUS J. WILLIAMS, ESQ., ATTORNEY AT LAW, OCEAN CITY, MD.; EUGENE BUNTING, PRESIDENT, BUNTING NURSERIES, INC., SHELBYVILLE, DEL.; AND THOMAS B. HOWARD, OF THE J. E. GREINER CO., BALTIMORE, MD.

Mr. WILLIAMS. Mr. Chairman, I cheated a little bit in asking for my time. I don't think we need but 25 minutes but I would hope the other 5 minutes may be questions you may have for me.

My name is Marcus J. Williams, attorney, living in Ocean City, Md., practicing law in Ocean City and Berlin, Md.

With me is Mr. Eugene Bunting, president of Bunting Nurseries, Inc., and also Mr. Thomas B. Howard from the J. E. Greiner Co.

We are very grateful for the privilege of appearing before this subcommittee and especially grateful to Chairman Bible, Senator Jordan, Senator Moss, and Senator Simpson for your trip to Assateague last weekend. This gave us a feeling that the Federal Government and its agents are genuinely interested in this problem and that you have approached the problem from a completely impartial point of view.

You have heard, and will hear the rest of the day and apparently on Monday, from a number of people on both side of this controversy which has actually raged over Assateague for a number of years. We first want to completely endorse the County Commissioners of Worcester County who appeared before you this morning represented by their county attorney, Mr. Pittman, and by the former county engineer, Mr. Carter, and by the county tax assessor, Mr. Joseph G. Harrison.

If you choose to accept the very adequate proposal that they put before you this suits us fine. If, on the other hand, the Federal Government would choose to require the northerly end of Assateague Island, which is north of the present State park, this suits us fine.

Mr. Morton, one of the persons who owns quite a large acreage in that area, requested the Federal Government take it. We have no objection to this. Actually that area north of the State park is low-lying. There was a suggestion this morning that maybe the town of Ocean City ought to take it. As attorney for the town of Ocean City and having been the attorney to the mayor and city council for about 14 years, we don't want it.

On the other hand, if the Federal Government chooses to go along with the proposition I believe Mr. King will put before you on Monday,

to take everything except the area between the southerly end of the existing State park and Virginia line, that is fine, too, because this would exclude our property.

We are not disagreeing with the statement made here Wednesday, I believe, by Mr. Claude Callegary, that the Federal Government acquire the beaches. This would be contrary to Mr. King's presentation, but we have here what we feel is a commonsense solution to this controversy which has raged over Assateague Island and the proposed Assateague Island National Seashore for many years and we respectfully hope this proposal will be considered as a workable compromise.

Senate bill 20, here being considered, refers to a map, NS–AI–7100A, and we have submitted with our statement a map which we have called NS–AI–7100A1. This map differs only from the original that is introduced with Senate bill 20 in that it eliminates from the Federal acquisition an area along the westerly or marshy side of Assateague land and the small offshore islands located in Chincoteague Bay south of the existing State park. I have with me some of these maps and with your permission I would be glad to bring them forward to you.

Senator BIBLE. Isn't this the map that you have attached to your statement?

Mr. WILLIAMS. You have it; yes, sir. I would like to point out, Chairman Bible, and Senator Jordan, that this particular map is more or less an architectural sketch. It is not drawn to scale. It was prepared by the J. E. Greiner Co., of Baltimore, but the map would indicate that we are attempting to exclude approximately half of that area between the southerly side of the State park and the Virginia line. This is not true. We are only attempting, by that map, to point out to you the area we are talking about. It is not to scale.

I am only here representing the people who own those marshy sides of Assateague and the offshore islands.

Senator BIBLE. I understand what you are proposing and I understand your representation. How much acreage is involved and how many owners do we have?

Mr. WILLIAMS. Approximately 2,500 acres.

In referring to Director Hartzog's statement yesterday, he says, and I will quote from his statement:

> The proposed Assateague Island National Seashore contains 39,630 acres consisting of 19,096 acres of land, 20,534 acres of water. Approximately 9,453 acres of the land on the Island is in Federal ownership, 922 acres in State ownership, and 8,721 acres in private ownership.

Of the 8,721 acres in private ownership I am here representing approximately 2,500 acre owners. The purpose of Senate bill 20, to use the words of Senator Brewster in his bill, is to secure lands, and I am quoting, "for public outdoor recreational use and enjoyment."

I believe I prefer to wait until Senator Bible gets back, Senator.

Senator JORDAN. No, no. Go right ahead. He will be right back.

Mr. WILLIAMS. Thank you, sir.

I was referring to the phraseology of Senate bill 20 in which Senator Brewster says that the purpose of the acquisition of the area is "for public outdoor recreational use and enjoyment."

Secretary Udall's letter to the Honorable Lyndon B. Johnson, who was then President of the Senate, dated September 10, 1963, refers to, and I quote again, "Outdoor recreational resources."

Mr. Udall's letter further states—this is the letter to the then President of the Senate—

> the island's outstanding feature, its clean white sand beach, is wide and gently sloping. With a minimum of development it can provide excellent opportunities for swimming, surfing, sunbathing, and other popular beach activities * * *. For those desiring other kinds of recreation, the island offers unlimited opportunities for fishing, skindiving, water skiing, and boating.

We heartily agree with Secretary Udall that these are the island's outstanding features and Federal acquisition of these particular parts of the island might easily be in the public interest. However, the marshy or bay side and these offshore islands contain no such facilities and the acquisition thereof would not be logical from a financial point of view and such acquisition might result in no public use and enjoyment.

Most of Assateague is made up of these clean, white beaches bordering on the Atlantic Ocean and these subsequently sloping dunes. That area is almost entirely unimproved. There are a few houses there, but generally speaking it is unimproved. The westerly shore, on the other hand contains numerous improved properties. Approximately 28 gunning lodges and other buildings of various sizes are located on the westerly or marshy side representing a substantial investment to the property owners for which they would be entitled to compensation under Senate bill 20.

The cost of acquisition in our opinion would far exceed the estimates made by the Department of the Interior.

Yesterday, I believe it was, or this morning, Mr. Smith testified that based on Mr. Ackerman's sales of properties in the area and his price list approximately $19 million was paid by these property owners in 1954. He is referring solely to the area to the east of our property, to the south of the State park, and to the north of Virginia line.

This is a strip estimated by various witnesses as between 12 and 14 miles. The property owners I represent are to the west of this subdivided area and, as a practicing attorney in Worcester County, I have transferred property on Assateague and many of these lots that were acquired by these property owners in 1954 and subsequent have been retransferred in recent years and I can testify that they have been transferred for much more than they originally sold for. He is referring to $19 million in 1954.

The approximate 2,500 acres to the west of the hypothetical line drawn on the map or chart you are looking at is not included in that because some of these property owners acquired their property as far back as 1895. There have been improvements erected in the area I propose to be excluded as far back as 1910.

Just to get off the subject for one second, the question was asked this morning of a witness with regard to whatever happened to Ackerman's project. I believe Daniel Trimper IV, who will be here Monday, can explain that part to you. We admit that public recreational areas are needed and it is our feeling that public funds should not be spent for land which is not needed for public use.

I have forgotten the figure from Secretary Hartzog's figures, but I believe there are 39,000 acres on Assateague of which 19,000 is land. Of this 19,000 acres on Assateague, we feel that the elimination of the marshy or westerly side of the island and the marshy lands from Federal acquisition would still leave approximately 15,000 to 16,000 acres of public lands.

Notwithstanding the fact that the area sought to be excluded would have no significant public use, the acquisition cost thereof in our opinion would be disproportionately high.

Properties in this excluded area have been transferred on the tax records of Worcester County for as much as $2,500 per acre and in one instance, for land in this area, a bona fide offer of $3,500 per acre was refused.

Taking into consideration the improvements erected in the area, approximately 28 gunning lodges, the per-acreage cost would probably exceed that of the ocean-front sandy beaches.

In a report to the Maryland Board of Public Works dated September 9, 1963, entitled "Statement on Assateague Island", the Maryland Department of Public Works stated it "could not recommend Federal acquisition only of the ocean side of the island" on the basis that "the island is low, subject to the threat of wash over."

We respectfully submit that the improved properties in the area sought to be excluded suffered little or no damage in the severe coastal storm of March 6 and 7 of 1962, even though at that time of course there was no protective dune line and even though that is referred to widely as the storm of the century. In fact, many of these houses have been built many years with no appreciable damage from the elements and the perils of nature on Assateague Island and improved properties are comparable to those in Ocean City.

We don't feel we need the Federal Government and its dune line as proposed by the Maryland Department of Public Works. I will admit, and it appears obvious, that the acquisition of the entire island and the offshore islands and everything that is proposed by Senate bill 20 does make a neater package for the Department of the Interior, but we feel that the advantages of the neat package would be more than overcome by the disadvantages or cost of acquisition of this so-called neat package.

No. 1, the County Commissioners of Worcester County propose to retain for their own development and for their own tax rolls, and let us take care of ourselves, the area between the State park and the Virginia line. We do not disagree with this, but certainly if the Federal Government in its interest feels that the public interest outweighs private interest and they choose to acquire these subdivided portions, the 3,200 lot owners, we respectfully request, be permitted to retain the westerly side of the Island, our offshore island, for future private development. If we can keep this on the tax books of our county the Commissioners would then retain some ownership of the Island and some interest in it. We are speaking, of course, strictly from an economical point of view.

If we keep this on the tax books then we would have that much that would be retained by Worcester for private development.

Speaking of economics for just a moment, they made a rather disparaging remark on my client, but I understand some of them spend

as much as $30 per duck for the ducks they get over there. They felt slightly slandered yesterday by Mr. Hartzog, I believe, who told us, or at least implied, that ducks are more afraid of automobiles than they are of shotguns.

Senator BIBLE. Maybe that is the reason. As a duck hunter I have some sympathy along that line.

Mr. WILLIAMS. The Department of the Interior in our opinion, Senator Bible and Senator Jordan, would have no practical use for 28 gunning lodges which are along the westerly shore of the Island.

Senator BIBLE. Are all of those 28 hunting lodges, or duck clubs, or however you characterize them, operational?

Mr. WILLIAMS. Yes, sir.

Senator BIBLE. When we flew over this marshland on Saturday, and of course I realize this is the off season, there just didn't seem to be that many there. I am not questioning your figures. They are all operational?

Mr. WILLIAMS. I understand they are operational, and again referring to Director Hartzog's statement he informs you on page 3——

Senator BIBLE. Does this agree with his figure?

Mr. WILLIAMS. No, sir; it does not completely agree with his figure.

Senator BIBLE. I thought he gave us just a little fewer in number than that.

Mr. WILLIAMS. Yes, sir. If you will excuse me just a minute to scan through this, here it is. He says "16 summer cottages, 17 gunning clubs, and a few other structures."

We do not have 28 gun clubs. We have around 22. I say 28 gun clubs and other structures. I am speaking of the other buildings that will not be classified as gun clubs. They could be classified as cottages, as he did, or I don't know what he calls other structures, but there are this many different private properties and if you asked any of the 28 they would say, "Yes, I have a gun club over there", and would say this is improved. Another objection we feel we might experience with the Department of the Interior reserving this portion would be the fact that this is going to be an area that is going to be set aside and might possibly be used as a honky-tonk area or beer joint area. We are agreeable and willing to permit our properties to be forever zoned noncommercial.

We never intend to have a motel or a restaurant or anything else that will interfere with the National Park Service or whoever is going to be operating this thing.

We further point out that we are not requesting that the entire bayfront acreage be reserved; only this portion that is between the south side of the State park and the Virginia line. We do not feel that the reservation of this would result in any accessibility problem.

Further, going back to money again, it is a known fact that lands on navigable waters, at least in our area, demand a premium price in determining fair market value. While we are asking that only about 12 or 13 or 14 or whatever it is miles of the marshy side of the Island be excluded, a glance at the map will show that due to the curvature of the shoreline there are many more miles of bayfront properties. This is particularly true when the Islands are also considered. The cost of acquiring this area in our opinion is going to be astronomical.

Senator BIBLE. Could you put a figure on it?

Mr. WILLIAMS. Yes, sir. If we are talking about exactly 2,500 acres and 28 houses, including at least I will say 17 gun clubs—I think we have closer to 28—we are talking about in the vicinity of $6 to $10 million.

Senator BIBLE. And this is just for the bay side?

Mr. WILLIAMS. Yes, sir; this is the bay side and the marshy side offshore, the marshy lands offshore and the Chincoteague Bay. We arrived at this figure on offers for the property. Quite frankly, it isn't worth it to either the Federal Government or you or me or anybody.

Senator BIBLE. Ducks might get to be $35 apiece.

Mr. WILLIAMS. It costs that much to shoot one of them, but larger companies do acquire areas of this nature for company purposes and they pay more than the land is really worth, but the fact is that they will do it and if the ABC companies are willing to pay $1,000 an acre it is quite logical that the Federal Government will have to pay $1,000 an acre to acquire it.

Senator BIBLE. I am not going to try to interrupt because you are the lawyer and I don't know whether Mr. Bunting is your client or not, but you have asked for 30 minutes and you have 10 minutes of your time left. I don't know if the lawyer defers to the client or how this works, but I will leave this up to you and your client.

Mr. WILLIAMS. We are right on schedule. We respectfully submit that the exclusion of this area would not hamper the creation of the Assateague Island National Seashore. We sincerely feel that we are correct. However, if we are incorrect there are going to be future Congresses, future Senators, future subcommittees, future bills, and if we are wrong then we respectfully submit that rather than wasting this $6 to $10 million now for something the Federal Government does not need. They do not need gunning areas. If we are wrong, the Federal Government could come back later and another subcommittee will decide whether or not they should have it.

I thank you very much for your time. I would like now to ask you to listen to Mr. Gene Bunting of Bunting's Nurseries, Inc.

(Mr. Williams' prepared material follows:)

JOINT STATEMENT OF OWNERS OF REPRESENTATIVES OF A PORTION OF THE WESTERLY OR MARSHY SIDE OF ASSATEAGUE ISLAND AND SOME OF THE WESTERLY OFF-SHORE ISLANDS

On August 11, 1964, a hearing on Senate bill 2128 of the 88th Congress, 2d session, was held before the Subcommittee on Public Lands and some of this statement may be repetitious. However, we feel this statement is a common-sense solution to the controversy which has raged over Assateague and the proposed Assateague Island National Seashore for many years. We respectfully hope this proposal will be considered a workable compromise.

Senate bill 20, here being considered, refers to a map, "NS–AI–7100A," and we respectfully submit herewith a map which we have called "NS–AI–7100A1," which map differs only from the original in that it eliminates from the Federal acquisition an area along the westerly or marshy side of the island and the small offshore marsh islands, located in Chincoteague Bay, south of the existing State park.

The purpose of Senate bill 20 is to secure the lands "for public outdoor recreational use and enjoyment." Secretary Udall's letter to Hon. Lyndon B. Johnson, President of the Senate, dated September 10, 1963, refers to "outdoor recreation resources." Mr. Udall's letter further states: "The island's *outstanding* feature, its clean white sand beach, is wide and gently sloping. With a mini-

mum of development, it can provide excellent opportunities for swimming, surfing, sun bathing, and other popular beach activities. * * * For those desiring *other kinds* of recreation, the island offers unlimited opportunities for fishing, skin diving, water skiing, and boating." [Emphasis supplied.]

We heartily agree with Secretary Udall that there are the island's outstanding features and Federal acquisition thereof might easily be in the public interest. However, the marshy bay side and the marsh islands contain no such facilities and the acquisition thereof would not be logical from a financial point of view, and such acquisition would result in no public use and enjoyment.

Most of Assateague Island is made up of clean white beaches bordering the Atlantic Ocean, and gently rolling dunes. That area is almost entirely unimproved. The westerly shore, on the other hand, contains numerous improved properties. Approximately 28 gunning lodges and other buildings of various sizes are located on the westerly or marshy side, representing a substantial investment to the property owners, for which they would be entitled to compensation under Senate bill 20. The cost of acquisition, in our opinion would far exceed the estimates made by the Department of the Interior.

While public recreational areas are needed, it is our feeling that public funds should not be spent for lands not needed for public use.

Approximately 18,000 acres of land are included in Assateague Island and the elimination of the marshy side and the marsh islands from Federal acquisition would still leave approximately 15,000 to 16,000 acres of public lands. Notwithstanding the fact that the area sought to be excluded would have no significant public use, the acquisition cost thereof would be disproportionately high. Properties in the excluded area have been transferred for as much as $2,500 per acre, and, in one instance, a bona fide offer of $3,500 per acre was refused. Taking into consideration the improvements erected, in the form of clubhouses, etc., the per acreage cost would probably exceed that of the ocean-front sandy beaches.

In a report of the Maryland Board of Public Works dated September 9, 1963, entitled "Statement—Assateague Island" the department stated it "could not recommend Federal acquisition only of the ocean side of the island" on the basis that "the island is low, subject to the threat of washover." We respectfully submit that the improved properties in the area sought to be excluded suffered little or no damage in the severe coastal storm of March 6–7, 1962, even though no protective dune line existed. In fact, many of them have been built for years, with no appreciable damage from the elements. The perils of nature in the proposed excluded area are comparable to those of the town of Ocean City, Md.

It is admitted the acquisition proposed under Senate bill 20 makes a neater "package" if the exclusion sought hereby is ignored. However, the advantages of the neat package are more than overcome by the following:

1. The county commissioners of Worcester County are most desirous of keeping the entire island on its tax books. If this is impossible and acquisition of all or part of the island is deemed advisable for public use, the commissioners would still, under our proposal, retain the bulk of improved properties on its tax rolls.

2. The Department of the Interior will have no practical use for the 28 improved properties, yet will, under Senate bill 20, find it necessary to acquire them at their fair market value, a move we feel is an unnecessary waste of public funds.

3. Reference to section 9 in the proposed amended bill will eliminate other potential objections to our proposal. The property owners agree that, should they fail to use their properties for residential purposes and no other, they become subject to the provisions of Senate bill 20. Obviously, there will be no taverns or other objectionable businesses in the excluded area.

4. It will be noted we do not propose to exclude all the bay frontage, only approximately 12 miles of the 33-mile length. We, therefore, submit this will not create an accessibility problem.

5. It is a known fact that lands on navigable water demand a premium price in determining fair market value. While we are asking that only about 12 miles of the marshy side of the island be excluded, a glance at the map will show that, due to the curvature of the shoreline, there are many more miles of bay-front properties. This is particularly true when the islands are also considered. The cost of acquiring this area could be astronomical, particularly in view of its contemplated value to the general public.

We respectfully submit that this exclusion will not interfere with nor hamper the creation of the Assateague Island National Seashore. This is our sincere feeling. But let us assume for sake of discussion we are wrong. There will be future Senators and future committees and future bills introduced. We presume a future Congress would acquire our properties, at which time the acquisition would be justified. We do not believe it can be at this time.

With economy in government as our major theme, we sincerely request the attached and revised Senate bill 20 be considered by your subcommittee in lieu of the original Senate bill 20.

Respectfully submitted.

Marcus J. Williams, Berlin, Md., attorney for: John R. Hichens, Georgetown, Del.; Charles J. Jackson, Ocean City, Md.; Dr. Walter Savage, Berlin, Md.; Harry Aydalotte Jarvis, Berlin, Md.; William H. Scott, Berlin, Md.; Dr. Frank J. Townsend, Jr., Ocean City, Md.; William A. Murray, Chincoteague, Va.; Buntings' Nurseries, Inc., Selbyville, Del.; Charles B. Allen, partner, the J. E. Greiner, Co., Baltimore, Md.; Churchill Hungerford, Jr., care of Hungerford & Terry, Clayton, N.J.; Charles R. Jenkins, Berlin, Md.; C. Baxter Valentine, Richmond, Va.; Daniel Trimper III, Ocean City, Md.; Donald J. Lynch, Selbyville, Del.; Mrs. Lyndon Barr, Georgetown, Del.; Dr. Richard A. Peoples, Selbyville, Del.; William C. Savage, Ocean City, Md.; Gene Bunting, Selbyville, Del.; Crawford O. Savage, Ocean City, Md.; Thomas B. Howard, care of J. E. Greiner Co., Baltimore, Md.; Orville Quillen, Chincoteague, Va.; Robert B. Jackson, Ocean City, Md.; Elwood R. Rust, Georgetown, Del.; and Paul C. Stokes, Rehobeth, Del.

A BILL To provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of protecting and developing Assateague Island in the States of Virginia and Maryland and certain adjacent waters and small marsh islands for public outdoor recreation use and enjoyment, the Assateague Island National Seashore (hereinafter referred to as the "seashore") shall be established and administered in accordance with the provisions of this Act. The seashore shall comprise that area within Assateague Island and the small marsh islands adjacent thereto, together with the adjacent water areas not more than one-half mile beyond the mean high waterline of the land portions as generally depicted on a map identified as "Proposed Assateague Island National Seashore, Boundary Map, NS–AI–7100A1" (excluding the area designated as "Retained by Present Owners"), which map shall be on file and available for public inspection in the offices of the Department of the Interior.

SEC. 2. (a) Within the boundaries of the seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein by donation, purchase with donated or appropriated funds, exchange, or by such other method as he may find to be in the public interest. The Secretary is authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein on the mainland for an administrative site. In the case of acquisition by negotiated purchase, the property owners shall be paid the fair market value by the Secretary. Any property or interests therein owned by the States of Maryland or Virginia shall be acquired only with the concurrence of such owner. Notwithstanding any other provision of the law, any Federal property located within the boundaries of the seashore and not more than ten acres of Federal property on the mainland may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the seashore.

(b) When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"), and to not more than ten acres of non-Federal property on the mainland, and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary not required for other Federal purposes which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be

approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the properties exchanged.

(c) The Secretary is authorized to acquire all of the right, title, or interest of the Chincoteague-Assateague Bridge and Beach Authority, a political subdivision of the State of Virginia, in the bridge constructed by such authority across the Assateague Channel, together with all lands or interests therein, roads, parking lots, buildings, or other real or personal property of such authority and to compensate the authority in such amount as will permit it to meet its valid outstanding obligations at the time of such acquisition. Payments by the Secretary shall be on such terms and conditions as he shall consider to be in the public interest. Any of the aforesaid property outside the boundaries of the national seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"), upon acquisition by the Secretary, shall be subject to his administration for purposes of the seashore.

(d) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. In such cases, the Secretary shall pay to the owner of the property the fair market value thereof less the fair market value of the right retained by such owner. The term "improved property" as used in this Act shall mean any single-family residence the construction of which was begun before January 1, 1963, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the noncommercial residential use of the building: *Provided*, That the Secretary may exclude from improved properties any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public access thereto.

SEC. 3. (a) If the bridge from Sandy Point to Assateague Island is operated by the State of Maryland as a toll-free facility, the Secretary is authorized and directed to compensate said State in the amount of two-thirds of the cost of constructing the bridge, including the cost of bridge approaches, engineering, and all other related costs, but the total amount of such compensation shall be not more than $1,000,000; and he is authorized to enter into agreements with the State of Maryland relating to the use and management of the bridge.

(b) The State of Maryland shall have the right to acquire or lease from the United States such land or interest therein on the island north of the area now used as a State park as the State may from time to time determine to be needed for State park purposes; and the Secretary is authorized and directed to convey or lease such land or interest therein to the State for such purposes upon terms and conditions which he deems will assure its public use in harmony with the purposes of this Act. In the event any of such terms and conditions are not complied with, all the property, or any portion thereof, shall, at the option of the Secretary, revert to the United States in its then existing condition. Any lease hereunder shall be for such consideration as the Secretary deems equitable; and any conveyance of title to land hereunder may be made only upon payment by the State of such amounts of money as were expended by the United States to acquire such land, or interest therein, and upon payment of such amounts as will reimburse the United States for the cost of any improvements placed thereon by the United States; including the cost to it of beach protection: *Provided*, That reimbursement for beach protection shall not exceed 30 per centum, as determined by the Secretary, of the total cost to the United States of such protection work.

SEC. 4. When the Secretary determines that land, water areas, or interests therein within the area generally depicted on the map referred to in section 1 are owned or have been acquired by the United States in sufficient quantities to provide an administrable unit, he shall declare the establishment of the Assateague Island National Seashore by publication of notice thereof in the Federal Register. Such notice shall contain a refined description or map of the boundaries of the seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"), as the Secretary may find desirable, and the exterior boundaries shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act.

SEC. 5. The Secretary shall permit hunting and fishing on land and waters under his control within the seashore in accordance with the appropriate State laws, 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: *Provided*, That nothing in this Act shall limit or interfere with the authority of the States to permit or to regulate shellfishing in any waters included in the national seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"). Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities. The provisions of this section shall not apply to the Chincoteague National Wildlife Refuge.

SEC. 6. (a) Except as provided in subsection (b) of this section, the Secretary shall administer the Assateague Island National Seashore for general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"), and the administrative site the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(b) Notwithstanding any other provision of this Act, land and waters in the Chincoteague National Wildlife Refuge, which are a part of the seashore, shall be administered for refuge purposes under laws and regulations applicable to national wildlife refuges, including administration for public recreation uses with the provisions of the Act of September 28, 1962 (76 Stat. 653).

SEC. 7. (a) In order that suitable overnight and other public accommodations on Assateague Island will be provided for visitors to the seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"), the Secretary is authorized to select and set aside not to exceed six hundred acres having a suitable elevation in the area south of the island terminus of the bridge constructed by the State of Maryland, and to provide such land fill within the area selected as he deems necessary to permit and protect permanent construction work thereon.

(b) Within the area designated under subsection (a) the Secretary shall permit the construction by private persons of suitable overnight and other public accommodations for visitors to the seashore, under such terms and conditions as he deems necessary in the public interest. Such terms and conditions shall include, but not be limited to, the right of the Secretary to approve all plans for the facility and to impose restrictions on the use thereof.

(c) The site of any facility constructed under authority of this section shall remain the property of the United States; however, each such privately owned overnight or other accommodation facility shall be subject to taxation by the State and the political subdivisions thereof in which such facility is located.

(d) The Secretary shall make such rules and regulations as may be necessary to carry out this section.

(e) Nothing in this section shall be deemed to restrict or limit any other authority of the Secretary relating to the administration of the seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners").

SEC. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore, as depicted on said map (excluding the area designated as "Retained by Present Owners"), and any such protective works that undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

SEC. 9. The area designated as "Retained by Present Owners" on the aforesaid map is hereby excluded from the seashore, provided same is forever zoned by Worcester County, Maryland, or other political subdivision or agency, for noncommercial purposes. Upon failure of Worcester County, Maryland, or other political subdivision or agency to keep the "Retained by Present Owners" area zoned for noncommercial purposes only, the area is hereby declared to be subject to acquisition under the terms and conditions hereof.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Senator BIBLE. We would be very happy to hear from you, Mr. Bunting.

Mr. BUNTING. Thank you, Mr. Chairman and Senator Jordan.

My name is Eugene Bunting. I live in Selbyville, Del.

Senator BIBLE. Where is Selbyville, Del.? Would you identify the location?

Mr. BUNTING. It is an eighth of a mile from the Maryland line in southern Delaware.

Senator BIBLE. I see. You are very close, then, to the projection of Ocean City.

Mr. BUNTING. Yes, sir. I am about 18 miles, I believe, west of Ocean City.

Senator BIBLE. Very fine, Thank you.

Mr. BUNTING. The opportunity of placing my views before this subcommittee pertaining to Senate bill 20 with regard to Assateague Island is appreciated.

First of all, I certainly want to thank the members of the committee who visited Assateague Island on Saturday, March 13. I am sorry that you did not have the time to visit some of the homes on the island in order that you might have possibly realized more fully the investment that some of the property owners have in their homes. Many of the homes on the Island are nestled in pine trees and could have easily been overlooked by the helicopter tour; but in any event, we did want to express our thanks for your taking time from your busy schedule to make the trip.

I have a home on Assateague Island that my father purchased in 1945 for use as a summer home and a duck hunting lodge in the wintertime. The home is built on the western shore of the island next to the Chincoteague Bay, consisting of approximately 350 acres. According to legislation contained in Senate bill 20, the Department of the Interior proposes to acquire the entire island with the provision that I could have the right of occupancy for a period of 25 years, which includes my home and 3 acres of land.

If the bill becomes a law in its present form, the hunting facilities on my property would be absolutely worthless to me because the hunting section of my property would be out of the limits of the 3 acres of land.

Senator Bible. How many acres do you own?

Mr. BUNTING. Approximately 350.

Senator BIBLE. 350 acres.

Mr. BUNTING. Yes, sir. This is one of the many reasons why I am opposed to Senate bill 20 in its present form.

Looking at this entire matter with an open mind, I must admit there is a need for some of our virgin land to be retained and used in the interest of the general public. But I submit that the Department of the Interior already owns and controls about 12 miles of the southern portion of Assateague Island in the State of Virginia which I am confident would be sufficient for use as a national seashore park for public recreation.

Using this portion of land for public recreation would make unnecessary any additional expenditure for acquisitions purposes because it is already federally owned. It is actually larger in size than the land from Ocean City, Md., north to the Delaware State line—a beach area

which accommodates hundreds of thousands of people weekly during the summer vacation season. I respectfully submit that the most logical and least expensive method of providing lands for a Federal seashore park on Assateague Island would be to utilize this land which the Federal Government already owns.

While I am personally strongly of the opinion that the Virginia federally owned portion of the island is adequate to serve the needs of the general public, as a compromise I would support a proposal presented by a group of property owners represented by the testimony of Marcus J. Williams of Berlin, Md.

This proposal, shown on a map designated as "NS–A1–7100A1," calls for the retention by present owners of part of the western shore or Bay side of the Maryland section of Assateague Island. This side of the island consists mostly of marsh with other highlands. Without a doubt, this is the area of Assateague Island that would be the most costly to the Federal Government to acquire.

In this area there are approximately 28 homes. It is my impression that there is little appreciation in the Congress or by the public of the great amount of money which the Federal Government will have to pay landowners as just compensation for confiscating their land.

Senator BIBLE. If we keep quoting these figures as they are given to us, I admit it is going to be as high as the national debt. This is the very purpose of this hearing, to see whether these figures are realistic. You may be dead right. This may be a very expensive venture if we should choose to create a national seashore.

Mr. BUNTING. As an example, Senator, there currently exists a bona fide offer for land in this section of $3,500 per acre. An offer, incidentally, which was refused, as stated by Mr. Williams. I do not know but I would guess that this proposal to exclude the marshlands would save the Federal Government between $10 and $15 million without excluding a single piece of land usable for its purposes.

Senator BIBLE. Your lawyer estimated a little over, but I guess that is a legal privilege. I used to do it myself.

Mr. BUNTING. I do not know that figure to be exact, but I do know that this $3,500 an acre was refused.

Mr. WILLIAMS. My guess was $6 to $10 million. Mr. Bunting's is $10 to $15 million. We are both trying to be sincere. We are not going up on you.

Senator BIBLE. We understand that, and it is difficult to value land. I think we have to be very objective about that and we recognize we all have problems in this area. I thought it was the lawyer that boosted the price, but it was the other way around. It is usually lawyers who do.

Mr. BUNTING. With the exclusion of the area mentioned above, the Department of Interior could still obtain the entire beach front of the Maryland and Virginia portion of Assateague Island and also the western shore from Ocean City, Md., south to the existing Maryland State park. This amounts to approximately 8 miles of the bay section and approximately 21 miles of oceanfront, sandy beach, plus beach land west of the surf to where our proposed excluded area begins. Including the Virginia portion, the Federal Government would then own approximately 20 miles of marsh and 33 miles of beach front.

I did want to point out too that we do go along with the Worcester County officials.

I certainly want to bring to the attention of this committee that the homes that I have referred to are more than mere "shacks." My home, as an example, has six bedrooms, three bathrooms, a sitting room, a living room, dining area, kitchen and enclosed porch. In addition, it includes a guide's quarters which accommodates four people—all under one roof and used continuously throughout the entire year.

I might also add that most of the information that has been made public regarding Assateague Island has been very misleading. I quote one article written by Wheeler Johnson, the outdoor editor of one of Washington's leading newspapers, wherein it was stated by Joseph Kaylor, assistant to the Director of Bureau of Outdoor Recreation that "there was 15 feet of water over the island."

This was at the time of the March 1962 storm.

Now I ask you gentlemen, if this were true, could you imagine my home surviving the perils of nature at the time of the March storm in 1962? The real truth is that my home was not damaged in any way by the storm in March of 1962. We did not drive one nail after the storm to make repairs. This is not only true in my case but it is the truth regarding the majority of homes that were in existence on the marsh side of the island at that time. Yes, some homes were damaged. As a matter of fact, there was terrific damage up and down the entire eastern coast of the United States due to the storm.

Assateague Island has been referred to as a "sand pit" and a "barrier reef." This description is simply not correct. The area we hope to have excluded is exactly like the area from Ocean City, Md., north to the Delaware State line. An area which is being developed in an orderly manner adding to the income of the county through taxes and providing a good healthy economy for the people in the area.

Actually, Assateague Island is at least equal to and, in many areas, has a higher elevation than Ocean City, Md., according to a recent geodetic survey made by Federal surveyors.

This is from the report I have heard. For some reason, this survey has not been released to the general public. If the members of the committee would demand to see the results of the survey, this fact could be proven.

Senator BIBLE. We have received copies of that survey. I do not know any reason why it should not be released to the general public. It is a public document and we had testimony from one of the witnesses this morning, and apparently a very well-qualified man—he was a licensed civil engineer and planning engineer for this area, and did much work at Assateague and Ocean City, and I don't know of anything to contradict him up to now, that the elevations of Assateague and Ocean City are just about the same, very little difference. If I understand the testimony correctly, and I am sure that is what he said, I suppose that is what the Geodetic maps prove. I don't know. We will take a look at it.

Mr. BUNTING. I believe the marsh area of Assateague Island, as outlined in our alternate map, should be left in private hands which could develop it under strict residential zoning laws, thereby belying the statement that "if Assateague is developed privately, it will result in an undesirable honky-tonk section". The proposal that I have made will in no way eliminate Assateague Island's use as a na-

tional seashore park. It will only omit from the public area, lands which are not necessary for such a resort, thereby saving many millions of dollars of taxpayers' money. Assateague Island is big enough for the enjoyment of its private owners and those who will use it publicly.

I respectfully urge you gentlemen to give these facts your very serious consideration.

Thank you very much.

Senator BIBLE. Thank you very much for your statement, Mr. Bunting, and you too, Mr. Williams. We have a third man. We haven't heard anything from him. Did you cut him in on your time?

Mr. WILLIAMS. Mr. Howard was up here in case you had any questions about this.

Mr. HOWARD. I am from the J. E. Grainer Co. We own 600 acres in the marshy area. We are very interested in Assateague.

Senator BIBLE. You are one that handed me the map in Ocean City on Saturday.

Mr. HOWARD. I think it was Mr. Bunting.

Senator BIBLE. Very well.

Mr. HOWARD. We have prepared the design of the bridge over Assateague. We prepared the plans for the State park and we own 600 acres where we have a gunning lodge. Actually our property is an island off the bay and we do a lot of park work all over the county, a lot of road work and bridge work. I just want to comment that we have many parks that we work on where we have even whole communities inside the park area and it doesn't seem to be any problem in those areas. We feel that this proposal that these gentlemen have made is very logical and would save the Government considerable money.

Senator BIBLE. We appreciate your statement. We appreciate your presentation, Mr. Williams. I have no questions. Possibly the Senator from Idaho has.

Senator JORDAN. No questions, Mr. Chairman.

Senator BIBLE. Thank you very much.

I commend you for keeping it almost within the time limit.

Our next witness is Mr. Robert C. Walker, 15 minutes.

Mr. Walker?

STATEMENT OF ROBERT C. WALKER, AGRICULTURAL ENGINEERING CONSULTANT, NEW YORK AND WASHINGTON

Mr. WALKER. Senator Bible and Senator Jordan, I appreciate your attendance at this long session and I regret that your colleagues on this subcommittee do not consider it worthy of their time and interest.

Senator BIBLE. Let's correct the record. They know this is an important project like all of these projects are. We have many demands on our time when we serve in the Senate of the United States. Each of us serve on at least two, sometimes three committees. Personally, I serve on five different committees—I don't know on how many subcommittees—and they are just as much intensely interested in this problem as we are and they certainly will read this record very fully.

Senator JORDAN. I would like to expand on this. We Senators, 100 of us, have to do the same committee work that is done in the House by 435 members, so we have to spread ourselves pretty thin.

Mr. WALKER. My stand against Federal acquisition of Assateague Island, Md., has been clearly defined in two letters which have been published in the transcript of the hearings on Senate bill 2128 last August.

I shall briefly summarize the points covered in those letters and present some additional pertinent observations at this time.

In 1945 and in 1949, Congressman Bland, of Virginia, offered House bills 77 and 1141, proposing the acquisition of practically all of the ocean shorelines of Delaware, Maryland, and Virginia, a total of 75,000 acres in 1945 for $1½ million, excluding only four incorporated municipalities.

In 1949 his suggested legislation asked for an appropriation of only $950,000 for less acreage.

Neither bill aroused sufficient public interest to justify a hearing and no companion bill was ever introduced in the Senate.

In February 1950 I was engaged by a group of Washington and Baltimore investors, headed by the late Leon Ackerman, to survey subdivide, and plat for recordation most of the Maryland portion of Assateague Island to provide over 6,000 half-acre lots which were subsequently sold to about 3,200 persons who hoped to build summer cottages or retirement homes or hold unimproved land for many years for themselves or their children.

The 1955 report of the National Park service, Department of the Interior on its Seashore Recreation Area Survey of Atlantic and Gulf Coasts said:

> The advanced stages of real estate development (upon the Maryland portion of Assateague Island) appears to preclude the possibility of the area being set aside for public use.

Within less than 25 miles south of Assateague Island there are two adjacent coastal islands with an aggregate length of about 14 miles which are still unimproved and available for public recreational use at a very small fraction of the estimated cost of acquisition of the subdivided property interests of 3,200 people who have been paying taxes on their land for 10 or 15 years and hope to retain it for investment or improvement.

The islands to which I refer are presently owned by nonresident heirs of only two or three families and they have been mentioned on former occasions by the Department of the Interior as very desirable for Federal acquisition, but that earlier interest has been ignored by Udall and his subordinates in the Bureau of Outdoor Recreation in recent years, since they have become obsessed with the confiscation of Assateague and the dispossession of its thousands of owners with no guarantee that it will be opened to the public for generations.

Senator BIBLE. Are these the Parramore Islands?

Mr. WALKER. Parramore and Hog Islands.

Senator BIBLE. Parramore and Hog.

Mr. WALKER. I have confirmed by conversation with the assessor of the county that Parramore Island has an acreage of 7,000 acres. It is presently assessed at $16,000, including five buildings, and assessment on Hog Island is substantially lower than that figure for acreage of about 4,000 acres.

Senator BIBLE. Thank you.

Mr. WALKER. Those islands have been referred to by name by other witnesses. I had preferred to withhold them from both the public and the press because I thought that their interest might be so definitely aroused by this information that the price would skyrocket and that is why I had not intended to mention them, except by reference.

Senator BIBLE. The members of the press are very helpful allies of ours.

Mr. WALKER. Apparently they are to you, but not to us.

Senator BIBLE. If this works out this way this is all right. This has been mentioned repeatedly during the course of this hearing.

Mr. WALKER. It is my considered opinion that Governor Tawes' willingness to surrender one of Maryland's most valuable potential assets to the Federal Government has been predicated by unwarranted presumption on the part of his advisers that Assateague Island is washing away and that the estimated cost of its maintenance against storms would impose an appalling annual draft upon the State's capital resources.

It is known and generally acknowledged that the northern end of the island has been eroding progressively since the Ocean City Inlet jetties were constructed to stabilize that storm-breached opening in 1935, but that recession of the coastline extends for a distance of less than 6 miles and the balance of Assateague Island, through Maryland and Virginia, has been maintaining its position without any material change during the past 100 years, as proved by a compilation of shoreline changes which was prepared at my request by the U.S. Coast and Geodetic Survey, and a copy of that I placed on your desk, Senator, and I would like it in the record.

Senator BIBLE. Yes, you did. It will be placed in the files for committee reference.

Mr. WALKER. I have repeatedly stated that the photogrammetric maps which were prepared by a commercial aerial mapping corporation for the State Roads Commission of Maryland and used in support of claims by several State officials and by the Department of the Interior, that the island is too low in elevation above the sea to be safe for habitation, are actually erroneous by several feet, in places.

My determination of those derogatory errors has been checked and confirmed by actual field surveys made on the island last year by the U.S. Geological Survey and their corrected maps, not as yet ready for publication, have been made available at my request in the form of advance prints to all subcommittee members.

In refutation of the policy statements made by the Maryland State Department of Health that the island soil is unsuitable for installation of septic tanks or other private sewage disposal, I have made many percolation tests on widely dispersed sites and all of them have drained so rapidly in the Galveston yield of fine sand near the surface and underlying strata of coarser sand that it is difficult to supply enough water in test pits as it drains away to get an accurate measurement.

I addressed a letter to President Johnson several months ago, requesting the privilege of discussing various aspects of the case for and against Federal acquisition with his legislative adviser, Mr. Larry O'Brien, but that letter was referred to the Interior Department for reply.

The late William E. Green has been eulogized by a Washington newspaper and mentioned by a preceding witness as the dedicated defender of Assateague against commercial exploitation. He was, in fact, a vociferous spokesman for undisclosed New York investors who sought to take over the island under a "public authority bill" and develop it without interference from State or county officials.

My wife composed a little verse entitled "Malice in Wonderland" which satirized his efforts at the time and it was so well received that I have asked her to rewrite it to fit the current situation.

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Were walking down the strand;
They wept like anything to see
Such quantities of sand;
"If Assateague were only ours,"
They said, "It would be grand!"

"O Senate, come and look at this,"
The Leader did beseech;
"A pleasant walk, a pleasant talk,
Along the briny beach;
The strand is long and miles stretch on,
We'll lend a hand to each."

"The owners must not know its worth,
The land is still unspoiled;
Let's tell them that it's worthless,
And keep the Press well oiled.
Tawes will help in this campaign,
To keep the issue roiled."

"Let's vote the cash to pick it up,
The space program can wait;
Both A–F–L and C–I–O
Are knocking at the gate;
Our Great Society *must* have
More room to cut its bait."

—*Dorothy V. Walker.*

(With apology to Lewis Carroll.)

Senator BIBLE. Thank you very much, Mr. Walker.

Mr. WALKER. I have, if you give me a few minutes, a letter to read here.

(The letter referred to follows:)

BERLIN, MD., *April 3, 1963.*

THE PRESIDENT OF THE UNITED STATES,
The White House, Washington, D.C.

MY DEAR MR. PRESIDENT: It is disclosed by the press that an appeal has reached you from William E. Green, of Snow Hill, in connection with the proposed Federal acquisition of Assateague Island, Md., for public use as a national seashore park.

He has petitioned the Maryland House of Delegates every year since 1955 to establish a public authority, to expropriate and develop the island, through the sale of tax-exempt bonds.

Recent hearings before the ways and means committee, in Annapolis, failed to produce enough evidence in support of that scheme to justify bringing the issue to a vote.

It is my understanding that a feasibility and economic impact study has been completed within the past few weeks which seems to endorse my oft-expressed conviction that Assateague Island should be left to its thousands of little property owners for private development with wisely controlled construction.

I respectfully submit for your consideration a clipping from the Baltimore Sun which concisely expresses my views on the subject, based upon personal observation and analysis of factors affecting the island's potential since 1950.

Very truly yours,

ROBERT CRAIGHEAD WALKER.

Mr. WALKER. That was written in 1963. Last year I went down to the Department of the Interior and without exposing myself to the view of the higher echelons, I went down to their Department of Real Estate and Engineering and asked some of these underlings to let me correct my map, my real estate map, of Assateague Island which showed the progress of their acquisitions on Chincoteague National Wildlife Refuge and I was shocked to find that up to the present time, within the past year, there had only been two or three small acreage acquisitions in addition to those that I reported in 1955, and others are still withering on the vine.

Some of those owners have been deprived of the use of their property for years, have not been compensated for it.

Senator BIBLE. Thank you, Mr. Walker.

I would make only one closing observation. You feel very keenly and intensely, obviously, over Assateague. I do not think we add anything to a record when we belabor our public officials. I think they are dedicated men without exception. Maybe you disagree with their opinions and their viewpoints, but they are dedicated men and they are simply trying to work out some problems that are difficult, and I hope you do not write poetry whichever way this happens to turn out on a congressional level about committee members and Senators and Congressmen because we are charged with responsibility and we have heard you. We have given you now 19 minutes, which is 4 minutes beyond your time, and you have visited with me. I can certainly attest to your persistence, and you made some very pinpointed remarks and I appreciate your appearing here. I think it would be even a better statement if you had left out some of the personal analysis that creeps in statements of this kind, but I realize people get upset about these problems. I understand that.

Mr. WALKER. Mr. Senator, those have been forced upon me by the treatment I have been accorded by these respective individuals.

Senator BIBLE. OK, Mr. Walker. Thank you very much. Your prepared statement will be inserted at this point.

(The prepared statement referred to follows:)

STATEMENT OF ROBERT CRAIGHEAD WALKER, REGISTERED CIVIL ENGINEER, OF BERLIN, MD.

Mr. Chairman and members of the Senate subcommittee, my stand against Federal acquisition of Assateague Island, Md., has been clearly defined in two letters which have been published in the transcript of the hearing on Senate bill 2128 last August.

I shall briefly summarize the points covered in those letters and present some additional pertinent observations at this time.

In 1945 and in 1949, Congressman Bland, of Virginia, offered House bills 27 and 1141, proposing the acquisition of practically all of the ocean shorelines of Delaware, Maryland, and Virginia, a total of 75,000 acres in 1945 for $1½ million, excluding only four incorporated municipalities.

In 1949 his suggested legislation asked for an appropriation of only $950,000 for less acreage.

Neither bill aroused sufficient public interest to justify a hearing and no companion bill was ever introduced in the Senate.

In February 1950, I was engaged by a group of Washington and Baltimore investors, headed by the late Leon Ackerman, to survey, subdivide and plat for recordation, most of the Maryland portion of Assateague Island to provide over 6,000 ½-acre lots which were subsequently sold to about 3,200 persons, who hoped to build summer cottages or retirement homes, or hold unimproved land for many years for themselves or their children.

Many individuals and several organizations have spoken out in support of Federal acquisition of Assateague Island as a national seashore, but their views have been predicated upon false statements, unsupported opinions and projected estimates, widely disseminated by a slanted press.

Most of Assateague Island is fully as high in elevation as Ocean City and North Ocean City, and its shorelines have not receded appreciably within the past century, except at the north end where a diagonal jetty on the south side of the Ocean City Inlet has induced serious erosion.

Potable drinking water has been tapped by more than 30 artesian wells, ranging in depth between 150 and 200 feet, and those well were cased from the surface down to an impervious clay stratum, thus precluding any possibility of pollution of our potable resource from tital overwash or subsurface discharge of sewage effluents.

Sewage disposal has been adequately provided for by minimum lot size of approximately half an acre and streets 80 feet in width. Percolation tests conducted by qualified Worcester County officials, and by me at various locations all over the island, have proved that individual sewage disposal systems can be installed with assurance of satisfactory operation, in spite of Robert M. Brown's irresponsible and derogatory assertions to the contrary.

If the health of the public is his real concern, Mr. Brown should campaign against the existing situation in Ocean City and in North Ocean City where dozens of substandard sewerage installations, including many cesspools, are tolerated on lots less than one-third the size of those on Assateague Island.

Ocean City has managed to develop over a period of 85 or 90 years and survive as a summer resort without benefit of the Army Engineers' extravagantly expensive dune protection and it is my considered opinion that Assateague can certainly do the same, when sound construction upon adequate pile foundations is mandatory.

Those who advocate the requirement of extensive barrier dune construction, central water system and municipal sewage, prior to approval of construction on Assateague, are "putting the cart before the horse." Neither Ocean City nor any other seaside community on the Atlantic coast would be in existence today if the foolish requirements now being proposed for Assateague had been imposed in their infancy.

Progressive residential and commercial development on those 15 miles of beautiful ocean frontage on Assateague would, in the course of a few years, assure a multimillion-dollar increase in both State and County tax assessments, to the great financial benefit of our schools, road system and all other public facilities at less expense to local residents through maintenance of present or lower tax rates.

Federal condemnation, on the other hand, would eliminate all taxes presently assessed against Island property owners and preclude future increases in Worcester County income from private development.

Many people believe that authorization of acquisition by the Department of the Interior of their lots on Assateague Island would be promptly followed by generous payments from the Federal treasury, but nothing could be further from the truth. When I was retained in 1955 to design a bridge across Assateague Channel from Chincoteague to the Virginia end of Assateague Island I was restricted in my choice of an access location for the bridge by the fact that only two narrow parcels of property abutting on the channel were then owned by the Government and the others were still in process of being acquired after 12 years.

That 1955 report of the National Park Service, Department of the Interior, on its seashore recreation area survey of Atlantic and gulf coasts, said: "The advanced stages of real estate development (upon the Maryland portion of Assateague Island) appears to preclude the possibility of the area being set aside for public use."

Within less than 25 miles south of Assateague Island there are two adjacent coastal islands with an aggregate length of about 14 miles which are still unimproved and available for public recreational use at a very small fraction of the estimated cost of acquisition of the subdivided property interest of 3,200 people who have been paying taxes on their land for 10 or 15 years and hope to retain it for investment or improvement.

The islands to which I refer are presently owned by nonresident heirs of only two of three families, and they have been mentioned on former occasions by the Department of the Interior as very desirable for Federal acquisition, but that earlier interest has been ignored by Udall and his subordinates in the Bureau of Outdoor Recreation in recent years, since they have become obsessed with the confiscation of Assateague and the dispossession of its thousands of owners with no guarantee that it will be opened to the public for generations.

It is my considered opinion that Governor Tawes' willingness to surrender one of Maryland's most valuable potential assets to the Federal Government has been influenced by unwarranted presumptions on the part of his advisers that Assateague Island is washing away and that the estimated cost of its maintenance against storms would impose an appalling annual draft upon the State's capital resources.

It is known and generally acknowledged that the northern end of the island has been eroding progressively since the Ocean City Inlet jetties were constructed in 1935 to stabilize that storm-breached opening but that recession of the coastline extends for a distance of less than 6 miles and the balance of Assateague Island through Maryland and Virginia has been maintaining its position without any material change during the past 100 years, as proved by a compilation of shoreline changes which was prepared at my request by the U.S. Coast and Geodetic Survey. (Copy herewith.)

I have repeatedly stated that the photogrammetric maps which were prepared by a commercial aerial mapping corporation for the State Roads Commission of Maryland, and used in support of claims by several State officials and by the Department of the Interior, that the island is to low in elevation above the sea to be safe for habitation, are really in error by several feet in many places.

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"Let's vote the cash to pick it up,
The space program can wait;
Both AFL and CIO
Are knocking at the gate;
Our Great Society *must* have
More room to cut its bait."

—*Dorothy V. Walker.*

(With apology to Lewis Carroll.)

I have a letter to enclose at this point:

BERLIN, MD., *March 25, 1964.*

LAWRENCE F. O'BRIEN, Esq.,
Special Assistant to the President,
The White House, Washington, D.C.

DEAR MR. O'BRIEN: I have just received a copy of your reply under date of March 17, 1964, to Senator J. Glenn Beall, of Maryland, relative to my request through him for an appointment with you regarding the proposed expropriation of Assateague Island for a seashore park.

Your request to the Department of the Interior to offer me an appointment with one of their officials instead of meeting with me yourself is most disappointing and unsatisfactory to us.

I have already talked with Secretary Udall, and many of his officials, including Orren Beaty, Walter Pozen, Frank Briggs, Edward Crafts, Lawrence Stevens, Haeton Underhill, and Joe Kaylor, former director of forests and parks of the State of Maryland, who recently left the State to accept a well-paid job under Secretary Udall, in his extravagantly staffed Bureau of Outdoor Recreation.

My background information and views on Assateague Island are well known to all of them, but it is unfortunately a fact that much of the engineering and property development data was deleted, or actually distorted in subsequent publications sponsored by the Bureau of Outdoor Recreation and widely distributed at taxpayers expense in an effort to support their expropriation of all of the island, in violation of the prior rights and interests of several thousand individuals who purchased property in good faith and hope to retain it for future development without Government assistance.

Very truly yours,

ROBERT C. WALKER.

One of the most flagrant distortions of the facts, and quite obviously an intentional one, was a quotation from the Nathan report printed on page I–8 of the publication "Assateague Island and Vicinity," by the Bureau of Outdoor Recreation, Department of the Interior, originally dated April 1963, and since reprinted without correction.

In spite of the fact that I brought it to the attention of many of Udall's officials, who assured me that it was just a typographical error in the original edition, it has been perpetuated in reprints.

The erroneous quotation was specifically, that the plans of the private developers provided for only nine one-half blocks of ocean commercial frontage open to the public in the 15 miles platted by me on Assateague Island, instead of the 4½ miles of such commercial oceanfront property shown on my recorded plats.

It is my considered opinion, that President Johnson would not have supported Udall's belated effort to expropriate the island if I had been extended the privilege of discussing the situation with his legislative assistant, Mr. Lawrence F. O'Brien, in March 1964.

Udall's exploitation of obviously erroneous photogrammetric maps of Assateague Island, which were prepared by a commercial mapmaking corporation for the State Roads Commission of Maryland, has been completely discredited by accurate maps of the island prepared last year by the U.S. Geological Survey, at my insistence, and made available at my request to every member of the committee.

Another misrepresentation of the facts, exploited by the press, and widely broadcast in Udall's campaign, was the statement that Assateague is rapidly washing away, but that intentional detract has been refuted by the acknowledged fact that the coastal erosion actually limited to the northernmost 5 miles of the island close to the Ocean City Inlet, where it was induced by engineering errors.

I have a letter to submit in support of this position:

Berlin, Md., *April 4, 1967.*

Dr. JOSEPH T. SINGEWALD, Jr.,
Director, Department of Geology, Mines, and Water Resources, Johns Hopkins University, Baltimore, Md.

DEAR DR. SINGEWALD: Recalling our visit toi Assateague Island last season and inspection of the progressively eroding beach for several miles south of the Ocean City, Md., Inlet, I am concerned about the pending offer of that land for sale by a promoter.

For many years I applied for and secured the special warrants from the Land Office for the taking up of that vacant land through survey and patent, and kept renewing applications every 6 months as required to keep that unsuitable property off the market, as it was and is, in my considered opinion, very transitory and unsuitable for subdivision and habitation.

However, the last time I filed application for it my cash payment of the required fee for the special warrant, made to the Land Office, was acknowledged with the usual receipt, by Mr. Malcolm Waring, but I have not as yet received the warrant and I am now informed that it was temporarily held up on orders of Governor McKeldin and referred to the department of forests and parks, for investigation of its possible interest to them.

I have informed the Commissioner of the Land Office, and the department of forests and parks, that I have no interest in subdividing or developing that unsuitable property, and have only been trying to forestall its development by others, and I have also gone on record as offering to execute the land patent survey, pay the composition money, and then deed the property to the State for public use at the actual cost to me of getting it.

Both Mr. Waring and Mr. Kaylor know about that offer and I cannot understand why a decision has been so long delayed. Now, a defaulted mortgage on the origional beach land, which has been washed away since the breaking through of the Ocean City Inlet, has been purchased by a real estate promoter in Virginia and he is announcing a subdivision and sale of that land in lots which project would undoubtedly involve an attempt to absorb the additional vacant land recently built up in the bay by overwash.

He is presently advertising for real estate salesmen and brokers licensed by the Real Estate Commission of Maryland, and is promising them the opportunity to make $10,000 to $15,000 in 4 months, through the sale of 4,000 small lots.

This project is, in my considered opinion, definitely not in the public interest, and should be investigated immediately by appropriate State agencies.

Cordially yours,

ROBERT C. WALKER.

The willingness of an earlier witness, Mr. J. T. Moton, to sell his hundreds of small lots on that rapidly eroding portion of the island to the State of Maryland or to the Federal Government for a national seashore is quite understandable, in view of the fact that I forewarned him against their subdivision and sale several years ago and told him that I had refused to lay out lots of any size on that end of the island, for my client, Leon Ackerman, in April 1953.

In the course of hundreds of hunting and fishing trips, since my boyhood I have traversed practically all of the Maryland portion of Assateague Island and its ocean and bay shorelines, and since 1950 I have surveyed and monumented the streets and staked out over 6,000 recorded lots, so I should know more about it than any other person.

However, my numerous offers to make that valuable knowledge and experience available to Governor Tawes and Secretary Udall and their associates have been ignored and they have been influenced by views of many so-called experts with only a superficial knowledge of facts.

Several preceding witnesses have spoken both for and against a bridge connecting road, about 500 yards to the westward of the ocean shoreline of Assateague, in the event that a national park is authorized by the Congress. Such a road was proposed by me in 1952 in connection with my overall planning of the island subdivisions and I believe that it would not be detrimental to full utilization of the Chincoteague National Wildlife Refuge by the ducks, geese, and brant.

Their natural habitat is along the bay shore, and in the marshes located to the westward of such a roadway, and a high wire fence with locked access gates at intervals of about half a mile along the west side of such a highway would not only segregate the people from the waterfowl, but would make it possible for Federal game wardens to be much more effective in their surveillance of the area and control of commercial, human predators, who in past years have stolen hundreds of live waterfowl from Government traps placed on the refuge to take birds for scientific banding purposes. A few years ago those banding operations in the area were discontinued, after it was admitted by the refuge management authorities that the relative inaccessibility of the island made it impossible for the game management agents to adequately control the situation against night hunters and trappers.

If the Congress should decide that a national seashore is really necessary on Assateague Island, I respectfully suggest that a fair compromise between private development and Federal ownership of the entire island might be worthy of serious consideration. I outlined such a proposal in red crayon on the folded map of land ownership on the island in the marked copy of the brochure "Assateague Island and Vincinity" under date of September 15, 1963, which was presented as a part of my testimony with the request that it be used for reference.

Another opportunity that should be investigated without delay is the possibility of acquiring those two undeveloped coastal islands on the Eastern Shore of Virginia, less than 25 miles south of Assateague, which are presently assessed in Accomack County for less than one one-hundredth of the presently assessed value of Assateague.

In conclusion, I wish to say that the public rebuke read into the record by your chairman during my testimony, because of my criticism of Secretary Udall, Governor Tawes, and other high officials, in verse of a satirical nature, was quite uncalled for and should be deleted.

As an American citizen, who volunteered for service in two World Wars, and who is a registered voter and substantial taxpayer in the State of Maryland, it was and is my belief that I have every right to bring to the attention of your committee and to the public, through such effective means as pertinent verse, supported by documentary evidence, my criticism of high government officials who deserve it.

Senator BIBLE. Our next witness was to be George E. Bentley. I understand that he is going to yield his 10 minutes to Dr. Perl.

Mr. BENTLEY. Do you want a comment on that? I did offer to yield these minutes to Dr. Perl for the sake of Dr. Perl testifying today. I hope to be heard Monday.

Senator BIBLE. You will be heard. All I am doing is moving you a little further down on the witness schedule, but I understand this met with your approval.

Mr. BENTLEY. Thank you.

Senator BIBLE. Dr. Perl, we will be happy to hear from you now.

STATEMENT OF WILLIAM R. PERL, PH. D., COLLEGE PARK, MD.

Mr. PERL. Mr. Chairman, honorable members of the committee, about a year ago on March 26, 1964, I wrote a letter to the Chairman of this Committee, Senator Bible, which in essence contains the statement which I want to make. I will, therefore, take the liberty of reading to you this letter and then add to it a few short remarks.

MY DEAR SENATOR BIBLE: I am a U.S. Civil Service employee, 57 years of age and have been planning, for a long time to retire at age 62.

As part of my retirement planning, I purchased, 6 years ago, one-half of an acre of land on Assateague Island. I love the sea, and of the various locations which I then considered, the lot on Assateague seemed to me the most desirable place for retirement.

Although the lot is not right on the ocean front but one block away, I had, because of the nearness to the ocean, to pay $2,300 for the lot, a price well worth that amount in view of the beauty of the location.

Now I understand that a law has been introduced, S. 2128, which intends to "nationalize"—in the Communist fashion—property which I, living in a country where law and order prevail, thought I had assured for me by buying it and by paying for it and by being properly registered as the owner.

I realize that political pressures are being exercised on some members of the U.S. Congress to expropriate the owners of property on Assateague. I also realize that there would be certain reasons of convenience to nationalize such property. But I am certain that the home which I own here in College Park would equally be enjoyed by those who have no home, and so would, sir, your home. If we start to expropriate U.S. citizens because others covet their property, we will soon not be the country of the free any more.

To purchase that land, sir, was for me not "investment." I purchased to live there. In the same way in which Communist propaganda calls America the land of the rich exploiters, in the same way propaganda now, it appears, tries to stamp those owners of one 100 by 200-foot lots to be "land speculators, who try to hit it rich by exploiting what should be public property."

Sir, I would like to direct your attention to that proposal to expropriate property which was legally acquired; and to do so for the reason that others covet the rightful owners' possession as those others would like to possess that property—not for their needs, but for their weekend amusement and relaxation.

Whatever you can do, sir, to give that matter the most serious consideration will be very much appreciated.

Respectfully yours,

WILLIAM R. PERL, Ph. D.

I would like to add to this letter that when, in 1958, I left active duty in the U.S. Army—I am a lieutenant colonel in the Medical Service Corps—I decided to buy somewhere, ocean property for a retirement home. I intended to go on working for a few more years in a civilian capacity prior to retirement and this is still my plan as expressed in the letter.

I have been around in the world, in the course of my life and military service, and I considered buying property abroad where living is cheaper. My choice was finally narrowed down to either a lot on the Island of Jamaica or the one on Assateague. The lot in Jamaica would have cost somewhat less and was located right on the ocean. I decided for the property in America because I saw and read how often property of Americans is being expropriated abroad by leftist

regimes. Another reason was that I prefer to spend my retirement money in the American economy. Ironically, if I would have purchased the lot in Jamaica, there would be no danger now of expropriation, while in America which is built upon long-established law and order, I seem now, largely under the pressure of the street, to be in danger to lose my retirement property.

However, I am expressing firm opposition to the expropriation plan, not only as the owner of property on that island but also as a man who is dedicated to his country and its values. I am on the staff of George Washington University here as a teacher, I always feel that education and knowledge obliges. May I express my opinion that it behooves the intellectual and political leaders of this country to keepup their heads in times of pressure and to look at matters not only from the point of immediate expediency.

The idea of expropriating individuals for what is conceived to be the benefit of "all" is certainly not a new one. It has been tried and done in many countries. But the proof of the pudding is in the eating. We who, as a principle, did not adhere to such doctrines are the richest country in the world, and in countries which expropriate the individual, such action results regularly not in more people being better off but in all having nothing or almost nothing. If on Assateague we will be permitted to build on our lawful properties, a little model community will develop in which thousands of families like mine will find what they have been working and paying for. If, in addition, the beaches should be accessible to everyone, tens of thousands could come there for enjoyment and recreation. With no community developing, as things are, a safety and security problem would be on the neck of the Federal Government. Certainly, the miles of uninhabited beaches would hardly be a safe place to walk and to enjoy without fear.

There are in the United States many privately owned beautiful parks, buildings, pieces of art, et cetera, also beaches, some of them being newly developed. According to the same principle, we should expropriate individual owners of pieces of art or of beautiful parks, and of lovely located mansions if they could serve the public for gathering places. The introduced law concerns not only Assateague Island, its support means identification with a dangerous trend. But, of course, we are also speaking of Assateague Island. And as one who purchased this one lot—and as it is the only one that I own—I feel that I am entitled to appeal to our lawmakers to view both the important principle and trend involved, but also fairness to the thousands of citizens who, relying on law and order, have purchased there. I could never, with the money which I then put into this lot, purchase today a similar one, although had I at the time of purchase not mistrusted foreign governments and not put so much trust into my own, I would now own an undisputed beautiful piece of ocean property on which to retire.

Senator BIBLE. Thank you, Doctor. You are a doctor?

Dr. PERL. I am a criminal psychologist. I am a doctor of philosophy in the practice of criminal psychology.

Senator BIBLE. I understand the private, individual viewpoints. I own a little home on Lake Tahoe. I would feel mighty unhappy and upset if a State, county, or Federal government would come along

and take that for some other use, a higher use. This isn't really an expropriation. You are a doctor. We have Walter Reed Hospital here, and you no doubt have visited there. If Walter Reed Hospital found a need to expand, it would take some homes out there and disrupt some people. This is a hard thing to do.

You say you teach at George Washington University?

Dr. PERL. That is right, sir.

Senator BIBLE. And they are crowded for space there. They are going to be moving out in that area and taking private homes.

One of the real problems we have here in the District, of course, is transportation. We have a mass transit system bill which I hope will be enacted into law without delay. But in the course of this overall blended policy, there is a proposal to build a north leg of an inner-loop, which drops into the George Washington Memorial Parkway, along in the northwest section, and certainly it will cause great disruptions of people who own their homes and have their property there.

The recreational and park uses, and the acquisition of them, by the Federal Government, by the State government, and county government have long been held to be a proper exercise of a higher use.

Our problem here on this committee, doctor—and I appreciate your sentiments—is to determine where we balance that use. This is the duty that faces us and the responsibility which we must face up to. I know that in your heart you do not believe that the Federal Government is expropriating as we use that word in its common context. I can't buy that particular philosophy. There is ample authority in the Constitution for acquisitions for higher uses.

This is one of the areas that has been determined to be a higher use, just as education is, just as building a highway is, just as acquiring property for the military.

Any types of these uses are held to be governmental uses. It just so happens that in this field of national parks, seashores, recreational areas, this is one of the permitted uses of the Federal Government. This would just be my observation on what you have stated.

Mr. Jordan?

Senator JORDAN. No questions.

Senator BIBLE. Thank you, Doctor.

Our next witnesses are Mr. and Mrs. Nolan J. Potter.

STATEMENT OF NOLAN J. POTTER, ACCOMPANIED BY AGNES E. POTTER, SILVER SPRING, MD.

Mr. POTTER. Mr. Chairman and honorable members of this committee, my name is Nolan J. Potter, and my wife's name is Agnes E. Potter. We reside in Silver Spring, Md.

I appear here today in our own stead to defend our property rights located on Assateague Island, against Federal acquisition.

Never before in the history of our family has the Interior Department threatened so many land grabs. The Government's fence borders the old homestead acquired from the Indians in the Shepherd of the Hills in Missouri. The land owners there became very disturbed with Secretary Udall's intrusion, they were ready to take up arms, because they believe in a democracy. These pioneering families are a proud

people who have strong beliefs in a democratic form of government. They are still far removed from socialism, more so than the eastern section of the Nation and they abhor the very thought of it.

These pioneering families have kept Shepherd of the Hills more in its exotic state of naturalism than what the Federal Government has done with the land it has purchased there. It has become commercialized.

We are now faced with Secretary Udall's design to deprive us of our property located on Assateague Island. July 1953, when we purchased two ocean lots, we were determined to develop this property in the future to help serve the needs of the public.

I have had a lifetime experience in private business. My pioneering parents helped settle the State of Missouri and this was accomplished by private enterprise. Never before in our history has the Government snatched property from us that we have earned by hard labor.

My lifetime career in private enterprise began as a boy, trapping, buying and selling furs and farming, helping my father operate tomato canning factories, grocery store, and livestock business. Later I was in restaurant business, studied law and accounting, owned and operated public transportation, used car, auto parts, repair business, and lastly, real estate business, in which I am presently employed.

Senator BIBLE. Is that in Silver Spring, Mr. Potter?

Mr. POTTER. It is, sir.

I can assure you that I know the cost price of private ownership and Government ownership. Now the taxpayer will have to buy my land and in turn pay taxes to maintain it.

Surely the requisites for development by private ownership excel a private park filled with trash and beer cans or is the entrance fee to be high enough to hold this choice property for the hunting lodge, and for all advocates of Government ownership? Dare we buy property anymore without fear of Government interference?

At this point I would like to ad lib for a moment. When my good wife and I leave Washington, D.C., and go back to the old homestead in the Ozarks, one of the first signs that I see adjoining the borderline of our homestead is a large sign that reads, "The Mark Twain National Park Service. All trespassers will be prosecuted under the law."

Fortunately, I am still able to get into the old homestead and keep the Federal Government out, because our barbed wire fence is still up around the old homestead.

When we go to visit our son-in-law up in the Sleeping Bear Park project, we run into the same thing up there, though not quite as pronounced yet.

Senator BIBLE. Where does your son-in-law have his home in Sleeping Bear?

Mr. POTTER. In the peninsula part of the State of Michigan.

Senator BIBLE. I know where Sleeping Bear is. I have had some pleasant experiences up there.

Mr. POTTER. It is very beautiful, very exotic, with hunting, fishing, and so on.

To top this off, when we come to my dear wife's homestead in the State of Indiana, which is adjacent to the Dunes, we run into the same

thing. Of course, when we get back to our grand State of Maryland, here we are again.

You know, Mr. Chairman, I believe we are almost surrounded, and may the divine guidance help us.

Senator BIBLE. You may proceed. I am acquainted with the Ozarks, the Indiana Dunes, the Sleeping Bear Dunes, so maybe you are pointing at me. I don't know. But just continue right ahead.

Mr. POTTER. Thank you, sir.

Congress needs to be aware of costs. In this case Congress must know before being asked to legislate on the issues presented (1) what the costs are for the purchase of the private owners' property; (2) what the costs are for the development of the property; and (3) what the cost will be for maintenance after development.

Estimates of costs must be made based upon facts instead of guesses that are too low as admitted by Secretary Udall in April 1963, according to a news article appearing in the Baltimore Sun, June 1963. Mr. Udall's guess was $7 million; a later report reflected $12.3 million as the amount of costs for the land belonging to the private landowners on Assateague Island.

Senator BIBLE. The present testimony is somewhere in the range of $17 million, to bring us up to date. I am not at all sure that that is a realistic figure. I don't know whether it is or isn't. But that is the last figure we have.

Mr. POTTER. I recognize his present view, sir.

For the benefit of Congress, my two private ocean front lots cost, including $300 paid for bridge stock from July 1953 through December 1964, $14,234.76. This figure does not allow for any appreciation to offset monetary inflationary values for this period of ownership. Nor does this figure reflect a market value based on an appraiser's report.

Senator BIBLE. What does it reflect? The cost of your lots and the interest?

Mr. POTTER. The basic charge and the interest cost, sir.

Senator BIBLE. Computed at what figure?

Mr. POTTER. Six percent, sir. Plus the taxes and plus other maintenance costs, assessments and so forth.

Senator BIBLE. Thank you.

Mr. POTTER. I would like to ad lib just a moment out of text, if I may, Mr. Chairman, on this last sentence.

According to the market value, and, of course, there are qualified appraisers who will speak here to no doubt give this view, and that is the fact that in determining the value of this property, should the Federal Government finally decide to take it, I think the price value should be based upon the—well, upon the time element, a very important item, that the price should be based upon the time element as of today, and not as of 1953. In all appraisal manuals you will find the basic principles that they use in determining value, and that is one of them, sir.

Second, I think you will also find that the highest and best use value should be used here.

Third, I think you will also find that ocean beach property is unique. It has a unique value. Why? Because it is scarce. The scarcity, the particular use to which it can be put, and many other things should be of concern, which I will not go into at this time.

Under the age-old right of eminent domain I recognize the Federal Government has the right of condemnation of property for public or semipublic use. Also, I am aware of the legal foundation stones upon which the Federal Government may exercise this right, namely (1) prove that there is actual public necessity for the act of taking the property; (2) just compensation must be paid the owner before the actual taking.

In my case before the Congress of the United States today in the role of a property owner, a taxpayer and a witness before this august body, I state unequivocally that Mr. Udall, Secretary of the Interior, has failed to establish that there does exist a real public necessity for the Congress to legislate against approximately 3,200 private property owners' right of ownership and development of their property because (1) the Federal Government now owns 10,000 acres and the State of Maryland owns 2,000 acres, a total of approximately 18 miles of shoreline of Assateague Island, which is a sufficient public beach recreational area to care for all public visitors in the foreseeable future; (2) private development of the remaining 6,000 acres with public accommodations by private property owners would certainly suffice to meet any unforeseeable exigencies needed on behalf of all public visitors.

Also, the tax revenues to be collected by the State, county, and Federal Government from private development of the 6,000 acres would be in the best interest of all the citizens of the United States.

The identical conditions and restrictions contained in the contract of sale and deed are attached to the last page of the testimony.

One of the main purposes of the conditions and restrictions is to deter property owners from developing their property contrary to the master plan for orderly development, which otherwise might be developed haphazardly.

Before some of the press write their editorials and the pressure groups make their statements advocating Government control of private property on Assateague Island, more research by these groups into the facts should first be made by them about the plans of development by the private property owners which are based upon an orderly master developing plan that is in compliance with the laws of the land.

Statements made by pressure groups to the effect that private development would mar the beauty of this island with the erection of gasoline and tin can alleys and the statements of some of the press advocating public ownership of all of the island for a national seashore as being better for the public interest than private development are in total disfavor of the private property owners' constitutional rights and should be totally discounted by this committee, and find for the private property owners because the facts have failed to prove that there exists an actual public necessity for the act of taking their property.

As an excerpt from the Evening Star, substantiating the statements I have previously made, I read the following (Evening Star, August 11, 1963):

The lower 13 miles of Assateague Island in Virginia offers much broader beaches than the northern end in Maryland. This section, noted for surf fishing and bathing, is owned by the Fish and Wildlife Service but has been leased by a Virginia authority and opened to the public.

The reason I put this excerpt in at this time is to substantiate that there seems to be adequate places for the general public to go today without there being a real necessity for public use of the private property owners' property.

Today there is real need for a changed public attitude. Advocates of government control have forgotten all too seen the immortal words of our late President Kennedy, "Do for your country, not your country for you." Time has arrived for the American people to understand there is no such thing as "government money" apart from the tax payments made by the taxpayer to support the government. Every expenditure of public funds inevitably means an absolute burden in the form of taxes either at that time or later.

Development problems including water supplies, sanitation and many others, I pass on to others more learned in these fields for the answer.

Mr. Chairman and honorable members of this committee, in conclusion, I solicit your support to preserve the possessory rights of all the people of the United States.

Thank you.

(The attachment mentioned follows:)

CONDITIONS AND RESTRICTIONS

1. All lots and parcels of land in the subdivision known as South Ocean Beach, Md., shall be reserved and used for single-family residential purposes exclusively, excepting those specifically designated upon recorded plats as business multifamily residential, or commercial property.

2. No private dwelling or multifamily residential, commercial, or business building, garage, or other structure, or sewage disposal system, shall be constructed or erected upon or moved to any lot or parcel of land in the subdivision known as South Ocean Beach, Md., before or until two complete sets of plans and specifications and two plot plans showing the proposed location of improvements, shall have been submitted to and approved in writing by South Ocean Beach, Inc. No sign, billboard, fence, structural alteration, or addition to an existing building, or other physical improvement appurtenant thereto, shall be undertaken or placed upon the property until plans and specifications covering same have been submitted to and approved in writing by South Ocean Beach, Inc.

3. No building or other structure, or projection therefrom, shall be erected upon or extend above or below ground within 20 feet of any street frontage line or side boundary line of any lot and no building or part thereof, or any other structure or projection therefrom, shall be erected upon or extend above ground within 880 feet of the rear boundaryy line of any lot. No tent or trailer, or other temporary structure of any kind may be erected on or moved to any lot or lots.

4. No sand dunes or other material shall be removed from any lot, except for necessary excavations in connection with construction of improvements, excepting such material as may project above the established grade of said lot and that surplus material shall be deposited on adjacent streets or other areas where designated by South Ocean Beach, Inc.

5. No privy or other outside toilet facility shall be constructed or maintained on any lot, and no liquid effluent or other outflow from a septic tank or sewage disposal system shall be discharged within 50 feet of any lot boundary (excepting on those lots whose width is less than 100 feet—in which case the effluent shall be discharged equidistant from the side boundary lines), at not less than 2 feet depth below the established grade of adjacent streets, excepting the subsurface drainage tile, laid with open joints, which may extend underground at a depth of 2 feet or more to within 20 feet of any side or rear lot line. Septic tanks, sewage disposal systems, and drinking water facilities shall conform to all requirements established by the Maryland State Department of Health and the Worcester County, Md., health authorities.

6. No more than one multifamily residential, business, or commercial building or establishment shall be erected or maintained on any one business or commercial lot. No more than one single-family residential building shall be erected or maintained on any one residential lot.

7. No noxious or offensive trade or entertainment shall be carried on upon any lot nor shall any nuisance be maintained thereon.

8. The land hereby conveyed shall be subject to an easement over a strip 5 feet in width along side and rear lines, in favor of the owners of other lots for the purpose of laying, erecting, and maintaining water pipes, gas pipes, electric poles, or other public utilities and stringing of electric and telephone wires and necessary connections thereto to be used in common by the owners of other properties in the tract.

9. The provisions herein contained shall run with and bind the land and inure to the benefit of and be enforceable by South Ocean Beach, Inc. or the owner of any land included in said tract, and the failure by South Ocean Beach, Inc., or any landowner to enforce any restriction, condition, covenant, or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter, as to a default occurring prior or subsequent thereto; and the declared invalidity of any one or more of the provisions herein shall not affect the validity of the others.

10. Any or all of the rights and powers, titles, easements, and estates reserved or given to South Ocean Beach, Inc., in this contract may be assigned by it to any one or more individuals, corporations, or associations that will agree to assume said rights, powers, duties, and obligations and carry out and perform the same. Any such assignment or transfer shall be made by appropriate instrument in writing in which the assignee or transferee shall join for the purpose of evidencing his or its acceptance of such rights and powers; and such assignee or transferee shall thereupon have the same rights and powers and be subject to the same obligations and duties as are herein given to and assumed by South Ocean Beach, Inc.

11. The purchaser covenants to pay to South Ocean Beach, Inc., on March 1 of each year, the sum of $5.00 for each and every lot purchased, to be used for property maintenance.

12. This contract cannot be assigned except on the condition that the assignee is acceptable for membership in the South Ocean Beach Club.

13. It is covenanted that South Ocean Beach, Inc., shall have the right, after giving 5 days written notice to the lot owner, to enter upon any lot or lots upon which any structures or nuisances have been erected or maintained contrary to any of these covenants and remove said objectionable structure or nuisance, without liability for damages for such removal. The owner of said lot shall repay South Ocean Beach, Inc., for costs incurred in the tearng down and removal of any such building or removal of such nuisance, including attorneys' fees incident to defending any suit for such removal.

14. All of the above covenants and restrictions shall remain in force until July 1, 1960, and shall be automatically successively renewed for each 10-year period thereafter, unless owners of at least two-thirds of the lots in the subdivision known as South Ocean Beach shall, at least 6 months prior to any such renewal date, agree in writing to a change in or an abrogation of any of the above restrictions and conditions, and record such writing so amending the aforesaid covenants..

15. South Ocean Beach, Inc., reserves the right to modify the above restrictions and conditions in any case in which, in its discretion, it deems such modification necessary or advisable in connection with improvements to be erected on two or more adjoining lots.

Senator BIBLE. Thank you very much, Mr. and Mrs. Potter.

Our next witness will be Arthur Klinefelter, with a 10-minute allotment.

STATEMENT OF ARTHUR KLINEFELTER, BALTIMORE, MD.

Mr. KLINEFELTER. Senator Bible, I have filed a written statement, but since several of my points have been made many times, there is no sense being repetitious.

Senator BIBLE. Your statement will be incorporated in full in the record.

Mr. KLINEFELTER. Thank you.

I would like to recount a short personal experience which will explain why I am here.

In 1958 my wife and I were looking for an ocean front lot. We have a young family and we both are crazy about the beach and go there all the time, both the public places and parks and private places. We found that in the Ocean City to Delaware area we could get a lot 50 by 120 feet and the price was $10,000. There was no zoning, no restriction and no protection. I looked into Ocean Beach and found that I could get a lot 100 by 200 with restrictions in my deed, ocean front lot, for $4,000. And I bought it in 1958. I went to the extent of drilling for water and found water at 160 feet and the well is approved by the State of Maryland authorities with a sufficient flow of pure water. I now hold a building permit on that lot and I am ready to go ahead except that I cannot build a house there now because the application that I have for sanitary facilities is in litigation, although the State of Maryland will give people the right to put in sewage disposal methods of the same kind I want to use in North Ocean City where the elevation of the land is exactly the same as mine.

So I am here to protest what I think is a very unreasonable deprivation of my property rights.

There is just one remaining point that possibly hasn't been stressed by previous witnesses which I would like to make.

The issue, if you take a superficial look at it, seems to be: Is this area of Assateague publicly or privately owned? The fact is it is already one-half publicly owned. As we all know, the State owns 2 miles of ocean front, a lovely place that will take care of thousands of people, and the Federal Government owns the bottom 9 or 10 miles of the island.

The point I make is that if the Federal Government buys all of the remaining part of this island, you are going to exclude 90 percent of the population. You must recognize, whether you like it or not, that only 10 percent of the people like the pleasures and the inconveniences of camping out. 90 percent of the people prefer a place where bed and board is for sale.

Senator BIBLE. How do you get those percentages? I belong to that 90 percent group myself. I wonder how you break it into 90–10.

Mr. KLINEFELTER. Personal observation of many years. I admit it is unscientific. I haven't conducted a Gallup poll, but I have done this: As I say, I love the beach, and I go to the beach and to all kinds of places. I was down at the Chincoteague Bridge and Beach Authority last summer during the pony roundup. It is a very nice place, you can take a ride out and you see the ponies. There are nice facilities there. That was a beautiful day in July when you had the pony roundup to attract people.

At that beach that day there were several hundred people. I looked around and I could count them, practically. If there were several hundred, that is the most that there were. On that same day in Ocean City, which is characterized by the superficial press as being nothing but a honky-tonk, and you can have your own opinion of Ocean City, the people love it, and there were 150,000 people there that day.

The State of Delaware owns a number of beach-camping areas.

Senator BIBLE. Where did you say you live?

Mr. KLINEFELTER. I live in Baltimore.

Senator BIBLE. And what is your business?

Mr. KLINEFELTER. I am in the insurance business.

Senator BIBLE. I didn't know if I had that in the record, though it might have been in your statement.

Mr. KLINEFELTER. So I have observed these public camping areas along the beach north of Ocean City which are owned by the State of Delaware. On the most popular weekend in the middle of the summer, of course, there will be campers there who pitch their tents. But on the back side of the road, across the highway, that is, on the west side of the highway, away from the ocean, where, to my mind, there would be undesirable conditions, but where you can buy supplies, Coca-Cola and hot dogs, and so on, there will be more people there than there will be in the public areas that are owned by the State of Delaware.

I am not saying there should be no parks. I love parks. But I think it is terribly unfair to say to a group of people who have planned an area for development and planned it very well, though you would never know that from reading the newspapers, it is a terrible thing to say to them, "There shall be no private ownership. There shall be only one kind of recreation on this island, and that is the kind where people will go and pitch their tents and swat mosquitoes," and they will find it quite unattractive.

That is quite all right with me, but I think that we ought to be able to have our sort of recreation at the same time alongside them.

Thank you very much.

Senator BIBLE. Thank you, Mr. Klinefelter. That is a fine statement. Your full statement will be inserted at this point.

Mr. KLINEFELTER. Thank you.

(The statement referred to follows):

STATEMENT BY ARTHUR KLINEFELTER

I want to stress only two points of the many that favor private ownership of the middle part of Assateague Island.

1. The U.S. Government already owns the southern one-third of Assateague Island. The State of Maryland owns 2 miles with ocean front in the north end. This leaves two tracts privately owned: approximately 14 miles of privately owned and planned Ocean Beach, and the 5 or 6 miles at the northern end of the island.

I recommend that the Federal Government buy only the northern end and leave Ocean Beach to private owners. If the entire island is Government owned, then the entire island will be devoted to the kind of recreation that appeals to only 10 percent of the population. The proof of this is that Ocean City is packed with 150,000 people on a summer weekend, whereas the public beach at the south end of Assateague operated by the Chincoteague-Assateague Bridge and Beach Authority has only hundreds. I have visited them both in August and I know. Similarly, the public camping areas on the Delaware Beach are poorly patronized while the commercial developments are jammed.

Whether we like it or not, the fact is that 90 percent of the people prefer a beach which has bed and board for sale. The pleasures and inconveniences of camping out appeal to only about 10 percent of the people. Assateague Island must provide areas for both. Don't exclude most of the population by making the entire island a public park.

2. The Interior Department should buy beach front to the south of Assateague at a bargain instead of the planned development of Ocean Beach which will cost at least 10 times as much. The Government already owns Wallops Island which has 5 miles of beach front. Some of this could be opened to the public.

Just South of Wallops is Assawoman Island with 2 miles of beach front. Then comes Metompkin Island with 4 miles. After that Cedar Island with five and a half miles. Then Parramore Island with 6 miles, and after that Hog Island with 6 more miles of ocean front. Thus there is a total of 28½ miles of ocean front available for purchase. Why can't our Government ever make a wise move and buy the right property at the right time—that is when the price is low. The Department of Interior wants to take property from private owners at high prices, when just 40 miles south they can get more beach for less money.

Senator BIBLE. The Chair is now faced with this dilemma. It is 8 minutes to 4. I committed my self to 5 minutes to Mayor William Lange, Stone Harbor, N.J., and then enlarged it to 10 minutes, and then committed myself to Mr. Cunningham, who cannot be here Monday. Suppose we work until 5 after 4. That will be 12 minutes. Suppose the good mayor and the publisher of the Worcester Democrat take 6 minutes apiece. Is that fair enough?

That will wind up the witnesses for today.

Senator BIBLE. You may proceed, Mayor.

STATEMENT OF HON. WILLIAM G. LANGE, MAYOR, STONE HARBOR, N.J.

Mayor LANGE. Mr. Chairman and members of the committee, my name is William G. Lange. I reside at 9922 Corinthian Drive in Stone Harbor, N.J. I am the mayor of Stone Harbor, a seashore community of at least 700 people all the time and of 20,000 people in the summertime.

Pittsburgh, Pa., is approximately 500 miles from Stone Harbor, N.J., but at the present time approximately 100 families from the Pittsburgh area own summer homes in my town. An equal of perhaps greater number of people from the Harrisburg, Pa., area own homes there, and, of course, because Philadelphia is only 100 miles away, we have many more families and many more homeowners from the Philadelphia area.

Stone Harbor is essentially a family-type community but it annually hosts thousands of vacationers who are just very welcome visitors. Two summers ago we were happy to have with us a nice group of people from Assateague Island on the coast of the great State of Maryland. These folks were not on vacation, however; they had heard about Stone Harbor, and they had come there in search of a community developed in a manner similar to the one they wished to plan and develop on Assateague Island.

Recently when the property owners of Assateague Island first asked me to come down to Washington to testify in their behalf, I wondered how I might help them, or even why I should help them. It was only their sincere enthusiasm for what they saw in my town and what they wanted for their town that led me to agree to do this.

But I was particularly concerned that in a final analysis I might have to refuse to testify for them because I am sincerely concerned for the conservation of birds and all wildlife, and I support the efforts of all levels of government to protect them.

I do not believe, however, that in the acquisition by the Federal Government of Assateague Island in its entirety that this is in the best interest of the public. I refer to a proposal of the National Park Service and direct your attention to this statement: Of the 3,700

miles of general shoreline constituting the Atlantic and Gulf coast, there are 105 miles, or less than 3 percent available for public use.

Gentlemen, permit me to say to you that we have more than 105 miles of beaches available for public use in the State of New Jersey alone. Seashore recreation is the No. 1 industry of my State, and it is the only industry of my community.

Our beaches are our No. 1 asset. Our entire economy is bound to them. They are open to the public 24 hours each day, every day of the year. It is grossly unfair to claim that only State-owned beaches or federally owned beaches can be public beaches. It is my contention that the beaches in my town and along the entire coast of New Jersey are more public than any Federal or State beach can ever be.

It is my understanding that the proponents of Senate bill 20 contends that it is not possible for the property owners of a certain stretch of land on Assateague Island to plan and develop a community there which can be free from the honky-tonk atmosphere associated with seashore resorts.

I am here today to say that they can, because the people of Stone Harbor did it on an island on the coast of New Jersey. I have never been on Assateague Island, but from what the people tell me about it, I feel you might be very happy to have a Stone Harbor there. There is nothing honky-tonk about my town. To begin with, we have no boardwalk. A boardwalk is a nice place on which to walk and look out upon the ocean. But you cannot always see beyond the hotdog and pizza stands. A boardwalk is the principal breeder of honky-tonk, and so you have to eliminate it. Outlaw the boardwalk and you have the problem of honky-tonk half solved.

In my State you cannot legislate a man out of business, but you sure can license and regulate him. We do just this in my town. I could cite the many ways that we successfully fight honky-tonk, but a presentation of this kind would be too lengthy with the limited time I have available.

But I would like to emphasize the point that a seashore community need not be a honky-tonk place if the people desire to have it otherwise.

I refer again to a proposal of the National Park Service which states that within a 200-mile radius of Assateague Island live 34 million people, and I would assume that when the National Park Service refers to this many people, they would prefer or hope to serve this many people with a seashore vacation.

I would like to say this, gentlemen, that in my opinion, in my experience with the seashore and the people who come there, I would have to say that anyone who comes 250 miles—yes, anyone that comes even 100 miles—wants a place to stay. Beyond that, gentlemen, they want a place to stay where they are visiting, not 10 miles removed from there. They want the facilities of that particular location.

In our town, for example, although I have stated the beach is our No. 1 asset, we have made our bay front also an asset of almost equal good to the people by the creation of lagoons and so forth.

I would like to say this in conclusion, that it would be my hope here today that rather than this be a hearing for the determination of whether the Federal Government should take this over, or whether the people should be permitted to develop this in a private enterprise

system, I would only hope that this could be a hearing on a manner in which the people would develop it.

Thank you very much.

Senator BIBLE. Thank you very much, Mayor, for your statement. We appreciate your coming.

The last witness is Mr. Paul Cunningham, for 6 minutes.

STATEMENT OF PAUL CUNNINGHAM, OWNER AND PUBLISHER, THE WORCESTER DEMOCRAT, WORCESTER COUNTY, MD.

Mr. CUNNINGHAM. My name is Paul Cunningham. I am owner and publisher of the Worcester Democrat, a weekly newspaper in Pocomoke City, Worcester County, Md. I am a member of various civic groups such as the Chamber of Commerce, Pocomoke Economic Development Committee, and Rotary.

In my appearance today I represent the Chamber of Commerce of Pocomoke City and myself as a businessman and homeowner in Worcester County. I am testifying in favor of making Assateague Island into a national seashore park. My main reason for backing this proposal is to try to prevent the tragedy of a county with an assessable basis of around $110 million being saddled with the multimillion-dollar responsibility of trying to properly develop Assateague.

Three questions I want to raise and answer are: (1) Just how representative of the residents of Worcester County are the present Board of County Commissioners; (2) in dollars and cents how much does Worcester County "owe" the individual property owner on Assateague for taxes he has paid into the treasury at Snow Hill; and (3) how much, taxwise, will Worcester County really be hurt if Assateague Island is put under the National Seashore Park plan and removed from the tax rolls in the county seat?

Because the members of the county governing body have been so vociferous in their demands for private development of Assateague, I think it would be good for members of this committee to have some knowledge of the political climate in Worcester County. Without a background of Worcester County politics, the committee might erroneously assume that the commissioners mirror the opinion of county residents, because the county governing body is an elective group.

First of all, races for local offices in Worcester are seldom more than popularity contests. Issues are rarely mentioned and only occasionally does a real political battle erupt. Files of the Democrat go back to 1930 and no where do they show where the Republican Party ever fielded a full slate of county candidates against the Democrats. Republicans make up about 20 percent of the registered voters in Worcester County. Yet on the county level they are completely ineffective in providing the voters with a chance to make a choice in local elections.

I have more data on this but I will skip it for the sake of brevity.

On the second question, the Worcester County governing body plays heavily on the idea that their constituents "owe" Assateague Island property owners something in the way of services and capital investment by virtue of the fact that for the past 10 years about $55,000 a year has been paid into the Worcester treasury by lot holders. Even if every property owner on the island purchased his lot without the

idea of speculative gain, there is still a fundamental weakness in this idea.

Most lots on Assateague are assessed for tax purposes at $500. It wouldn't be worthwhile for the county to send a bill of any less than the $9 this brings in at the $1.80 per $100 rate. So if a property owner has held his lot for 10 years, he has $90 tied up in county taxes.

Some ocean-front lots are assessed for $1,000. Owners of these have to pay out $18 a year, or a little over 35 cents a week. This is a lot different than the millions of dollars you have bandied around here today.

A special 90 cents per $100 levy authorized against island property owners to help pay for the recently constructed bridge will probably never be collected. A bill has been introduced in the Maryland State Legislature to reimburse the county its $500,000 share of the span's cost.

As I see it, the only thing "owed" to the property owners on Assateague Island is a fair market value for their lots when the area is turned into a national seashore park.

The third hook upon which the commissioners hang their argument for private development of the island is the importance of it to the county's tax base. They infer that loss of the $55,000 tax income will necessitate increasing the county tax rate by 5 or 6 cents. Is this really so?

Tuesday, March 9, when the county school board brought its budget before the commissioners, it was estimated the increase in the assessable basis this year would be around $8 million for the county. Members of the county governing body were bemoaning the fact that with each $1 million increase in the assessable basis that brings $18,000 into the treasury at the $1.80 per $100 rate, the State board of education cut down its contribution to Worcester by $12,000. This left the county with a net gain of income for each $1 million worth of property of $6,000. (In Maryland a formula is used to determine the percentage of State aid that takes into account the assessable basis of the county and per capita income. Normally it works out that the higher the per capita assessable basis is, the smaller the percentage of expenses contributed by the State.)

The point I am trying to make is that if $12,000 worth of State aid is lost to the county school system each time the assessable basis increases $1 million, the opposite should also be true. If $3 million on Assateague Island is removed from the tax rolls, the State should increase its aid to schools in the county by $36,000. That would leave the county treasury with a net loss of around $18,000 instead of the $55,000 claimed by the commissioners. I can't state for sure that this is the way it will work, but the situation is certainly worthy of study by a fiscal expert from this committee.

Returning to the residents of Worcester County and the way they might feel toward the disposition of Assateague, it is my personal opinion that most of them want to see the problem settled one way or another so they can forget about it.

At the same time, it is important for the committee to remember that a group such as the Poconoke City Chamber of Commerce, composed of 50 of the 75 businesses listed in the 1963 Census of Business, has endorsed the proposal of a national seashore park. This was

done with full knowledge that their elected representative to the board of county commissioners was working hard for private development.

I do not question the right of the commissioners to fight for the private development of Assateague nor do I challenge their motives. At the same time I want to point out that in their promotion of private development, they are spending public funds. I have every reason to believe that the expenses of the county attorney and the former county engineer preparing testimony for this hearing will be paid out of county funds.

Senator BIBLE. I believe he so stated when he appeared. He stated it was a county expense.

Mr. CUNNINGHAM. The hotel bill and expenses of the county commissioners who are here most likely will also come from county funds.

It is ironic to me that as an individual backing the national seashore park proposal, I take time off from my business and pay my own expenses to testify at this hearing, while some of those seeking "private development" resort to the use of public money to subsidize their appearance.

I thank you for this opportunity to appear before you. If you have any questions, I will be glad to try to answer them.

Senator BIBLE. With all candor, when we develop these proposals, either on a Federal, State, or county level, these become correct charges against the Federal, State, or county treasury. This point wouldn't particularly bother me. I think they have a perfect right to spend county funds to adequately present their viewpoint. I would feel that the same thing is true of the Park Service in presenting their viewpoint. That would be my own personal observation.

I have no questions.

Senator Jordan?

Senator JORDAN. No questions, Mr. Chairman.

Senator BIBLE. Thank you, Mr. Cunningham.

I have been advised that we are to meet in a different room than I originally told you. So those of you who are coming back as witnesses on Monday, I will tell you that the room is 1202. That is the floor above this floor in this building. It is the large Appropriation Committee room. I haven't any idea how large an attendence there will be, but I want you to be comfortable.

We will stand in recess until Monday at 10 o'clock, when we will resume in room 1202.

(Whereupon, at 4:10 p.m., the subcommittee recessed, to reconvene at 10 a.m., Monday March 22, 1965.)

ASSATEAGUE ISLAND NATIONAL SEASHORE

MONDAY, MARCH 22, 1965

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:05 a.m. in room 1202, New Senate Office Building, Senator Alan Bible (chairman of the subcommittee) presiding.

Present: Senators Bible and Fannin.

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

Senator BIBLE. The subcommittee will come to order.

We have a still rather imposing list of witnesses, and this is the last day that we can devote to this hearing, and I hope that we can hear as many as possible, but I would ask most of you in the interest of time to submit your statement and brief them, just as much as you possibly can.

We did make a commitment to the Ocean Beach Club, represented by Mr. King, Mr. Eaton, Mrs. Shaternick, Mr. Adams, Mr. Stanley, and Mr. Duke, and I think we made a time allotment of 40 minutes to them, and we will honor that commitment, and we will be very happy to hear from them at this time, if they will all come forward to the witness table.

STATEMENT OF PHILIP KING, PRESIDENT, OCEAN BEACH CLUB, INC.; ACCOMPANIED BY ERNEST EATON; MRS. JOHN SHATERNICK; C. DOUGLAS ADAMS, JR.; DAVID BOWERS; AND JACK STRANG

Mr. KING. Mr. Chairman, my name is Philip King. I am president of the Ocean Beach Club. The Ocean Beach Club owns the beach at Assateague Island under discussion, and represents some 3,000-odd property owners. I did say on the floor Friday that 40 minutes would suffice, but honestly, Mr. Chairman, I was under the hammer at the moment. I was trying to get to Mayor Lang. We can't possibly present to you what we believe to be the meaningful testimony in that short time. We will do our best.

Senator BIBLE. How long would you need? Let's try 40 minutes, and see how you come along.

Mr. KING. Well, I have made some changes in my testimony over the weekend, due to statements that were made those 3 days, but perhaps let me start and honestly, I am not trying to burden the Senate.

I am very proud of the U.S. Senate, and of this subcommittee, and of you. As a matter of fact, back in 1922, I worked in Mina, Nev., for a short time. I haven't been back there since, but I remember it very favorably as a youth.

My name is Philip F. King and my home is in Arlington, Va. I am president of the Ocean Beach Club. Our headquarters are at 1025 Connecticut Avenue NW., Washington, D.C.

I appreciate very much the thoroughness and fairness of you as chairman and the other members of this subcommittee, and the painstaking efforts you are making to get the facts.

The Ocean Beach Club is a nonprofit corporation, which at no expense to any level of government, has provided beach and park maintenance, including the cleanup of debris and trash left by the visiting public. It endeavors to protect the property and the interest of the individual building lot owners.

Ocean Beach, Assateague Island, Md., is subdivided into some 5,850 building lots which are privately owned by an estimated 3,200 individuals.

I have a statement which I wish to read. I believe it reflects the views of over 80 percent of the building lot owners. In addition, statements will be made. Mayor Lang spoke. Mrs. Shaternick and Mr. Eaton and Mr. Tom Stanley will speak, and Douglas Adams will speak for David Bowers. You remember the telephone call, his mother passed away, and he can't be here.

I would like to ask also, we have a trained architect named Mr. Strang, and perhaps he could join us and save you folks time.

These statements reflect the position of the Ocean Beach Club as to S. 20 and S. 1121. Individual property owners will and have expressed their views, and I hope that representatives of groups of property owners will testify.

The Ocean Beach Club is opposed to S. 20 and S. 1121 as now written, but we have no objection to the creation of a national recreational seashore.

The Department of the Interior reported in page 28 of the Interior report of April, 1963, where it is stated that—and by that, I mean this report sent to Governor Tawes by the Department of Interior—it states that the primary purpose of establishing the Assateague Island National Seashore is to provide for public enjoyment of its outstanding outdoor recreation resources.

We believe this proposed legislation can be rewritten, and have our support. We object strenuously to the unnecessary taking of our property to provide an inadequate recreational outlet.

As citizens, taxpayers, and property owners, we wish to emphasize our objection to the planning of this proposed recreational seashore by Federal and State employees, without consultation with the owners of the property involved, or with elected local authority.

We would like to scream from the housetops our objection to the present and past arbitrary action by officials of the State of Maryland, which has and does deny us the lawful use of our property.

Congress was asked in the thirties and in the forties by the executive branch to acquire Assateague Island, and Congress declined. In 1955, the National Park Service of the Department of Interior published a seashore recreation area survey of the Atlantic and gulf

coast. On page 9 of this Park Service survey it recommended, I quote:

> That highest priority be given to the acquisition of the following 16 areas.

To save time, I will not read the 16 areas, but they are on my prepared statement; but I do wish to draw to the committee's attention that Assateague Island is not included in this National Park Service priority list of 1955. I will turn over to save time, if I may.

Senator BIBLE. Certainly. You proceed in your own way.

Mr. King. This is somewhat repetitious.

And I will start on page 3 again, where I have quoted all of the islands which have been mentioned, and I point out that they would make an excellent national seashore, and I say this, having in mind the last paragraph of page 9 of this National Park Service survey, which recommends—

> That biotic communities of great scientific interest found along the seashore be acquired and preserved regardless of the desirability of the adjoining beach, and that consideration be given to biotic communities at present in a modified condition but which might return to a more natural condition if permitted to remain undisturbed.

Now, let us return to Assateague Island. According to the 1955 Park Service survey the Virginia portion is a wildlife refuge and its shoreline is 12 miles long. The survey recommends—

> Compatible use of this area might be considered so that the excellent quality of its recreational resources could be utilized to the greatest advantage.

Since this survey was made, a bridge has been built from Chincoteague to Assateague and limited day use is permitted on a very small portion of the southern tip. This refuge was established in 1943 and lands were purchased with duck stamp funds.

Public Law 87–714 approved September 28, 1962, while making no changes in existing law, made it abundantly clear that the Congress has authorized recreation activities compatible with the purposes for which wildlife refuges, game ranges, national fish hatcheries and other conservation areas were established.

Obviously, authority exists for the Department of Interior to use the entire beautiful shore of Assateague Island, Va., for outdoor recreation, such as surf-fishing, swimming, sun bathing, surfing, nature walks, shell collection, picnicking and camping, at little or no cost to the Government.

The time has come for the Department of the Interior to more clearly incorporate the recommendations of the Congress and the Outdoor Recreation Resources Review Commission in its recreational planning.

Certainly the study prepared by the Department in April 1963 does not do so. This study has been refuted by Worcesters answer, prepared by Worcester County, Md.

Senator BIBLE. I think we have already incorporated that in the record by reference, Mr. King. That answer is in the file. When Worcester made the presentation, it was included in the record at that time.

Mr. KING. Thank you very kindly, sir.

The Department of the Interior on September 10, 1963, when submitting its draft bill for the consideration of Congress estimated land acquisition costs on Assateague to be $7 million. Within a year, on

August 10, 1964, the Department revised its figures upward to $16,800,000.

Such inaccuracy by an organization with the resources of the Department of the Interior is difficult to understand. It does not increase confidence in its proposal. In our judgment the acquisition cost will exceed $50 million.

Another factor that weakens confidence in the findings of the Department of the Interior and the recommendations of the Maryland Board of Public Works is that none of the State agencies that made recommendations to the Maryland Board of Public Works, nor those conducting the study for the Nath report, which is part of the Department's report, nor those of the Department participating in the decisions on the disposition of Assateague, ever consulted with the local authority or with the property owners affected.

In our opinion, the Maryland Board of Public Works should have made a transcript of the hearings held in Baltimore and Snow Hill about Assateague which comprises over two-thirds of the Atlantic coast of Maryland.

We request that the statement of our attorney, Mr. James Gleason, made at the Baltimore hearing before the board of public works, be incorporated in the printed record of this hearing.

Senator BIBLE. I have no objection to that.

Mr. KING. Thank you, sir.

(The statement referred to follows:)

STATEMENT OF JAMES P. GLEASON, ATTORNEY FOR OCEAN BEACH CLUB, BEFORE THE BOARD OF PUBLIC WORKS, STATE OF MARYLAND

Governor Tawes and members of the board of public works, my name is James P. Gleason, I reside in Silver Spring, Md., and as an attorney, I am representing here the Ocean Beach Club, a nonprofit association of over 3,000 persons who presently own land on Assateague Island. With me I have Mr. Philip King, president of the Ocean Beach Association, and Mr. Walter M. King, Jr., a former board member of the association and cocounsel in the representation of the property owners of the island.

We appear here to day in opposition to the proposed Federal acquisition of Assateague Island.

For more than 10 years, that part of the island known as Ocean Beach and South Ocean Beach has been subdivided into half-acre lots, and the area is now owned by some 3,000 individuals and families. Since 1955 the Ocean Beach Club has maintained and protected the southernmost 15 miles of the island located in the State of Maryland at heavy expense to the property owners and without any assistance from Federal, State or county authorities.

The ownership of private property has been recognized throughout the course of this Nation's existence as an inalienable right and its protection has been secured to our ciitizens by the constitutions of the United States and the respective States of the Union. The violation of this right, comparable to the destruction of rights of life, liberty, and the pursuit of happiness, have universally characterized the administration of despotic governments and the decisions of arbitrary rules. And consistently the hallmark of these deprivations of the rights of mankind has been the claim of ambitious public officials that a larger public purpose would be served thereby.

The over 3,000 owners of property on Assateague Island do not question for a moment the power of eminent domain as an inherent necessity for the Federal Government to take private property for a public use upon the payment of just compensation, but we do resent and we are determined to oppose what we view as a Federal power grab by the Secretary of the Interior, whereas here in the case of Assateauge Island no necessity has been demonstrated that the right of private property be completely submerged in the public interest.

Thousands of families have willingly assumed a heavy burden with the expectation that they would be able to provide for themselves and their families seashore recreation. With the commencement of construction of a bridge to the island, these individuals were of the belief that their longtime dream would at last reach fulfillment.

However, the U.S. Department of the Interior, at this late date, has threatened to crush these hopes when with illusory promises of readily available financial resources, it has now decided that Assateague Island should be taken over by the Federal Government, and this decision was made by the Department in spite of the fact that Congress has twice refused to act upon a Department request for purchase of the Maryland portion of the island and in the light of the 1955 seashore recreation area survey by the National Park Service which reported that

"* * * the advanced stages of real estate development appear to preclude the possibility of this area being set aside for public recreational use."

The Ocean Beach Club requests the board of public works to summarily reject the Department of the Interior proposal to seize two-thirds of Maryland's Atlantic coastline. Interior wants to take property presently dedicated to concentrated permanent recreational use and rededicate it to "limited" and "moderate" daytime use. It wants to use our money as taxpayers to take our property and turn it over to others for a more limited activity.

The justification for such a step is that the individuals owning the property and the local authorities are not capable or qualified to handle the job of development. Yet none of the economic or engineering reports, including the Nathan report contained in the Interior study can state that private development is impossible. Some of the excerpts from such reports are as follows.

The Nathan report states in its summary:

"None of the problems explained above is without a solution, but each solution has a price."

The minutes of the May 13, 1963, meeting of the board of national resources recorded a statement by Mr. Robert M. Brown of the State department of health that:

"* * * safe and adequate water supplies are now available, as indicated by Mr. Slaughter (Associate geologist, department of geology)" and that "the sanitary problem is not insoluble * * *."

An advance copy of the Tarrant report on the requirements for private development of Assateague Island prepared for the Maryland State Planning Department of Worcester County Planning Commission contains numerous statements that water and sanitary problems can be met with proper planning.

While we do not dispute the fact that various state boards have recently come out in favor of public acquisition, we do contend that there is a lack of any real basis for such determinations. The reasons for the decisions seem only to be that these boards do not want the responsibility of solving difficult problems. The property owners have heretofore assumed these responsibilities and will continue to assume them if permitted to do so. And Worcester County is willing and anxious to cooperate and assist in the private development, recognizing the vast benefits to the county and the State if private development is continued.

Several technical problems mentioned in the Interior report deserve special mention. First, with respect to beach erosion on Assateague Island, there have been many conflicting statements because of confusion in description of Ocean Beach as compared with the entire Maryland portion of the island. The northern end, now in private ownership but scheduled for acquisition by the State of Maryland, has eroded significantly, caused in part by the Ocean City jetties. However, the Ocen Beach portion of the island has been stable. The preliminary Tarrant report says:

"* * * but in the portion of the island under present consideration an examination of shore erosion studies made by the Coast and Geodetic Survey shows that the ocean shoreline has been quite stable. In the lower part there has even been some accretion."

In the light of the foregoing, the property owners cannot—and this board should not—accept the misleading statements contained in the Interior report.

Another point raised is that of beach protection. The Ocean Beach members realize this problem for they have met it, without assistance, for some 8 years. On page 17 of the Interior report, it is stated that dune costs might run to as much as a million dollars per mile. The report could just as well have stated

$10 million per mile, for no adequate basis for such a statement exists. A resolution of the Public Works Committee of the House of Representatives has authorized a study of the Maryland shoreline by the Corps of Engineers. The corps has stated that such a study will take 30 months to complete. Certainly the State of Maryland, the county of Worcester, and the families owning property should not relinquish forever their property to Federal domination without an authoritative study of this problem.

It is difficult to comment on the so-called economic analysis of the Nathan portion of the Interior report. One is reminded by the numerous conclusions and assumptions contained in the report of Mark Twain's definition of "statistics":

"In no other field is there such a vast return of conjecture upon such a small investment of fact."

If there is anything noteworthy about the Nathan report, it is the use of the words "opinion," "expected," and "anticipated." Neither Worcester County officials nor the property owners have been misled by such hazy thinking. It is hoped that this board will not be.

We request specifically that our elected officials of Maryland and the board of public works consider the following affirmation of facts:

1. The Federal Government owns today 1 out of every 3 acres of land in the United States and not an insignificant portion of that land, including all 9 miles of Assateague Island in Virginia can be developed by the Government for recreational purposes.

2. The State of Maryland shoreline on the Atlantic Ocean stretches a distance of 33 miles. The Secretary of the Interior through his proposal is seeking to extend Federal control over 72 percent of that shoreline, in addition to the rest of the land on Assateague Island. While 93 percent of the shoreline from New York to Virginia is in private ownership, the Secretary recommends that Maryland's government and its citizens consent to 72 percent of its shoreline being brought under Federal ownership.

3. There has not been the slightest effort made by the State officials to date to consult with the elected representatives of Worcester County or the property owners of Assateague Island in an effort to explore whether a State-county-property owners' cooperative program for the full development of the Island with greater recreational benefits for all the people of Maryland was economically feasible. For example, no study by anyboard has considered discussions by various Worcester County officials and Ocean Beach Club officials as to the club's willingness to support the establishment of a special tax district for Ocean Beach to provide adequate beach protection. Such lack of effort is incredible to us.

4. The Secretary of Interior has not and indeed he cannot provide this board or the people of Maryland with a timetable for Federal development of Assateague Island because the Corps of Engineers have stated it would require 2½ years to complete its survey study of the cost of beach protection; second, subsequent to the completion of that study, legislation to authorize purchase of the property would have to be passed by the Congress; and then appropriations must be requested and secured from the Federal Legislature. Further, it should be kept clearly in mind that Congress has consistently refused to grant authority for Federal departments to condemn private property for recreational purposes without a prior agreement with a majority of the property owners involved. Therefore, there is no assurance and none can be given that either the authorization or the appropriations requested will ever be approved.

5. The utilization of the island by restricting its use to daytime recreational activities only—as is proposed by the Udall program—is the least desirable development of Assateague, due to the traveling time involved in reaching the island. By far the greatest number of visitors contemplated by the Secretary of Interior will have to travel from the communities of Washington, Baltimore, Philadelphia and New York—a total round-trip time of 7 to 12 hours. The Secretary's program comtemplates that no overnight accommodations would be provided on Assateague Island. It seems clear to us that facilities on the mainland will not be viewed as an acceptable solution to visitors who desire to be within walking distance of the beach when they travel to the ocean for a weekend or longer.

6. The Legislature of Maryland, under the leadership of Governor Tawes, less than 3 years ago approved the purchase of land for a State park on the northern part of Assateague and a bridge to the mainland to facilitate the recreational

development of the island for the people of Maryland. Neither the general assembly nor any committee thereof has investigated or reviewed the Udall proposal for Federal acquisition of Assateague Island or alternative cooperative proposals which do not involve the imposition of Federal control.

7. Neither the Department of Interior's report, based as it is substantially on the Robert Nathan findings, nor the report of the State Planning Department, based in part on the Tarrant findings, have given any consideration to the feasibility of a cooperative program participated in by State, county and property-owner representatives.

It is suggested to this board that the ideal development would be public ownership of the northern and southern ends of the Island, with private residential and commercial facilities between the two for servicing the needs of the users of public facilities. Such a program finds precedence in the Cape Hatteras National Seashore.

It is difficult to imagine why the present area cannot adequately accommodate the seekers of public recreation, even accepting the figures in the Interior study that by 1975 only 1.8 to 3 million visitors per year are contemplated at the public park, for 18 miles of public recreational area are to be available to the State and Federal Government. Since Ocean City accommodates 2.5 million people a season in approximately 4 miles of beach, the 18 miles to be available for public use are obviously adequate. At Jones Beach, N.Y., 12 million people per year are accommodated in 6 miles of beach, and the season there is much shorter.

It is clear to us that in view of the foregoing, unless there is a clearly demonstrated Federal need for all of Assateague Island, the program, as is, should be rejected.

The Ocean Beach Club owned all of the roads, dedicated parks and the beach in the Ocean Beach area. The roads and parks have now been deeded to Worcester County—at no cost to the county. The property owners stand ready and willing to offer complete and public access to the beach if and when the Department of Interior opens the entire Virginia end of the Island to public use. No person has ever been denied access to Ocean Beach, and none will be. Such cannot be said for the Department of Interior property on the Island with its fence along the Maryland-Virginia border.

As set forth in Worcester County's answer to the Interior report, the county needs increased values of lands to continue to grow and prosper. With a combined plan, the tax base of the county would not be affected adversely and the additional trade promised by the Nathan report would still be possible, plus the vast increase in the Ocean Beach tax valuations as development progresses.

The State of Maryland has only 33 miles of ocean shoreline. If the 24 miles are now relinquished to the Federal Government, they will never again be a part of the State. Can this board recommend such a giveaway of Maryland's heritage?

The property owners of Ocean Beach sincerely hope that the board will not make such a recommendation.

Members of the board, the decision as to turning over to the Federal Government one of the most priceless heritages enjoyed by any State in the Union is a heavy responsibility. In view of this responsibility, we do not believe that a hasty decision in favor of the Federal proposal is in the best interests of the public, the County of Worcester or the State. Further, we believe that this decision should not be exercised by the Board of Public Works alone.

Accordingly, we specifically request of the board, before any approval of the Federal plan, that

First, the property owners be provided a reasonable time and opportunity to submit written statements to the board in rebuttal of remarks made by the proponents of the Federal proposal.

Second, we request that the responsible State officials be directed by the board to engage in conferences with the representatives of Worcester County and of the property owners of Assateague Island to explore the economic feasibility of a cooperative program for the full development of Assateague Island.

Third, lastly, we request that the general assembly be permitted to participate, by legislative consideration, on the decision of turning Assateague Island over to Federal ownership.

Thank you.

Mr. KING. Mr. Chairman, you made inquiry of several Maryland officials as to whether or not they would give up the State park to facilitate matters. The Maryland Board of Public Works is composed of the Governor, the controller and the treasurer. I quote, from page 29 of the statement of the board of public works:

> One of the factors which was very significant to us in making the determination to insist upon State ownership and development of some of the island as a State park is that the General Assembly of Maryland has on three different occasions appropriated money to acquire land and develop a State park, and has by affirmative legislative action authorized the construction of a bridge to reach the park area.
>
> This indicates clear legislative intention to proceed with the State park, and there has been no expression to the contrary voiced by any legislative committee or the legislative counsel.

That is page 29 of the hearings of last August. We now draw to your attention an interim report of the master plan committee on State parks, department of forests and parks in cooperation with the Maryland State Planning Department, of March 1963.

On page 5 the following appears:

> The Committee recommended that detailed plans should be developed, using the recommended funds, on the basis of priorities as listed below—

Again, I won't read, to save time, but I will draw to your attention that Assateague is listed as 8 among 10 parks, in priority as of that date, March 1963, which was a year after the storm.

If Maryland wanted Assateague to the extent indicated by various Maryland State agencies, the Maryland congressional delegation and the Maryland Board of Public Works, it would not have ranked eighth in priority out of 10 in March 1963.

Study Report No. 4 to the Outdoor Recreation Resources Review Commission made by the George Washington University in 1962, in discussing shoreline recreation rescources of Maryland, points out that the department of forests and parks holds the powers to acquire land in the name of the State by purchase and condemnation proceedings.

Under Public Law 88–578—could I interject at this point that I am not a lawyer?

Senator BIBLE. Can you what?

Mr. KING. Could I mention that I am not an attorney.

Senator BIBLE. You are doing very well.

Mr. KING. Thank you.

The public law oftentimes referred to as the Land and Water Conservation Fund Act, Maryland could ask for a grant to complete its outdoor recreation plan and after approval of its plan by the Department of the Interior receive matching Federal funds for the acquisition of recreation areas.

It would seem that if the board of public works wanted Assateague Island, Md. developed entirely as a publicly owned recreation area it would have acquired it either through its power of purchase and condemnation or through the machinery created by the so-called Land and Water Conservation Fund Act.

If the State of Maryland is recommending a national recreational seashore in order to escape the cost of erosion protection on that portion of the island north of the present State park, that is no reason to burden the Federal Government with the cost of acquisition of the area known as Ocean Beach, south of the State park, where there are

no erosion problems of any moment and where the visiting public would be served.

If you wonder why there are not more houses on the 5,000 lots south of the State park, for years ferry costs and the hope of a bridge delayed building. The law authorizing the construction of the Sandy Point Bridge provides that we as property owners are to be taxed for one-third of its cost.

When the contract for the bridge was signed in May 1963, we were arbitrarily denied building permits until January 31, 1964, when the circuit court judge ordered the county to issue building permits. Then the State of Maryland ordered the local health authority to issue no sewer and water permits. This was taken to court and the judge found:

> It is difficult to conceive of a more flagrant case in which the action of an administrative agency would be considered more arbitrary or capricious and more of an abuse of discretion, or a decision more devoid of supporting facts and substantial evidence.

This finding has been appealed by the State. In response to my application for a water and sewer permit, I received a letter from the deputy State health officer, Fred S. Waesche, M.D., dated August 27, 1964, in which the last paragraph read:

> As the size of your lot, porosity of the soil and the completeness of the application meet the requirements of regulations governing applications for the installation of private water supply and sewage disposal systems in the counties of Maryland, the plans for the installation of the private water supply and disposal system on your lot have been approved by this office.

Several other applicants received similar letters, but we received no permits because Dr. Waesche had been ordered by the State commissioner of health to forward such applications to the State department of health in Baltimore. This was last August and we still have heard nothing from the State department of health.

On December 11, 1964, I joined with five other property owners and petitioned the circuit court for a writ of mandamus to compel the issuance of our permits. On January 15, 1965, the State department of health requested a 30-day delay.

On February 16, 1965, the State department of health asked for a further delay which to me as a layman seems to be of an indefinite nature.

On March 18 of last week, a hearing was held, and I haven't heard the result, where our attorney argued with the attorney general of the State as to whether they shouldn't more or less postpone this indefinitely.

Governor Tawes and Senator Brewster have testified that these delaying tactics are to hold the price of land acquisition down, and to prevent our building on our own property, so we have property we have owned for years, and we are denied its lawful use.

All lots are one-half acre in size. We own them, but we can't use them. We have paid taxes on them faithfully, and we have preserved them from the elements. As private citizens, we have sought to develop a seashore recreation area but have been frustrated at every turn.

Our private efforts have been compatible with the Report of the Outdoor Recreation Resources Review Commission submitted to the President and to the Congress in January, 1962. The present chair-

man of the Committee on Interior and Insular Affairs the Honorable Henry M. Jackson, of Washington, and the present chairman of the House Subcommittee on Parks and Recreation, the Honorable Ralph J. Rivers of Alaska, as well as other distinguished Members of the House and Senate, past and present, signed this report.

We were enthused by Senate Report No. 11 of the 88th Congress, 1st session, submitted by the Honorable Clinton R. Anderson, a member of the Outdoor Recreation Resources Review Commission and a former chairman of the Senate Committee on Interior and Insular Affairs.

I would like to ask that Senate Report No. 11 be included in the printed report of this hearing. This report dealt with legislation which proposed the establishment of the Bureau of Outdoor Recreation.

It is a short report, Senator.

Senator BIBLE. If it is a short report, I have no objection, but these are official documents, and I don't want to overload the record, which I am sure is going to be very voluminous as it is, and I mean, it is very easy to see this report, because it is an official document.

Mr. KING. This is less than six pages, sir.

Senator BIBLE. Without objection, we will include that report, but I will not include reports that are readily available to the public, and are public reports. I think it just makes the record too long.

(The material referred to follows:)

[S. Rept. No. 11, 88th Cong., 1st sess.]

FEDERAL AND STATE PROGRAMS RELATING TO OUTDOOR RECREATION

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 20) to promote the coordination and development of effective Federal and State programs relating to outdoor recreation, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

PURPOSE OF THE BILL

The text of S. 20 was submitted to Congress by the Secretary of the Interior to implement a number of recommendations which the Outdoor Recreation Resources Review Commission made in its report to the President and Congress on January 31, 1962.

The Commission recommended, after a 3-year study, that a Bureau of Outdoor Recreation be established in the Department of the Interior to—"have overall responsibility for leadership of a nationwide effort by coordinating the various Federal programs and assisting other levels of government to meet the demands for outdoor recreation."

Such a Bureau of Outdoor Recreation was established April 2, 1962, by order of the Secretary of the Interior. The order transferred to the Bureau the nationwide recreation planning functions and cooperative relations with States, previously carried on by the National Park Service under the act of June 23, 1936, as recommended by the Outdoor Recreation Resources Review Commission.

In order to carry out other functions recommended by the Commission, it is necessary to give the Secretary of the Interior, for execution through the Bureau of Outdoor Recreation, the additional authorities and responsibilities detailed in S. 20.

The Outdoor Recreation Resources Review Commission recommended the adoption of a system of classification of recreation areas, ranging from mass use areas to primitive, historic, and unique areas, to facilitate the coordination of the recreation programs of various agencies, the various levels of government, and private interests, and to improve management and administration.

In proposing the Bureau of Outdoor Recreation, the Commission suggested:

"The proposed Bureau would have six major functions: (1) coordinate related Federal programs; (2) stimulate and provide assistance to State planning; (3) administer grants-in-aid; (4) sponsor and conduct research; (5) encourage interstate and regional cooperation; and (6) formulate a nationwide plan on the basis of State, regional, and Federal plans."

In its further exposition of the Bureau's function, the Outdoor Recreation Resources Review Commission suggested maintenance of the inventory of national outdoor recreation facilities, first assembled by the Commission, on a continuing basis, stimulation of donations to the recreation program, provision of technical assistance to both public and private agencies in the recreation field, and the conduct of educational programs.

All of these proposed functions, except administration of a grants-in-aid program, which is proposed in the President's pending land and water conservation fund bill (S. 859), have been covered and authorized in S. 20 under subsections dealing with inventory, classification, nationwide plan, technical assistance, regional cooperation, research and education, interdepartmental cooperation, and donations.

AMENDMENTS

The committee has adopted three amendments.

On page 2, in lines 10, 11 and 12, language making the inventory provision applicable to Puerto Rico, the Virgin Islands, Guam, and American Samoa has been stricken. This language omitted reference to the District of Columbia and left in doubt the applicability of other subsections of section 2 to non-State entities which are a part of the United States. In lieu of the stricken language, a new section was added at the end as follows:

"SEC. 3. The term 'United States' as used in this Act shall include the District of Columbia; and, to the extent practicable in carrying out the provisions of this Act, the terms 'United States' and 'States' may include the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa."

On page 3, line 10, there has been inserted after the word "and" the words "private interests including".

The Outdoor Recreation Resources Review Commission recommendations and the bill itself contemplate that a very large part of the Nation's outdoor recreation needs will be met by private interests.

The Commission stated:

"The most important single force in outdoor recreation is private endeavor—individual initiative, voluntary groups of many kinds, and commercial enterprise."

The Commission's recommendation 11–1 was: "Government agencies should stimulate diversified commercial recreation investments on private lands and waters."

Among such commercial enterprises, ORRRC mentioned private beaches, summer camps, stables, yacht clubs, boating clubs, ski areas, shooting preserves, and fishing facilities. It then commented:

"Technical assistance by State and Federal agencies would, in many instances, be useful in helping new enterprises to start and establish ones to improve their operations. This assistance would be particularly effective if carried on in connection with public resources development programs. Reservoirs and highways, for example, often provide an initial stimulus to a variety or private recreation developments. Technical assistance should include information service on potential new fields of outdoor recreation, promotional efforts, and management problems."

The committee agrees with the Commission that private interest groups, both commercial and nonprofit, should be provided technical assistance within the general guidelines to be found in the ORRRC report, and thereby encouraged to cooperate with public agencies in meeting recreational needs.

Private cooperation is especially needed in the field of hunting and fishing, the 7th and 12th ranking outdoor recreation activities, since the bulk of hunting occurs on private lands and access to public waters is quite generally over private property. The propagation of fish and wildlife, which are major recreation resources, is increasingly dependent on management of private waters and lands.

In instances where owners of farmlands, ranches, timberlands, and private waters make their property available for public use without charge, the technical assistance of Government agencies is especially merited.

On page 3, beginning after the word "purposes" in line 18, the committee has stricken all language through the word "interest" in line 21. This deletes the Secretary's authority to make advance payments for research work without regard to the statute requiring delivery of goods and services in advance of payment.

The committee is cognizant of the problem of public agencies and educational institutions, operating on budgeted funds without access to commercial banking credit, to fund the initial costs of research work. However, it feels that the language of the exemption from section 3648 of the Revised Statutes prohibiting advance payments is too broad and has therefore stricken it.

RECOMMENDATION

S. 20 is essentially the same as title I of S. 3117, passed by the Senate in the 2d session of the 87th Congress. Title II of that bill, providing aid to States for recreation planning, has this year been submitted to Congress by the President in another, companion measure, on which hearings have been set by the Interior and Insular Affairs Committee.

The committee feels that the Bureau of Outdoor Recreation should be activated without undue delay in the fields covered by S. 20 and consequently recommends that the bill, as amended, do pass.

LETTER OF SUBMITTAL

The letter of the Secretary of the Interior to the President of the Senate submitting the draft of S. 20 for consideration follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 11, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of proposed legislation to promote the coordination and development of effective Federal and State programs relating to outdoor recreation, and for other purposes.

We suggest that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This proposed legislation is intended primarily as the organic act for the Bureau of Outdoor Recreation. Its purpose is to outline the general administrative responsibilities and functions to be exercised in the future by this Department through that Bureau. It is designed to accomplish as effectively as possible certain purposes expressed by the Outdoor Recreation Resources Review Commission in its report of January 31, 1962, to the President and to the Congress as required by the act of June 28, 1958 (72 Stat. 238).

The report of the Outdoor Recreation Resources Review Commission emphasized the fact that the provision of adequate and diverse outdoor recreation opportunities for the American people requires carefully planned and effectively coordinated efforts by all levels of governments and by private citizens and interests. Also, in the President's 1962 message to the Congress on conservation, he proposed executive and legislative action to implement certain recommendations of the Outdoor Recreation Resources Review Commission. To this end, the President issued an Executive order establishing a Cabinet-level Recreation Advisory Council.

In addition, the Bureau of Outdoor Recreation has been created as a result of the recommendations made by the Outdoor Recreation Resources Review Commission. In this connection, we wish to commend the Commission for its thorough and farsighted report which, in our judgment, will be of incalculable value to the Nation. We note that the Senate Committee on Interior and Insular Affairs, in its Report No. 1825, on S. 3117, 87th Congress, a bill that is similar in part to this proposal, stated: "Two of the Commission's major recommendations were (1) that a Bureau of Outdoor Recreation should be established in the Department of the Interior to have 'overall responsibility for leadership of a nationwide effort by coordinating the various Federal programs and assisting other levels of government to meet the demands for outdoor recreation,' and (2) that the States should play a pivotal role in making outdoor recreation opportunties available to citizens."

We are now carrying out through the Bureau of Outdoor Recreation the functions of general park, parkway, and recreation area planning and cooperation with the States and other agencies pursuant to the act of June 23, 1936 (16 U.S.C. 17k–n). We have assigned to the Bureau also certain responsibilities relating to the disposal of Federal surplus real properties to States and political subdivisions thereof for park, recreation, and historic monument purposes (sec. 203 of Federal Property and Administrative Services Act, as amended (40 U.S.C. 484)). It is responsible also for cooperation with the Housing and Home Finance Administrator with regard to the making of Federal grants for the acquisition of open space (title VII, sec 702(e) of the Housing Act of 1961 (75 Stat. 149)).

In addition to the above functions the Bureau of Outdoor Recreation also serves in a staff or secretariat capacity to the Recreation Advisory Council established by President Kennedy in Executive Order 11017 issued on April 27, 1962, as amended by Executive Order 11069 of November 28, 1962. This Council is composed of the Secretary of the Interior, Secretary of Agriculture, Secretary of Defense, Secretary of Commerce, Secretary of Health, Education, and Welfare, and the Administrator of the Housing and Home Finance Agency. The Secretary of the Interior is at present chairman of the Council but the chairmanship is to be rotated among the officials in the order named for terms of 2 years each. The independence of the Bureau, without regard to the Department in which it may be housed, in its actions and contacts whenever it is serving in its capacity of staff or secretariat to the Council is essential for the Council to function properly and to make effective use of the Bureau. This independence is now recognized and maintained. It would be preserved and would continue upon enactment of the draft bill.

The proposed bill herewith transmitted is essentially the same as the provisions of title I of S. 3117 of the 87th Congress, which was passed by the Senate. Briefly, this proposed legislation will provide a more appropriate administrative basis for our activities in the field of outdoor recreation. The bill would authorize the Secretary of the Interior, in carrying out the purposes of the act, to prepare and maintain a continuing inventory and evaluation of all outdoor recreation needs and resources of the United States, including, to the extent practicable, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa. It provides for the preparation of a system for the classification of outdoor recreation resources as a basis for the most effective and beneficial use and management of such resources. It provides for the formulation and maintenance of a comprehensive nationwide outdoor recreation plan. Technical assistance and advice to the States, political subdivisions, and nonprofit organizations for purposes of the act would be authorized. In recognition of the key role of the States and for proper coordination, we anticipate that assistance to political subdivisions will be rendered through or in cooperation with State agencies. The Secretary would be authorized also to encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources. Research and education in this field also would be prescribed, which would be an important phase of our work. An important feature of the bill relates to interdepartmental cooperation, which we are hopeful will provide a satisfactory basis for the exchange of information and the rendering of assistance in accomplishing the purposes of the Federal Government through its several agencies relating to outdoor recreation. Lastly, the bill would authorize the acceptance and use of donations of money and other property, personal services, or facilities for purposes of the act.

In conclusion, we feel that the enactment of this bill is essential for us to carry out our responsibilities in this field. It will permit us to cooperate with and assist other Federal agencies which are similarly interested. We appreciate the considerable interest that has been shown by Members of the Congress in this matter and believe this proposal has a very high potential in terms of future public benefits in the field of outdoor recreation, which is recognized to be of tremendous but incalculable value to the Nation.

We have been advised by the Bureau of the Budget that the enactment of this proposed legislation would be in accord with the President's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Mr. KING. I will now quote the last paragraph of page 2 of this Senate report:

> The Outdoor Recreation Resources Review Commission recommendations and the bill itself contemplate that a very large part of the Nation's outdoor recreation needs will be met by private interests.

This is a statement made by your committee and approved by the Senate. The report of the Outdoor Recreation Resources Review Commission of January 1962 should be our guide in the establishment and use of recreation areas.

We want national recreation areas, State and regional recreation areas, local recreation areas, and private recreation areas. We want national seashore recreation areas operated cooperatively by the Federal, State, local authority, and private interest.

I have a number of other quotes, which I won't burden you gentlemen with reading. They will be in the transcript, I assume.

Senator BIBLE. Yes. The order was that your statement would be incorporated in full in the record.

Mr. KING. They all deal with this question of private investment in recreation, which we believe we are doing. And also, on page 9, on page 158 of the survey:

> Recommendations 11–1, Government agencies should stimulate diversified commercial recreation investments on private lands and waters.

Recommendation 11–2:

> Government agencies should promote greater public recreation use of private lands and waters.
>
> Public rights to use private lands and water—as opposed to outright ownership—can be acquired through voluntary agreements reached with landowners, as well as through public leasing arrangements, tax concessions, and easements.

And to date, no one in the Department of the Interior or in the State of Maryland has bothered to discuss with us leasing arrangements, tax concessions, or easements.

Private development of our property in cooperation with local, State, and Federal development is in accord with these findings, which I have not read, but which are listed above.

The Outdoor Recreation Resources Review Commission report is replete with similar statements of policy. Far too many to be quoted here, but there can be no doubt but that the Commission and the Congress have determined that private lands and interests must carry the major burden if we are to have outdoor recreation for future generations.

We like the approach taken in S. 251 which provides for the establishment of the Cape Lookout National Seashore in the State of North Carolina and which gives the Federal Government authority to acquire non-Federal land only by donation, purchase, or exchange. The Federal power of eminent domain may not be used in the acquisition of land at the proposed Cape Lookout National Recreational Seashore, North Carolina. Neither should it be used on Assateague, Md., south of the State park.

On October 14, 1963, Assistant Secretary of the Interior, John A. Carver, Jr., at Yosemite National Park addressed national park superintendents. I note with approbation that he is now Undersecretary of the Department.

To avoid the possibility of my having taken excerpts out of context, I ask that his remarks be placed in the record in their entirety. I have it here, Senator. But it is a short speech, if you don't want to put it in, but in fairness to him, I would like to see it in.

Senator BIBLE. Upon your assurance that it is a short speech, I will include it in the record.

Mr. KING. Yes, sir, I have it here somewhere.

(The material referred to follows:)

REMARKS BY ASSISTANT SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., AT THE NATIONAL PARK SERVICE CONFERENCE OF CHALLENGES, YOSEMITE NATIONAL PARK, OCTOBER 14, 1963

On a beautiful Sunday last mid-August, my family and I hiked a trail route in Shenandoah National Park. Starting at Hoover Camp, climbing to Laurel Gap, then along the Appalachian trail to Milam Gap and back to Hoover Camp—maybe 12 of 13 miles. In one of our most visited parks, on a weekend at the top of the season, on well-designed and attractive trails, we met not another hiker the whole day. Neither had we the day before, although then we hadn't expected to, as we were on more remote trails.

Later that month Superintendent Fred Bussey gave me a quick tour through his Colorado National Monument. He pointed to the takeoff point of a downhill, one-way trail which led to the highway on the valley floor. It was, he said, a worthwhile trip which would add greatly to an understanding of the park. And, he said, not 25 people a year used it.

These two experiences made me think of the ill-fated and much publicized Park Service contract with a psychological research firm to study why people liked parks. There are things we ought to know about the reaction of users to our parks. But there are better ways of laying the groundwork for contracts of that kind.

Precise data on why people do or don't use trails presumably helps us to make decisions. Or does it? Some hikers feel their experience is spoiled if another hiker is seen on the trail. Having data is desirable, even necessary; but it helps in making only those decisions or choices which are within a previously charted spectrum of the possible.

The outer limits of the possible may be legislative or budget limits. But the limits I'm talking of are more esoteric. Suppose, for example, that a study should disclose that more than 80 percent of park users would like to have swimming pools in the park? Would you then plan swimming pools, assuming no law or budget restriction inhibited you? I think not.

Or suppose the converse—that fewer than 1 percent of park users utilized the trails. Would you then abandon the trail program?

Last summer I attended (and participated in as guest lecturer) a program of the Center for Public Administration of the University of Wisconsin. Another lecturer, an industrial psychologist, developed the idea that job satisfaction and job dissatisfaction are not opposite poles of one continuum of job attitude, but really are on two separate continuums. Dissatisfaction, on a separate scale, is found mainly in the environmental or hygienic factors of the job—the physical discomfort, attitude of management, pay, hours, etc. Satisfaction's scale plots intrinsic factors—the opportunity to make a contribution, the challenge, the feeling of accomplishment, or the feeling of being involved in important and meaningful service.

I think of this thesis as I review the mail which complains of park experiences. One type of letters, on the dissatisfaction scale, deals almost exclusively with the environmental or hygienic aspects of a park visit—the meals, the prices, the accommodations, the crowded conditions. The other type of letter singles out the devotion of the rangers, the excellence of the interpretive programs, the quality of the experience. Many letters express both ideas.

If park dissatisfaction is a separate continuum, bringing the minus factors up to be plus factors is not equivalent to a positive rating on the park satisfaction continuum. Our main concern, it seems to me, is the quality of the park experience. I have the feeling that on this scale, we enjoy a high rating with the Congress and the public.

But the environmental factors for a park experience—the meals and accommodations and the like—are also our concern, because they relate to being not dissatisfied in a park. Perhaps it helps our understanding of what to do about them if we remember that that is quite different than being concerned with them for their own sake.

Criticism for not having accommodations within a national park is not as frequent or as virulent as criticism for having bad accommodations, but removal of the cause of the criticism may not be the answer, either. Many of our problems are historical, but history can't be wiped out.

I've presented you with a metaphor, which might well be assisted by a visual aid. In essence, I've suggested that if you asked visitors to divide themselves in two groups, based upon whether on balance they had been more satisfied or dissatisfied and then asked each group to specify what had made them satisfied or dissatisfied, the factors showing upon the two scales would probably not be the same. I think the satisfaction scale would be dominated by "quality" factors, and the dissatisfaction scale by "environmental" factors. It is because we ask most people to specify both what they dislike and what they like in their experience that we tend to confuse "quality" experiences with "creature-comfort" experiences.

This may seem a little abstruse, maybe too much so. But it ought not seem so to this crowd; your job, in its organic fundamental, is to accommodate between a dichotomous single purpose—in the language of the 1916 act "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Is conservation of scenery and natural values on a different scale or continuum than providing for their enjoyment? There is no question but that as forces they pull in opposite directions, and your task is one of accommodation and reconciliation. In its nature, such a task is not merely difficult, it is impossible, if you look upon it as capable of being made certain.

The units of value, the scale markings, are neither uniform nor constant. If you imagine the two ideas as subject to a formula to point the way to a successful balance of one against the other, you are either blind or conceited; the fulcrum of the balance is subject to being shifted by forces outside your control and independent of formulas—the Congress, for example.

The paradox of the 1916 act is great, but it does not destroy our morale. We retain confidence because in a free government we cannot be dissatisfied with decisions of our elected representatives.

But confidence and morale do tend to erode when we are drawn into siutations wherein other social values are weighed against park values. Each one of you could name a dozen or a hundred situations where standing for park quality of park values or park conservation has subjected you to the calumny of being antieducation, antichurch, antitransportation, and even antigovernment.

Why shouldn't a water institute be built on park land—are we antiwater? A football field and a tennis court promote physical fitness, and who can be against physical fitness?

This is the story of your lives, of the lives of us. The conflicting social values bear down upon you, even within the Department itself. Water development at Grand Canyon, Indian villages at Everglades, irrigation water drawdown at Grand Teton.

I won't fall into my own trap, and suggest formulas for avoiding or resolving these delemmas. But I am going to dare to make some suggestions concerning the conduct of your business which might, if followed, ease some of the friction.

Let me start with a restatement of a favorite theme—that all Government administrators, including park executives, might well refresh themselves on the nature of the American system of government, and the relative and respective roles of the administrators and the legislators.

For example, national parks are legislative creatures. Because we play such an important role in the process of legislative submittals and reporting, we sometimes get a little imprecise in the way we announce our conclusions. We talk about what we will accept on such matters as acreages, continuance of commercial uses, protection of existing rights, condemnation, and other factors of parks, when we could as easily phrase our objections in terms of the attitude we will express in our report. We understand our limitations, and we understand the role of Congress; but the public we are talking to sometimes could

validly conclude that creation of national parks is an administrative or executive action, rather than legislative.

So get, and stay better informed on the nature of the legislative process (both substantive and appropriations) as parks are affected, so that your discussions with the public will accurately reflect where the ultimate responsibility lies.

Another general suggestion is related. Developments within your own Department related to your work, whether you like them or not, ought to be a part of your stock of information.

I sometimes have the feeling that the entire Park Service is resolutely shutting its eyes to the fact of the creation of the Bureau of Outdoor Recreation, and to the nature of the functions assigned to it. Particularly do I have the feeling that the Secretary's order creating the Bureau, and the subsequent act of Congress (not to say the specific directions of the appropriations committees contained in their reports) are regarded as idle conversation. Perhaps if you don't think about such things they will go away. But I don't think so.

At this conference, you are going to discuss the long-range plan. I would advise you constantly to bear in mind that you can't bootstrap your way into ascendancy in functions which have by secretarial order and by law been transferred to another bureau.

Which leads to my third point. When all else fails, the Park Service seems always able to fall back upon mysticism, its own private mystique. Listen to this sentence: "The primary qualification requirement of the Division Chief position, and most of the subordinate positions * * * is that the employees be * * * imbued with strong convictions as to the 'rightness' of National Park Service philosophy, policy, and purpose, and who have demonstrated enthusiasm and ability to promote effectively the achievement of National Park Service goals."

This has the mystic, quasi-religious sound of a manual for the Hitler Youth Movement. Such nonsense is simply intolerable. The National Park Service is a bureau of the Department of the Interior, which is a Department of the U.S. Government's executive branch—it isn't a religion, and it should not be thought of as such.

Of course you should have strong convictions, but you are expected also to have discipline. The sentence I've read is from a proposed submission to be made to the Civil Service Commission, which reached my desk last month. Taken by itself, it might be interpreted not to have the connotation I've given it.

But read on with me: Later in the report there is singled out a truly classic case, admirably suited to emphasize the mystical nature of your jobs. That was famous "hunting in the parks" statement of September 14, 1961, issued without departmental clearance, and leading to a crisis in public relations the like of which had not been seen up to that time. The Secretary was made to look foolish; I was caught in a vicious crossfire, and the whole thing was a fiasco.

Out of it, eventually, came the Leopold report, and solid backing for a good position, but to credit the Park Service with the Leopold report is like crediting a collision at sea for a dramatic rescue effort—the captain of the offending ship is hardly likely to get a medal for making the rescue effort possible.

Blandly, this job justification document I've referred to bestows the medal. It starts by crediting the official with assuming the proposition to be proved—that park hunting is detrimental. The key sentence in the document says that "After approval of the statement by the Director, it was given wide distribution to the conservation interests." That is exactly what happened. But among the conservation interests not favored in the distribution of the document was the Secretary of the Interior or the Assistant Secretary for Public Land Management, in the direct chain of command, or the Assistant Secretary for Fish and Wildlife who had been commissioned by the Secretary to carry out a secretarial review of the question.

Obviously Park Service people must be loyal to park ideals, but they have to function in the real world of a disciplined bureaucracy. Mysticism which expresses itself in conviction of the "rightness" of NPS philosophy, policy and purpose it seems to me can easily get out of hand. I tried, with the help of Bob Mangan, to state a decent standard in this difficult area, in a speech I gave to a Federal executives training seminar. Here it is:

"Obviously, you can't operate on the basis of a spoils system—if for no other reason than the chaos it would create. But more than that, we are in an age of technology and specialization. Government must have the hard core of continuous experience that makes up the career bureaucracy.

"Herein lies the problem. Who runs the establishment? Policy-making political appointee or career bureacrat? I suppose the answer in large part is that they both play significant roles and must recognize this in order to make it work.

"So where are the moral issues in this setup? It seems to me that the whole system is founded on an ethical assumption—loyalty. But loyalty to what—to a program, to an organization—or what? It seems to me that we must have as the basic ingredient loyalty to the principle of policy direction from the Chief Executive and his Cabinet officers. No one asks that a career professional vow unswerving fealty and devotion to each succeeding administration. To do so would convert him into a pinwheel!

"But we do require and expect a kind of enthusiastic neutrality—a commitment to the policy direction of the period to the extent of applying his skills and his experience with maximum effectiveness. Anything less than this is a disservice to the public. The antithesis, of course, is sabotage."

The last point I want to make is the most general of all, and that is that you ought to reread your correspondence before you sign it with one question in the forefront of your mind: Will it make sense to the recipient? If it doesn't do it over.

One man sent back one of your letters which said he couldn't take pictures in the monument because of fire hazard. There were good reasons, too, but that throwback to the days of magnesium flares made nonsense of the whole letter.

We almost wrote to a physician who complained of bad food, referring in our letter to "the illness which you regard as the fault of the meal you ate." The effect of such language is to convert the argument from a legitimate one over park facilities to an irrelevant one of whether the doctor is more or less qualified than an NPS bureaucrat to diagnose the cause of illness. On the latter ground we're bound to lose.

Not strictly letter writing, but high on my list of pointless or thoughtless conduct, was our giving a traffic ticket to the U.S. Post Office Department drivers who were wheeling their mail across Memorial Bridge. Did we think we were going to settle an argument with the Postmaster General in the U.S. Commissioner's office?

I could go on. I've probably already gone too far, and left the general impression that I am universally critical and negative about the Park Service.

Assuredly that is not so. I doubt that anyone could associate with the Park Service people and not develop great respect and fondness for them and their program. Some of you at least can furnish the documentation of my effective support and backstopping which has made your job easier, and helped toward solid accomplishment. We are all in this thing together. We have a big job to do which requires an awareness of each other's problems. I have chosen to use my part of the program to be critical in what I hope is in a constructive way.

Mr. KING. I now quote from page 3 of his remarks:

Let me start with a restatement of a favorite theme—that all Government administrators, including park executives, might well refresh themselves on the nature of the American system of government, and the relative and respective roles of the administrators and the legislators.

For example, national parks are legislative creatures. Because we play such an important role in the process of legislative submittals and reporting, we sometimes get a little imprecise in the way we announce our conclusion.

We talk about what we will accept on such matters, as acreages, continuance of commercial uses, protection of existing rights, condemnation, and other factors of parks, when we could as easily phrase our objections in terms of the attitude we will express in our report.

We understand our limitations, and we understand the role of Congress, but the public we are talking to sometimes could validly conclude that creation of national parks is an administrative or executive action, rather than legislative.

So get, and stay better informed on the nature of the legislative process, (both substantive and appropriations) as parks are affected so that your discussions with the public will accurately reflect where the ultimate responsibility lies.

On March 12, 1957 in New York, Hon. George D. Aiken of Vermont had this to say: and I won't ask for his speech to go in the record, because it was some 50 pages long—

A career government is likely to become paternalistic to the public.

It tends also to become a close corporation, admitting to membership only those of the same school of thought.

Public service should mean exactly what it says—service and not domination, if we would protect and perpetuate democracy. The people, through their elected representatives, should make policy. The career employees of government should carry it out.

We wholeheartedly agree with these statements and suggest that we are here today because of the conditions which are of such concern to Senator Aiken and Undersecretary Carver.

I would like the record to show that in March 1961, the Department of the Interior requested $20 million for the acquisition of land and water improvements thereon at Point Reyes. Congress authorized $14 million. Now, authorization for an additional $30,500,000 is being requested of this Congress. Thus, an estimate of $20 million in 1961 is $44,500,00 in 1965. At Point Reyes property of a political subdivision of the State may be acquired only with the concurrence of the owner.

Now, let us again return to Assateague. I am going to take the liberty of suggesting ways and means of obtaining a national recreation seashore in Maryland and Virginia much more extensive than anything proposed in the bills under consideration, much more in consonance with Outdoor Recreation Resources Review Commission report and the wishes of the Congress, much more attractive to the average American seeking outdoor recreation, serving a much greater number of citizens and doing all this at a much lower cost to the taxpayer than you will meet if either S. 20 or S. 1121 becomes law.

Perhaps Senator Brewster, after reconsideration might find this proposal acceptable, and take the lead by rewriting S. 20. I have a letter signed by him October 12, 1962, concerning Assateague which reads in part:

I believe the State's decision to purchase this portion of the island and preserve it for public use was a wise decision and certainly in the interest of all the citizens of Maryland. I further believe that the private development of that portion of the island generally referred to as Ocean Beach would likewise be in the best interests of all of the citizens of the State.

The private development of that portion would have an extremely beneficial effect on the economy of Worcester County and the entire eastern shore.

First, I suggest the creation of a national seashore recreation area which will be comprised of the following islands not engaged in defense or space activities: Assateague, except that part in Maryland south of the State park, Parramore, Hog, Cobb, Wreck, Ship Shoal, Wallops, Assawoman, Metomkin, Cedar, Myrtle, Smith, and Fisherman's.

Second, the completion of a road on Assateague connecting the Chincoteague Bridge with the Sandy Point Bridge, open at all times to the public, as a prerequisite to the declaration of the establishment of the national recreational seashore. Worcester County desires to build a road through Assateague Island, Md., south of the State park.

The Interior Report of 1963, which I hold in my hand here, recommendation No. 7 on page 6, reads: Transportation and access be provided by the existing bridge at the southern end of the island, and a new bridge at the location proposed by the State of Maryland connecting Sinepuxent Neck and the State park, connected by a limited capacity road on the island.

Now that was written in 1963 by the Department of the Interior. When we turn to page 22, the other day when they were asked about the road, they didn't want a road. Turn to page 22 of their report, and a paragraph No. (2), access:

> Under the public plan, access bridges, approach highways, and an island road of adequate capacity would have to be provided.
>
> The northern bridge, which would serve the area of most intensive use, would have to be of sufficient capacity to handle a minimum of 3 million visitors annually, concentrated on peak load days of the vacation period, * * *.

Within a short time, the Chincoteague-Assateague authority bridge would probably have to be replaced, with one of greater capacity to assure unimpeded crossing, the proposed road pattern is shown on the following map, and the map on the next page shows a road running from one bridge to the other, and that was submitted to the Congress in March 1963.

We continue on page 23, the paragraph No. 5, says:

> Special arrangements concerning Chincoteague National Wildlife Refuge. Recreation plans, consonant with the objectives of the refuge, to permit construction of a road through the refuge, connecting bridges at both ends of the island.
>
> Activities such as swimming and surf fishing at designated beach areas with restrictions on access to the bay side waterfowl feeding ground could be permitted without affecting adversely the purpose of the refuge.
>
> Whenever migratory waterfowl are present during the winter, public access to the refuge would be restricted.

Third, completion of the survey being made under the direction of the Chief of Engineers of the shores of the Atlantic Ocean in Maryland in the interests of beach erosion control, hurricane protection and related purposes before decisions are made in these matters.

Fourth, all plans concerning this seashore recreation area would be reviewed by private interests and local authority before presentation to the Congress for action.

Fifth, that the 7 miles north of the State park be left in its natural state for hikers, shell seekers, bird watchers, surf fishers and others. A good walk up these 7 miles each way in the sand will take up to 6 or 7 hours.

Sixth, that the entire beach on Assateague Island be available to the public at all times.

Again our judgment is that the acquisition cost of the Maryland portion of Assateague south of the State park would be well in excess of $50 million. Why unnecessarily deprive veterans, old foks, children, and others of their property, when well over half of the shoreline is in or scheduled for public ownership without the passage of these bills?

Continuing Ocean Beach in private hands, once a road is built connecting the bridges, will mean vast employment for the people of Chincoteague, Berlin, Ocean City, and outlying towns.

Hundreds of homes will be built, and many of them will be used for rental purposes, so over and over again, they will be used for week or 2-week periods during the summer.

All of the surrounding area will benefit economically, and best of all, those seeking outdoor recreation on Assateague will find shelter without the troublesome problems of concessions which have so plagued the National Park Service.

Ocean City is full to overflowing throughout the whole summer season. The American people want additional recreation vacation facilities. Private enterprise will provide one type, the State and the Federal Government another. This has been done at Hatteras. We would have a real national recreation seashore area at a fraction of the cost of that proposed. The islands listed and not used for defense or space, with the possible exception of Cedar Island, are in very limited ownership and are in their natural state according to the 1955 Park Service survey.

We ask that this Subcommittee on Parks and Recreation withhold action on S. 20 and S. 1121 until such time as a conference of all interested parties—private and public, local, State and Federal—has been held.

Perhaps a meeting of the minds in the interest of outdoor recreation and an adequate national recreational seashore in Maryland and Virginia can eventuate.

Certainly, it is time for Federal and State planners to sit down with local public authority and private interests and in so doing comply with the intent of the Outdoor Recreation Resources Review Commission report and the directive of Congress, instead of insisting upon this proposed legislation.

(The statement follows:)

STATEMENT OF PHILIP F. KING, PRESIDENT, OCEAN BEACH CLUB, INC.

My name is Philip F. King and my home is in Arlington, Va. I am president of the Ocean Beach Club, Inc. Our headquarters are at 1025 Connecticut Avenue NW., Washington, D.C.

The Ocean Beach Club is a nonprofit corporation, which at no expense to any level of government, has provided beach and park maintenance, including the cleanup of debris and trash left by the visiting public. It endeavors to protect the property and the interest of the individual building lot owners. Ocean Beach, Assateague Island, Md., is subdivided into some 5,850 building lots which are privately owned by an estimated 3,200 individuals.

I have a statement which I wish to read. I believe it reflects the views of over 80 percent of the building lot owners. In addition, statements will be made by Mayor William Lange of Stone Harbor, N.J., Mrs. John Shaternick, Messrs. Ernest Eaton, Thomas Stanley, and David Bowers. These statements reflect the position of the Ocean Beach Club as to S. 20 and S. 1121. Individual property owners will express their views and I hope that representatives of groups of property owners will testify.

The Ocean Beach Club is opposed to S. 20 and S. 1121 as now written, but we have no objection to the creation of a national recreational seashore in Maryland and Virginia. We believe this proposed legislation can be rewritten and have our support. We object strenuously to the unnecessary taking of our property to provide an inadequate recreational outlet. As citizens, taxpayers, and property owners, we wish to emphasize our objection to the planning of this proposed recreational seashore by Federal and State employees without consultation with the owners of the property involved or with elected local authority. We would like to scream from the housetops our objection to the present and past arbitrary action by officials of the State of Maryland which has, and does deny us the lawful use of our property.

Congress was asked in the 1930's and in the 1940's by the executive branch to acquire Assateague Island, and Congress declined. In 1955 the National Park Service of the Department of the Interior published a Seashore Recreation Area Survey of the Atlantic and Gulf coasts. On page 9 of this Park Service survey it is recommended:

"That highest priority be given to the acquisition of the following 16 areas: Great Beach, Cape Cod, Mass.; Cumberland Island, Ga.; Fire Island, N.Y.; Shinnecock Inlet, N.Y.; Padre Island, Tex.; Smith Island, N.C.; Bogue Banks, N.C.; St. Joseph Spit, Fla.; Mosquito Lagoon, Fla.; Parramore Island, Va.,

Kiawah Island, S.C.; Marco Beach, Fla.; Debidue Island, S.C.; Popham-St. John, Maine; Crescent Area, Maine; Brazos Island, Tex."

I draw to your attention that Assateague Island is not included in this National Park Service priority list of 1955.

On page 105 of the Park Service survey we find the following information concerning Assateague Island, Md.:

"The advanced stages of real-estate development appear to preclude the possibility of this area being set aside for public recreational use."

On page 109 in its analysis of Parramore Island, Va., the survey states:

"It is one of the best remaining undeveloped areas along this section of the Atlantic coast, with important scenic and wildlife values, and would make an excellent public seashore recreation area."

In addition the survey lists the following islands in Virginia: Wallops, Assawoman, Metomkin, Cobb, Wreck, Ship Shoal, Hog, Cedar, Myrtle, Smith, and Fisherman's.

It may be that Wallops and Cedar are the only islands of this group used extensively. The others would make an excellent national seashore recreation area. I say this, having in mind the last paragraph of page 9 of this survey which recommends:

"That biotic communities of great scientific interest found along the seashore be acquired and preserved regardless of the desirability of the adjoining beach, and that consideration be given to biotic communities at present in a modified condition but which might return to a more natural condition if permitted to remain undisturbed."

Now, let us return to Assateague Island. According to the 1955 Park Service survey the Virginia portion is a wildlife refuge and its shoreline is 12 miles long. The survey recommends:

"Compatible use of this area might be considered so that the excellent quality of its recreational resources could be utilized to the greatest advantage."

Since this survey was made, a bridge has been built from Chincoteague to Assateague and limited day use is permitted on a very small portion of the southern tip. This refuge was established in 1943 and lands were purchased with Duck Stamp funds.

Public Law 87-714 approved September 28, 1962, while making no changes in existing law, made it abundantly clear that the Congress has authorized recreation activities compatible with the purposes for which wildlife refuges, game ranges, national fish hatcheries and other conservation areas were established. Obviously, authority exists for the Department of Interior to use the entire beautiful shore of Assateague Island, Va., for outdoor recreation such as surf-fishing, swimming, sun bathing, surfing, nature walks, shell collection, picnicking and camping, at little or no cost to the Government.

The time has come for the Department of the Interior to more clearly incorporate the recommendations of the Congress and the Outdoor Recreation Resources Review Commission in its recreational planning. Certainly, the study prepared by the Department in April 1963 does not do so. This study has been refuted by Worcester's answer, prepared by Worcester County, Md. I ask that Worcester's answer be printed in the record.

The Department of the Interior on September 10, 1963, when submitting its draft bill for the consideration of Congress estimated land acquisition costs on Assateague to be $7 million. Within a year, on August 10, 1964, the Department revised its figures upward to $16,800,000. Such inaccuracy by an organization with the resources of the Department of the Interior is difficult to understand. It does not increase confidence in its proposal. In our judgment the acquisition cost will exceed $50 million.

Another factor that weakens confidence in the findings of the Department of the Interior and the recommendations of the Maryland Board of Public Works is that none of the State agencies that made recommendations to the Maryland Board of Public Works, nor those conducting the study for the Nathan report, which is part of the Department's report, nor those of the Department participating in the decisions on the disposition of Assateague, ever consulted with the local authority or with the property owners affected.

In our opinion, the Maryland Board of Public Works should have made a transcript of the hearings held in Baltimore and Snow Hill about Assateague which comprises over two-thirds of the Atlantic coast of Maryland. We request that the statement of our attorney, Mr. James Gleason, made at the Baltimore hearing before the board of public works, be incorporated in the printed record of this hearing.

We draw to your attention an interim report of the master plan committee on State parks, department of forests and parks in cooperation with the Maryland State Planning Department, of March 1963. On page 5 of the following appears:

"The committee recommended that detailed plans should be developed, using the recommended funds, on the basis of priorities as listed below:

"1. Cunningham Falls.
"2. Rocky Gap.
"3. Susquehanna.
"4. Seneca.
"5. Tuckahoe.
"6. Gunpowder.
"7. Elk Neck.
"8. Assateague.
"9. Patuxent.
"10. Point Lookout."

If Maryland wanted Assateague to the extent indicated by various Maryland State agencies, the Maryland congressional delegation and the Maryland Board of Public Works, it would not have ranked eighth in priority out of 10 in March 1963.

Study report 4 to the outdoor recreation resources review commission made by the George Washington University in 1962, in discussing shoreline recreation resources of Maryland, points out that the department of forests and parks holds the power to acquire and in the name of the State by purchase and condemnation proceedings.

Under Public Law 88–578 of September 3, 1964, ofttimes referred to as the Land and Water Conservation Fund Act, Maryland could ask for a grant to complete its outdoor recreation plan and after approval of its plan by the Department of the Interior receive matching Federal funds for the acquisition of recreation areas. It would seem that if the board of public works wanted Assateague Island, Md., developed entirely as a publicly owned recreation area it would have acquired it either through its power of purchase and condemnation or through the machinery created by the so-called Land and Water Conservation Fund Act.

If the State of Maryland is recommending a national recreational seashore in order to escape the cost of erosion protection on that portion of the island north of the present State park, that is no reason to burden the Federal Government with the cost of acquisition of the area known as Ocean Beach, south of the State park, where there are no erosion problems of any moment and where the visiting public would be served. If you wonder why there are not more houses on the 5,000 lots south of the State park, for years ferry costs and the hope of a bridge delayed building. The law authorizing the construction of the Sandy Point Bridge provides that we as property owners are to be taxed for one-third of its cost. When the contract for the bridge was signed in May 1963, we were arbitrarily denied building permits until January 31, 1964, when the circuit court judge ordered the county to issue building permits. Then the State of Maryland ordered the local health authority to issue no sewer and water permits. This was taken to court and the judge found:

"It is difficult to conceive of a more flagrant case in which the action of an administrative agency could be considered more arbitrary or capricious and more of an abuse of discretion, or a decision more devoid of supporting facts and substantial evidence."

This finding has been appealed by the State.

In response to my application for a water and sewer permit, I received a letter from the deputy State health officer, Fred S. Waesche, M.D., dated August 27, 1964, in which the last paragraph read:

"As the size of your lot, porosity of the soil, and the completeness of the application meet the requirements of regulations governing applications for the installation of private water supply and sewage disposal systems in the counties of Maryland, the plans for the installation of the private water supply and disposal system on your lot have been approved by this office."

Several other applicants received similar letters, but we received no permits because Dr. Waesche had been ordered by the State commissioner of health to forward such applications to the State department of health in Baltimore. This was last August and we still have heard nothing from the State department of health.

On December 11, 1964, I joined with five other property owners and petitioned the circuit court for a writ of mandamus to compel the issuance of our permits.

On January 15, 1965, the State department of health requested a 30-day delay.

On February 16, 1965, the State department of health asked for a further delay which to me as a layman seems to be of an indefinite nature.

News media have stated that these delaying tactics are to hold the price of land acquisition down. So, we have property we have owned for years and we are denied its lawful use. All lots are one-half acre in size. We own them, but we cannot use them. We have paid taxes on them faithfully, and we have preserved them from the elements. As private citizens, we have sought to develop a seashore recreation area but have been frustrated at every turn.

Our private efforts have been compatible with the report of the Outdoor Recreation Resources Review Commission submitted to the President and to the Congress in January 1962. The present chairman of the Committee on Interior and Insular Affairs, the Honorable Henry M. Jackson of Washington and the present chairman of the House Subcommittee of Parks and Recreation, the Honorable Ralph J. Rivers of Alaska, as well as other distinguished members of the House and Senate, past and present, signed this report.

We were enthused by Senate Report No. 11 of the 88th Congress, 1st session, submitted by the Honorable Clinton R. Anderson, a member of the Outdoor Recreation Resources Review Commission and a former chairman of the Senate Committee on Interior and Insular Affairs. I would like to ask that Senate Report No. 11 be included in the printed report of this hearing. This report dealt with legislation which proposed the establishment of the Bureau of Outdoor Recreation. I will now quote the last paragraph of page 2 of this Senate report:

"The Outdoor Recreation Resources Review Commission recommendations and the bill itself contemplate that a very large part of the Nation's outdoor recreation needs will be met by private interests."

This is a statement made by your committee and approved by the Senate.

The report of the Outdoor Recreation Resources Review Commission of January 1962 should be our guide in the establishment and use of recreation areas. We want national recreation areas, State and regional recreation areas, local recreation areas, and private recreation areas. We want national seashore recreation areas operated cooperatively by the Federal, State, local authority, and private interest.

On page 5 the Outdoor Recreation Resources Review Commission report states: "* * * that the key elements in the total effort to make outdoor recreation opportunities available are private enterprise, the States, and the local government. In relation to them, the Federal agencies should be not one of domination but of cooperation and assistance in meeting their respective needs."

On pages 6 and 7 of this report we find:

"Individual initiative and private enterprise should continue to be the most important force in outdoor recreation, providing many and varied opportunities for a vast number of people, as well as the goods and services used by people in their recreation activities."

Private development of our property in cooperation with local, State, and Federal development is in consonance with these findings.

On page 9 of the report:

"The States should encourage the public use of private lands by taking the lead in working out such arrangements as leases for hunting and fishing, scenic easements, and providing protection for landowners who allow the public to use their lands."

On page 157 of the report:

"The most important single force in outdoor recreation is private endeavor, individual initiative, voluntary groups of many kinds, and commercial enterprise.

"Outdoor recreation, unlike such a service as police protection, cannot be the responsibility of government alone. General access to the out of doors and simple facilities should be made available to everyone, but the more specialized activities are among the good things of life that must be paid for by the individual who wishes them. Government can help make opportunities available and can carry out projects in the public interest that cannot be done privately, but it does not, cannot, and should not provide for all the outdoor recreation needs of every citizen."

On page 158 of the report:

"Recommendation 11–1: Government agencies should stimulate diversified commercial recreation investments on private lands and waters.

"Recommendation 11–2: Government agencies should promote greater public recreation use of private lands and waters.

"Public rights to use private lands and water—as opposed to outright ownership—can be acquired through voluntary agreements reached with landowners, as well as through public leasing arrangements, tax concessions, and easements."

Private development of our property in cooperation with local, State, and Federal development is in accord with these findings.

The Outdoor Recreation Resources Review Commission report is replete with similar statements of policy. Far too many to be quoted here, but there can be no doubt but that the Commission and the Congress have determined that private lands and interests must carry the major burden if we are to have outdoor recreation for future generations.

We like the approach taken in S. 251 which provides for the establishment of the Cape Lookout National Seashore in the State of North Carolina and which gives the Federal Government authority to acquire non-Federal land only by donation, purchase, or exchange. The Federal power of eminent domain may not be used in the acquisition of land at the proposed Cape Lookout National Recreational Seashore, North Carolina. Neither should it be used on Assateague, Md., south of the State park.

On October 14, 1963, Assistant Secretary of the Interior John A. Carver, Jr., at Yosemite National Park, addressed national park superintendents. I note with approbation that he is now Under Secretary of the Department. To avoid the possibility of my having taken excerpts out of context, I ask that his remarks be placed in the record in their entirety. I now quote from page 3 of his remarks:

"Let me start with a restatement of a favorite theme—that all government administrators, including park executives, might well refresh themselves on the nature of the American system of government, and the relative and respective roles of the administrators and the legislators.

"For example, national parks are legislative creatures. Because we play such an important role in the process of legislative submittals and reporting, we sometimes get a little imprecise in the way we announce our conclusions. We talk about what we will accept on such matters, as acreages, continuance of commercial uses, protection of existing rights, condemnation, and other factors of parks, when we could as easily phrase our objections in terms of the attitude we will express in our report. We understand our limitations, and we understand the role of Congress, but the public we are talking to sometimes could validly conclude that creation of national parks is an administrative or executive action, rather than legislative.

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We wholeheartedly agree with these statements and suggest that we are here today because of the conditions which are of such concern to Senator Aiken and Under Secretary Carver.

I would like the record to show that in March 1961 the Department of the Interior requested $20 million for the acquisition of land and water improvements thereon at Point Reyes. Congress authorized $14 million. Now, authorization for an additional $30,500,000 is being requested of this Congress. Thus, an estimate of $20 million in 1961 is $44,500,000 in 1965. At Point Reyes property of a political subdivision of the State may be acquired only with the concurrence of the owner.

Now, let us again return to Assateague. I am going to take the liberty of suggesting ways and means of obtaining a national recreation seashore in Maryland and Virginia much more extensive than anything proposed in the bills under consideration, much more in consonance with the Outdoor Recreation Resources Review Commission report and the wishes of the Congress, much more attractive to the average American seeking outdoor recreation, serving a much greater number of citizens, and doing all this at a much lower cost to the taxpayer than you will meet if either S. 20 or S. 1121 become law. Perhaps Senator Brewster, after reconsideration might find this proposal acceptable, and take the lead by rewriting S. 20. I have a letter signed by him October 12, 1962, concerning Assateague which reads in part:

"I believe the State's decision to purchase this portion of the island and preserve it for public use was a wise decision and certainly in the interest of all the citizens of Maryland. I further believe that the private development of that portion of the island generally referred to as Ocean Beach would likewise be in the best interests of all the citizens of the State.

"The private development of that portion would have an extremely beneficial effect on the economy of Worcester County and the entire Eastern Shore."

First, I suggest the creation of a national seashore recreation area which will be comprised of the following islands not engaged in defense or space activities: Assateague, except that part in Maryland south of the State park, Parramore, Hog, Cobb, Wreck, Ship Shoal, Wallops, Assawoman, Metomkin, Cedar, Myrtle, Smith and Fisherman's.

Second, the completion of a road on Assateague connecting the Chincoteague Bridge with the Sandy Point Bridge, open at all times to the public, as a prerequisite to the declaration of the establishment of a national recreational seashore. Worcester County desires to build a road through Assateague Island, Md., south of the State park.

Third, completion of the survey being made under the direction of the Chief of Engineers of the shores of the Atlantic Ocean in Maryland in the interest of beach erosion control, hurricane protection and related purposes before decisions are made in these matters.

Fourth, all plans concerning this seashore recreation area would be reviewed by private interests and local authority before presentation to the Congress for action.

Fifth, that the 7 miles north of the State park be left in its natural state for hikers, shell seekers, bird watchers, surf fishers and others. A good walk up these 7 miles each way in the sand will take up to 6 or 7 hours.

Sixth, that the entire beach on Assateague Island be available to the public at all times.

Again our judgment is that the acquisition cost of the Maryland portion of Assateague south of the State park would be well in excess of $50 million. Why unnecessarily deprive veterans, old folks, children and others of their property, when well over one-half of the shoreline is in or scheduled for public ownership without the passage of these bills?

Continuing Ocean Beach in private hands, once a road is built connecting the bridges, will mean vast employment for the people of Chincoteague, Berlin, Ocean City and outlying towns. Hundreds of homes will be built. All of the surrounding area will benefit economically, and best of all, those seeking outdoor recreation on Assateague will find shelter without the troublesome problems of concessions which have so plagued the National Park Service. Ocean City is full to overflowing throughout the whole summer season. The American people want additional recreation vacation facilities. Private enterprise will provide one type, the State and the Federal Government another. This has been done at Hatteras. We would have a real national recreation seashore area at a fraction of the cost of that proposed. The islands listed and not used for defense or space, with the possible exception of Cedar Island, are in very limited ownership and are in their natural state according to the 1955 Park Service Survey.

We ask that this Subcommittee on Parks and Recreation withhold action on S. 20 and S. 1121 until such time as a conference of all interested parties private and public, local, State and Federal has been held. Perhaps a meeting of the minds in the interest of outdoor recreation and an adequate national recreational seashore in Maryland and Virginia can eventuate. Certainly, it is time for the Federal and State planners to sit down with local public authority and private interests and in so doing comply with the intent of the Outdoor Recreational Resources Review Commission report and the directive of Congress.

Mr. KING. That completes my presentation. I have with me here Mr. Ernest Eaton, who has been retained by us to represent us in the Halls of Congress, and I would appreciate it if you would hear him next, and I thank you very much for listening to me so patiently.

Senator BIBLE. Thank you, Mr. King, and then, I think what we will do, Senator Fanning, if this meets with your approval, is hear each of these people from the Ocean Beach Club, and then question them.

Yes, Mr. Eaton, your statement will be incorporated in full in the record, and I would hope that you would highlight it.

Mr. EATON. Thank you, Mr. Chairman, that is exactly what I would like to do.

(The statement referred to follows:)

STATEMENT OF ERNEST J. EATON

My name is Ernest J. Eaton, I reside in Montgomery County, Md., and am registered with the Secretary of the Senate to represent the Ocean Beach Club, Inc., a nonprofit association of over 3,000 families who own land on Assateague Island.

Having heard much recently of the Biblical quotation, "Come now, let us reason together * * * ", I should like to make this reference from Isaiah the guiding principle in this appearance before you. After all, one of the first things I was taught about the legislative process is that it is the true essence of compromise.

Too, being neither a property owner on Assateague Island nor a part of the Federal establishment, I feel that I can bring a more objective point of view into this controversy.

Why does the Maryland portion of Assateague Island have to be completely in public ownership? Why could not the solutions worked out on Padre Island in Texas and Cape Cod in Massachusetts be our guide to a successful solution to this problem? Why would not a partnership between private owners, Worcester County, the State of Maryland and the U.S. Government make possible the most ideal development of this particular natural resource? First, let us keep uppermost in mind that the property owners on Assateague Island have never claimed exclusive rights to the beaches bordering their property. Now with this thought in mind, let us compare Assateague with some other recreation areas.

The Department of Interior predicts that by 1975 1.8 to 3 million people per year will visit the proposed Assateague Island National Seashore. Right now Ocean City accommodates 2.5 million visitors per year on approximately 4 miles of beach, and at Jones Beach in New York 12 million people per year visit 6 miles of beach. This means that each mile of beach at Ocean City accommodates 627,000 visitors per year while each mile at Jones Beach accommodates 2 million visitors.

With the 10 miles of ocean beach presently owned by the Federal Government and designated the "Chincoteague National Wildlife Refuge" and the 8 miles of beach on the north end of the island available to the Federal Government, there is a total of 18 miles of seashore currently available, without disturbing the 15 miles of seashore now owned by the 3,100 property owners of Ocean Beach Club, Inc. This would mean that in 1975 there would be anticipated 166,000 visitors per mile per year.

Now it is important to again note here that the Ocean Beach Club has never denied public use of their beach. The nine commercial areas zoned into their community will naturally attract outside visitors. Adding this 15 miles of shoreline to the 18 miles the Federal Government already has reduced our annual visitation figure to merely 90,000 people per mile. Compare this with Ocean City, which today has 627,000 visitors per mile, and Jones Beach, which has 2 million, and this joint development of Assateague Island becomes a highly reasonable and satisfactory solution for all.

Just recently the press has referred to the private sector of a joint Assateague Island development a "neon-lit tax bonanza." By this I assume Mr. Graves to mean a Coney Island type of commercial development. Rest assured that there

is nothing these more than 3,000 property owners have less in mind for their summer home. Worcester County officials have agreed with these attitudes and have zoned the privately developed area carefully for business areas. Regulations requiring setback and outlawing signs and billboards are written into the deeds. Along the 15 miles of beach front there are nine areas of approximately three blocks each zoned for neighborhood shopping centers. These commercial areas are platted in such a way that the center of each (aggregating 67½ acres) is left clear for parks or parking.

Assateague Island landowners have been further harassed by suggestions in the press that the island isn't suitable for such a large demand on water and sanitary facilities. This is not at all in accord with facts, as the Worcester County engineer will verify.

Turning to another problem area on the island, there is the matter of the big barbed wire fence which marks the line between the privately owned sector and the 10 miles of shoreline owned by the Federal Government—as well as the State line between Maryland and Virginia. Here the conflict seems to be between ducks and geese that want to use the bay side of this shoreline as a wintering area, and people who would like to use it in the summer. According to Rachel Carson, in her publication, "Chincoteague a National Wildlife Refuge":

"The changing seasons at Chincoteague are reflected in the changing populations of the birds. The summer months are quiet. Except for a few black ducks and a handful of blue-winged teal, the thousands of waterfowl that wintered on the refuge have gone north."

Why doesn't this make it reasonable for 3 million people to use the Atlantic shoreline in the summer, and the ducks and geese to use the bay area in the winter? Can't we reason together? I am sure that Assateague property owners and all those who would like daytime use of the beach in the summer could easily reach an agreement with ducks and geese, but they have not been able to reason together with the Department of Interior.

In all justice, however, in a very recent press release the newly appointed Director of the Bureau of Sport Fisheries and Wildlife, Mr. Gottschalk, was quoted as saying: "We intend to see that recreational facilities are developed and maintained and lands and waters are used for public recreation so far as is consistent with Bureau objectives, funds, and other resources." This statement is not in harmony with that barbed wire fence which keeps summer visitors off a near-empty refuge. Neither does the fence bear out a statement made by Rachel Carson in her pamphlet for the Interior Department back in 1947 when she wrote: "Use of the Chincoteague refuge for recreational purposes may be arranged through the refuge manager."

Property owners on Assateague Island want to lay to rest once and for all time the myth that their 15 miles of shoreline, along with the other 18 on Assateague, is "the only remaining area between Cape Cod and Cape Hatteras for seashore development."

While there may have been some basis for this conviction as little as 1 year ago, it has all changed drastically with the completion of the Chesapeake Bay Bridge-Tunnel last May. This makes the entire Outer Banks of Virginia and North Carolina almost as accessible to the large population centers as is Assateague Island. In addition, the excellent Norfork airport makes this area even more available by air.

It is our understanding that the Interior Department is finally investigating the possibility of creating a national seashore in this area. At our previous hearing last August, Senator Allott raised just this question. The answer he got left the impression that much of this area is unsuitable for beach development.

At considerable expense Ocean Beach Club, Inc., procured aerial photographs of this entire area from the U.S. Coast and Geodetic Survey. They also employed an expert aerial photograph interpreter to study these photographs and superimpose contour lines on them. In his estimation this entire stretch of land would be an ideal bathing beach. As you can see, nowhere along this shoreline does the land rise more than 20 feet from the mean high water line. We have several typical exposures enlarged for your inspection.

As we understand it the Department of Interior is considering a 25-mile stretch of this Back Bay—Currituck Sound section of the Outer Banks—as a national seashore. It is interesting to note that on this entire 25 miles of seashore only 35 property owners are involved, as compared with Assateague Island with the controversial 15 miles involving over 3,000 potential condemnation suits.

Recently, in the Merrywood estate instance, we have seen the Department control the private development of lands in the public interest by purchasing a scenic easement. I am certain that the property owners on Assateague would at least like to explore this avenue.

I would like to draw to the committee's attention S. 251. This bill introduced by Senators Jordan and Ervin would create Cape Lookout National Seashore in the State of North Carolina. This bill does not authorize any right of eminent domain. I am confident that everyone would be happy if the Assateague Island property owners were similarly treated.

Having watched Padres Island in Texas and Cape Cod in Massachusetts become national seashores in the recent past, with the attendant consideration for the private landowners in these areas, the landowners on Assateague Island are wondering if only Texas and Massachusetts landowners can reason with the Congress of the United States.

Some of the property owners on Assateague Island have waited and paid taxes for 12 years. Now just as the bridge is completed and they can begin to see the dawn breaking over the Atlantic Ocean, their Federal Government threatens to shatter all their dreams.

As our president so recently pointed out, "Above the pyramid of the Great Seal of the United States it says in Latin, 'God has favored our undertaking.' " The property owners on Assateague Island began their typically American undertaking over 12 years ago. So long as they are mindful of the rights of their fellow Americans, why may they not proceed with their undertaking unmolested by their Federal Government.

"Come now, let us reason together * * *."—Isaiah 1 : 18.

Mr. EATON. My name is Ernest J. Eaton, I reside in Montgomery County, Md., and I am registered with the Secretary of the Senate and the Clerk of the House to represent the Ocean Beach Club.

Now, just very briefly, I have wanted the Ocean Beach Club to come before you presenting a positive proposal rather than just being completely negative about everything, and I think you have heard, from Colonel King, some rather good ideas. I would like to follow up from that, pointing out a few things that I think have not been brought out in these hearings as yet.

Let me emphasize again that the nine commercial areas that are zoned into their communities will naturally attract outside visitors and stressing again that if the Fish and Wildlife Service would open up their area of the island to the public, just the beach side, that the entire beach area of Assateague is open to the public already, without taking these people's property.

It should be stressed, I think, too, and it hasn't been yet, that in the wildlife area, the ducks and geese want the bay side of that area, and in wintertime; the people want the seashore side, and in the summertime.

I can't see why there is so much conflict over this. Another thing I would like to lay to rest once and for all, we heard from Senator Brewster, Governor Tawes, Mayor McKeldin, Secretary Udall, and many others, that this is the last area between Cape Cod and Cape Hatteras available for national seashore. This is, I submit, is not at all true.

We have been ignoring a very significant fact, and that is the opening of the Chesapeake Bay Bridge-Tunnel as of last September. This makes this whole area in Virginia as accessible as Assateague Island to the big centers of population, and we think we should consider this.

If you will excuse me, at great expense, the Ocean Beach Club did get from the Coast and Geodetic Survey these aerial photographs of this entire area.

Now, this right here, [indicating] here is Ocean City, so this is the Island of Assateague, going south to your right. Now, I am not a professional aerial photograph interpreter, but we did have one look this over, and we also got the additional aerial photographs of this area from Virginia City south to Cape Hatteras, and that is what they have demonstrated here.

Now, even as a layman, I think I can tell that it looks like beautiful beach country. The reason I mention this is that in our August hearing, Senator Allott asked why this area had not been considered, and Secretary Udall said it was not proper area for beach site. We submit that it looks like a beautiful bathing beach, and there is a 50-mile stretch there, owned by 35 owners, rather than at Assateague, a 15-miles stretch owned by 3,200 owners.

We would just like to have the committee broaden its vision a little bit, and consider this area of Virginia, too, in addition to the island that Colonel King mentioned.

I brought this picture along to show the committee. Trying to spike this rumor that this is going to be a honky-tonk development or Coney-Island-type thing. This is a typical residential one-family house on Assateague Island now. The people were actually in residence in the Ash Wednesday storm of last year, and they lived through it, and didn't have a bit of damage.

Senator BIBLE. Well, you don't have many homes there like that, though, do you?

Mr. EATON. No; there are not many homes there at all. I should point out also, that in the summertime, they have little fender guards they put around here, to make it even more attractive.

I share your concern, sir, with burdening the record, but I have a clipping here from the Norfolk Virginian-Pilot, of September 5, 1964, in which it says:

> A report from Washington about a week ago said a plan to develop 25 miles of the Currituck Bay, Outer Bank, as a national wildlife and recreation area have been enthusiastically endorsed by Secretary Udall.

So apparently there has been some thinking on this area down in Virginia and North Carolina.

Senator BIBLE. I have no objection to having that editorial incorporated in the record.

Mr. EATON. All right, sir, thank you.

(The material referred to follows:)

[From the Norfolk Virginian-Pilot, Sept. 5, 1964]

CURRITUCK COOL ON ALL PLANS FOR U.S. PARK

(By Jack Aulis)

POWELLS POINT, N.C.—Whether the U.S. Department of Interior wants all or only part of Currituck's isolated beach makes little difference here. Currituck County wants no part of the National Park Service, County Commissioners Chairman H. D. (Buster) Newbern, Jr., said Friday, "I don't believe the people here would favor anything the Park Service would want to do," Newbern said.

Currituck County Representative Milburn E. Sawyer agreed. "The people are just like they were before: they're 100 per cent against it. They aren't interested in any Federal deal; they don't want any of it taken over for Federal use."

A report from Washington a week ago said a plan to develop 25 miles of the Back Bay-Currituck Sound section of the Outer Banks as a national wildlife and

recreation area had been "enthusiastically endorsed" by Interior Secretary Stuart L. Udall.

The plan has not been officially proposed, however, the report said, and may never be unless local support develops.

There seems little hope for support from the North Carolina end.

The proposed area would extend from just below Sandbridge, Va., to the Corolla Lighthouse in the center of Currituck's Outer Banks.

"That's the part of the beach we value most highly," Newbern said. "Almost all of it is good, wide beach." It is the widest section of the Currituck Banks.

"I don't want to see them (the Federal Government) on the beach, period. And I don't think anybody else here does," the county chairman said.

"In their first proposal, they were going to skin us completely out. That put a bad taste in peoples' mouths," he said.

Udall and Gov. Terry Sanford unveiled a plan in July 1962 which would have turned the Currituck beach into a National Seashore Park area.

It would have given the NPS a 1,500-foot-wide buffer strip along the entire beach and would have left 8¼ miles (behind the buffer) for private development. The Currituck beach is 23 miles long. About 12 miles of it is north of Corolla.

The county commissioners immediately rejected the proposal. They wanted the beach developed privately, they said, and named the Currituck County Resources Council to prepare a counter plan.

That council is still set up, Newbern said, but "they are waiting to see what the turnpike people do."

The 1963 General Assembly established the N.C. Turnpike Authority to build a toll road up the beach from Duck, in Dare County, to Virginia Beach.

The authority had hoped to have the joint Virginia-North Carolina project under construction by the end of this year but has been delayed by legal tangles involved in bistate financing.

Authority Member Vernon James of Weeksville said Friday that finances may have been worked out. But now a phrase in the legislative act which specified that a multilane road be built must be clarified so that a two-lane road can be built.

Clarification may require a court ruling or, possibly, a legislative act, James said.

Before the turnpike authority was created, Federal and State officials hinted to Currituck's board that establishment of a park area might bring with it a highway up the beach from Duck, a project long sought here.

Asked Friday if the county commissioners might negotiate the new proposal if a highway were thrown in, Newbern said, "I don't believe the boys would even do that.

"That beach is about all Currituck County's got. We are hoping for some (private) development which will add valuation on the tax books. We don't get anything at all out of it now," he explained.

"If they (the NPS) buy up property from the individual owners, there's nothing we can do about it, but we would oppose the plan," he said.

A survey of the 35 owners in early 1963 by the resources council found that only one of the 24 who answered favored Federal or State ownership of his property.

The council's private development plan called for a barrier dune 500 feet from the ocean, a highway on the soundside and a causeway on Knotts Island, strict building and zoning codes and designated hunting preserves.

County Commissioner Joseph Forbes of Shawboro, council chairman, said. "That sand is better than gold."

The latest Federal plan would leave virtually the whole beach open for swimming, fishing, and picnicking as it is now, would set aside a bird preserve, provide four fishing piers and allow organized waterfowl shooting, like that now available at Pea Island in the Hatteras National Seashore area.

A National Park and Wildlife Service proposal in April 1963 that the Mackay Island Wildlife Refuge area be expanded from 4,500 to about 5,000 acres also drew strong protests from the county commissioners.

The island is just west of Knotts Island in the mouth of North Landing River, at the northern end of Currituck Sound. The sound separates the banks from the mainland.

Except for the small settlement at Corolla and the Atlantic Research Corp.'s small rocket fuel test center there, the Currituck Banks are virtually untouched. There is a wide, flat beach which has been called the beststrip of virgin beach left on the coast.

Mr. EATON. Back to our wildlife area again, which we certainly think should be opened up on the shore side, for public use, as a bathing beach, it was just very recently that the new director of the Fish and Wildlife Service issued a press release, for release February 3, 1965, in which he says that they are going to open up more and more of the wildlife areas for recreational use.

I think this might be a helpful part of the record, sir.

Senator BIBLE. Very fine. It may be included.

Mr. EATON. Thank you.

(The material referred to follows:)

[News release from Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Feb. 3, 1965]

RECREATIONAL USE TO INCREASE FEDERAL FISH AND WILDLIFE AREAS

A determination to foster greater public recreational use of national wildlife refuges, national fish hatcheries, and fish and wildlife research stations was voiced today by John Gottschalk, newly appointed Director of the Department of the Interior's Bureau of Sport Fisheries and Wildlife.

"We intend to see that recreational facilities are developed and maintained and lands and waters are used for public recreation as far as consistent with Bureau objectives, funds, and other resources," Director Gottschalk said.

The Bureau's recreational objectives are aimed primarily at fostering those pursuits associated directly with fish and wildlife and their habitats, he added. These included sightseeing, nature observation, photography, interpretive centers, exhibits, sport fishing, and hunting. Although facilities for public recreation on Bureau areas are limited, improvements, such as nature trails and visitor centers, are being installed in several areas.

Director Gottschalk said recreational uses that are indirectly associated with fish and wildlife are also included in the Bureau's plans. Some of these uses, although not directed toward an appreciation of fish and wildlife, are enhanced by association with fish and wildlife habitat. This type of outdoor recreation includes picnicking, swimming, boating, and camping. Many of the refuges and hatcheries now have picnic tables and similar facilities. Other developments are in the planning stage.

Because of frequent conflict with wildlife needs, plus the lack of proper facilities, camping is now restricted on most Bureau lands. A few of the game and wildlife ranges or other large areas allow overnight camping to permit harvest or other enjoyment of fish and wildlife.

Sport fishing is also encouraged when it does not conflict with fish and wildlife management. Fishermen on Bureau areas must comply with State regulations and those of the Federal Government.

Although national wildlife refuges are established primarily to conserve wildlife, sound management does call for public hunting on a number of these areas, Director Gottschalk explained. Under complete protection, some kinds of small game populations can increase until they compete with migratory waterfowl or other wildlife. Hunting is one method of controlling overpopulations. Hunting on Bureau areas is subject to Federal and State regulations, and may be further restricted by special regulations to prevent conflicts with the purpose for which the refuge was established.

All recreational use of Bureau lands must be compatible with the primary purpose of each area, the Director said.

Noting a recent decision by the Interior Department's Deputy Solicitor regarding the authority of the Secretary of the Interior to manage fish and game on Federal refuges, Director Gottschalk said it was his intention to cooperate with State fish and game departments in establishing mutually acceptable hunting and fishing regulations.

"In general," Director Gottschalk said, "an effort will be made to conform Bureau regulations for nonmigratory game animals and fish to State regulations applicable to the general area in which the refuge is located."

Mr. Gottschalk said it will be the responsibility of refuge managers and regional directors of the Bureau to work out appropriate recreational plans for these areas. He noted that more than 28 million acres of fish and wildlife lands are managed by the Bureau of Sport Fisheries and Wildlife and said these lands "can and must make a significant contribution to the Nation's outdoor recreation potential."

Mr. EATON. Now without going into all the statistics, and if we can just get this committee to raise its sights, when it is looking for a national seashore on the eastern coast, I will conclude my testimony, sir.

Senator BIBLE. Thank you very much, Mr. Eaton.

Our next witness for the Ocean Beach Club is Mrs. John Shaternick, and I see your speech is rather lengthy, Mrs. Shaternick. I will incorporate it in full in the record. I would hope that you would just tell us two or three of the main points which you are making. This will be incorporated in full in the record.

I want to avoid as much repetition as I can, in the interest of time. We go over the same points time and time again, and I realize you all feel very keenly on this problem, but I wish you would just point out the things in your statement that haven't been said elsewhere, if you wouldn't mind.

STATEMENT OF MRS. JUANITA SHATERNICK

Mrs. SHATERNICK. Yes, sir, Senator Bible, I certainly will try to do that. I have a few things to show and tell which aren't in my speech, and I will try to show you the new points or points that haven't been mentioned.

Senator BIBLE. Very well.

(The statement referred to follows:)

PREPARED STATEMENT OF MRS. JUANITA SHATERNICK

Mr. Chairman, thank you for giving me the opportunity to appear before this distinguished committee. I am a homemaker, a psychiatric nurse, a resident in nearby Temple Hills, Md., a typical owner of two ½-acre lots—one residential and one commercial, in Ocean Beach, Md., on Assateague Island. We purchased our lots in 1953 from Leon Ackerman. Like many people living in Washington, D.C., at that time, we were lured down to Assateague Island by the full-page ads appearing in the Washington newspapers. We would assume the President, the Secretary of the Interior, and the Congressmen were reading the papers as carefully then as they are now. We would further assume that they had even better opportunities via helicopters, and so forth, to look the island over than we had. The fact remains that we went down and looked over the island back then in 1953 and saw that it was good—beautiful beyond belief with a white fine sandy beach that you would have to go to Daytona Beach, Fla., to equal. Having loved the ocean since my childhood days in Florida, my husband and I decided to buy a lot on Assateague for a beach cottage and a commercial lot for an ice cream parlor. We increased the mortgage on our home in order to finance the purchase of these lots. We took our friends down on various occasions to Assateague and three of them bought lots because they too loved the island. We were all confident that someday we would get a bridge to the island. We knew it would take work on our part to get a bridge. We wrote Governor McKeldin of Maryland in 1954 encouraging him to build a bridge to Assateague Island when there was talk about such a bridge. A copy of his reply is attached. In 1955, we put $400 into bonds for a private bridge from South Point on the mainland, crossing Sinepuxent Bay, to the northern part of Ocean Beach. Money was difficult to raise. Gradually the county, the State, and the Ocean Beach property owners worked out an agreement to build a State bridge with the county paying one-third of the cost. This was to be gained back by the county by assessing each individual lot owner. This seemed a fair arrangement.

After the storm of 1962, much pressure was put on Governor Tawes to forget about a bridge to Assateague Island. Being apprehensive that we might not get a bridge, I wrote Governor Tawes on March 26 to encourage him to go forward with the bridge. I received a reply on April 4, 1962, from Governor Tawes reassuring me that the bridge would be built. Also Governor Tawes informed me, in the letter, that Mr. Joseph Kaylor, director of the State Department of Forests and Parks, had arranged a meeting with the Ocean Beach Club to answer questions about the State park. We had the backing of our Governor and our Congress in 1962. Representative Brewster, in a letter of October 12, 1962, to our secretary, Anne Runnels, stated as follows: "Let me state categorically that I believe that the orderly and proper development of the island's full potential requires that the interests of both the public and private property owners be fully protected. I certainly respect the property rights of the individual owners who have patiently waited for many years to develop their property".

My statement that "* * * this still unspoiled beach and wildlife refuge should be set aside for public use and for the benefit of future generations," was made with reference to that portion of the island which the State of Maryland desired to purchase for a State park.

I believe the State's decision to purchase this portion of the island and preserve it for public use was a wise decision and certainly in the interest of all the citizens of Maryland. I further believe that the private development of that portion of the island generally referred to as Ocean Beach would likewise be in the best interests of all the citizens of the State.

The private development of that portion would have an extremely beneficial effect on the economy of Worcester County and the entire Eastern Shore. This dual development of both the private and public portions of the island cannot possibly be accomplished unless the island is linked to the mainland by an adequate bridge, and it therefore follows that I would favor the construction of the bridge. I think this shows you the backing the Ocean Beach property owners had in 1962. Then Secretary Udall comes upon the scene as a "Johnny come lately" saying the Government has had its eye on Assateague Island since 1933, and saying he now wants it for a national seashore park. He cries, "Hold everything!" Halt everything as he frantically begins trying to halt the building of the Assateague bridge. Not that a bridge isn't needed now, and not that the people shouldn't have a bridge to Assateague—but only halt all construction, bridges or cottages, so the Government won't have to pay the property owners very much for their island property. The Government must get a real steal so that later the history books can record the wonderful bargain that Secretary Udall made. We all owe Governor Tawes a vote of thanks in his having the courage to stand up to Secretary Udall and see the bridge through to completion. Gradually, however as Secretary Udall made his plea for a national park, our Congressmen in Maryland swung around to his viewpoint, provided Secretary Udall would allow them to insert a clause to have 600 acres set aside for commercial interests to develop motels, restaurants, marinas, and so forth. First, Morton, then Brewster and Beall began testifying before this very committee last fall that they favored the Government taking over the island provided they could have these 600 acres set aside for commercialization. Of course, Delegate Blair Lee (Democrat, of Montgomery County), during Maryland's senatorial campaign accused Rep. Daniel B. Brewster (Democrat, of Maryland) and his law firm of making $65,000 in legal fees for selling land to the State of Maryland for a park toward the establishment of which Mr. Brewster worked diligently as a member of the House of Delegates. Now, there is nothing illegal about Mr. Brewster's activities in selling this land for his client for a State park while he is a representative of Maryland—perhaps it's all in the game. However, it does diminish our faith in having our interests protected.

It seems that everybody is so busy with their own personal lives and problems that few are willing to look beneath the surface at the vital issues facing us today. They hear Secretary Udall say he wants Assateague Island for a national seashore park and most people think—"Oh goodie, something for nothing, how nice!" They forget, nobody gets something for nothing. Somebody always pays for it. In the long run, it will be the little person. He will pay in taxes to buy the land which will come very high at this time, and he will pay when he visits the island as the accommodations will have no free competition to keep the prices within the average person's pocketbook. Thus it would seem the best ocean-front land is being taken for the purpose of building compounds for the wealthy. Now there are plenty of entrepreneurs such as Bobby Baker,

who has built the luxurious Carousel Motel nearby and opened it with a flourish of distinguished citizens, who would know how to develop this 600 acres. It will be too late after the 600 acres are apportioned out for commercialization to tie in the names of the various individuals and their political connections. Even if it is proved during an election campaign, it will only be winked at. The reason I am here talking to you today is that I believe there is still time to reach your heart and mind with the truth.

I have been down to the Hatteras National Seashore Park. I saw private villages such as Nags Head interspersed with Government land. There was a blending of one into the other. There were no fences. There were even free ferries between the islands. Why can't we have a similar arrangement with the State owning the northern 9 miles of the island, the Ocean Beach property owners forming a little village in the middle 15 miles with 9 planned shopping centers with parks in the center of each (a total of about 450 acres of commercial development) ; the Government already owns the lower 9 miles which is the widest area on the beach. We would have cultural centers and a garden club to beautify the island and plant sea grasses and oats. If the Government wants more land, why not join the smaller islands to the south with free ferries and bridges. The Government already occupies Wallops Island, then there is Assawoman Island, Metomkin, Cedar, Wachapreague, Parramore, Hog, Cobb, Wreck, Ship Shoal, Smith, and Fisherman's Islands which brings you to the Chesapeake toll bridge and tunnel crossing to Norfolk, Va. Why not acquire these islands for a national park? Now is the time to look at them—not 15 years from now when a planned community is ready to build their dreams and the bridges are already built. By filling in the inlets, the Government could join some of these islands together and gain about 65 more miles of oceanfront property thus gaining something on a large scale, very much as they have done at Hatteras National Seashore Park. With this 65 miles plus the 9 miles the Government already owns, they would have 74 miles. Hatteras has 75 miles at present with plans to acquire about 80 more miles of oceanfront islands which I will refer to later. We worry about their being no land left for future generations, but each generation has found new ways of enjoyment. Future generations may have space platforms that will hover over the ocean for fishing, dining, and dancing, and even sleeping. There may be motels built under the water.

The program of planting grasses on the dunes is a necessity, and it should be pointed out to the people that riding along a road with the beach grasses and sea oats covering the dunes is not unlike the prairies. The wild ponies had to be rounded up on Ocracoke Island in the Hatteras National Seashore because they ate the beach grasses and oats. Will the same fate befall the Chincoteague ponies and the miniature deer?

Will a road ever go the length of the island? The present plans only call for a road through the central portion of the island now owned by the Ocean Beach property owners under Secretary Udall's present plans. This would be a very small area for a national park.

The proponents for a Federal park have mentioned unprotected swimming for the park visitors—above all considerations as to who manages this island, it should be pointed out here and now that it is very dangerous to swim in the ocean without the protection of lifeguards. When our road was intact, before the storm of 1962, many people swam at our lifeguard area. We paid for the lifeguards from the Ocean Beach Club funds. The lifeguards rescued several persons. Ask the lifeguards along the beach at Ocean City how safe it is to swim in unprotected areas? The city pays the lifeguards. The swimming areas with lifeguards were few and far between at the Hatteras Island National Park. At the main swimming area in the national park (the one nearest Nags Head) the horseflies were two inches long and followed you right out in the surf. You had to take your surf raft and keep swatting them. If you laid down, someone had to stand guard to keep the horseflies from biting you. The showers were unenclosed outdoor affairs. You pull the handle of the pump and the water shoots up the pipe and sprinkles out as you jump under the sprinkle. Then you pump again and jump again. When you get through, you still have on a bathing suit full of sand. Since the topless bathing suit and bottomless bathing suit are still a long way off, I asked the park ranger why an enclosure wasn't put around the shower. He said he was in favor of it and had asked for it, but was told there wasn't enough appropriations to cover or enclose the showers. Now, if the Government doesn't have enough money to enclose the showers on the Hatteras National Seashore, where will it get the money to buy Assateague Island. Also the mosquitos are so

bad at the Hatteras National Seashore as to make camping a real ordeal. The park rangers sell you a mosquito repellant called "Off." The only problem is the fact that the mosquitos can't read the label. They have become immune to it. Bear grease and skunk oil have been suggested as good mosquito chasers. High top leather boots, leather breeches, leather jacket and a mosquito net helmet are the ideal clothes to have for camping on Hatteras or Assateague during warm mosquito weather.

If the Federal Government wants to provide something at the seashore for the poor and middle-income groups' pocketbooks, why not build large, screened-in cooking and eating areas at the campsites—as the State of Florida has done at so many of its State parks—with hot running water for doing the dishes and hot water indoor showers. Why not build large barracks-type dormitories with beds for 25¢ a night. We should make provisions for everyone to have accommodations at the seashore. If the Government has the right to take our land for a national seashore park, then the Government has the obligation to provide facilities for everyone's pocketbook at the seashore. Otherwise the wealthy are being favored with fine seashore accommodations for which the poor and middle class are paying the majority of taxes. The tolls on the bridges should be lowered so the poor can go down to the seashore, and more roads need building so everyone can drive in pleasure to the beach.

I would raise the question as to whether the people need more national seashore parks. In an article, "Park Status for Oregon's Dunes" by Senator Maurine B. Neuberger, of Oregon, published in the magazine, Retirement Life, September 1963, she writes, "In early 1959, the National Park Services Advisory Board, comprised of a group of 11 impartial advisers eminent in the fields of history, archeology, science, geography, and conservation and each of whom had been appointed by either the late Secretary of the Interior Douglas McKay or by former Secretary of the Interior Fred A. Seaton, recommended that Oregon Dunes be forthwith made into a national seashore. Only three other areas in the entire United States received a similar recommendation—Cape Cod in Massachusetts, Indiana Dunes in Indiana, and Padre Island in Texas. Oregon Dunes was the only area on the Pacific Coast to be recommended by this distinguished board of advisers for immediate inclusion in the national park system as a seashore recreation area."

You can see for yourself that, in 1959, Assateague Island was not even considered as a possibility, even remotely, for a national seashore park. With Cape Cod only a few hours away to the north and Cape Hatteras an easy day's drive to the south with lovely State parks in Virginia Beach and Myrtle Beach, and others in New Jersey and Delaware, the Government then considered its seashore property adequate. You know there is such a thing as being land poor. We ought to know, as we like to buy land. It would seem to be the better part of wisdom to improve the facilities at the seashore parks which we already have as previously outlined to accommodate all the people. From the book, "The Cape Hatteras Seashore" by David Stick, sold to us by the park ranger on Hatteras, he states, "To the conchologist it is 75 miles of undisturbed and accessible ocean frontage, and a multitude of seashells just waiting to be found." The Park Service plans to acquire the core outerbanks to the south which will give Hatteras National Park a total of about 155 miles of oceanfront property. That would seem to me to be enough oceanfront mileage for even the most rugged hiker. We were down at Hatteras National Park in June and again in August of 1964, and I can report to you that there was hardly a person on the miles and miles of beaches. More people were clustered around the Government museums than anywhere else. In sharp contrast to this, the beaches of Ocean City were very lively with many people enjoying the surf and able to get fairly reasonable accommodations due to the keen competition and many facilities built by private enterprise in Ocean City. With the Hatteras Seashore an easy day's drive away, of a scope that is truly full of grandeur, with interesting museums, and nature walks with the park ranger, I believe we have enough seashore set aside; as I've stated previously, we could use the money that it would cost to buy and maintain the National Park on Assateague Island to improve the accommodations for the campers on the Hatteras National Seashore Park.

Not having been to the Cape Cod Seashore Park, I can only report to you the data that I read in the May 1963 Retirement Life which was furnished them by the National Park Service. "The Park is gradually coming into being—the start was made back in 1954–55 when the National Park Service of the U.S. Department of the Interior made a study of park and recreattion possibilities

along the Atlantic and Gulf coastlines. * * * Since 1954–55 other reports and studies were carried on. Moneys were appropriated, lands were purchased and gradually the park is becoming a reality. Appropriations to date are the big beginning and the project is now going through a 6-year projected program of formation and construction. This program is continuing. Future appropriations after fiscal year 1963 are, of course, subject to the approval of the Congress, the President, and the Bureau of the Budget, but all are optimistic that the park will be a complete reality by 1967. * * * Approximately 27,000 acres will be included in the land area." Now you can see by this that from 1954 to 1967 is 13 years for the park to come into completion if it meets its target date. Also there are only 18,000 acres of land on Assateague Island as compared with 27,000 at Cape Cod. Is Assateague Island of such size and scope and scenic grandeur that it is of national significance? These are the requirements given by Secretary Udall himself in reply to Senator Allott's questioning (p. 99, hearing on S. 2128, August 11, 1964).

Mr. Chairman I will sum up this presentation by appealing to you to restrain Secretary Udall from taking our land and our dreams of a beach cottage. If we lose this land, there is no more at prices we can afford. We are the innocent party who bought in good faith according to the traditional purchase of land under our democratic system. We believe that even though we are few in number, that our rights should be protected by the Congress. We believe that it is morally wrong for the government to take our land and lease it out to others of their choosing for commercialization. What profit will it be to the Nation if it gains Assateague Island, and loses its moral principles—the very soul that President Johnson speaks of? The one thing that has been our Nation's greatest asset, and stayed us through storm and strife, has been our ability to see the right. We are counting on you to search your heart and your mind and protect us, the innocent, who believe in you. Thank you, Mr. Chairman.

Mrs. SHATERNICK. First I would like to thank you for giving me the opportunity to appear before this distinguished committee.

I am a homemaker, a psychiatric nurse, a resident in nearby Temple Hills, Md., a typical owner of two one-half-acre lots, one residential and one commercial, in Ocean Beach, Md., on Assateague Island. We purchased our lots in 1953, from Leon Ackerman. We have a 1-page advertisement which so many people have mentioned that was in the Washington papers at that time.

This is the one that appeared on Thursday, April 29, 1954, in the Washington Post and Times Herald. We are collectors. Some people throw everything out, and we tend to collect it, my husband and I.

That says:

A 15-mile highway at Ocean Beach completed, building program started Ocean Beach, Md., Nation's newest ocean playground, one of the world's finest beaches. Buy now for the future.

So this is what we did.

We have worked very hard since then to try to get a bridge to our property. We invested $400 in bonds for a private bridge which, due to lack of funds, was never completed, and at the time we were trying to collect funds, the State became interested in building a bridge, and we did work with the State on this.

I have letters, October 5, 1954, from Governor McKeldin, which is attached to my speech. The place of the bridge is in error in the first sentence. He has from Chincoteague Island to Assateague Island. It was from South Point to Assateague. At that point, people in general were not familiar with Assateague Island, so that could be a typist's error.

I have one from Governor Tawes that is a very nice letter, and in which he reports to allay my apprehension on the possible adverse

effects of the recent storm—that was the March storm—they had upon the construction of Assateague Island bridges as expressed in your letter of March 26; he regretted my apprehension. He went ahead to say that it was a pleasure to report that the State Roads Commission Engineers completed the preliminary plans and processed the Army Corps of Engineers application before the storm, and now only await a permit to proceed. [Reading:]

As you are probably aware, we must receive the actual permit from the Secretary of the Army before proceeding with any construction.

With regard to the status of establishing the proposed State park, I have just learned that Mr. Joseph F. Kaylor, Director of the State Department of Forests and Parks, has arranged a meeting for Friday, April 6, at 8 p.m., at the Mayflower Hotel in Washington, D.C., at which time he will answer questions concerning the park.

Thanking you for your interest in this matter, with kindest personal regards, I am,

Sincerely yours,

J. MILLARD TAWES, *Governor.*

Now Mr. Kaylor did talk to our Ocean Beach group in the Mayflower Hotel. That was our annual meeting there, and he showed us how they had a program of planting grasses on the dunes, which was very interesting and we were all going to help plant grasses on the dunes there, and were very enthusiastic about his showing us the pictures.

We saw pictures of the homes there. I thought at the time there were about 18 homes. Some of them were very lovely, very nice homes, and I understand those built on pilings are still standing, did make it through the storm all right.

Governor Tawes had much pressure put on him at the time, not to build this bridge. Some people think that Ocean Beach would wash entirely away, and so forth and so on. Others who had become interested in the park for a national park were interested in keeping the cost of the land down, and they did not want a bridge built there.

I think we all owe Governor Tawes a vote of thanks that we now have the bridge. It is built, and we have a bridge to Assateague Island, because we would not have that but for him. We have worked hard on this.

I have some statements. We had the backing of our Congressman at the time, of Senator Brewster, and Beall, and others, as far as we knew.

Senator Brewster in October 1962, wrote our secretary, Anne Runnels, a letter—I believe he was running for office at the time—and this is in your other record, so I won't read it, but he was in favor, and he was going to protect us, and help us with developing Ocean Beach.

The private development of that portion would have been extremely helpful, so he said. I didn't quote that.

Then all of us were a little astonished that had bought land back as early as 1953. No one knew, and in all the reports from the Department of Interior at the time, I would like to read one of these, because I don't believe it has been read. It was in 1955. Their analysis of Assateague Island, the Maryland side, they say:

The advanced stages of real estate development appear to preclude the possibility of their being set aside for public recreational use.

So we had no knowledge, of course, that they wanted our property. In 1962, then Secretary Udall comes upon the scene in 1963, as more or less a Johnny-come-lately, saying the Government had had its eye on Assateague Island since 1933, and saying that he now wants it for a national seashore park, and then were his cries, hold everything, halt everything, don't build a bridge, don't build anymore cottages, just keep it the way it is, so that the Government can get it at the least cost possible.

However, our Senators were still backing us up, until they made an agreement with Secretary Udall to have a clause inserted to have 600 acres set aside for commercial interests to develop motels, restaurants, and marinas. It seems to me that not very many questions or answers, exactly, have been given on this 600 acres, but I would wish to point out that we have nine shopping centers, I guess you would call them, in that 15-mile stretch of beach. Our shopping centers, we have about 450 acres at the most for commercialization. Now this is less commercialization of the island than is proposed by Secretary Udall.

Now I heard Secretary Udall talk very effectively on television yesterday, on "City Wide," and during this time, nothing at all was mentioned about this 600 acres. He said he wanted this land, our 15 miles, for conservation, but there is a little less—well, all the rest of the land, 9,000 acres is all the rest, and we have about 6,000 acres, I would say, so if this 6,000 acres, if he puts 600 of that in commercial development, you can see the proportion for yourself.

This has been the arrangement that he has made with the State of Maryland. I don't know how it will be developed. I don't quite understand it.

Now I would like to talk about the Hatteras National Seashore Park, because I have been down there, twice in the last year. This is a lovely seashore park. It is 75 miles in length, and with the Core and Outer Banks, I believe, will be about 150 miles in length.

The first time I visited, I stayed in a motel with my sister and her young son. It was very nice. The rates were around $14 for that. The second time I went camping with my husband, in the Government campgrounds. We received much literature as we went to the museums run by the Government and the park rangers which are very lovely exhibits.

Most of the people were around these museums.

Now I don't have a large map to show you this area, but you will observe there are eight private villages in this 75-mile area. Now in the literature they give you, the National Park Service, they tell you within the natural boundaries of the park are the villages of Rodanthe, Waves, Salvo, Avon, Buxton Frisco, Hatteras, and Ocracoke. Congress by an act in 1937 authorizing that national seashore area excluded these little villages from the Federal area, and left sizable expansion room around each to permit its independent growth as a tourist center.

Now, this was astonishing to me when I went down, because I thought the Government owned all the land straight down, but there wasn't. It was a gradual blending of land, both Government and private, and in these little villages, you could seek accommodations and restaurants and camp facilities, ice, and so forth.

Also, they gave the list of other camp sites, of which there are seven in this area, and there are swimming areas. There are three swimming areas on the ocean, down this 75 miles, and they urge you to swim at these three swimming areas.

There is shade provided only at one of the areas, and that is Coquina Beach. That is the first area you come to. The other areas, you do need your own facilities for shade and so forth.

Also at the swimming areas, we ran into a situation there in August—I don't know how it is the other time of the year—there were many, many mosquitoes all through the area, in the daytime and night time, too, just infested with mosquitoes.

There were large horseflies that were about two inches long, and they followed you out to the water where you swam, and this is the area of Coquina Beach that had the fairly large group, about 50 people swimming there, and you had to take a surf raft and hit these things to keep them off of you.

When you came out of the water to lie down, one person had to stand guard while the other one lay down to rest, because these were really a menace. I have heard a horse will turn up his heels and kick in pain when one bites him, so I wasn't taking any chances. I understand they make a boil on you.

Of course, many of these areas have a problem with smaller horseflies that bite you and leave a little infected area, but these were very very large. Also at the campsites, they did have some sanitary problems, sanitary facilities, and this is a campsite that has been established since 1937.

The showers are outdoor showers. There is a pump, and you pump the handle, the water shoots up about 2 feet in the air, and then sprinkles out, so you pump the handle, and jump under the sprinkle, pump the handle, and jump under the sprinkle, and this is not enclosed, the shower. It is out in the open, so when you get through, you still have a bathing suit of sand which you take back to your tent.

There are flush commodes. They are not in adequate supply. They are two for the men, and two for the women, for 40 families camping, in this one area.

Now Pea Island, we camped on Pea Island. The campsite on Pea Island is right next to the bridge and the Coast Guard Station. It is over a half a mile from the ocean. There is no place to swim there. It is just a place to put your camp up.

I would like to mention this connection with that. Oh, getting back to the showers—I asked the park ranger about this. I said: "Why don't you put enclosures around your showers?" and he said, "We would like to do that, and I have recommended, it, but we don't have the appropriations to do it." So I said to myself, "Well, if you don't have the appropriations to enclose those showers, how do you have the appropriations to buy Assateague Island?"

I wonder about the cost of the appropriations. Being a woman, I think women spend more of the money—it seems to me that 50 million is a little low. I would say 100 million for that land.

Now Congress is being asked for $2 million for 330 acres at Great Falls, Md. Now the land at Great Falls, Md., wouldn't seem to be in as short a supply or demand as this seashore property.

I wanted to tell you about the birds down there at Pea Island. There is this lovely book which the park rangers have and you can buy this. It came out in 1964. The Cape Hatteras seashore photography by Bruce Roberts and David Stick.

This is a picture of the snow goose, and it says:

In the Pea Island National Wildlife Refuge, a disdainful snow goose turns his back on the photographer. Each fall, thousands of these birds return to the Cape Hatteras seashore from their breeding grounds in northern Greenland.

Then it says:

By spring, many of these snow geese become so tame they parade casually along the shoulders of the highway—

And this is a snow goose going along the highway, and this is a snow goose the photographer took.

The birds did seem to be quite tame on the island. They knew when we were eating when lunchtime was, and they would come flying around, cackling and squawking, and wanting you to throw them out a handout.

They didn't come up and eat out of our hands, but they would come about 2 yards away, and beg the bread.

Also, I would like to point out the ponies. This is a picture of the banks ponies, as they trot along the seashore at one time. Once they were allowed to run free. The hardy ponies are now restricted to fenced pastures.

At Ocracoke, they allow ponies for the Boy Scouts. That information is published on the outside of the National Parks Service bulletin board. They have had to round them up, according to their published information, because they ate the sea grasses.

I would like to point out as you ride down the Outer Banks, you will think you are riding through a prairie. The sea grasses are 2 or 3 feet tall. They wave in the breezes.

You do not see the ocean. You see these grasses. The ponies ate up the grass, and the grass is planted to keep the dunes from shifting, so they had to take this action to round up the ponies.

Ocracoke is about the size and shape of Assateague, and reminds you very much of it.

Senator BIBLE. Does that complete your statement, Mrs. Shaternick? I want to point out to Mr. King, we have permitted the Ocean Beach Club a full hour, and I don't like to put anybody on time limitations, but our calendar is simply such that you are going to have to shorten up your statements.

Mrs. SHATERNICK. Yes, sir; well, I will round it right up. This is an advertisement of homesites that you can buy at one of the little villages on Hatteras Island. This is accommodations for Buxton, N.C. They are very reasonable. I wanted to point out where you do have seashore facilities provided by many people, you have a reasonableness of prices that is unavailable otherwise.

At Skyline Drive, for instance, we had the Big Meadows Lodge, and so forth. There is one price there, and it is for the people who are rather wealthy. There is very little in between, other than campsites, for the wealthy and the poor.

I have the position that the Government has a right to take our land, but they have the responsibility to provide seashore accommodations

to fit everybody's pocketbook. Now, we could do that on the island, through having the YWCA, the YMCA, and so forth.

I would like to point out that in Ocean City we have the second largest city in Maryland during the summer. There are 1,300 property owners in Ocean City, Md., there are 3,200 property owners in Ocean Beach. We have heard testimony that 200,000 people come into Ocean City in the summer. I can well believe it is; it takes a half hour to get in and a half hour to get out of that seashore.

I don't know how we will handle that traffic in a 10-mile area, Ocean Beach, as proposed now.

A two-lane highway runs the length of Cape Hatteras. If you have an accident, or if you need to get off the road, you can't do it. I might point out, neither can you get off anywhere except where there is a turnout, so the Government more or less limits where you can go, by putting the turnouts where they want you to go.

I have a picture of Senator Maurine Neuberger of Oregon and Interior Secretary Udall taking a tour of the Oregon National Seashore in a specially built dunes buggy. You might be interested in these dunes buggies for people who do have trouble in getting around at these places.

Also, Mr. Chairman, it has been mentioned about hurricanes devastating the mainland, but we know how that they have silvery iodide crystals, and they have successfully completed experiments in turning aside big hurricanes.

Also, I would like to point out that Miami Beach is the richest sandpile in the whole world. This is according to Rand-McNally Vacation Guide. I would like to point out that 2 or 3 miles have been cut off the road as proposed by Secretary Udall.

If you look at both maps and compare them, some of that has been cut off from there. We had many camping areas up and down the seacoast, if you are familiar with "Campers' Guide." There are some very lovely ones at Myrtle Beach, and so forth. The Cape Hatteras area, if the camping facilities were improved, would be very lovely.

I wish to state in summing up my speech—I don't want to take any more of your time. I know you are very busy. I will sum up this presentation by appealing to you to restrain Secretary Udall from taking our land and our dreams of a beach cottage and a little business in Ocean Beach. If we lose this land, there is no more at prices we can afford. We are the innocent party who bought in good faith, according to the traditional purchase of land under our democratic system.

We believe that even though we are few in number, that our rights should be and can only be protected by the Congress. We believe that it is morally wrong for the Government to take our land and lease it out to others of their choosing for commercialization.

What profit will it be to the Nation if it gains Assateague Island and loses its moral principles—the very soul that President Johnson speaks of?

The one thing that has been our Nation's greatest asset, has staid us through storm and strife, has been our ability to see the right.

We are counting on you to search your heart and your mind and protect us, the innocent, who believe in you.

Thank you, Mr. Chairman.

Senator BIBLE. Our next witness listed here, and we have used 1 solid hour, and we are going to complete our testimony today, about 4:30, so during the noon recess, I will ask those of you who have not been heard to speak with Mr. Whitacre, and try to work your time out as best you can. I am advised by him that this will give you a little over 2 days. It balances out about even, I think.

The proponents, I think, pretty much had the first 2 days. I know you had all day Friday, part of Thursday, and we will work as long as we can today, but I wish during this noon recess—and we will recess about 12:10—that you could indicate to him how long you will take, so that we can make our plans accordingly.

Mr. KING. Mr. Chairman. Mr. Rutkawski, who is No. 44, is not coming today, and Mr. Banks, No. 49, is not coming, and both have permitted me to say that they would be happy if——

Senator BIBLE. Well, we will be happy to receive their statements, if they send them in.

Mr. KING. Yes, sir. I thought you would like to know that they are not coming.

Senator BIBLE. I appreciate that very much.

Senator BIBLE. Our next witness will be Mr. Adams.

STATEMENT OF C. DOUGLAS ADAMS, JR.

Mr. ADAMS. Mr. Chairman, members of the committee, I also, in the interest of time, would like to submit our statement. I was speaker No. 64, I believe, and I will submit it at this time, rather than give it, to conserve time.

(The statement referred to follows:)

PREPARED STATEMENT OF C. DOUGLAS ADAMS, JR.

I first saw Assateague Island in the summer of 1958. In talking with the Ocean Beach Club officials about buying a lot there, I was impressed with the plan for the development of Ocean Beach. As a real estate attorney, I felt the groundwork had been laid for an attractive development. Streets had been laid out. Provisions made for parks, airport, and other public facilities. All lots were at least half acre in size. Restrictions had been placed against the property to protect the area against shoddy, unattractive and cheap development.

Because of the deep and abiding attraction the ocean has for me, I purchased jointly with an architect friend one ocean front lot reserved for commercial use which includes multifamily development.

I was so enthused with the intelligent planning of the island and with the potential of a bridge being built to the island, that I contracted for 17 other lots, 1 residential and the rest restricted to commercial development on the oceanfront, and formed an investment syndicate with a group of friends and clients. I have been down to the island many times, and have for the last 2 years been on the board of Ocean Beach Club, Inc., because I truly wanted to see the private portion of Assateague Island developed in the manner in which the plans were laid out.

I was pleased to see Maryland acquire a portion of the island for a State park. After much effort on the part of many people, the State finally agreed to build a bridge.

We paid between $4,500 and $5,000 for each of the lots we purchased. The price at the time was arrived at by comparing sales of similar lots at or about the same time. Many persons were asking considerably more for their lots, but we felt these were conservative prices at a time when the bridge was still not a certainty.

This was not a get-rich-quick scheme. We felt that with the coming of the bridge the property values would substantially appreciate and we would not only have a good investment, but would also be able to participate in intelligent

planning of a very attractive oceanfront area. And we could enjoy it for ourselves, our friends, and the many people who could make use of this wonderful oceanfront location.

Others before us have adequately testified to the wisdom of private development for Ocean Beach. I will not repeat arguments given for preserving this portion of Assateague Island for private development except to say that up and down the coast there are substantial areas of oceanfront property reserved by the Federal and the State Governments. And despite what the Secretary of the Interior has said about the impossibility of developing the island privately, competent engineers and planners have indicated that the area is no different than many very successful oceanfront resorts along the coast. Indeed, because of the basic good planning, it would be far more attractive than most of those now existing. Private development with a public beach will make the area more available to the people of the large metropolitan areas than a Federal seashore park. This would not be a development for those owning lots only.

However, there is one point I would like to pursue for my investment group. We have owned these lots for 4 years. For at least the past 3 years, we have been stalemated in making any serious plans for development because of the impending condemnation about which you are holding a hearing now.

This is bad enough. But if the national seashore park is authorized there are two other aspects that concern my group. Will they be paid just compensation? and, when will this be?

Relating the figures in the Department of the Interior report to any reasonable value, indicates the cost of acquisition has been grossly underestimated. Will compensation take into consideration that prices have been effectively frozen since Interior first presented its proposal to acquire the remainder of Assateague Island? The bridge was built in large part by the encouragement of Ocean Beach property owners. Use of the bridge and access to our lots has been prohibited by the State of Maryland. Will this be taken into consideration in arriving at a just price?

I am told by Interior officials that if they receive authorization to condemn the remainder of the island for Federal use, it may be years before they acquire our particular lots. In many areas, Interior can acquire property by negotiation and leave the property they cannot purchase by negotiation for later acquisition. If we were farmers or otherwise users of the land, this would be possible. In our case, we would be seriously damaged by casual acquisition.

We presumably would not have access to our property. Values would be frozen. Our investment of capital would be tied up. Can we have assurance that this will not happen?

I have attempted to be factual and logical rather than deal in fantasy and emotion. This has not been easy, since, from our point of view, we have a large investment, not only in land, but in an idea.

May I sum up by saying that we believe Ocean Beach can be more properly developed for the greatest number of people if developed privately. However, if the Federal Government must condemn this property for a national seashore park, it is our firm wish that they pay each property owner a just compensation, as expeditiously as possible.

Mr. ADAMS. I have been asked to present Mr. Dave Bowers' statement to you today. I might say that as a practicing attorney, and as a member of the Ocean Beach Club, Inc., board of governors, I heartily endorse the words which I am about to read.

I will take the liberty of abbreviating some of his talk, if I might do this, for the absent Mr. Bowers.

Senator BIBLE. His statement will be incorporated in full in the record, and if you would just abbreviate. It is a long one.

Mr. ADAMS. A lot of this document will be incorporated in the record.

(The statement referred to follows:)

STATEMENT OF DAVID BOWERS, OCEAN BEACH CLUB, INC.

The property owners on Assateague Island are a rare breed of Americans. They have tried to do a job themselves—they have asked no special help—they have worked and planned and paid, themselves, for their dream—a model

community called Ocean Beach. This would not be a blighted area as it has been falsely called by its detractors. It would be a well-planned, carefully restricted community that would be an asset to the State and the Nation.

There have been many inaccurate statements made about what would happen to Assateague Island if the Ocean Beach portion were to be developed privately. Derogatory catch words have been used in place of solid facts: cesspool paradise; shantytown on stilts; honky-tonk; another Coney Island.

For generating public interest, nothing beats a tarbrush, but for getting rid of the tar nothing beats facts. Fact: Worcester County officials and the Ocean Beach Club recognize that when building density warrants the expense, central sanitary facilities will be—and can be—provided by joint efforts of the owners and the county. Fact No. 2: there would be no honky-tonk or shantytown type of development because of the extensive restrictions and covenants in each deed and the zoning and building regulations of the count. These will be expanded upon later in my remarks.

Suffice it to say that nearly all lots are restricted to single-family residences with commercial areas being restricted to several compact areas with adequate controls on building and usage.

But such false slogans as those I have mentioned have been the only view the public has had of what we plan to do with our property. The true picture of what Ocean Beach would be can be better judged by reference to the covenants and restrictions contained in each deed and the plat of the development showing the manner in which the lots are laid out and apportioned between residential and commercial uses.

1. All lots on the plat of the subdivision are restricted to use for single-family residences exclusively, except where specifically designated as commercial or multifamily areas. Only one building of each class on any lot.

2. No building of any nature may be erected on any lot until plans and specifications have been approved by Ocean Beach Club. The same holds true for signs, fences, any physical alteration or any sewage disposal system.

3. No tents, trailers, or other temporary structures are permitted on any lot.

4. No building may be erected closer than 20 feet to any front or side boundary line or closer than 80 feet to the rear boundary line.

5. No sand can be removed from any lot except to make excavations for improvements, and all such sand must be deposited in areas designated by the Ocean Beach Club.

6. No outside toilet facilities are allowed on any lot and no sewage system may discharge except into a drain field which must be no closer at any point than 20 feet from any boundary line and must be at least 2 feet below grade. All such facilities must conform to all State and county health regulations.

7. No noxious or offensive trade or entertainment can be carried on upon any lot nor shall any nuisances be maintained.

8. All these covenants and restrictions run with the land and bind successive owners and are enforceable either by the Ocean Beach Club or any other lot owner.

9. Ocean Beach Club has right to enter after 15 days' notice, and remove any objectionable structure or nuisance.

Ocean Beach Club has promulgated requirements for approval of plan under covenant No. 2.

It is perfectly clear therefore, that this would not be a shantytown—instead, it would be a community of substantial and well-planned homes offering prime recreational facilities to many hundreds of thousands of people each year.

A consideration of the recreational value of this type of development as contrasted with the bill's proposal is best approached on a clear commonsense basis. As a basic premise we are concerned with providing for the recreational needs of an expanding population. While numbers increase and means of recreation change one thing remains the same—the American family today—just as it was 100 years ago, and just as it is sure to be 100 years in the future—wants some sort of accommodation—the type we would offer—to use for his base when seeking recreation. This is elementary—this is what the vast vast majority of Americans have always sought. Any photograph of a crowded summer resort underlines this. The greatest numbers of Americans go with the greatest frequency to places where the greatest development has been accomplished. The

Secretary's proposal shows that he expects the greatest concentration of visitors at the points where the facilities for their accommodation are proposed. The point, then, is this. By a tripartite development all interests would be served. A State park at the north end would be a valuable day use, swimming and water recreational area—Ocean Beach would offer overnight or full vacation accommodations—while the Federal portion to the south of the Virginia line would provide conservation areas and more primitive natural surroundings devoid of improvements for those persons to whom the unchanged land and seascape provides an invigorating challenge.

This multipurpose development, a blend of free enterprise and public conservation, is not a new idea. Indeed, there was a time, less than 2½ years ago, when at least one Maryland Congressman, the then Representative Brewster, lent his name and prestige to our plan. On October 12, 1962, this Congressman, who was then campaigning for election to the U.S. Senate, replied to that effect, to a letter of inquiry that had been directed by the property owners to all statewide candidates to find out their views on the private development of our portion of Assateague.

This letter is brief and well written, so I will read it into the record verbatim:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 12, 1962.

MRS. ANNE W. RUNNELS,
Secretary, Ocean Beach Club, Inc.,
Washington, D.C.

DEAR MRS. RUNNELS: I welcome the opportunity in answering your letter of September 20 to set the record straight regarding my position on the future development of Assateague Island.

Let me say at the outset that I, too, regret that the island's future has become a political issue. I agree with you that many inaccurate statements have been made.

Let me state categorically that I believe the orderly and proper development of the island's full potential requires that the interests of both the public and the private property owners be fully protected. I certainly respect the property rights of the individual owners who have patiently waited for many years to develop their property.

My statement that " * * * this still unspoiled beach and wildlife refuge should be set aside for public use and for the benefit of future generations * * *" was made with reference to that portion of the island which the State of Maryland desired to purchase for a State park.

I believe the State's decision to purchase this portion of the island and preserve it for public use was a wise decision and certainly in the interest of all the citizens of Maryland. I further believe that the private development of that portion of the island generally referred to as Ocean Beach would likewise be in the best interests of all the citizens of the State.

The private development of that portion would have an extremely beneficial effect on the economy of Worcester County and the entire Eastern Shore. This dual development of both the private and public portions of the island cannot possibly be accomplished unless the island is linked to the mainland by an adequate bridge, and it, therefore, follows that I would favor the construction of such a bridge.

In closing let me state that upon being honored by receiving the Democratic nomination for the U.S. Senate, I announced my complete and absolute retirement from the practice of law in order to devote my full time and effort to public service. I have never received, and never will receive, any fee or other benefit because of my former firm's representation of the owners of a portion of the property which the State has acquired. My sole interest in Assateague Island is in seeing that the legitimate interests of the State, its citizens, and the rights of its property owners are harmoniously and fairly protected.

I hope that I have fully answered your questions. If you feel, however, that any further clarification of my position is necessary, please do not hesitate to contact me.

Sincerely yours,

DANIEL B. BREWSTER,
Member of Congress.

We realize the difficulties before us if we are to be allowed to develop the land that many of us worked so hard to purchase and preserve. It would be foolish and shortsighted to say that the dangers and problems are not there. But, it is just as inaccurate to say that solution to these problems cannot be found by dedication, hard work, careful planning, and the use of modern techniques. We face a tough job—we accept that. We will have to lay out a lot of our own money—we accept that. We will find failures and disappointments along with our hard-earned victories—we accept that.

But, we cannot and will not accept the view of those who cry impossible to our plan. Is this determination to proceed with our dreams in the face of large obstacles foolishness? We think not. This country was settled and built by people who faced nature's adversities and made their own way where many said they could not survive. If this is foolishness, then its an old ailment inherited from a long line of distinguished predecessors.

ATTACHMENT 1

REPORT OF PLANNING COMMITTEE OF OCEAN BEACH CLUB, INC.

1. It is necessary to set forth certain criteria for Ocean Beach Club, Inc., to follow in approving plans and specifications under restrictive covenant No. 2.

2. (*a*) Any plans and specifications submitted shall show complete methods and materials for construction.

(*b*) Plans for buildings less than 3,500 square feet per floor shall be prepared to a scale of not less than ¼ inch—1 foot. Sufficient details shall be shown to include all exterior features.

(*c*) The plans and specifications shall contain an architect's or structural engineer's certificate stating that the plans and specifications meet the applicable requirements of the 1960 edition of the basic building code of the Building Officials Conference of America, Inc.

(*d*) The plans and specifications must meet the county building, sanitary, and zoning requirements.

(*e*) No dwelling shall contain less than 1,200 square feet of floor space on the main floor, exclusive of out-buildings, open and screened porch, and attached garages.

(*f*) The committee shall consider the plans and specifications for any structure as to the esthetics of exterior design.

3. Signs and billboards:

(*a*) All signs and billboards shall conform to the requirements of the 1960 edition of the basic building code of the Building Officials Conference of America, Inc.

(*b*) No sign or billboard shall be located on any single family residential lot other than for the purposes of identification or protection of the same, or for a use appurtenant to said lot. Said signs shall not exceed 9 square feet and shall be located entirely within the confines of the lot.

(*c*) Signs and billboards shall be approved as to conformity and harmony of design with the surrounding area.

(*d*) Signs on lots designated multifamily, business and commercial shall not exceed 3 square feet for each lineal foot of frontage of the building on said lot. In the absence of a building, no sign on said lot shall exceed 100 square feet. Any sign shall be for a use appurtenant to said lot.

(*e*) The height of any sign shall not be greater than 4 feet above the highest point of any such building on said lot, or if there is no building on said lot then the highest point of the sign shall not be higher than 15 feet above ground level.

(*f*) All signs shall be prohibited, all or any part of which moves, has flashing or intermittent lights, or creates a nuisance, or traffic hazard.

Mr. ADAMS. The point that Mr. Bowers plays up so nicely is that the cooperation between the county and the property owners has produced a set of covenants and zoning restrictions that will prohibit a shanty town, or a cesspool paradise, as many people have called it.

When the development was first set forth, back in 1951, or 1952, restrictive covenants were placed against the lots on the part of Ocean Beach to protect the property.

I might just take a moment to point out those restrictions covered the size of the houses in commercial developments. They covered the type of development and Ocean Beach Club also controls the exterior design of the development. The type of sewerage facilities, signs, and outdoor advertising that can be located there are also closely controlled.

He pointed out that noxious or offensive trade or entertainment was not to be carried on.

These restrictions are very broad, and give a great deal of power to the Ocean Beach Club to control the attractive development of the island.

Now the Ocean Beach Club board of governors felt that they needed more detailed planning criteria, and attachment 1 to Mr. Bowers' statement presents this report, shows in detail what size properties, what size buildings should be built, and how they should be certified by an architect or by an engineer.

They point out—and this was a bold, brave step, I think, on behalf of the Ocean Beach board of governors—that it prohibited outdoor advertising generally, and provided only for signs for rent or sale on residential property, and very seriously restricted the size of signs on commercial property.

I think this was a bold step that was very important, and gives you some idea of the attempt by Ocean Beach property owners to provide an attractive, well-planned community at Ocean Beach.

Attachment 2 is a document prepared by the county, and describes construction in areas subject to flooding and erosion by ocean waters. It was designed back in 1962, simply to cover the type of footings that should be used for construction of properties from the Delaware State line to the Virginia State line along the oceanfront.

You have a drawing showing minimum standards of construction in these areas.

Senator BIBLE. I think that is already in the record. The drawing will be placed in the file.

Mr. ADAMS. Attachment 4, and I incorporate it only by reference—it is not in the copy presented to the committee—a proposed county intermine zoning ordinance dating, I believe, back in 1961 or 1962, which shows their attempt to creating comprehensive zoning ordinance to protect the area.

So that you can see that by the restrictive convenants, by the county's zoning, and engineering ordinances, it has attempted to set the base for an intelligent, attractive, development at Ocean Beach.

Now a consideration of the recreational value of this type of development as contrasted with the bill's proposal is best approached in a clear, commonsense basis. As a basic premise, we are concerned with providing for the recreational needs of an expanding population, and while numbers increase and means of recreation change, one thing remains the same—the American family today, just as it was 100 years ago, and just as is is sure to be 100 years in the future, wants some sort of accommodation of the type we would offer, to use for his base in seeking recreation.

This is elementary. This is what the vast majority of Americans have always sought. Any photograph of a crowded summer resort underlines this. The greatest numbers of Americans go with the greatest frequency to places where the greatest development has been accomplished.

The Secretary's proposal shows that he expects the greatest concentration of visitors at the points where the facilities for their accommodation are proposed.

The point, then, is this: By a tripartite development, all interests would be served. A State Park at the north end would be a valuable day use, swimming and water recreational area.

Ocean beach would offer overnight or full vacation accommodations, while the Federal portion, to the south of the Virginia line, would provide conservation areas, and more primitive natural surroundings, devoid of improvements, for those persons to whom the unchanged land and seascape provides an invigorating challenge.

Now he goes on to incorporate Mr. Brewster's letter, which in 1962 indicated the importance of joint private and public development and how he felt that the property owners should develop the property.

To sum up, it is certainly my position, and Mr. Bowers has presented this in his paper, that this portion of the island can best be developed for the greatest number of people by leaving this in private development. This can be supported by the restrictive convenants by the county zoning ordinances, and we believe that healthy private development of Ocean Beach will be quite consistent with the development of the northern part for a day park, and the existing development to the south for the wildlife conservation area.

I thank you, sir.

Senator BIBLE. Thank you very much. You have summarized your statement very effectively, Mr. Adams. Where do you practice law?

Mr. ADAMS. In Fairfax County, Va.

Senator BIBLE. You are in Fairfax County, Va. I didn't know whether you were there or in Ocean City, or down in Worcester County.

I appreciate your statement very much.

Our next witness appearing with the Ocean Beach Club is Mr. Stanley.

STATEMENT OF J. THOMAS STANLEY

Mr. STANLEY. Mr. Chairman and other members of the committee, my statement is very brief, and I am going to make it much briefer, in the interest of conserving time.

Senator BIBLE. Thank you, sir. You may proceed.

Mr. STANLEY. My name is J. Thomas Stanley. I live at 1007 Stonewood Road in Baltimore.

Before I say anything from my statement, I do want to express my sincere appreciation to you, Mr. Chairman, and the other members of the committee, for your patience and your willingness to hear both sides of this matter.

I purchased lots at Ocean Beach in 1956, nearly 9 years ago. We have been called selfish for wanting to keep our land. If the Government needed it for the safety of this Nation, we would willingly give it to the Government, and I think that has been said time and time again.

I should like to say this first: Why should Mr. Udall want to spend millions of dollars of tax money on Assateague Island, and remove this land from the tax rolls, when private citizens are willing to spend millions of dollars of private funds in developing the island, and then pay additional millions in taxes as the years go by?

It has been proposed that 600 acres of the land that we now own be leased to private enterprise for building facilities on which a profit would be made. We think that it is completely unfair for the Government to take our land, and then lease any part of it to private developers, as he has been proposed. Finally, I simply want to say this: All we can do is appeal to your sense of justice and fairplay, and ask that the rights of 3,000 citizens be considered and protected.

Thank you very much, sir.

(The statement referred to follows:)

STATEMENT OF J. THOMAS STANLEY

Nearly 9 years ago, in the summer of 1956, I contracted to buy seven lots on Assateague Island in the State of Maryland. I paid for these lots over a period of years and have paid taxes and maintenance fees on this property ever since. I knew when I bought the lots that a bridge would be built to the island at some future time and I would be able to build a summer home by the ocean. I would be the proud owner of seashore property which would grow in value for my children and my grandchildren.

Now the bridge has been built and Mr. Udall has come out of the West and decided that he likes what I liked 9 years ago. There have been statements to the effect that the people who bought lots on Assateague Island would be reimbursed for what they paid for their lots. This is ridiculous. Would Mr. Udall be willing to sell the property which he has bought near the Potomac here for its 1956 value? He would laugh at anyone who made such an offer to him.

The more than 3,000 individuals who own lots on the Maryland portion of Assateague Island must appeal to the sense of justice and the fairness of the members of this committee. We do not have the resources of the Federal Government to bring our case before you as Mr. Udall has for promoting his case. We have been put to a great inconvenience and expense in trying to defend our rights to our property. We have even been called selfish for not wanting to turn our property over to Mr. Udall. Since when has it been wrong for an American citizen to own private property and to defend his right to keep his private property which he bought in good faith?

The Federal Government already owns 12,000 acres on Assateague Island. The entire Virginia portion of the island is Government owned. And what has Mr. Udall done with this vast acreage? He has fenced it off so completely that nobody can enter upon the land. The boundary line between the Maryland and Virginia portions of Assateague Island is the only line separating States in this Nation that cannot be freely crossed by citizens. You should see the huge timbers that have been driven into the bottom of the ocean and then bolted together in a criss-cross fashion and extending some 50 yards into the Atlantic Ocean. These timbers are then interlaced with barbed wire so that nobody can even walk along the beach.

Why should Mr. Udall want to spend millions of dollars of tax money on Assateague Island and remove this land from the tax rolls when private citizens are willing to spend millions of dollars of private funds in developing the island and then pay additional millions in taxes as the years go by? We think that it is completely unfair for the Government to take our land and then lease any part of it to private developers as has been proposed.

We can't use Army helicopters to fly people hundreds of miles to propagandize for our rights as Secretary Udall did several months ago and as Senator Brewster did only a few days ago. All we can do is appeal to your sense of justice and fairplay and ask that the rights of 3,000 citizens be considered and protected.

Senator BIBLE. Mr. Stanley, as I understand it, you have paid for these lots in full; is that correct?

Mr. STANLEY. Yes, sir.

Senator BIBLE. Over a period since 1956.

Mr. STANLEY. That is right, sir; and I have paid the taxes on them, and maintenance fees, and I have quite an investment in the property there.

Senator BIBLE. I understand. But you own them in fee simple now?

Mr. STANLEY. That is right, sir. With a title guarantee, incidentally.

Senator BIBLE. Yes; I understand that they have guaranteed titles on the lots there.

Thank you very much, Mr. Stanley.

Our next witness on behalf of the Ocean Beach Club is John F. Duke, listed as an appraiser. Mr. Duke.

Mr. KING. I asked, Mr. Chairman, that Mr. Strang substitute for Mr. Duke.

Senator BIBLE. Who, sir?

Mr. KING. Mr. Strang.

Senator BIBLE. And how do you spell that name?

Mr. KING. S-t-r-a-n-g.

Senator BIBLE. OK; very fine.

STATEMENT OF JACK STRANG

Mr. STRANG. I would like to present this map to you, sir.

Senator BIBLE. Yes; the map will be incorporated by reference in the record. And put the microphone so the others in the hearing room may hear you, as well.

Mr. STRANG. Mr. Chairman, I have prepared a map showing Federal- and State-owned ocean beaches from Cape Henlopen, Del., to the southern tip of Assateague Island. I wish to present this map to the committee for its examination.

I believe the Federal and State governments have responsibility to future generations to set aside ocean front land for recreation and as wildlife preserves.

We, here, today are concerned with determining whether or not the governments have, in fact, already acquired sufficient ocean front for the future generations, and if not, whether the privately owned portion of Assateague Island should be taken from its owners for this purpose.

There are approximately 69½ miles of ocean front between Cape Henlopen, Del., and the southern tip of Assateague Island in Virginia.

Delaware has 24.6 miles, and, of this total approximately 13.7 miles, or 55 percent, is owned by the State.

Maryland has 31.3 miles, of which 2 miles are State owned.

Virginia has 13.5 miles which are entirely controlled by the Federal Government.

From these figures, we can determine that the Federal and State governments already own over 42 percent of the ocean beaches in this area.

When we consider the fact that most of the area in the cities of Rehobeth, Bethany, Fenwick Island, and Ocean City is already developed, we realize there is a very small percentage of land remaining for future, private development.

It seems to me that the proponents of the proposed legislation are overlooking the fact that the demand for future free enterprise development is equally as important and legitimate as the preservation of land for parks and wildlife.

If the proposed legislation becomes law, over 70 percent of the ocean front from Cape Henlopen to the tip of Assateague will be government owned. In my opinion, the planned, private development of Assateague Island will provide more recreational opportunities for the public than will any Government-controlled program.

Mr. Chairman, I wish to call to your attention the area known as Fort Miles Military Reservation which has approximately 2.6 miles of ocean front. This is the land that was recently sold to the State of Delaware by the Federal Government. Mrs. Jennie Bernwinkler will have more to say concerning this transaction when she speaks to the committee.

Mr. Chairman, I wish to thank you for this opportunity to make this presentation.

Senator BIBLE. I appreciate that very much, and now we are right back to you, Mr. President. Did you have anything further to present?

Mr. KING. No, sir; I do not. I want to thank you very much, Senator Bible, for permitting us to come here today, and plead our case. I would like to repeat that I believe that the assistants to the Secretary of Interior, and to Governor Tawes, should sit down and try to work out a compromise solution of this problem before insisting that this legislation have further consideration by the Senate or the House. Thank you very much.

Senator BIBLE. Just one question. I imagine it is probably directed to you. And the question would go to the operations of the Ocean Beach Club, Inc.: When was it incorporated?

Mr. KING. Well, I have been president of the club for some 3 years. I would say in either 1955 or 1956. I could check that for the record.

Senator BIBLE. Now is the Ocean Beach Club, Inc., the owner of the 5,000 lots that are in this disputed area?

Mr. KING. No, sir. These lots are owned by some 3,200 individuals in fee simple. I said before I was not a lawyer but I am learning a lot of legal terms. They have paid for them, since 1951, when they bought them from Mr. Ackerman and his two corporations.

Mr. Walker was the engineer who developed the area. The Ocean Beach Club, however, does have title to the beach. No waterfront property owner—or oceanfront, let me say, because down there, they also consider the bay side waterfront.

Senator BIBLE. Well, I am talking about the ocean side because that seems to be the area.

Mr. KING. No oceanfront property owner owns to the water's edge. That entire 15 miles of beautiful beach is owned by the Ocean Beach Club, and deeds state that it is for the benefit of the residents of Assateague Island, Md. There is no reason in the world why the Interior people couldn't follow the recommendations of your committee and have the Outdoor Recreation Resources Review Board sit down and discuss easements. They did it at Merrywood. Mr. Udall was on the air yesterday discussing easements. These things are all in the realm of possibility, but if they won't talk to us——

Senator BIBLE. Well, the only thing I am trying to find out from you, Mr. King, is what the Ocean Beach Club owns. Now you say they own the beach, and, how much of the beach do they own? They own that area that was set up by the Worcester representatives the other day? Are you in agreement with that?

They showed the whole band of green area in front of the Ocean Beach Club subdivision.

Mr. KING. Yes, sir. I couldn't see the map that particular day, the way they had it set up, but let me put it so the record will show it. The Ocean Beach Club owns from the high-water line up to the private lots.

Senator BIBLE. I think that is exactly what they said.

Mr. KING. And that beach varies in width.

Senator BIBLE. I thought they said the low mean water mark.

Mr. KING. Now maybe you mean low water mark. I think that any citizen—you don't have to be a citizen—I think anyone can get on the beach between low and high water, and there isn't anything that any one can do about it.

Senator BIBLE. You may be right in that, but I think they did say low. Your point is that——

Mr. KING. From the water's edge to private property, a distance which varies from 75 feet to 200 feet, depending on the contour of the land, is owned by the Ocean Beach Club.

Senator BIBLE. I think that is substantially what the Worcester people said. There may be a variation in your testimony, but that is pretty close to the same thing as they said. Now what else do you own besides that?

Mr. KING. Sir?

Senator BIBLE. What else do you own besides that?

Mr. KING. We have an area there called Central Park, which we own, and that divides Ocean Beach from South Ocean Beach at the time it was developed.

Senator BIBLE. And that is subdivided into lots?

Mr. KING. No, sir; that will be developed into a parklike area. We do own some lots where we loan money to the Assateague Island Bridge Corp., which did not complete its bridge, but it did make a fill, under the direction, again, of Mr. Walker, and we own some 40 or 50 lots—I don't keep them at my fingertips—incidentally, all of the officers of the Ocean Beach Club are unpaid.

Senator BIBLE. They are what?

Mr. KING. Unpaid. We are volunteers.

Senator BIBLE. I see. You don't receive a salary.

Mr. KING. We are volunteer firemen.

Senator BIBLE. I see, sir.

Mr. KING. Now we own a little property on the mainland that was given to us.

Senator BIBLE. Well, is your statement to me that the Ocean Beach Club only owns 50 lots in addition to the 3,200 lots that have been sold?

Mr. KING. Yes, sir. In addition to the 5,800 that have been sold, to some 3,200 people.

Senator BIBLE. Oh, 5,800 lots have been sold to 3,200 people.

Mr. KING. Yes, sir.

Senator BIBLE. Do you know the total sales price of the lots? I am not trying to pry into private sales, except that if these are recorded, it is certainly public knowledge.

Mr. KING. I am not sure that I followed your question.

Senator BIBLE. My question was, How much were the 5,800 lots sold for?

Mr. KING. I don't know. I know what I paid for mine.

Senator BIBLE. Well, is there any place that the Ocean Club, Inc., or the successors to the Ackerman interests, would have that figure?

Mr. KING. The Acker man interests were bought out—the stock in his corporation was bought out by some Ocean City folks, and the corporations are still in existence. They still have those files. Now the Ocean Beach Club——

Senator BIBLE. Now who has them? Who has the files?

Mr. KING. An individual named Mr. J. Calvin Pruitt.

Senator BIBLE. J. Calvin Pruitt, as I understand it, bought the——

Mr. KING. Bought the stock of the Ocean Beach, Inc., and South Ocean Beach, Inc.

Senator BIBLE. That is different from your club?

Mr. KING. Yes, sir. We are a nonprofit organization.

Now we do keep a bulldozer on the island. We do employ help there. We do maintain the dunes. We do buy snow fences, and plant them, and build dunes, all with private money, and every member of the Ocean Beach Club pays dues and pays a maintenance fee, and we don't always spend it the way they think we should, but I guess you have differences with your colleagues, too.

Senator BIBLE. Oh, many times.

What I was trying to find out was since the price of these lots has come into issue, many many times, I was wondering where we go, other than the county recorder's office, where we could tell by looking at the deed and the revenue stamp on it, what each lot cost; where we could find a summary of the sale of all these lots.

That was the purpose of my question.

Mr. KING. It is barely possible that Mr. Pruitt could give it. But I think you have to go to the county recorders, as you have suggested before.

Senator BIBLE. Yes, I have said this several times, but I thought that there might be an easier way to do it.

You may proceed.

Mr. KING. Senator Bible, I will be very happy to see if there is a simpler way, and let you know.

Senator BIBLE. Well, report it to Mr. Whitacre who is staff specialist assigned to this.

Mr. KING. I will. I would also like to point out that at the time we acquired the beach, we acquired the roadbeds, and the parking areas within the roadbeds. All of those we have turned over to the county, because we thought that it was wiser for the county to build a road than for us to try to raise the money to do it, so originally, the Ocean Beach Club, owned the beach, owned the roads, owned Central Park and some parking areas in these commercial districts that you have seen on the plats that you have. The roadbed and the parks and the parking areas have been turned over to the county.

They are anxious to build the road. They can't get there, because, well, let's not go into that again.

Senator BIBLE. I understand.

Mr. KING. The beach you flew over last week is as beautiful a beach as I know of on the Atlantic, and there are 15 miles of it, and to date, the Department of Interior, in coming up with its statement of the cost of acquisition of the land, I am sure, has overlooked the fact

that the beach is not in the ownership of the ocean front lot owners. It is a separate entity.

Senator BIBLE. I am glad to have that for the record, because I actually was confused myself as to who owned it.

But what assurance is there that the general public would have the right to use this beach, the ocean side of the beach, that is owned by the Ocean Beach Club?

Mr. KING. I am awfully glad that you asked that question. The public has never been denied use of it. Again, we come back to the recommendations of this committee, and the Recreation Resources Review Board, and the suggestions that the delegate to Annapolis made. There are such things as easements, scenic easements, and all they have to do is sit down and talk with us. Something can be worked out that will be satisfactory.

Senator BIBLE. Well, what if the National Park Service wanted to acquire a scenic easement that you owned, so that it could be made available to all of the public?

How much would it cost them?

Mr. KING. Well, I think this would be off the cuff, and I would not want to answer that, but I think that they should have come and discussed it with us before preparing legislation for your consideration. I feel very strongly about that.

Senator BIBLE. May I ask this question: If I own a lot overlooking the beach, on the seashore side of Assateague, am I entitled to go out on that beach?

Mr. KING. Oh, yes, sir; the deed that we have—now many of our lot owners themselves think they own down to the water, but they don't. The deed that we have provides that any resident of Assateague Island, Md., and have in mind that from the State park north you could have thousands of residents on Assateague Island—I don't say that you will, but you could—have the right to use our beach.

That is written into the title.

Now to assure the general public of that right is what I say that the Interior Department should have sat down and talked over with us.

Senator BIBLE. I understand the position you are making, and I wanted to rather clarify my own thinking on it, because I was a little mixed up as to where this ownership was. Thank you.

The Senator from Arizona possibly has some questions that he would like to ask, to whomever he wants to direct them.

Senator FANNIN. Mr. Chairman, and gentlemen, I would like to just determine what your thought is in regard to the wildlife refuge, as to whether it would be seriously affected by the developments that you are talking about, whether it could be done, and whether we could have multiple utilization of these areas, and promptly going forward with what I understand from the explanations here today you have projected.

Senator BIBLE. Probably that question should be directed to Mr. King. Would you like to respond to that?

Mr. KING. I would like to. I was reaching for the report. This was a report that was put out by the Bureau of Outdoor Recreation, the Department of Interior—it includes the so-called Nathan report, in April of 1963, and the various recommendations that they made.

In discussing this they say that that can be done. There is a map in here showing the road. That is why I was flabbergasted when I heard them say the other day that this might disturb the wildlife.

Why, that was what they advocated, and this came to Congress with a covering letter, and I will be glad to give you a marked copy.

Senator BIBLE. That has been made a part of the record, and you could refer to it.

Mr. KING. I meant Senator Fannin.

Senator FANNIN. That is perfectly all right, I can look at it in the record, but Mr. King, you know that the testimony has been adverse to what you have stated. We have had testimony by numerous people.

Mr. KING. Oh, I might say for the record that I was assistant to Mr. Wirth for 10 years, and I am quite familiar with the procedures of the Department of Interior, and the testimony involved. But this is their survey. It is not mine. Now how they can come up here 2 years later and testify—perhaps they have learned more about the ducks and geese in 2 years. I don't know. But the testimony that they gave last week is just the opposite to the recommendations that they made to you folks 2 years ago.

Senator FANNIN. Mr. King, another question I would like to pose to you, or to some member of the group with you, is about health and sanitation. I know it has been stated that it would take a very complicated sewage disposal plant or something that would take care of an area. Now what is the plan from the standpoint of your association in that regard?

Mr. KING. I am sorry that you unfortunately were called out of town, and were not here Friday, because the county engineer covered that thoroughly, and Mr. Walker has covered it at various times. I am not an engineer. I am just a retired Government employee, but it is now in the record.

Senator FANNIN. If it is in the record, fine, Mr. King.

Mr. KING. As of Friday morning. Completely covered, plus a telegram that they have from engineering consultants that they have retained that are working with the Maryland State health authorities right now.

Senator FANNIN. And as far as the concentration of your lots and all, in other words, it would be on one large system, or would it be separate systems, as far as the disposal plant is concerned?

Mr. KING. Well, of course, when you start, you build with independent systems, and as you go, if you can use a community system, you will. Mrs. Shaternick has asked if she could answer the question.

Senator FANNIN. Fine.

Mrs. SHATERNICK. I would like to answer one thing in the water facilities. At Cape Hatteras, at the campsites, you have to boil the water for 3 minutes. Now this is most unusual for campsites. Delaware, at a campground, brought in a big truck for the campers, but you do not have water.

You have to boil the water for 3 minutes at Cape Hatteras campgrounds.

Mr. KING. The sanitary situation on Assateague, as reported by the Department—and I would like to say, I have many, many friends in the Department, and I am fond of them.

I just disagree with them. It is not factual, and it was thoroughly refuted the other day by competent engineers, in Friday morning's session.

Senator FANNIN. Mr. King, I don't know whether in the record it has been established as to how many homes at the present time are located on the island?

Mr. KING. Well, the last I knew, the electric light company is serving some 29 homes over there.

Senator FANNIN. Twenty-nine?

Mr. KING. But I think I went into why we have not built. We have not built, because right now, while I have a letter from the health authorities—I have had it for close to 6 months—saying that my land is suitable to build on, and suitable for a septic tank, Governor Tawes and Senator Brewster have so arranged matters that I can't get a permit. I wanted to build last fall, and six of us now have joined and have them in court, and we hope to get a permit, and if it had not been for this arbitrary action on their part, there probably would have been a hundred homes built there this winter.

Senator FANNIN. Thank you very much.

Senator BIBLE. Thank you for your appearance here this morning. We very much appreciate the presentation which you have made.

Thank you.

Mr. KING. Again I want to say how much I admire the Senate and this particular committee.

Senator BIBLE. Thank you.

Senator BIBLE. Our next witness is listed as Dr. James D. Teller. Dr. Teller.

Do you have a prepared statement, Doctor?

STATEMENT OF DR. JAMES D. TELLER

Dr. TELLER. Only the letter which I sent to you, Senator Bible.

Senator BIBLE. How long do you anticipate your statement will take?

Dr. TELLER. No more than 10 minutes.

Senator BIBLE. All right, you may proceed.

Dr. TELLER. First, I want to indicate my interest in Assateague. I am employed by the Department of the Air Force. I am a research psychologist.

In 1950, I began to make retirement plans. At that time, I bought a half acre lot facing the Atlantic Ocean on Assateague in a subdivision known as Ocean Beach, Inc. I also bought a half acre lot at the opposite end of the street known as North 52nd Street, on the bay side of the island. The legal description of this property, as recorded, and it is block 92, lot 1, for which I paid, in 1950, $1,250, Ocean Beach, Inc.

Then in 1952, I bought a bay front lot at the opposite end of the street. The street is four city blocks wide at that point. The island is four city blocks wide. This description is block 393, lot 5, for which I paid $495.

I have been paying taxes on this property to Worcester County, Md., and to the State of Maryland, ever since. In 1964, my ocean front lot was assessed at $1,000, for which I paid $18 to the county of Worcester, and $1.50 to the State of Maryland.

The bay front lot was assessed at $500, for which I paid in 1964 $9 to the county, and 75 cents to the State of Maryland.

I was one of the earlier purchasers of a lot from Ocean Beach, Inc. Mine was one of the first lots, I think, to be sold and I went to Assateague without any fears, without any trepidation, about the island washing away, because I was born on the island of New Providence, whose capital city is Nassau, in the Bahamas, and we have much better beaches, if I may be allowed to say so, on that island, than there are at Assateague.

At the age of 6, my parents carried me to Miami, Fla., and as a boy, I rode across Biscayne Bay, went swimming in what is now Miami Beach.

At that time, people told me that this was a sand spit with salt marshes and mosquitoes and would never amount to anything, but a private enterpriser who had made a fortune in the Indianapolis Racetrack, by the name of Collins, built a wooden bridge across Biscayne Bay, and today we have what is known as the Gold Coast, so I had no fears about Assateague Island washing away in 1950 and I have no fears today that Assateague will wash away. I have no fears that I can't get water on the island, or that I can't have proper sewage disposal on the island. And I want to retire to the island, but I could retire just as well to Nassau or Miami, and have climate in addition to beach.

So I am not here to protect my property, as important as that might be. I am here to talk to a principle, and I think this committee has only one issue before it, and this is the issue: shall Assateague Island be developed, and to quote Senate bill 20, "for public outdoor recreational use and enjoyment," by private enterprise in cooperation with local government, or by the Federal Government?

I know that the Federal Government, by right of eminent domain, has the right to take land for higher use, and what is the higher use stated in this bill?

It is public outdoor recreation.

Now may I ask, what public? What public are we talking about in the bill? A psychologist, studying human abilities, human needs, human motivations, human desires, I know that recreational needs distribute themselves along a normal probability curve, with the great majority piled in the middle, the average.

In fact, 68 percent are apt to be at the mean and one standard deviation above and below the mean. These are the average Americans. These are the public that I think this committee should be concerned about. These are not the bird watchers, who are already taken care of at the southern part of the island.

These are not duck hunters, and I am not a duck hunter, and these are not the surf fishermen, and I am not a surf fisherman. I am a deep-water fisherman and I want to go out into the Gulf Stream, and I want to search for marlin. I don't want to stand on the shore and search for perch.

So I stand in the middle group, because what I want at Assateague is to build a retirement cottage, to have a boat, to be able to go in the Gulf Stream, to use the beach to swim with my grandchildren, and to walk along the beach and to hear the pounding of the surf. This is what I want as an inhabitant of Assateague Island.

However, Assateague, or Ocean Beach, I should say, incorporated, the property represented by Mr. King, and previous witnesses, is a well-designed and well-planned beach community. This is why I bought this. I like the plans made available in 1950.

They are not of late development. There are 10 business centers, a mile apart—and my property stands squarely between 2 of these centers, about halfway down the Ocean Beach development, because I wanted a cottage, and I wanted it as far away from the 2 business centers as I could get, so I got squarely in the middle—but in these business centers, there is ample provision for hotels, motels, restaurants, that the great majority of people want when they come to the seashore for recreation.

These are the 68 percent. These are the public that need recreation—not the bird watchers, not the conservationists and not the duck hunters, not the surf fishermen, who are at the extremes of this normal curve that I am telling you about.

I think there are ample provisions and at least, there are ample provisions stated in my sales contract.

I have the sales contract signed by Leon Ackerman, May 22, 1950, for which I paid him $1,250 for a one-half acre lot. There are 13 restrictions and conditions on the back of this sales contract, and I consider that these restrictions and conditions will prevent what the proponents of this have called the honky-tonk or a cesspool paradise.

This is simply name calling, Senator. There is no possibility, as Ocean Beach has now planned, and as I, as a property owner, will continue to hope will be carried out, that this could become a honky-tonk or a cesspool paradise. It would become more similar to Miami Beach, but not on the same scale.

But I submit, Assateague Island, and the island on which Miami Beach rests, from Baker Hole over south to the Government jetties, and it is at the same sea level, is at the same permanence, and Miami Beach will wash away as quickly as Assateague will wash away, and the shore recession at Miami Beach is about the same as the shore recession on the part of Assateague that we are talking about.

We are not talking about the part that is played up by the Washington Post, and by Squire Graves in his article, where you see all the tree stumps sticking up out of the beach.

We are not talking about that part at all. We are talking about the part south of the State park.

I hope that the committee will give serious concern to a principle, the principle that private enterprise, working in cooperation with local government, can develop what is needed by 68 percent of the American people.

Thank you for listening to me, Senator.

Senator BIBLE. Well, thank you, Dr. Teller, for a very effective statement. I would suggest to our staff director that he procure a copy of the sales contract. I don't want to deprive you of yours, but others may be available, and I think——

Dr. TELLER. I would be happy to make this available to him.

Senator BIBLE. You might make that available, if he does not already have one. I can't recall that any such instrument has been made a part of the record. I think it might be helpful. I appreciate your testimony, Dr. Teller.

The Senator from Arizona.

Senator FANNIN. Dr. Teller, one of the statements you made was that you are planning to retire to Assateague Island. In other words, you are considering it from a standpoint of year-around living?

Dr. TELLER. Yes, sir; I went to Assateague not because it is the best beach that I could find. I could find better beaches in Florida, and on the island of New Providence in Nassau, where I was born.

I want to commute between Assateague and Washington. Even after I retire from the Air Force—I am affiliated with American University, I am an adjunct professor—so I hope to continue teaching there.

I hope to have some consulting work and I wanted to be close to Washington, where I can commute within 3 or 4 hours, and I would build a cottage, and I would also have a town apartment in Washington, and I would live between the two points. Yes, sir.

This is why I selected Assateague. Not on account of the best beach in the world, because I have seen much better beaches.

Senator BIBLE. Thank you, Dr. Teller, very much. Our next witness will be Mrs. Mabel Smith.

STATEMENT OF MRS. MABEL M. SMITH

Mrs. SMITH. I have never been to a hearing of any kind before, nor given testimony, and I don't know what is the correct thing to do or say. I can only tell you of my feelings concerning Assateague Island.

My late husband and I bought our two lots on Assateague Island 7 years ago. We fell in love with the place the first time we ever saw it. It is a truly wild place, and it is wildness that we love.

There are so few places left which are in a truly natural state. Millions of children have not had the opportunity to see a real island that looks today as it has for hundreds of years.

It could be that many lot owners on Assateague Island can afford to send their children to summer camps, the mountains, the national parks that are so fashioned on a grand scale, but thousands of the children of the working people do not have these opportunities.

An island with birds, animals, salt grass, and trees that have survived under adverse conditions, asking no quarter, is a priceless inheritance for our children and our children's children.

If you have been to the island, you know the exhilaration I feel as I walk that wide, clean beach. The wind off the sea seems to refresh me in mind as well as in body. A day, or even a few hours, on Assateague seems to clear away the mental grit we collect living in our cities and housing developments. On Assateague we can forget for a while traffic and shopping centers and neon signs and all the ugly things we are surrounded by.

I believe that Assateague Island should be made into a national park so that all Americans can enjoy it. They need it. If the island is developed privately it would soon be a junkyard of motels, beer joints, amusement parks, and the same dirt and harassment we experience every day of our lives.

Assateague Island is a special place, and should be kept that way.

Thank you very much for allowing me to speak.

Senator BIBLE. Our next witness is Mr. George Bentley.

I think you stepped aside to permit somebody to testify the other day, didn't you?

Dr. BENTLEY. Yes, sir.

Senator BIBLE. I would like to accommodate you before the noon hour. You will take about 10 minutes?

Dr. BENTLEY. Yes, sir.

Senator BIBLE. You will be our last witness for the morning, then, Dr. Bentley.

Dr. BENTLEY. All right, sir, I do thank you.

Senator BIBLE. And I do appreciate your courtesy in stepping aside for the gentleman that had to leave the city on Thursday or Friday.

STATEMENT OF DR. GEORGE E. BENTLEY

Dr. BENTLEY. Mr. Chairman and members of the committee, my name is George E. Bentley, and I reside in Silver Spring, Md., am retired from Government civil service and most importantly as relates to this group, am owner, with my wife, Mildred V. Bentley, of a property on Ocean Beach, Assateague Island.

I called it a property. It is far more than simply a property—it is a homesite, a place where, for 14 years and 10 months we have planned to erect a home in which we can spend the remaining years of our lives as God grants, in the peace and tranquillity that can be supplied only by close association and communion with the seashore we have come to love so deeply.

In anticipation of this opportunity to testify before this committee in strongest opposition to the proposed legislation embodied in S. 20 and S. 1121, I prepared a previous statement of some length which has been accorded to my fellow opponents of this rascally move toward acquisition—expropriation—of our privately, proudly, determinedly held property, a number of the points which I had embodied in my statement were very forcefully brought out.

I, therefore, with the thought toward conservation—conservation, the word has been so loudly bandied about by the me-too politicians as to make me almost abhor it—with the thought toward conservation of the committee's time, destroyed that prepared statement and, at the time of our arrangement on Friday afternoon, March 19, I planned only to speak a very few words to describe our, Mildred's and my own, hopes for our homesite.

I am not convinced, in the light of the time limitations being imposed on we defendants of our American heritage of responsible private ownership, that this statement is in order.

As a small boy many years ago in the State of Kansas, my father, being a confirmed Democrat—and I just might add that there have been a number of people who have seen the light in the process of growing older—at any event, my father made it possible for me to meet Messrs. George A. Neely and Jouett Shouse, then members of the U.S. Congress from our district, and, as I recall it, I was enormously impressed, and, due to my extreme youth, placed those men in a sainted or exalted position in my mind.

I have since, as is quite evident, grown, and lived long enough to have become acquainted with many other elected and appointed of-

ficers in our Government, both National and State. Suffice it to say that while I have come to know and respect some people in those positions, it is no comfort to me to now accept that the incidence, if any, of honor and integrity within the whole group is no greater than would be found in cross section of any other group, including mule skinners.

I hasten to interject, Senator, that throughout the course of this hearing, and I have been here every minute of it, the conduct and administration of it has been most encouraging and I wish here to express by gratitude for it. More importantly to me, a citizen, you gentlemen have done much to restore my faith in a fair deal through responsible elements of Government rather than to expect that the greed and avarice of ward heeler politicians will prevail.

The proponents of S. 20 and S. 1121 have, during at least two-thirds of the hearings time to this hour, very resolutely, it appears, avoided mention of the fact that under we property owner's administration of Ocean Beach there will be no closing off of the beach as Udall's gangsters insist must be maintained within the so-called wildlife area, thereby making it mandatory to impose upon man made in the image of God, for the sake of the birds.

During the 14 years we have been awaiting the opportunity to occupy our property, my wife, myself, our daughters and their husbands, our grandchildren, and a sizable number of our relatives from Michigan have been renting beach cottages at Fenwick, just north of the Maryland-Delaware State line.

We all are of the ocean-beach-loving type and most of our waking hours while there have been spent right at the surfside.

In the early mornings as well as the late afternoons and evenings we have ranged literally miles along the beach, observing the untold wonders of the breaking surf, the lights and shadows of the most beautiful water, the wildlife as represented by the many varieties of birds, shells, etc.

That beachline is developed and is occupied with beach-front cottages and apartments for almost the whole distance south to the Ocean City Inlet and for much of the distance toward Bethany Beach to the north, and it is obvious, then, that we enjoyed or used if you prefer to call it that miles of beach upon which we had no proprietary claim.

Our beachline under Ocean Beach private ownership will be in the exact same category. By what reasoning then could one expect to accept as the proponents of this abominable legislation so guilefully testify, that national park administration will afford beach wonders to a greater number?

We have heard ad infinitum from Udall and his camp followers that Federal ownership of what is already strictly our property will attract umpty-umph millions who are now so sorely in need of outdoor recreation, and in my whole lifetime, I have yet to hear from, or of, people seeking outdoor recreation and not finding it.

Population explosion, as the rabble-rousing politicians so often love to dwell on it, or not, I submit that there is now, and will be for a long time to come, sufficient beach line to adequately care for all who, under the stress of this awful publicity campaign, may imagine that they must have the whole outdoors in which to stretch themselves.

As a long-suffering taxpayer I strongly resent the expenditure of any portion of my tax money for the purpose of taking from me the goal for which I have so diligently and patiently worked. The Interior Department's employment of private consulting firms, and the funds expended in the production of such propaganda as the brochure entitled "Assateague Island National Seashore—A proposal," if any, supporting the agitation to expropriate my property is a flagrant misuse of my tax payment.

During the testimony offered in this hearing to date I have heard many estimates of the cost of the brutal acquisition of Assateague as proposed by S. 20. As I previously stated, we own but one—half acre—lot. I have recently talked with an owner of four lots. He stated that he would not part with them for $50,000. That is an average of $12,500 each, or $25,000 an acre.

I can only state at this time and from now on, I will not willingly part with the homesite so much a portion of our lives, for any amount of money.

In a recent speech for one of the numerous giveaway programs now being pushed so vigorously by the party of the majority, I recall that the present incumbent of the White House used words to the effect that sponsors of the legislation seek to bring hope to those now without hope.

How can anyone reconcile that statement with the proposed legislation to brutally dash the longstanding deep hopes of us property owners?

As I began, I have poured forth my deepest feelings as representing those of one individual. I know that I speak for many individuals with whom I have worked in striving to build and perpetuate a great and responsible America.

I thank you, Mr. Chairman.

Senator BIBLE. Thank you, Dr. Bentley. And I do appreciate your appearance here this morning. I do realize the deepness of your feelings, and problems of this kind, just as I realize the feelings of other property owners.

I note that you say we have given two-thirds of the time to the proponents, and you were fair in saying so up to the time that you prepared this. But I think that when you boil this all out, you will find that we are treating the proponents and the opponents as nearly alike as possible, and trying to give them equal time. I believe in that, and I think when we finish with the hearing that you will see that everybody has had a fair opportunity to present his case, and the only reason I crowd people on statements is in order to try to bring it within some semblance of reasonable time, and this is the only purpose of that. If we finish this afternoon, and I think there is a good chance we will, I think that then, if you will make a study, you will find that each side has been given just about equal time.

Dr. BENTLEY. I understand, Mr. Chairman, and it is true that I did prepare that at a time when the opponents were given probably less than 33 percent of the time.

Senator BIBLE. I think that was true at the time you prepared, but I think when we close shop tonight, you will find out that it was just about 50–50.

I appreciate your statement, Mr. Bentley, and do you have any questions?

Senator FANNIN. Mr. Chairman, no. It was a very fine statement.

Dr. BENTLEY. Thank you, sir.

Senator BIBLE. Thank you, Dr. Bentley, and we will stand in recess until two o'clock, and those of you who have not been called, please come and give Mr. Whitacre your name and your best estimate of the time that you will take, because I intend to move into the statements that are the shortest first, so that we can accommodate the greatest number of people, and the longer statements will be left to the last, because we do plan on finishing around 4:30.

We will be in recess until 2 o'clock.

(Whereupon, at 12:05 p.m., the subcommittee recessed, to reconvene at 2 p.m. the same day, Monday, March 22, 1965.)

AFTER RECESS

Senator BIBLE. The committee will come to order.

Our first witness this afternoon is Mr. Theodore A. Frank.

Mr. FRANK. I would like to relinquish my time to Mr. Geroux. He has a business commitment.

Senator BIBLE. I have no objection to hearing Mr. Geroux except he has a very long statement. I want to hear the shorter ones first. I have put him down at the tail end. I will hear him if I can. I will be happy to have you relinquish your time. We will note his name here. I have seen this very, very long statement and I want to hear those who have much shorter ones first.

STATEMENT OF THEODORE A. FRANK, PROPERTY OWNER, OCEAN BEACH, MD.

Mr. FRANK. Mr. Chairman, I am Theodore A. Frank. As a property owner on Ocean Beach, which is that portion of Assateague Island located between the southern boundary of the Maryland State Park and the northern boundary of the Chincoteague National Wildlife Refuge, I am opposed to having my property acquired by the Government.

My wife and I purchased the property in 1951 in hopes that it would eventually be developed privately. The main reason it has not been developed is that up to now the island has been inaccessible. Now that a bridge has been constructed to the Maryland State Park at Sandy Point, that is no longer true. Material for construction can now be transported easily and homes, hotels, motels, et cetera, could be built if permission were granted. It is entirely possible to build on Ocean Beach, as the topography is no different from Miami Beach.

At a meeting of the Ocean Beach Club a few years ago, maps of Miami Beach and Ocean Beach were displayed which showed that the elevation of both beaches were about the same. Another characteristic that Ocean Beach has, in common with Ocean City, Md., Miami Beach, and Ocean City, N.J., is that the ocean is on the east and a river or bay to the west and the land in between not very high above sea level. They are all subject to damage by storms.

The property owners of Ocean Beach have paid more than $700,000 in taxes, and Worcester County should be permitted to make any im-

provements that would benefit the taxpayers, such as roads, et cetera, as they wanted to do, but were denied the privilege.

Now that the State of Maryland has opened a State park at the northern end of Assateague Island, which of course will accommodate thousands of people seeking recreation, combined with recreational possibilities of the Chincoteague area, plus the use of the beach on Ocean Beach by the casual visitor, as is the usual thing at any beach resort, should give ample recreation facilities to people in search of same, thereby eliminating the need for acquiring Assateague Island as a national seashore park.

Senator BIBLE. Thank you very much, Mr. Frank.

I have no questions on your statement.

Our next witness is Mr. Talmadge Wilcher.

We do not have his statement, so the record will be left open.

Senator BIBLE. The next witness is Mr. Ivan H. Sims. Mr. Sims?

STATEMENT OF IVAN H. SIMS, REPRESENTING MINER W. BUELL, PRESIDENT, BETHESDA-CHEVY CHASE CHAPTER, IZAAK WALTON LEAGUE OF AMERICA

Mr. SIMS. Mr. Chairman, I have furnished copies of my statement in advance to the committee, so I will take only a minute to summarize it at this time.

Senator BIBLE. Your statement will be incorporated in full in the record at this point.

(The prepared statement referred to follows:)

STATEMENT OF IVAN H. SIMS

Mr. Chairman, my name is Ivan H. Sims. I reside at 7600 New Market Drive, Bethesda, Md. I am here at the request of Mr. Miner W. Buell, chapter president, to present the views of the Bethesda-Chevy Chase chapter of the Izaak Walton League of America concerning the proposal to make Assateague Island into a national seashore recreational area. The chapter membership includes a representative cross section of business and professional men in the Washington and suburban Maryland area. It was organized nearly 30 years ago and has a continuous history of devotion to public welfare through conservation of natural resources of soil, woods, waters, and wildlife of the region and Nation. We appear before you today in that spirit.

The Bethesda-Chevy chapter has, during its life, witnessed the astounding growth of the Washington metropolitan area and the proliferation of problems that has accompanied that growth. It has seen the development of country crossroads stores into supermarkets and shopping centers, conversion of fields and pastures into high-rise apartment complexes, the amoebalike creep of the suburbs over the countryside, and an increase in pressure of people on outdoor recreation facilities that has become actually destructive. And paralleling the prodigious increase in the number of people in the metropolitan area there has been a concomitant reduction in the actual area of open space available to these people for outdoor recreation. Landowners, on the heels of unpleasant experiences, have increasingly posted their holdings against access by city folks seeking escape from the cities.

Perhaps nowhere is this more true than in access to the recreational water resources of the Chesapeake Bay region. The bay, the estuaries of the Patuxent, the Potomac, and the Pocomoke, and the bays and beaches of the Atlantic constitute a vast recreational resource to which access has been severely limited. Access to the bay and its tributaries is limited primarily by private ownership of the shoreline. Access points such as South River and West River have become so crowded and commercialized as to greatly detract from the recreational values available. Hundreds of miles of bay shoreline is effectively closed to the public through ownership by individuals or private clubs and associations. The State of Maryland owns only a miniscule amount in State parks and forests.

Even with the help of the recently enacted Soil and Water Conservation Fund Act we do not consider it likely that Maryland will acquire and develop adequate water frontage to provide for the needs of the Baltimore and Washington metropolitan populations. Speculation in bay frontage is widespread and prices are rising fantastically. Much of the shoreline of the estuaries, moreover, is unsuited to beach-type development and use.

Assateague Island is the last opportunity to provide public access to saltwater beaches on a scale commensurate with the needs of the population and at a reasonable cost. With modern highways and cars 150 miles is not an impractical distance for a family to go for a weekend of recreation. And there are now perhaps 5 million people within 150 miles of Assateague Island. In 25 or 30 years this number may well increase to 7½ million, or more.

President Johnson has expressed hopes and plans for the beautification of our large cities and expansion of the cultural and recreational facilities in them to make city life more satisfying and enriching. But even if his fondest hopes are realized the need for outdoor recreational space will not be diminished. This is fully supported and documented in "Outdoor Recreation for America" the 1962 report of the Outdoor Recreation Resources Review Commission. Revitalization of the art, drama, music, architecture, landscaping, and parks and playgrounds of the cities is desirable, yet these activities provide only mass amusement or recreation. The elbow-to-elbow day-in-and-day-out contacts of the cities are continued under these leisure activities rather than lessened. Competition, the keynote of city life, extends even to getting tickets to performances or entrance to facilities. The queues of people lined up to see the Mona Lisa and the Dead Sea Scrolls illustrate what I mean.

Much is being made recently of the need for improving and maintaining the mental health of our people. And this need is likely to increase as higher and higher percentages of the population crowd into the revitalized cities envisioned by the Great Society. In the drive to get rich off of each other it will be remarkable if emotional stability can be achieved at all. Man's adaptability and and ability to live cheek by jowl with his fellows are likely to be strained to the utmost when population densities approach and exceed 25,000 per square mile as they do now in some of our metropolises.

It behooves us, therefore, to exercise all the foresight and ingenuity we can muster now to provide places where those who desire can find some measure of relief from the abrasive contacts with millions of their fellow men. Assateague's 35 miles of sun- and wind-swept beaches can provide just that relief, particularly if its so-called development commercially can be forestalled. We believe that Maryland, the Nation's Capital, and the Atlantic seaboard don't need more Ocean City, Atlantic City, or Virginia Beach; and if sometime they do, the need can be met by intensification of use of already blighted areas. Thirty-five miles of raw undeveloped beach sounds like a great deal to reserve for transient visitors but it is likely to prove too little as the delights and healing effects of sun, wind, breakers, and a little solitude become known among the cliffdwellers of the city canyons. Certainly the very attributes that make Assateague valuable would be impaired or destroyed by adoption of some proposals that have been made for its development. For example, the suggestion for a center for graphic and performing arts and an Olympic-type sports center appear particularly inappropriate. Such facilities as are developed should be simple to the verge of primitiveness.

Common prudence and foresight require the acquisition of Assateague Island by the public now; and all of it, "lock, stock, and barrel." Here the public interest is paramount and fully justifies exercise of the right of eminent domain if required to correct the past error of allowing private ownership of this resource. We believe, moreover, that the multistate distribution of the benefits of public ownership call for Federal ownership, protection, and management.

Now that the island is tied to the mainland with a bridge, acquisition can no longer be delayed. From now on, each month of delay will witness consolidation of private ownership, cost increases, and mounting barriers of other sorts to be overcome. We pray your committee, therefore, to report favorably on the acquisition and establishment of the Assateague Island National Seashore Recreation Area, and to do so quickly.

I thank you for this opportunity to present to your committee these views of the Bethesda-Chevy Chase Chapter of the Izaak Walton League of America.

Senator BIBLE. You may proceed.

Mr. SIMS. The situation here is one which has been common over the past half century where the interest of the public and where property rights come into conflict, and increasingly these questions have been resolved in the direction of favoring the public interest.

We hope that this will continue. As I stated in my written statement, I represent the Bethesda-Chevy Chase Chapter of the Izaak Walton League of America. We think the acquisition of Assateague Island as a national seashore and recreation area would be in the public interest and we hope it will be accomplished.

Thank you very much.

Senator BIBLE. Thank you, Mr. Sims.

Our next witness is Georgia Maitland. We are happy to hear you for the record, Miss Maitland.

STATEMENT OF GEORGIA MAITLAND, PROPERTY OWNER, ASSATEAGUE ISLAND AREA

Miss MAITLAND. My name is Georgia Maitland. I am just an average citizen, I am here to contest this bill, S. 20, introduced by Senator Brewster for Federal acquisition of Assateague. I do not have the unlimited resources of the electrical power companies who successfully blocked the Federal programs in Idaho; not as powerful as the lumber and cattle interests who are now successfully contesting the establishment of Cascades National Park. I don't have the same power of the steel and mining interests who are blocking the establishment of the Dunes National Park. I have been called selfish for wanting to preserve that little piece of land that I call my own.

This piece of land I bought while I was in high school. You see, I did not have the downpayment for what I thought was a beautiful piece of land so I had to sell my old car for the downpayment. After that, I worked part time for the $20 monthly payments.

I am sure that most of the lot owners have stories very similar to mine.

May I insert here, Mr. Bible, I have gone over on the ferry to visit this land and I have talked with many of the lot owners. Some do not have the education and they are scared to come up and testify in front of you and yet they do have stories very similar to mine.

Senator BIBLE. I am sure this will be true of a great many of the 3,200 people who have lots here. I am sympathetic with their views. I can understand the position on the part of the private owners.

Miss MAITLAND. Because we are all interested in retaining the beauty of the island, we have agreed to very stringent building codes by our club. In addition to these codes, we must abide by additionally stringent building codes by the county. These codes include such regulations that would insure the safety and beauty of these structures. The buildings have to be a certain height, have a certain type of foundation, and haphazard or unseemingly built structures are not allowed.

Since I first became a lot owner in 1951, there has been a promise of a bridge for access to our land. After much patience and persuasion, the State agreed to finance two-thirds of the bridge, and the property owners agreed to pay back the county for the last one-third portion. However, there still seems to be some dispute as to our

right of access to our land. I thought the State park became necessary to justify the expenditure of the bridge by the State. But still, the county has not been allowed to build a road through the park and down through the island so we could have access to our land.

Aside from our problems about the bridge, we all have dreamed and waited for our paid-for privilege to enjoy the beauty of the island. Most of us deeply appreciate the beauty of the beach and ocean. I do not believe we had any intention of forbidding others to enjoy this beauty with us. As a matter of fact, we have supported the State park for public bathing and fishing and fully expected the public to use the beaches on the commercially designated areas throughout the entire beach development.

Can you, a committee representing the interests of all people, find in your hearts justification to ignore our plea to enjoy and preserve this beautiful land for the private owners and public together?

I thank you for the opportunity to appear before you.

Senator BIBLE. We do appreciate having your testimony here. I again apologize; I know you were one of the early witnesses and you have been very patient awaiting your turn.

Thank you very much.

Miss MAITLAND. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is Mr. Benjamin Moss. Is Mr. Moss in the room?

If not, his statement will be made part of the record at this point.

(The prepared statement referred to follows:)

STATEMENT BY BENJAMIN MOSS, ROCHESTER, N.Y.

The U.S. Government does have a right to conserve Assateague Island as a national seashore. But it should not destroy the people's right to benefit through business foresight and business enterprise.

At the time of purchase of my two commercial lots in 1952, I read a student's research paper. He called the presently projected concession area definitely suitable for commercial development. He projected a very bright future for development of the island if it built a planned business area, and also conserved much barren space for recreational use.

He advised that only the commercial development should come first as a testing ground for future growth. Commercial development is sturdy, and would give the answers to how far from the beach to build, sewage disposal problems, best building materials and building regulations. Erosion protection is a common problem of most beach areas, and needs the cooperation of all State, Federal, and local agencies.

Since the land that is to be used as a concession area on Ocean Beach is just as good as land in the developed areas of Ocean City, commercial development would also give the answer to the best kind of planned private development, yield the most tax money, and bring ever increasing land value.

If our Government builds a seashore park around a good commercial area, it is no reason why justice and fairplay should not prevail. Commercial lot owners in this area are entitled to a priority right, if they want it, to join in the concession development of Assateague.

There is low ground area on the island, but the student believed that even this land would become a great asset if left permanently empty.

The student's plan offered greater latitude for commercial development, while the seashore park offers a prize plum to a concessionaire. If our democracy is to grow in stature, we must dispel the idea that a big money concessionaire is more important than justice and fairplay.

The law of eminent domain is the right to take property for public use. It is not within the spirit of that right, to take property for private use, when the property owners want to use it themselves. I bought commercial lots on Assa-

teague Island to provide for my retirement, but with my own tax money the Government would force me out of those lots, to provide for the retirement of a concessionaire.

Senator BIBLE. Our next witness is Mr. William Douglas. Is Mr. Douglas in the room?

STATEMENT OF WILLIAM P. DOUGLAS, PUBLIC RELATIONS OFFICER, AMVETS, DEPARTMENT OF MARYLAND

Mr. DOUGLAS. Senator Bible, I speak for the AMVETS Post No. 11. Several weeks ago our commander, James G. Gill, announced that Maryland AMVETS Post No. 11 would submit the following statement to all the Senators and Congressmen on the Hill as well as to the press. The following was their statement:

The views of the individual property owners, over 50 percent of whom are veterans, have had little or no consideration in the dispute over Assateague Island. AMVETS Post No. 11, at a special meeting on March 11, 1965, stated its position as follows:

1. We encourage study of the 60 miles of less developed and relatively uninhabited islands to the immediate south of Assateague as a national park.

2. We support proposals to further develop the Chincoteague National Wildlife Refuge portion of Assateague as a national park. A February 3, 1965, press release from the Department of Interior's John Gottschalk, urges that greater public recreational use be made of all national wildlife refuges.

3. We support legislation that minimizes Federal expenditures for further acquisition of private land to be used for public recreation areas. At a Senate hearing on August 11, 1964, Representative Morton, of Maryland, stated:

> It was $7 million last year; it was $16 million this year; maybe if we can put it off another year we can get it up to $25 million. I think the opposition would dry up.

Statements 1 and 2 point out that there is a more economical approach to acquiring national recreation areas.

4. We contend that the National Park Service should abide by its Seashore Recreation Area Survey of 1955, which took the position that the private development of Assateague was too far advanced and that this precluded the possibility of its development as a national park. This same report states that Parramore Island, Va.—

> is one of the best remaining undeveloped areas along this section, of the Atlantic coast, with important scenic and wildlife values, and would make an excellent public seashore recreation area.

I might point out that I understand Captain Kidd buried a lot of gold on Parramore Island. This might be a further inducement to a national park.

5. We support the property owner's building and zoning restrictions, that have assured all parties that no "neon lit, honky tonk" type development would be permitted. This 15-mile section of Assateague will be a desirable recreation area for the general public.

6. We reject any proposals that usurp the right of veterans, their widows and families, religious and educational groups, and others who bought Assateague homesites. Ninety percent of the 3,500 Assateague

lot owners are opposed to Federal seizure. Many of these individuals, and groups purchased lots as early as 1960 and have paid taxes since then, with full expectation of benefits normally associated with private property ownership.

7. We support any and all legislation that encourages desirable, private development of the Ocean Beach section of Assateague and also proposals that will make this same section, together with lands to the north and south, available to the general public. We strenuously reject the current proposal as presented by Secretary Udall.

Thank you.

Senator BIBLE. We thank you very much for your statement, Mr. Douglas.

I think each of us did receive copies of this resolution which you submitted.

Mr. DOUGLAS. Thank you, sir.

Senator BIBLE. Our next witness is Mr. Smith. Is Mr. Smith here? The next witness is Michael Nadel.

STATEMENT OF MICHAEL NADEL, ASSISTANT EXECUTIVE DIRECTOR AND EDITOR, THE WILDERNESS SOCIETY, WASHINGTON, D.C.

Mr. NADEL. Thank you, Mr. Chairman.

I am Michael Nadel, assistant executive director of the Wilderness Society and editor of the Living Wilderness.

I welcome this opportunity to testify in favor of the establishment of Assateague Island National Seashore.

My testimony is in behalf of the Wilderness Society, a national not-for-profit citizens' conservation organization established in 1935. We have a paid membership of some 30,000 conservation-minded people. All of the States and territories, and Canada, are represented in our membership.

Mr. Chairman, the Bureau of Outdoor Recreation, in a recent study, emphasized the extreme scarcity of seashore recreation resources which are available to the public along the Atlantic coast. The words "extreme scarcity" are used in the Bureau's report.

Two years ago, when the report was published, 93 percent of the shoreline between New York and Virginia was in private ownership. That was 2 years ago. How much today? Today not 7 percent but only 3 percent is available for public use out of 3,700 miles of shoreline along the Atlantic and gulf coast.

Again, parenthetically, this morning we heard a witness testify proudly that 15 miles of precious beach on Assateague Island is under the exclusive ownership of his group.

We are speaking of a shoreline of a continent, Mr. Chairman, and behind this shoreline of this continent is a vast public gradually being deprived of seashore recreation. As we consider Assateague Island today, along the Maryland and Virginia coastline, we see an endangered, scarce resource of shoreline beauty which in a sense is under the hammer. Shall we let it go to the subdividers and commercial promoters, or shall we be foresighted and save it for needed public use and enjoyment?

Public interest in Assateague Island as a recreational resource has persisted, insofar as formal efforts are concerned, for almost three decades. The measure before his honorable committee is no will-o'-the-wisp.

I do not think it necessary to moralize upon our vanishing shoreline any more than may have been done already. I know that you, Mr. Chairman, and the members of this committee are perfectly aware of the present and continuing hazards to what is left to us of natural shoreline beauty—how this remainder is ebbing away under pressures of population and development.

The concern before us, there in Assateague, is whether the values of gregarious private development can weigh against the values of scarce shoreline available for public use and enjoyment. We can bear in mind that subdivision builders, homeseekers, and business interests can adjust their ambitions to the practical facts. They have all of America for their fancy. But—and without being sententious—it is self-evident that our shorelines, our wild lands, our undeveloped areas of natural beauty, live or die where they are.

Now, of the measures which are before your committee today, our preference is for S. 20, sponsored by Senator Brewster and others, because in our opinion it appears to provide better protection for the Chincoteague National Wildlife Refuge, which is a part of the seashore and which is a valuable flyway for a variety of waterfowl, shorebirds, and marine birds. We would concur in any recommendation that the area south of the Chincoteague-Assateague Bridge be managed by the Bureau of Sport Fisheries and Wildlife as a recreational part of the refuge.

We believe that it would be preferable to establish overnight accommodation facilities outside of the national seashore areas proper. This would be more likely to help promote quiet and keep corollary concessions out of the vicinity.

We question the desirability of a road running the length of the Chincoteague National Wildlife Refuge, as authorized in section 9 of S. 1121. The Brewster bill does not carry this provision, and we would urge that it not be compromised in response to certain evident pressures.

The proposal to connect the two bridges near either end of the island with a "scenic" road is an invitation for an undesirable stream of traffic through this quiet island. There is plenty of opportunity for indulging auto seat recreation elsewhere.

We can afford, in rare instances such as Assateague Island, to keep an exceptional natural area out of the marketplace, and above the clamor for gross local benefits. In the long run, local communities will benefit more from an unspoiled Assateague Island than it will from highway-induced invasions which would destroy the essence of the area.

We know that this committee is desirous of considering what is best for the American people as a whole as it studies the proposal for a national seashore area. Assateague Island is an exceptional natural area on our coastline available for quality recreation. A superior area deserves a superior life.

Senator BIBLE. Thank you very much, Mr. Nadel.

I have no questions. The Senator from Arizona may have some.

Senator FANNIN. Mr. Nadel, you refer to promoters as far as the development is concerned. In the testimony this morning it was stated that there are 3,200 individuals owning 4,550 building lots. Does that indicate to you that it is a matter of promoters handling the land that is involved?

Mr. NADEL. I wouldn't say that the interest is limited to promoters alone, Senator Fannin. We respect the interest of the individual homeowners on the island. We believe that in addition to the individual owners there are promoters who are interested in the development of the island. We believe that the best use of Assateague Island is as a use for a public seashore recreation potential.

Senator FANNIN. You say you respect their rights. Then you would not have objection then to multiple utilization?

Mr. NADEL. No; we would not for a limited period of time. That is for the life of the people whose homes are on the island.

Senator FANIN. You would expect that could be done?

Mr. NADEL. Yes, it is being done on Cape Cod and Fire Island.

Senator FANNIN. There is one other question: You state that it should be available for the great numbers of people who are in the area that would be utilizing the facilities. Then you would not want to have a road running between the two bridges?

Mr. NADEL. No, not the entire length of the island, not the entire length of the wildlife refuge. There is a provision for a road which would run from the Maryland State Park unit and for a short distance down the island and this would be perfectly feasible.

Senator FANNIN. When you are talking about full utilization by the general public, then would it not be advantageous to have the people of Virginia also have that prerogative of going through?

Mr. NADEL. We believe they can enjoy the area on foot.

Senator FANNIN. Thank you. That is all.

Senator BIBLE. Let us have order in the room.

Mr. NADEL. I might say that I have done so over miles and miles of wilderness areas and I am still here to talk about it.

Senator BIBLE. Thank you very much, Mr. Nadel.

I have no questions.

Mr. NADLE. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is Jenny Bernwinkler.

STATEMENT OF MRS. JENNY BERNWINKLER, PROPERTY OWNER IN ASSATEAGUE ISLAND AREA

Mrs. BERNWINKLER. My name is Jenny Bernwinkler and I reside in Baltimore, Md. My husband and I are joint owners of one lot on Assateague Island and I am here today representing my family and relatives, in opposition to Senate bills 20 and 1121.

I wish to thank the committee for this opportunity to speak. As president of the Gardenville Garden Club, president of the Mothers Club, treasurer of the Hamilton-Alameda Womens Civic League, and an active member in community affairs, I feel my views are shared by many people.

Throughout the previous testimony, one glaring question appears over and over again. Where were State and Government officials when Leon Ackerman applied to the State of Maryland in 1949–50

for a land patent and approval of subdivision plans? I cannot understand why these same officials who supported private development in the past have now completely reversed themselves.

My husband and I bought our lot in September 1953. Almost before the ink was dry on the deed, we felt the sharp sting of criticism. We were told we were duped into buying something worthless. "It is under water most of the time," they claimed. Concerned about this rumor, we decided to check it out. We made it a point to camp there every month in the year except the winter months of December, January, and February, to get an idea of year-round problems. If it is under water, and we have yet to see this, then the Senate, in approving Interior's plan, will be recognizing the first national underwater park.

Senator BIBLE. Did you camp there every year or during the earlier years?

Mrs. BERNWINKLER. We have camped there every year.

Senator BIBLE. I didn't know whether that meant every year after you immediately purchased it.

Mrs. BERNWINKLER. Yes.

Cesspool paradise: This catchy phrase has been successfully touted by the unbiased(?) press. Again, previous testimony has offered no constructive solution as to the needs of an anticipated 3 million as compared to those of 3,200 families. I would like to submit for the record an article which appeared in the Christian Science Monitor—June 20, 1964, that discusses how private enterprise can work in handling sewage problems.

Senator BIBLE. Without objection that will be made part of the record.

(The article referred to follows:)

[From the Christian Science Monitor, June 20, 1964]

THE DRAINS OF EXURBIA

(By Edward J. Cleary)

Excerpts from an article by the executive director of the Ohio River Valley Water Sanitation Commission, written while he was on leave to work with Resources for the Future, Inc.

Privately run water and sewer utility systems are gaining favor across the country where the extension of municipal facilities is deemed to be impractical. In a sense, this is a revival of an old practice. Back in 1790, water services were provided almost entirely by private enterprise, and it was not until a hundred years later that municipalities bekan to establish their own water and sewer utilities.

The isolated settlements which first attracted private investment in utility services are replaced today by the innumerable subdivisions which sprawl beyond the corporate limits of metropolitan centers. Where public agencies are unwilling or unable to cope with the problem of servicing these fringe areas, and where housing developers are reluctant to tie up their skills, personnel, and capital in the conduct of utility operations, private concerns are moving in to provide the needed services. And some of them, having become expert in meeting the sewage disposal problems of subdivisions, are now offering their services to municipalities.

Judging by figures reported by the U.S. Public Health Service, there is need for these services. In 1960, some 21 percent of the 109 million people living in metropolitan areas were relying on septic tanks for sewage disposal. Yet back in 1945, the ratio had been only 9 percent.

For the community whose tax base is as yet too small to justify floating a bond issue, or whose revenues and administrative machinery are inadequate to provide for sewerage facilities, an arrangement, even a temporary one, whereby

these responsibilities are taken over by private enterprise can make good sense. Speed of construction is also an inducement.

In a fast developing county of California, for example, a private company was formed in 1959 when sewage-disposal needs in the new subdivisions became so pressing that there was no time to wait on orthodox public agency efforts to deal with the matter. The company, which serves some 22,000 people, is a cooperative undertaking in which an investment corporation, five local land developers, and a college participate. The company holds a 50-year franchise from the county. Some $2 million of private funds are reported to have been invested in facilities. Customers pay a monthly service charge and the company may exercise a lien on property owners for failure to meet payment.

Where, as in the above case, speed is especially important, there is no doubt that coordinated engineering, purchasing, and construction facilities can produce a functioning sewerage system capable of rapid extension as new houses are built. On some projects, mobile treatment units are used until the sewage load has increased sufficiently to justify installation of a permanent plant. These mobile units are shifted from project to project, and in this fashion capital outlays are minimized without sacrificing efficiency of treatment. Similarly, extension of collecting sewers can be carried out in successive stages to meet requirements as they develop—a practice not easily conducted under municipal ownership where the restraints of public financing and the economics of contract construction require that a project be built in its entirety and large enough to meet future needs as determined by the life of the bond issue.

Financing arrangements vary. With developers, for instance, a privately run sewage-disposal concern may contract to install and manage complete facilities on an ownership or part-ownership basis, on a fee basis, or on an amortization plan spread over several years. With industrial concerns, similar arrangements can be made or the installed facilities can be lease purchased.

With a municipality, the concern may provide engineering, design, and construction services for a sewage-disposal utility at a specified price which may be paid by means of municipal bonds or short-term financing. Or it may finance and operate sewage facilities as required, and recapture its investment by charging a specified amount based on the volume and strength of the sewage load to be handled.

One of the oldest of the private companies engaged in the business of sewage disposal has operated in Atlantic City since 1888. It services a permanent population of 60,000 which swells in summertime to 300,000. Although the city once obtained a 15-year option to purchase the utility it has never sought to exercise it—proof, presumably, that the arrangement works satisfactorily.

But perhaps the record for the Western Hemisphere is held by Rio de Janeiro. In 1862 the last emperor of Brazil, Dom Pedro II, established a private company to build and operate a sewerage system for the city. As with the later pioneer effort in Atlantic City, the project was largely prompted by the need to protect the city's beaches, which were endangered by water pollution. Six sewage treatment plants were built in Rio, and these were operated continuously and profitably by the company until 1947, when the city took over and modernized the sewerage system. Some of the original plants are still being used.

Mrs. BERNWINKLER. Unspoiled wilderness: Subdivided land with 27 homes built on it, street signs, telephone lines, and the makings of a road do not sound like Virginia wilds. Last year, in conversation with Congressman Morton, he flatteringly compared Assateague Island to the Grand Canyon. The grandeur of this wonder cannot be disputed, but I ask you, Senators, what else can you do with the Grand Canyon?

Honky-tonks: I wish to state to my sorrow, I am not in a position to build or even come close to building anything as famous as the Carousel in Ocean City due to deed restrictions. Bordering lots are similarly restricted so I cannot foresee a long avenue of honky-tonks. One of the things that appealed to us when we were buying the lot was the long-range planning of residential and commercial areas.

Curiously, the Department of the Interior rejects private development of the island by its rightful owners but supports private develop-

ment on the mainland which could result in a honky-tonk atmosphere since this area is not governed by building or zoning restrictions. The Department of the Interior states:

> The Department also agreed in writing that it would not in the future seek to acquire land for the purpose of establishing a park on the western shore of Sinepuxent Bay. It takes the position that the western shore area should be privately developed as a complement to the proposed national seashore.

Testimony by the Maryland Economic Development Commission supports private development on the mainland. The Nathan report talks about bayside and mainland developers. This arouses my curiosity about the owners of the mainland. Who are they? How do they fit into the picture?

Since mainland and bayside development is in direct conflict with good conservation practices and in direct contrast to wildlife supporters I would like to know how a national park plan can advocate both. Cicely Christy in the Sierra Club Bulletin, March to April 1964, says:

> What plankton is to the ocean and grass to life on land, so the organisms of the mudflat are to shore life. A biologist recently gathered a 2-pound coffee can of bay mud and counted 40 worms in that can, abundant food for wildfowl. The mudflats and shallow waters of the bay are the nursery of many fish. Cover the mud, tidy it up with near rock walls built at the edge of deep water, drain the marshland, and neither fish nor fowl can find home or food. If by filling the shallow water area we reduce the tidal flow, the cleansing process that is now done free for us by the ocean must be done, if it can be done at all, by taxpayers.

From these remarks I gather that development on the mainland would be detrimental to wildlife. The strong support of boating interests, the push for a Pocomoke-Chincoteague Canal causes me to wonder how will the bay traffic, the water skiers, the boats with the problem of waste and fuel oil answer the conservation need for the oyster, fish, and wildlife that is an essential part of their pleas.

I understand Mr. Gottchalk, according to the Sunpapers of March 15, 1965, stated he hopes to acquire 4½ million acres with the overall goal of 12½ million acres to be placed in public management for waterfowl conservation purposes. How can he support a national park plan which advocates people and recreation and contingent development?

The Maryland Economic Department printed a booklet which states that 46 percent of the State's land surface is in forest and parks. The State planning department, according to the Sunpapers, on December 1, 1963, reports that the U.S. Government owns nearly 3 percent of Maryland. This means that 49 percent of Maryland is State and federally owned.

Again, I ask, what justification does Interior have in proposing to take private land from private citizens for a park? Our neighboring State of Delaware had returned to it 494 acres of the Fort Miles Military Reservation declared as surplus and also 155 acres surplus Air Force land. The Sunpapers of September 12, 1963, states:

> Under usual procedure these 494 acres on Cape Henlopen would be assessed to determine their market value. Delaware would be allowed to obtain the property at half the appraised value or for an estimated $4 million.

We are citizens first and Assateague owners second. We recognize the need for conservation and recreation. Our community does not plan to ignore these needs. We are not planning to isolate ourselves

from the rest of the world. Owners have generously shared their land with campers, hunters, fishermen over the years. There have been no "Keep Out" signs. Perhaps we should have used our legal rights and done just this. What exactly does the Government and State fear from development?

Storm threat they say. If the risk of living on Assateague is greater than living on any similar oceanfront then State and Government must share the blame by their silence when they approved the sale of lots at Assateague.

Throughout this hearing you have heard a rosy-hued version of a proposed park. One of the sad facts about parks is that a goodly number of people that use the parks, abuse the parks. Interior recognizes this because their booklet, "The Race for Inner Space," page 17, states:

> It is an alarming fact that Americans are becoming the litter champions of the world, aided by industries that produce an incredible array of boxes, bottles, cans, gadgets, gewgaws, and a thousand varieties of paper products.

Mr. Udall's Department should look to the "skeleton" in their closet.

Page 52 of this same booklet states:

> because of the lack of even minimum sanitation and protection facilities on the bulk of this land, most of these visitors are unintentionally abusing the land and water resources, leaving litter, creating fire hazards, and accelerating erosion.

Then, referring to the Bureau of Federal Land Management:

> In most Bureau of Land Management areas frequented by occasional visitors, there are no garbage and trash receptacles, no toilets, no water wells, no stone fireplaces, no planned areas. Thus, the public is using the lands without the facilities necessary to protect those lands against soil erosion, water pollution, wildfire, insect infestation, and other damage to the resources. Some of these areas are in the watersheds which supply municipal and industrial water to towns and major cities. In some cases lack of identification of best land use and of proper planning has led to inconsistent land use and ill-considered disposition.

CORC, the Committee on Outdoor Recreation report states on page 9:

> The recreation problem is not one of why are people putting swimming pools in their back yards? We know the answer and so do the people.

They state on page 9:

> People want outdoor recreation close to home and for most people home is in the fast-growing metropolitan areas.

It is my opinion that recreation begins in the home. Interior claims they need Assateague for the millions, yet it has been an uphill fight for the people of Chincoteague to acquaint or get these millions to utilize the resources of the Chincoteague area. Here is a spot connected to Assateague and yet, they want people. Why? Where are these 34 million that surround them?

Senator BIBLE. I suppose in fairness there would it not be true that in the Chincoteague area the bridge has been in operation for only a short period of time just the same as the bridge to Assateague, itself, has been in operation for just a short period of time.

Didn't I understand testimony that that bridge has been in existence only for a short time from the Chincoteague authorities? It has only been 2 or 3 years, something like that.

You have done a splendid job of analyzing some of these variances in the testimony. I compliment you on it. But it did seem to me that that was partly the explanation of why we don't have a lot of people either where you have your lot or when you get up into the wildlife refuge.

Until the last 2 or 3 years there has not been a bridge to either place. It is kind of hard to take a rowboat or a ferry across there. I am not saying that critically. I just think it might be a logical explanation as to why more people have not been going in the past to either area.

Mrs. BERNWINKLER. There was once some discussion about putting on Maryland license plates the legend "America in Miniature." When you have first private citizen, local authorities, State and Federal officials working together you have an America in miniature.

To summarize, I feel there is no urgent need for Assateague, there are other areas available, that "recreation is not the number of acres but effective acres" that Interior should be concentrating on better planning and utilization of existing areas. In view of these arguments we ask that you consider the landowner of Assateague and support private development on Assateague. We, the owners, have accepted the challenge of the island. We reserve the right to pioneer, to create and shape into something worth while these barren stretches of sand. We take our place in the sun as responsible citizens.

Thank you.

Senator BIBLE. That is an unusually fine statement, Mrs. Bernwinkler. You have pointed out a lot of problem areas through here. Some of the questions and doubts you have had concerning this are somewhat the same as I have had as I have listened to the testimony. We will attempt to do our very best to get responsive answers to them. It is an unusually fine statement.

The Senator from Arizona.

Senator FANNIN. Mrs. Bernwinkler, in your testimony you are talking about camping on the island. It is your lot, I assume, or near your lot?

Mrs. BERNWINKLER. Yes, that is correct.

Senator FANNIN. Could I ask you if you are going to build there at some future time or do you have a plan to in case this development continues as it is now underway?

Mrs. BERNWINKLER. We hope to build there, yes. That is our reason for buying the lot on Assateague.

Senator FANNIN. There is only one statement you made that I may disagree with you about and that is about the Grand Canyon. That happens to be in Arizona. I do want you to visit the Grand Canyon just as I would very much like to visit Assateague. Thank you.

Mrs. BERNWINKLER. Thank you.

Senator BIBLE. I was waiting for that very wise and responsible Senator from Arizona to come to the defense of his State.

The next witness is Mrs. Edward Lopez.

STATEMENT OF MRS. DOLORES N. LOPEZ, PROPERTY OWNER, AREA OF ASSATEAGUE ISLAND

Mrs. LOPEZ. My name is Mrs. Dolores N. Lopez. I reside in Baltimore, Md. I am a housewife and property owner at Assateague Island. I am here to state for the record that I am opposed to Senate bills 20 and 1121.

I appear here today in opposition to the seizure of my property by the Department of Interior, on the grounds that it is my constitutional right to hold my property and to develop it under the law in any manner I should see fit.

I ask myself, why then, does the Department of the Interior want to confiscate what belongs to me and then set aside a portion of it for private concessions which could only be operated by someone with a great deal of capital, because a workingman surely doesn't have the means or the same chance of acquiring it?

Did you know that none of the property owners were contacted or notified of meetings between the State and Federal Government officials? May I ask you, are we outcasts? What was the purpose or reason for this? I believe that we do not live in a police state; we live in the United States of America. We are just ordinary folks that own and want our little place in the sun—the place that we acquired with the sweat of our brow. It was not given to us or we didn't inherit it, we just worked for it.

I may remind you that this decision to take Assateague Island was made by the Department of the Interior in spite of the fact that the Congress of the United States has twice refused upon request of the Department to purchase the Maryland portion of the island. A survey was made by the National Park Service in 1955, reported, and I quote:

> The advanced stages of real estate development appear to preclude the possibility of this area being set aside for public recreational use.

It seems to me that the State officials do not want the responsibility or do not have the courage of solving difficult problems. We, the property owners, assumed this responsibility, and if permitted will continue to do so.

The Federal Government today owns one out of every three acres of land in the United States and that includes a not insignificant part of Assateague Island. The State of Maryland only owns a distance of 33 miles on the Atlantic Ocean. Through this proposal the Federal Government will control 72 percent of the State ocean front, while in New York and Virginia 93 percent of the shoreline is privately owned. If other States were successful and given the opportunity to prove what they can do, why then can't we Marylanders be given the same chance?

This is why I am in such agreement with the Worcester County plan. This plan in my opinion is very fair to all concerned because after all there is enough room on Assateague Island for everyone.

So gentlemen of the Senate, I plead with you, as representatives of this great land of ours, not to allow a Federal bureaucracy to shatter a workingman's dreams.

Senator BIBLE. Thank you very much. This is a very fine statement, Mrs. Lopez.

I have no questions. The Senator from Arizona?

Senator FANNIN. I have no questions.

Senator BIBLE. Thank you very much.

Mrs. LOPEZ. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is Smith W. Brookhart, representing Anthony Wayne Smith of the National Parks Association.

Apparently we don't have any indication of the length of time on this. Can you give me some indication of how long you will take?

Mr. BROOKHART. Not over 15 minutes.

Senator BIBLE. Is this for or is this against?

Mr. BROOKHART. It is against the road, primarily.

Senator BIBLE. Suppose we incorporate the full statement in the record and then why do you not just highlight it and develop it. I do not think it is necessary that you read the whole statement. Why do you not highlight it for us, if you would. We are trying to divide this as equally as we can between the proponents and the opponents. I think if anyone will take a look at the record he will find that we have balanced it out equally both timewise and witnesswise.

STATEMENT OF SMITH W. BROOKHART, ATTORNEY, REPRESENTING NATIONAL PARKS ASSOCIATION

Mr. BROOKHART. I certainly do not want to impinge on anyone else. In the first place, I am substituting for Mr. Smith.

My name is Smith W. Brookhart. I am an attorney engaged in the general practice of law with offices at 1700 K Street NW., Washington, D.C. I am one of more than 25,000 members of the National Parks Association, and I present this paper in behalf of the association's president, Mr. Anthony Wayne Smith, who, unfortunately, cannot be here. He prepared it in response to an invitation extended by Senator Henry M. Jackson, chairman of the Senate Committee on Interior and Insular Affairs, on March 12, 1965.

Senator BIBLE. We are glad to have your statement, Mr. Brookhart. If you will highlight it so that we avoid repetition——

Mr. BROOKHART. Before proceeding further with the statement, Senator, I would like to allude to the National Parks magazine, issue of November 1964, copies of which have been presented and request that the article beginning on page 4 and running through page 6 and the map appearing on page 7 be made an exhibit to this testimony.

Senator BIBLE. Without objection, they will be incorporated, not in the printed record but they will be adopted by reference so that the members of the committee can allude to the maps and pictures.

Mr. BROOKHART. For further identification this article entitled "Assateague Island, Challenge in Park Planning," the subtitle, "The National Parks Association Looks at a Proposed National Seashore and Suggests a Plan for Its Management and Development."

The people of the United States, working through Congress have decided in several important instances in the last few years to preserve several magnificant seashore areas in a reasonably natural condition for public use and enjoyment. These beaches include Cape Cod, which was of special concern to the late President Kennedy, Padre Island in Texas, Point Reyes in California, and Fire Island in New York; their precursor was Cape Hatteras in North Carolina.

The purpose of placing these beaches in Federal ownership and protection was to give the inhabitants of our great crowded cities a chance to get out into a reasonably natural area where they can escape the congestion, the traffic, the noise, and the fumes which are closing in around us all the time, more and more.

The people of the United States, working with and for the people of Massachusetts and the Boston metropolitan area, decided that Cape Cod was to be protected in Federal ownership against the pressures of overcrowding, so that city people would have a chance to see and enjoy the natural beaches, the wild birds, and the verdure-covered, rolling country of the cape in something like its original condition when first settled.

The people of the United States, working with the people of Texas and the cities of Corpus Christi and Brownsville in Texas, established Padre Island National Seashore and placed it in the powerful protection of the Federal Government, so that the people of an increasingly urban civilization might have a chance to escape from the pressures of the cities and achieve relaxation, quietude, and perspective along a great spacious natural shoreline; they forbade the construction of a lengthwise road along Padre Island.

The people of the United States, working with the people of California and the metropolis of San Francisco, decided that the Point Reyes area of the northern California seacoast should also be preserved and protected in perpetuity by the Federal Government as one last remaining refuge for people who delight in the natural environment, the unspoiled scenery, the fresh vegetation, the abundant wildlife, and the opportunities for relaxation which such conditions provide.

The people of the United States, working with the people of the State and city of New York, decided just recently to create the Fire Island National Seashore and to protect it against a longitudinal road running the length of the area which would have destroyed the very purpose for the establishment of the seashore, which was the protection of natural conditions for the enjoyment of people.

Many years ago the people of the United States, working with the people of Virginia, acting through Congress, and utilizing funds collected specifically for the protection of wildlife for the enjoyment of people, established the Chincoteague National Wildlife Refuge. This protects, among other national assets, the Atlantic tern, which is threatened with severe reductions of numbers and perhaps extinction as the result of conditions directly related to the increasing urbanization of the seacoast. The nesting grounds of the tern will not long withstand any serious invasion by jeeps, beach buggies, and crowds of people trampling the dunes. Refuges like Chincoteague are established first of all for the benefit of people, because people desire the preservation of wildlife species like the terns. People, in short, desire that such areas should be protected from thoughtless overcrowding by people and machines.

In recent years an ugly refrain has been chanted monotonously by land speculators, and by others who may be mainly interested in financial advantage, to the effect that the protection of wildlife refuges and natural beaches for people is a matter of birds against people; this refrain is an objectionable misrepresentation; it is ignorant, uncouth, and uncivilized.

The truth is that what the American people are trying to do in establishing wildlife refuges like Chincoteague and seashores like Cape Cod, Padre Island, Point Reyes, Fire Island, and now Assateague, is to give human beings one last chance against the traffic. This is very squarely a question of people against traffic; what is

involved here is an effort to protect a few remaining vestiges of natural America where human beings can escape the congestion, the noise, the uproar, the hawking and the vending, the trampling, and the pushing and shoving, and find themselves, at least for a few brief hours, in a comparatively quiet, undisturbed, uncrowded, natural, and beautiful environment.

The people of the United States, in cooperation with the people of Maryland and Virginia, as well as the great metropolitan centers of Baltimore, Washington, and Norfolk, have one last clear chance with Assateague Island to set up a beautiful reservation for the moral and spiritual refreshment of mankind; yet apparently there are a few selfish interests at work which are determined to destroy this opportunity. I would like to emphasize this next paragraph.

A road of any kind whatsoever from the island end of the new Assateague Bridge in Maryland to the Chincoteague Bridge in Virginia will destroy the Chincoteague Wildlife Refuge. I repeat that the refuge was established by and for the people of the United States and Virginia; the road will destroy the property of the people of the United States and Virginia in the wildlife and the scenery of the wildlife refuge.

The wildlife of the refuge, including the precariously endangered tern, will not survive the crowding, the trampling, and the disturbance which will be occasioned by the construction of any kind of a road through the refuge. The people of the United States and the State of Virginia did not invest their money in the acquisition and management of the Chincoteague refuge with the intention of having it destroyed by a small handful of traffic-hungry speculators.

The construction of such a road through the portion of Assateague Island proposed for the new national seashore would also destroy the human purpose for the establishment of that portion of the seashore. The people of the United States and the State and city of New York decided just recently that they would not tolerate the creation of another crowded Jones Beach type of facility on Fire Island, and that the true human need at Fire Island was the protection of natural conditions there, and access to them by all the people under circumstances which would not destroy these natural conditions.

Unless the sentiment of the great majority of the people of the United States, Maryland, Virginia, Baltimore, Washington, and Norfolk, is very different in respect to Assateague from what public sentiment has been with respect to Fire Island and these other beaches, which seems highly unlikely, the people in this region will also be overwhelmingly in favor of the protection of natural conditions on Assateague Island.

This is a matter of the protection of human beings, of giving human beings one last chance against the overwhelming pressures of the automobile. This is a question of people against the bumper-to-bumper traffic conditions which are typical of highway driving in this country today. It is a question of giving human beings a thin little chance to escape from the Coney Islands and, indeed, from the Jones Beaches; to escape from the concrete and blacktop roads, the sun-baked, inhuman parking lots, the atmospheric pollution, the danger of sudden death and dismemberment under the wheeled

vehicles, and all the dirt and noise and the stench and the uproar of urban conditions.

It is quite intolerable to any thinking person that these issues should be cast in terms of a conflict between birds and people. The fact is that great numbers of people are interested in birds, whether as watchers, or as sportsmen, or as scientists, or as artists; that is the reason why the American people have established wildlife refuges all over the continent which provide example and leadership to the rest of the civilized world in this matter.

The fact is, also, that people are interested in great unspoiled open spaces, for the sake of the enjoyment and the moral refreshment which such spaces provide; these areas are becoming fewer and fewer every year, every month, every day in this country.

The reason why national seashores like the proposed Assateague Island National Seashore should be established and the reason why they have support from people all over this land is precisely because people need and desire the experience of the natural conditions they can find there.

In brief, to repeat, this battle for national seashores, which is not restricted to Assateague, is a battle of people against the traffic. This subcommittee has a responsibility to help the people of the United States, whether or not the local speculative real estate interests desire it, to preserve Assateague Island in a reasonably natural condition for the benefit of human beings, of people, of men, women, and children, of everyone who is willing to visit and use the island and help maintain it in its natural condition.

Senator BIBLE. Of course, I think in fairness to the record, the problem is a little more basic than that because the people primarily who have appeared before us in opposition to the creation of this seashore are people who have lots there and feel that they have a stake on this island and they don't want the U.S. Government to come along and take it. I think it is a little more basic than you express there. If you had sat in hearings as I have in the last 3 or 4 years—I think it is the longest park hearing since I have been chairman of this committee—the interests are a little broader than you suggest.

Mr. BROOKHART. I have sat through quite a bit of it, Senator Bible. Certainly there is no disposition on the part of the National Parks Association to wish to take anything away from anyone as is stated. I believe very clearly in this position stated here; that is, in opposition to what is feared will be an encroachement that will destroy what I believe Senator Brewster's bill calls for, the general purpose of public outdoor recreation, including conservation of natural features contributing to public enjoyment. I am referring to section 6(a) of S. 20.

Senator BIBLE. I think you were on the last paragraph on page 7.

Mr. BROOKHART. No other purpose will justify the investment of great Federal funds in the acquisition of the land on the northern portion of Assateague Island. No other purpose would justify even the bailing out of those unfortunate souls who were misled some years ago into acquiring small tracts of land on the northern part of the island, the ownership of which by a small group of individuals would inevitably necessitate the investment of millions of dollars by the Federal Government in protective dunes, roads, and sanitary systems and in a situation completely unsuited to septic tanks.

There is no national interest in the creation of another Coney Island or another Jones Beach at Assateague; there is no national interest which justifies Federal protection for subdivisions in a situation unsuited by reason of natural risks to development on a subdivision basis. There is very definitely a national interest in helping these unfortunate lot owners get out at a reasonable price if the area can be preserved and protected in its natural condition for enjoyment by the general public.

The bill introduced by Senator Brewster and his colleagues for the establishment of an Assateague Island Seashore will serve the national interest well, provided that no roads are built through either the proposed Chincoteague National Wildlife Refuge or the National Seashore portion of Assateague Island. Above all, a long highway running between the bridges at the northern and southern ends of the island, drawing fast traffic, uninterested in stopping, but interested only in rushing from one end of the island to the other, would be thoroughly intolerable.

It must never be forgotten that roads constructed on the beach mean many other things in addition: they mean parking lots, for example, large black-topped parking areas, sun-baked and overhung by the stench of tar; these black-topped areas tend to spread automatically; each parked car attracts another and, before long, the entire locality has been ruined.

The portions of the bill providing for lease or sale to the State of those areas of the island north of the existing State park are not in harmony with the purpose of the legislation. No proper distinction can be drawn between the portions of the seashore north and south of the State park. The principle of preservation in the interest of all the American people should be applied to the entire island outside the State park, except for the portion allocated to facilities by the proposed legislation.

The cession of 600 acres for concessioner development just south of the State park is a very generous concession toward the reception of crowds and the development of facilities; it is more than adequate for that purpose.

If the wild ponies are to be left on the island, the Secretary of the Interior should have discretion in the matter; the primary necessity is to reestablish and preserve a vegetative cover on the island and overgrazing will prevent the maintenance of such cover. Unless this point is heeded, we may soon merely have a sandbar and not an island.

It is definitely in the interest of the businessmen of the communities near Assateague Island to support the establishment of the national seashore and keep it in its natural condition. A heavy overdevelopment of the island would draw business away from the mainland and the back-bay communities. A heavy overload of traffic on the island would draw business away from, not toward, the mainland communities on the bay; such business will crowd into the bridgehead areas; it will be unstable and transitory business, which will not even nourish the bridgeheads well.

Ideally, for business, we should have a well-developed system of public and private water access to many points on the island from all the small communities around the back bay; motels and good recreational facilities, including boating facilities and golf courses, could

be developed in these communities, with a beautiful natural seashore, famous perhaps the world over, as the drawing card. It is definitely in the national public interest, that such recreational business be developed, but this opportunity will be destroyed forever if Assateague Island is turned into another Jones Beach or Coney Island.

Those of us who are concerned primarily with the welfare of the people of this country, which include the protection of natural areas, wildlife, scenery, and open space, believe that this subcommittee has a duty to report legislation here that will protect the people against the traffic.

Trank you.

Senator BIBLE. Thank you very much, Mr. Brookhart. I have no questions.

The Senator from Arizona?

Senator FANNIN. Do we not have these crowded conditions you are speaking about because we do not have these increased facilities?

In other words, you are talking about some of these places that are overly crowded but would not a greater number afford places for other people to attend and participate in the activities that are involved.

Mr. BROOKHART. Perhaps that is a matter of degree. It is the view of the association and its leaders that the proposal, particularly as it appears in Senator Robertson's bill, which would appear to require a road the length of the island would soon result in not making beaches available but merely having them built up and crowded with facilities that would take away what is now the most beautiful natural beach on the east coast.

Senator FANNIN. Of course, that is an assumption you have made from the standpoint perhaps of your experience as representative of the National Parks Association.

I would say you are assuming that they want us to bail these people out. From the testimony which has been given here I do not think the people want to be bailed out. They want to occupy their lots. Has it not been indicated to you that that is their desire?

Mr. BROOKHART. I have heard much testimony to that effect. Certainly, they have fought a long and hard battle to maintain their position.

Senator FANNIN. A great number is involved with the position of what can be done for private development along with the other development that may be possible.

Don't you think a multiple-utilization program would be essential in this instance?

Mr. BROOKHART. I believe, Senator Fannin, that that is within the broad management discussion as it appears in the article which I suggested go in as part of the record. I think that perhaps we are concerned with this from the broadest point of view just as we would be with Grand Canyon National Park or any one of your very fine parks in Arizona.

Senator FANNIN. I certainly understand that. I know it is the desire to accommodate the greatest number of people possible. But we can only do that by having additional recreational areas and also by having developments that can take place. In most instances it has been by multiple utilization.

I realize in many of the national parks you cannot have that take place because of many other hazards that would exist, for instance, fire and things of that nature. But in an area such as Assateague Island it seems to me that it would be possible without having the people be a detriment to the area involved they could be very beneficial to the area involved.

I wholeheartedly agree they would not have in interest in stopping as they go along the road because they certainly are not there to see the area or they would not be there along that road.

Mr. BROOKHART. If you describe it as an access road perhaps it would not be objectionable but as I envision it this contemplates a main trunk highway which people would take on their way going north and south and only with a view to getting somewhere else. Certainly that is not going to contribute anything to the development of this as a national seashore any more than it would if you drove it through the north rim of Grand Canyon.

Senator FANNIN. I can foresee the potentiality you are talking about. At the same time, I also know that we have people here who are vitally involved with investments. They have made their plans and programing and I am sure that you will agree that should be given very serious consideration.

Mr. BROOKHART. Certainly. I am delighted to hear Senator Bible say that this has been one of the longest sessions he has ever attended. I think it is showing very fine contribution of all parties concerned. But we do urge that you give our point of view serious though.

Senator FANNIN. Certainly. Thank you.

Senator BIBLE. Are there further questions?

Thank you very much.

Mr. BROOKHART. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is Mr. Homer DeAngelis.

Do you have a prepared paper for us, Mr. DeAngelis?

Mr. DEANGELIS. No, I could not make up 25 copies. I have two copies. I will be glad to share one of them.

Senator BIBLE. You may proceed.

STATEMENT OF HOMER J. DeANGELIS, CITIZEN, BALTIMORE COUNTY, MD.

Mr. DEANGELIS. Mr. Chairman, I have condensed this 1-hour speech down to 10 minutes, still trying to maintain some sort of continuity. Further, let me say that we foreign-born citizens prize our freedoms pretty highly in this country.

Mr. Chairman, gentlemen of the committee, I appreciate the opportunity to appear before you, knowing that pressure in Washington at the moment is great. Yet this committee is taking time out to see that democracy is working.

For 300 or more years Assateague Island has been lying there. No one wanted it except the animals there. Now along comes some 3,000 people and, seeing the empty island, proceed to buy it. Gentlemen, then the fun started. All at once these property owners were called all kinds of names. We were made out to be two-headed monsters, wicked landgrabbers, and gosh, gentlemen, according to the newspaper editorials, we were depriving the public of a way of life.

Then all types of committees cropped up to blast us as a group of mercenaries. Group after group heads came before State officials crying over the fact that we owned the property. Where were all these do-gooders before the property was bought by these 3,000 people?

Now along come Senators Brewster and Tydings and other Government officials, proclaiming the beauty and facilities of the island to the hunters, fishermen, and so forth. Let's face it, gentlemen, the island has nothing but sand and some salt-infested vegetation.

The Government contends—gentlemen, I don't want to use the word "government" in this case, there are too many nice people in government to just lump them together. I would rather say Mr. Udall contends that upward of 3 million people will benefit by his Department taking over the island.

Mr. Udall will preserve the island in its natural state. OK, let's take Mr. Udall at his word. In its natural state, people will visit the island and after 2 hours on the island these people will be two-legged lobsters cooked by the sun because of no shade facilities.

Let's face it, gentlemen, a park is usually thought of as benches, shade trees, and nice-looking green grass. Gentlemen, there is no grass on the island to speak of, but with the orderly development of the island by the present owners and with the pride that most people have for their possessions, the island will eventually have grass and other beautiful surroundings. At least it will have some shade facilities for friends that will visit the island.

But as it stands now any family man would have to be out of his head to subject his wife and children to exposure of the hot sun and wind.

Are people going to travel hundreds of miles just for sunburns? Mr. Chairman, we have been accused that if the property owners retain the island it will become a cesspool, and so forth.

If 3,000 people are going to create this condition, what is Mr. Udall and company going to do with the mess created by 3 million people? At least the Indians had the whole West to work in and when it piled too high they just moved away to another location. But Assateague is only a small island surrounded by water, and Mr. Udall can't use the Indian technique of moving around.

But needless to say that under the orderly development of the island by the property owners, proper facilities will be available.

Let's move along, gentlemen. Senator Brewster and others have appeared before this committee and cried on your shoulder about how the masses need this water recreation spot. If Mr. Brewster is so interested in the people why doesn't he do something for the people in his own bailiwick?

Now, gentlemen, I have contended all along that recreation starts in your own backyard. So I will take it from there. Right in Baltimore County in the area of Essex, Middle River, we have one of the most beautiful shorelines in the country. Back River, 40 years or more ago, was a place where all the people went swimming, boating, and so forth, when I was a kid. Now here is a river that today isn't even fit for a mudfish to live in and, gentlemen, that is pretty bad.

Here is a river with nice sandy bottom, but has now 4 or more feet of mud and muck from sewage and industry waste. In 45 years or so this once beautiful bathing place has eroded to the point of almost

no return. This river can be saved and can accommodate a million or more people from the Baltimore area. Why travel to Assateague? Facilities can be made available in our own backyard.

If Senators Brewster and Tydings want to do something for the people, let them contact proper Government authorities, work out a plan of restoration of these once beautiful recreation areas, such as Back River.

Now, gentlemen, I come to the point of why I am here fighting for my one little piece of property. A little pile of sand you might say, but it represents the rights of a private citizen. I don't want to point out the Bill of Rights and the first 10 amendments. You people on this committee know it better than I. But it essentially tells government what it cannot do. It spells out how the basic freedoms guaranteed by the Bill of Rights apply to the property owner. Let me quote:

> It is self-evident that the erosion of these freedoms will destroy the free enterprising individual American.

And, gentlemen, we are losing it more and more each day. When are we going to stop it?

Today the rights and freedom of the individual property owners are being eroded. This endangers the rights and freedoms of all Americans. Therefore, gentlemen, I am proposing that a Bill of Rights to protect the American property owner is vitally needed. The property owner should have the right to his property, the right to occupy and dispose of his property without Government interference, the right to enjoy property without interference by laws giving special privileges to any group or groups.

To show you to what extent our freedoms are being taken from us, let's take Assateague. Not once has anyone from Federal or State Government even given me the courtesy of asking me if I wanted to sell my property. How do they know I wouldn't sell my property? But when they say we are going to take it, then my red hair stands up. It is difficult to conceive of a more flagrant case in which the action of an administrative body could be considered more arbitrary or capricious and more of an abuse of their power than this action on Assateague, taken by the Department of Interior.

Will we be faced one day with the proposition that all county golf courses will be taken over by the Federal Government for recreation purposes? Will our private swimming pools go the same way? What will be the fate of other private beach property? I think that the Government should stop trying to run the American citizen's life for him, and stick to the job of governing. It might be a new experience.

Thank you, Mr. Chairman.

Senator BIBLE. Thank you very much, Mr. DeAngelis. That is a very colorful statement.

The next witness is Dr. John Byers.

Dr. Byers does not appear to be here. His statement will be incorporated in full in the record at this point.

When I say that, we mean it. In the printed record in the hearings his statement will appear in full.

(The statement referred to follows:)

STATEMENT OF JOHN M. BYERS, M.D., ELKTON, MD.

My name is John M. Byers, M.D.; address, 106 Elkton Boulevard, Elkton, Md.; occupation, public health physician.

My wife and I purchased a lot (643–12) in South Ocean Beach on Assateague Island in 1953 and the deed was filed in Worcester County, Md., on July 3, 1956 (liber FWH No. 95, folios 13 and 14). Since then, for this lot, we have been paying a county and State real property tax annually and also payments to the Ocean Beach Club, Inc., to maintain the dunes and protect the beach from storm and ocean erosion. Also, to promote a bridge across to the island from the mainland, we bought shares in the Assateague Island Bridge Corp. on July 25, 1956, but this was finally taken over and a bridge was completed very recently by the Maryland State Roads Commission. We did not buy the property as a speculation for monetary profit, but entirely for the construction of a summer cottage for the enjoyment of our family. However, we did risk our capital, small though it be in amount, on the probability of future development. Therefore, we, who have waited so long hopefully in anticipation of the prospect of enjoying a little of the wild beauty of seaside life, believe that we should be permitted to continue our private ownership and work out our own problems, mutual or otherwise, related to the use and development of our Assateague property in a private enterprise manner.

If it finally turns out that as private citizens we cannot individually or collectively finance the necessary and required improvements, then it may devolve on Government to step in and come to our assistance or assume full control for the general welfare of the public and all concerned. We do not believe that this point has been reached as yet. We have not had time to explore all of the various possibilities. A bridge to the island, for example, has only recently been provided. Heretofore, transportation of building materials to the island was practically prohibitive. Likewise, prvate sewage dsposal has not been given a fair test in the higher elevations of the island. It may well be that a public sewerage system is the only practicable method for most of the island and a rather expensive one at that. I know that there is a difference of opinion among experts as to the adequacy and suitability of individual septic tank disposal units for general residential use on the island.

Next, we have the need for Government acquisition as an argument for a national seashore park on Assateague Island. We realize that there is a pressure developing from the terrific population explosion for parks and recreation areas, but we do not agree that this demands that private initiative and resourcefulness should be scuttled by Government in taking over private property which is in the process of being developed by private enterprise. If the Federal Government has the extra funds available, why not let them be used in the presently held, federally owned national forests and the wide expanse of Cape Hatteras National Seashore Park and other seashore areas already owned by the State and the Federal Governments? Therefore, we do not agree that there is an urgent need for the Federal Government to assert control over Assateague Island at this time.

Thirdly, there is the matter of the cost of the Federal acquisition of the island. In 1963, it was estimated to be $6,500,000, but less than a year later in 1964, the estimate had risen to $16,800,000 and this apparently did not include the price for the beach area itself! Moreover, there is a hidden cost in the Federal acquisition of the island for a park with a road from one end to the other. All wildlife experts would agreee that this would destroy the value of the island as a wildlife refuge and abolish the presently useful and necessary Chincoteague National Wildlife Refuge. To not have the road connecting one end of the island with the other would make operation of the island park in two isolated sections very inconvenient and inefficient to the point of impossibility. Thus, it would be the part of wisdom to leave the refuge as it is and allow the remainder of the island, except for a small Maryland State park, to be developed on a private basis in an orderly and attractive fashion. Incidentally, the argument that the island will be a jungle of neon lights and honky-tonks under private operation is not a valid one because of the restrictive nature of the Ocean Beach Club controls and the general feeling of pride in the growth of the community held by public officials of the county as well as the private owners of the property.

Finally, I should like to say that I just don't want the Government to take my property, but there may be other owners that would like to sell to the Government or exchange their property. It seems to me, in my humble opinion, that here on Assateague Island, there is ample room for the Federal Government to set up and operate a national seashore park, with or without the cooperation of Maryland and Virginia, by using the part of the island that can be purchased from or acquired by exchange with the present owners. In other words, there is room on the island for private enterprise and also room for Government to develop in the way best fitted to meet the need of both groups.

Senate bill 20 should be changed to allow only voluntary transfer of title from present owners to Federal Government.

STATEMENT OF WILLIAM P. DesJARDIN, PROPERTY OWNER, ASSATEAGUE ISLAND

Mr. DesJardin. I would like to yield to Mr. Giroux for the time being under these conditions: If he is permitted to speak within the next few minutes and second, that when he has finished speaking if I may then be given permission to give my testimony.

Senator Bible. You can give your testimony now or go down to the end of the line, whichever way you want, because I have intervening witnesses I intend to call. We are getting pretty well along here in calling the people. We have you and we have Mr. Joseph C. Anderson, Ruth Hageman, Mrs. Snowman, and Mr. Giroux. So we are down to five witnesses.

Mr. DesJardin. Will Mr. Giroux be the last one?

Senator Bible. The only reason I am putting him down toward the end is because he is asking for 25 minutes. Mrs. Snowman is asking for 40 minutes. We simply don't have 65 minutes left. I think in the interest of time we can cut those down some.

I notice a lot of witnesses appear to be concerned that the press may not get everything they have to say. But if you have written statements we have a press table right here. You can give the press your statement in full. They can use whatever part of it they want. I am not responsible for their using it or not using it. It is up to them.

Mr. DesJardin. Sir, you have a copy of my testimony up there.

Senator Bible. Yes, I do.

Mr. DesJardin. There are a few ad lib comments I would like to make for the benefit of the press and recording secretary, then I will defer to Mr. Giroux.

Senator Bible. You will defer to the next witness in line, Mr. Joseph C. Anderson, then we will take Mr. Giroux and Mrs. Snowman.

Mr. DesJardin. It will only take a moment.

Senator Bible. Your statement will be incorporated in full, as I indicated.

Mr. DesJardin. Thank you.

(The prepared statement referred to follows:)

STATEMENT OF WILLIAM P. DesJARDIN, ALEXANDRIA, VA.

Gentlemen, I think we can all agree that there have been in recent months and years, fine pieces of legislation to come out of Congress. For this Congress as a whole is to be congratulated. However, we also know that there have been some very poor and controversial legislation presented. Among the latter must be listed the recent bills concerning the acquisition of Assateague Island for a national park area. I will attempt to prove, in part, this last statement by the presentation of a few pertinent facts, some of which may or may not have been presented by the time I have testified.

For too long have the voices of the controlled news media been spouting off why the Government should take Assateague Island, to wit, Ocean Beach and South Ocean Beach, with never a voice being raised to express the views of the lot owners on the island. Pages of biased reports containing half-truths have been written, and not once. I repeat, not once, has there appeared an article anywhere, whether in the press, on the radio, or the TV, in favor of the lot owners. When approached on the subject by lot owners or their representatives, the press, the radio, the TV, all of them, give it the brushoff and refuse to touch it with a 10-foot pole. Why? I'll tell you why, it is because of a concerted effort on the part of the Department of the Interior and the White House to win their cause regardless of the cost, which includes controlled news.

As a veteran of World War II, with 4 years service in the Navy, 14 months of that in the Pacific theater, I share a unique position with about 1,800 other veterans who are lot owners on Ocean Beach and South Ocean Beach. After having served our country faithfully we come home to civilian life anxious to pick up where we left off years before. After much sweat, blood, tears, and sacrifice we attempt to build a little nest egg for ourselves and our loved ones, and are just on the verge of seeing our dreams come true, when up jumps the Government we fought for and snatches them all away on the premise that it is best for the general public. This is our reward for ourselves and our loved ones for the sacrifice we made in the service of our country. This is our contribution to the Great Society. Ha. Thanks a lot for nothing.

Mr. Udall has stated, and the record speaks, that the acquisition of all of Assateague Island, Ocean Beach and South Ocean Beach, for a national seashore park for the general public use is most imperative and that money is no object in acquiring it, that the public will benefit from it far more at the hands of Government control and development. Mr. Udall's concern for the welfare of the public is most commendable and it touches my heart very much, except for one little known fact. Recently, Congressman Udall from the State of Arizona, with the complete cognizance of Secretary Udall, his brother, presented the Udall bill, H.R. 255. I refer you to this article in the November issue, 1963, of Gems and Minerals. Now this is a real political plum. Secretary Udall would administer the bill that he and his brother wrote. Under the bill the Secretary could declare any specific piece of land in the public domain is not required for Federal purposes and therefore subject to sale. There is a 30-day period during which the land must be offered to local or State governments. But what governmental agency can act upon or appropriate funds in sufficient time to meet such a deadline? The article goes on to say, and I am quoting further, the Interior Department would then select an appraiser to set a fair market price or value on the land. It would be offered for sale and bids received. Under any normal logical process, the land would be sold to the highest bidder.

But this is not necessarily true under the Udall bill. The Secretary of the Interior would have the right to sell it to the bidder he considered "the most responsible." There are still large tracts of land of public domain near Los Angeles, Reno, Tucson, Salt Lake City, and many other large or booming western cities. What a political plum it would be for the majority party. How do you decide who is "the most responsible bidder." The richest one? The most charitable one? The poorest one who needs it most? Or perhaps, the one who contributed the most to the party's war chest? End of quote from the article. What an opportunity for the Governor of Maryland and his cronies to engage in some political "back scratching," and if one is to believe some of the backroom politics rumors that are flying this is precisely what is going on in order to curry more Federal Government spending in the State of Maryland. So I repeat, Mr. Udall's expressed concern for the welfare of the general public touches me deeply.

Further, if the Department of Interior is successful in its efforts for Government seizure of our land, I feel very strongly, that, if nothing else, it will join the ranks of other reckless Government spending projects such as the stockpile mess of critical materials going on at the Pentagon. I refer you to an article that appeared in the April issue, 1965, of Male Magazine, by Ray Lunt, which tells of, among others, the stockpiling of 900,000 pounds of goosefeathers, 184 million pounds of coconut oil, and 101 other equally useless items. These are costing the taxpaying general public almost $2 million a day in storage charges alone—not to mention the original cost of these materials.

Since Mr. Udall is bound and determined to spend the taxpayers' money, I suggest he turn his attention elsewhere to an area where his invested dollar can

realize a far greater return. He may, for example, use it in the Appalachian area developing lands there and in so doing help promote the general welfare. Or if this is not enough of a challenge for his great talents, I refer him to the Upper Peninsula of Michigan, while it has not been recognized as a depressed area, it has all the characteristics of one. I refer to the shoreline known as our fourth coastline, some 8,500 miles along the Great Lakes and the critical water problem they have there as outlined in Reader's Digest, March 1965 issue, entitled, "Water Crises on the Great Lakes." I contend that more emphasis should be placed on the development of existing properties which total over a billion acres; 750 million acres of timberland leased to lumber interests, courtesy of the U.S. Forestry Service, another 60 million acres, courtesy of the wilderness bill (another political fireball), plus 180 million acres of existing parklands, courtesy of the National Park Service. Two-thirds of all this acreage has never been visited by the general public, most of whom aren't aware they exist, and the others not able to go to them because of lack of roads and other facilities, the physical endurance or stamina to ride a mule into the area, or the financial capacity to pay for such a visit.

Again, my heart is stirred by the good intentions of Senator Brewster, of Maryland, for the welfare of the general public, along with the aid of his political cronies. His good intentions are tempered considerably by the recent action of this esteemed group in the Maryland State Legislature on charge-account buying. I refer you to an article that appeared in the Washington Daily News, March 4, 1965, edition. In it, it states that Senator Brewster did in fact collaborate with his brother in the writing of the bill, one that will cost the people of Maryland, the general public, if you please, millions of dollars annually in interest charges on credit buying. With the help of the Governor and the attorney general for the State of Maryland, Senator Brewster was successful in his efforts. This is the great friend of the public.

I believe it was our late President, John F. Kennedy, who said these words, "Ask not what your country can do for you, but what you can do for your country."

Mr. Johnson stated after the President's tragic death, "I intend to carry out the program of John F. Kennedy." So, contrary to Mr. Kennedy's avowed plan, and again I am referring to the "backroom politicians," he promptly sets out on a course without precedent, one of socialistic giveaways with the help of chameleon-type puppet politicians. One of his projects is the seizure of our property on Assateague, all this in the best interests of the general public, supposedly. Again my heart is stirred and similarly tempered by his actions. If he sincerely had the best interests of the general public at heart he would take positive action on the report on cancer from smoking from the Surgeon General. Instead he has yielded to the tobacco lobbyists and has done nothing while more and more people are smoking themselves to death.

Gentlemen, other witnesses will appear, if not already, and will outline to you many more reasons why the Government should not and must not be permitted to seize our lands. In closing I would like to add these few brief remarks, that further, our constitutional rights have been violated; yes, violated by the State of Maryland, at the direction of the Department of Interior, when the State would not permit Worcester County to complete the roadway from the bridge to Ocean Beach.

There comes a time when every man must take a stand and be counted as a man, when he must rise or fall on the decisions he makes, when he must fight for what is right. I am alarmed at tthe growing number of individuals in this country in government service, Federal, State, and local, who display all the chameleon-type characteristics of puppet politicians who are ready, willing, and eager to take or give away the rights of individuals, as long as they are not their own. To take Assateague Island away from the private owners would be just one more giant step in the galloping race to socialism that has engulfed this country. Thank you.

Mr. DESJARDIN. I am William B. DesJardin. I am a lot owner, have been since 1952. I might add that the lot I own is far from barren. It contains over 50 pine trees about 70 feet high and it is impossible almost for a bulldozer to turn around between them. That will give you some idea how crowded it is.

Digressing from my prepared statement, I will not attempt to refute the previous testimony of Mr. Nadel and the other nature lovers since this, I believe, has been adequately done previously.

I would like to point out the conspicuous absence in previous testimony as well as presently, and if you will notice, gentlemen, he has disappeared, which eliminates completely his, or his organization——

Senator BIBLE. I don't know that that particularly indicates anything. He gave his statement and he left. I suppose if I had given my statement I would have left.

Mr. DESJARDIN. That is right, sir. But he has not heard the other side of the story.

Senator BIBLE. It will be printed. He can see it.

Mr. DESJARDIN. I doubt if he will bother to read it.

With respect to the press, sir, and again I am reading an ad lib statement, the responsibility of the press to the public to present both sides of the issue seems lost here. They have very magnanimously on Friday of this week given us the coverage on the third page of the second section of the Post paper, about four paragraphs. Then I believe it was on Saturday on the 11th page of the News they similarly gave us about five or six paragraphs. For this we thank them. This is the first coverage we have ever had from the press with respect to the views of the individual.

I would like to point out one other comment. It has been clearly proven beyond the shadow of a doubt that we have been discriminated against in the most abominable manner, that our constitutional rights have been denied to us when we were refused access to the land by virtue of the Interior Department when they told the State of Maryland do not let them continue that road construction beyond the end of the bridge.

We were denied access to our land. This is in violation of our constitutional rights. I would like to go on and make one further comment and then I am through, and I will leave this in your good hands.

In closing, I would like to add, I predict this, that the private development of Assateague Island would start a building boom in that area without precedent. I would also like to ask the Congressman from Arizona—I believe he is from Arizona, are you not, sir?

Senator FANNIN. That is right.

Mr. DESJARDIN. Would you please, sir, I know it is an imposition on you, but would you please pay particular attention to the testimony as I have written it in here? You will find it of most interest to you. I challenge this committee or any other committee on Capitol Hill, for that matter, to seek out the truth behind the Government's seizure of Assateague Island. If the truth is found and publicly told it would make the infamous Teapot Dome scandal look like a Sunday school picnic by comparison, and the Bobbie Baker deal look like a Girl Scout meeting.

Senator BIBLE. OK, Mr. DesJardin. We will do our level best to seek out the truth.

Mr. DESJARDIN. I have a couple of pieces of literature. I would like to leave them at the desk for information.

Senator BIBLE. You leave them with Mr. Whitacre. We will be glad to see them.

Our next witness is Mr. Joseph C. Anderson.

STATEMENT OF JOSEPH C. ANDERSON, PROPERTY OWNER IN OCEAN BEACH AREA

Mr. ANDERSON. Mr. Chairman and members of the committee, my name is Joseph C. Anderson. I am a property owner on Ocean Beach. I am a real estate salesman residing in Arlington, Va.

When I purchased my lot I was a resident of Woodacres, Md. I lived there for 11 years, from 1947 to 1958. I purchased my lot in 1953, and every year since I have had visions of building a nice cottage there so I could enjoy my spare time, but due to the poor mode of transportation across the bay, this did not come about.

Now that the bridge is a reality, and I am denied access to my property from the island side of the bridge, and all of the distinguished people have testified in favor of the Government taking this property for a bird, duck, and goose sanctuary, I can come only to one conclusion: That is that I chose the wrong mode of transportation when I came on this earth. You see, I chose the stork route. Had I chosen the egg route, I probably would have been a goose or a duck; then I would not be here pleading for my right to keep our property. All of the good people who have appeared here in the Government's behalf would be trying to save my neck instead of trying to clip my wings.

Thank you.

Senator BIBLE. You expressed that from an unusual and different angle. I must say. I had not thought of it from that point of view.

Mr. ANDERSON. May I ad lib just a little bit?

Senator BIBLE. Certainly.

Mr. ANDERSON. Since 1953 I would say that I have traveled back and forth to Florida at least twice a year. Quite frequently that has been during the season that the birds would be migrating either north or south. I have yet to see in my travels any lack of accommodations for the birds but quite frequently I have found that the accommodations for human beings were not there and I have had to drive as much as 200 or 300 miles before I could find a place to spend the night when I was really too tired to be on the road.

I do feel that if Ocean Beach is taken over by the Government the same thing is going to apply there, that this will be mainly a weekend venture for folks coming down there and I know I would not invest my money in a venture where I would only be able to play to the public for 2 or 3 days a week for a 10- or 12-week period.

Senator BIBLE. Thank you very much, Mr. Anderson.

Mr. ANDERSON. Thank you.

Senator BIBLE. Our next witness is Miss Ruth M. Hageman.

STATEMENT OF MISS RUTH M. HAGEMAN, PROPERTY OWNER AND FORMER SALES REPRESENTATIVE OF OCEAN BEACH, MD.

Miss HAGEMAN. Mr. Chairman, I am Miss Ruth M. Hageman, Government employee as administrative assistant and, at one time, part-time sales representative for Ocean Beach property. As sales representative, I interested a number of my friends in Ocean Beach and they too became owners of a part of this beautiful island. I express their sentiments today, also, when I oppose Federal acquisition.

It is interesting to note the millionaires who want to take this property from us.

As many know, Mayor McKeldin, formerly Governor McKeldin, signed the papers that permitted Mr. Ackerman, real estate broker, to acquire this central portion of Assateague Island and to subdivide and sell it to 3,200 individuals. Yet at the hearings held by the board of public works in Baltimore in 1963, Governor McKeldin stood before us with clenched fist and shaking it said "We've got to stop shilly-shallying and take this." I would not believe this would happen in the United States if I did not know it firsthand.

Mr. Goldstein has a whole island to himself, I understand, Barrons Island or some such name, yet he doesn't want us to have even a cottage on one lot. I am sure he would be glad to give his island for a bird sanctuary.

He was one of the members of the Board of Public Works of Maryland who, prior to the hearings, was in favor of a Federal takeover. It was so stated in the papers. We had a resolution from veterans asking that he withdraw from that board due to these previous statements. However, in the hearings in Baltimore, due to some certain changes he requested, I can't recall all of the provisions but he did make the statement, "If you would * * * I might change my mind." Of course minutes were not taken by the State. We don't have that record but there were others there who heard that. So we thought it was a bit unfair for him to remain on this board and the board thereupon render a decision that might not have been made otherwise.

Governor Tawes said on Monday, March 17, in his testimony and it was televised all over the area, that they have tried every legal way possible in Maryland to prevent us building on our property. To deprive us of our rights, that is. Except for the Johnny-come-latelies who awakened after we were all deeply entrenched in Assateague Island, the only one who had thought Assateague should be a public park was Mr. Green. Now, Mr. Green was not really interested in the public, but when Mr. Ackerman had refused to sell a large part of it to Mr. Green to subdivide and sell for himself, he immediately set about to put through a public authority bill. This is a matter of public knowledge.

Mr. Green was trying to get revenge on Mr. Ackerman. This sparked off the whole attempt at Federal seizure. We are now suffering for Mr. Green's seeking this vengeance. Dr. Truitt, who testified for Federal takeover earlier in the hearings, was one of his coworkers.

Those of us who bought this property saw its beauty 15 years ago. We had the vision and foresight to see its potential. We had foresight instead of hindsight as in the case with the conservationists. We bought it as an investment for our futures, whether for a residence, a commercial venture, or, yes, some for just an investment. We have this right in America. Our country is built on the free enterprise system.

Senator, I worked my way through school—times were tough in those days out in Oklahoma. As a result of those efforts I got a position and was a grade GS–5 when I bought this property. I paid $1,000 down and $50 a month for 9 years; yes, for 9 long years. I made those payments at times when I couldn't afford necessities. Why? Because I do not feel I should get in a position so as to require the Federal

Government to come to my aid when I am in my senior years. I do not want this investment taken from me. A friend has the commercial lot next to mine and we expect to enter a joint venture when the time is right—that is, when the politicians who have been blocking our way are at last defeated.

I think that your committee and the Congress should be proud of a group of Americans who have faced so many obstacles and waited so long to fulfill a dream—who still have the stamina after all this to stand up and fight for their rights, and for the private enterprise system.

In connection with your thoughts on cost during a couple of testimonies it was not mentioned that in addition to club dues there is also a maintenance fee annually on each lot, plus a couple of special assessments—1962 storm damage and for opposing of this legislation. Also, and I am not knocking our Government savings bonds, Senator, but the interest on these is about the lowest that could be figured on one's investment. In addition, many of us have spent much time in connection with Ocean Beach activities and today we are using our annual leave or are absent from our own businesses to oppose the Federal Government—also did it 3 days last week. We should be compensated for this time.

Congressman Morton asked me when leaving the hearings held before your committee on August 11, 1964, if I would take for my lot what I paid for it. My answer to him was, "I would not." I personally do not feel that the majority of the property owners would accept actual cost. I would not. I would have buried my money in a corner of my backyard if I had wanted to take out just what I put in.

If we do not get to build a residence, or a commercial establishment, as planned, for our enjoyment and that of our future generations—I haven't any, but I have nephews and nieces who are ready to come aboard—then it is the same as any other investment—a blue chip stock for instance. Now, would any of you gentlemen who bought A.T. & T. or IBM 13 or 15 years ago, if you did, or would any of the Congressmen sell it today for what you paid for it, and give the rest of the gains to others who did not buy? It is the same principle. I think you would not do that—not any of you.

In thinking about price, I like to start with what Senator Robertson said on Monday in his presentation. He said, "the property on the beach in Bermuda is selling higher than Pennsylvania Avenue," and further stated that he wouldn't set his foot on those rocks; that he wouldn't go near it. He stated that our beach was much nicer. So, what should ours sell for?

If we should lose our battle against this Federal "grab"—and I hope and pray that we do not—then it is my inention to get fair market value; yes, and our interpretation of that is the "present-day price for commercial ocean front property." If any of you would like to know what that is, the best way to find out is to go up to North Ocean City and try to purchase some.

Now let's face it: Our property is now accessible ocean property whether or not the State or Federal Government admits it. The deliberate putting a block in our way of getting down to the property from the bridge does not make it inaccessible. There are those who have

driven down in some manner. Only due to the dogged determination of the property owners is there a bridge to Assateague Island today. As Governor Tawes said—they have now tried everything in the book in Maryland to stop us—"Time is running out," or they are at the end of the rope.

(Insert from letter follows:)

We have criticized some public officials, and rightly so. However, let us not forget to give credit where credit is due. Without the hard work and diligence of one of our public officials, our determination to have a bridge would not have borne fruit. His firm stand for private enterprise, his effort to see that what is morally right is done for the property owners, and his eagerness to save Maryland for Maryland deserves praise. He has been steadfast through the years and is mainly responsible for getting the appropriations bill through the Maryland Legislature thereby enabling us to realize our dream of a bridge to Assateague. Yes, we owe a deep debt of gratitude to Senator John L. Sanford, Jr., of Maryland.

Miss HAGEMAN. I would like to comment a little on some of the testimony for Federal acquisition. Messrs. Tolbert and Mears, of the Chincoteague-Assateague Beach Authority, they are in hock, so to speak, for $500,000—naturally they want "Uncle" to pull them out. They were up to look into the construction of our bridge and were not for any Federal takeover at that time.

Mr. Tolbert stated that there had been one-quarter million people visited the public park area there at Chincoteague since September 1962. That is 2½ years or 100,000 a year. Anyone knows that 100,000 people visit Ocean City on any average warm weekend in season. How can it be determined from these figures that we can best serve the most people by having a public park on Assateague?

In connection with the statement a while ago when we were talking about the visitation in this area, I would venture to say that after we have had the bridge two and a half years, after we get access to our property, we will have had more than 250,000.

Congressman Downing indicated that the Chincoteague area is a depressed area with families earning less than $3,000 a year. What these people need is work. They could starve to death by the time the Federal Government gets this all straightened out. Private development would better meet their needs.

Mr. Fenaro, representing the AFL, stated that they are working toward a shorter workweek and will have more leisure hours and need more recreational areas. This is true and I'm in favor of their having a pleasant bit of relaxation between workweeks as I like to have—and on vacations. These people like comfort as well as the rest of us. They like the good beds, the air conditioning, and the other things that go with it when they are off the beaches. We pay pretty high prices for labor these days and many of the AFL people are better off financially than others. They are not going to drive a long way either for discomfort as one man so well described the public park type of accommodations.

You are supposed to decide, it seems, which type of development will best serve the most people—those 50 million Mr. Goldstein seems to think can't commune with God anywhere but on Assateague Island. Yet—the gentleman representing the National Audubon Society, Mr. Callison, says "raise the fees and keep the people out of the wildlife area." Out of our half of the seashore park area, that is.

A Maj. Gen. C. T. Lanham, property owner on Ocean Beach, submitted his statement and he is in favor of Federal acquisition. This gentleman is a retired major general and is vice president of Xerox Co., so I'm sure his one lot doesn't mean much to him. Not like a $4,000 to $6,000 investment does to an average person. I'm sure he doesn't have to be concerned about his future. We all know Xerox has done a good business.

Yes, I too, think 50 million people need a place for relaxation—and I also believe that more than 90 percent of them would be attracted to the type of development we expect to have on Ocean Beach and not to the public park-type area. If 10 percent go there it is surprising. I ask that you decide in favor of having private enterprise supply the much-needed recreational facilities for the populace.

Senator BIBLE. Thank you very much, Miss Hageman.

Miss HAGEMAN. I might add when I sold property there, the least amount that I contracted for was $1,500 for a lot. The most I sold were $4,500 and I know there were sales for $5,000. By this time I have $6,500 cash in mind. This was during the time period from 1953 through 1956 that these lots were sold, and contrary to newspaper articles, these lots were not "bought for a song" and, as proof of this, I am submitting my contract written in the amount of $4,500, the original price—not resale price—and no interest included, as a part of the record of these hearings.

Thank you.

Senator BIBLE. Thank you very much. Your contract will be printed at this point.

(The contract referred to follows:)

SOUTH OCEAN BEACH, INC.,
Washington, D.C., June 23, 1953.

Miss RUTH M. HAGEMAN,
Washington, D.C.

DEAR MISS HAGEMAN: Your contract for purchase of property at South Ocean Beach, Md., has been accepted and an approved copy is enclosed.

Payments should be made as provided in your contract and may be sent by mail or made in person at 910 17th Street NW., Washington, D.C. Checks or money orders should be made payable to South Ocean Beach, Inc. A passbook for recording your payments is enclosed for your convenience.

We welcome you as an owner in our community and wish you many happy hours of relaxation and recreation at South Ocean Beach.

Yours very truly,

LEON ACKERMAN, *President.*

SALES CONTRACT

South Ocean Beach, Inc.

Sales contract between South Ocean Beach, Inc., a Maryland Corporation, and Miss Ruth M. Hageman hereinafter referred to as the "Purchaser".

Receipt is acknowledged of a deposit of Five hundred & no/100 ($500.00) dollars as part payment for purchase from South Ocean Beach, Inc., of Lot No. 2

in Block No. 650, in Section II of the subdivision known as South Ocean Beach, situated in Worcester County, Maryland; the total purchase price to be Forty five hundred & no/100 ($4500.00) dollars. Terms: One thousand & no/100 ($1000.00) dollars in cash (of which the above deposit shall be considered a part) to be paid within five days after date; remainder to be paid in monthly sums of Fifty & no/100 ($50.00) dollars, or more at the option of purchaser, on the 1st day of each succeeding month, with interest at the rate of 6% per annum on the unpaid balance, until the entire purchase price is paid. Monthly payments shall be applied to principal, interest, real estate taxes, and property maintenance fee (See Item 11 of Conditions and Restrictions).

In entering into this contract the parties agree to the following covenants and conditions which shall include the Restrictions and Conditions which are set forth on the Reverse hereof:

1. Upon payment in full of the purchase price, South Ocean Beach, Inc., will prepare and deliver to the Purchaser a special warranty deed conveying fee simple title to the above-mentioned lot or lots, free and clear of encumbrances. The Purchaser hereby agrees to pay the cost of conveyance and settlement, including notary fees, revenue stamps and recording charges. Such deed shall include the Conditions and Restrictions set forth on the reverse side hereof.

2. Time shall be of the essence of this contract, and in the event the Purchaser shall fail to make any payment as hereinbefore provided or is in default in the performance of any covenant, condition or restriction contained in this contract, South Ocean Beach, Inc., may declare this contract void, and all amounts paid prior to the time of such declaration shall be and become the property of, and shall be retained by South Ocean Beach, Inc., as liquidated damages for the breach of this contract.

3. No assignment of this contract shall be made by the Purchaser, or by any subsequent holder hereof, without the written consent of South Ocean Beach, Inc.

4. This contract shall be subject to the Purchaser's application for membership in the South Ocean Beach Club being approved by the Membership Committee. In the event of disapproval, this contract shall be cancelled and the deposit made by the Purchaser shall be returned.

5. This contract, including the Restrictions and Conditions which are set forth on the reverse side hereof, shall apply to and bind the successors and assigns of South Ocean Beach, Inc., and the heirs, personal representatives or assigns of the Purchaser.

6. This contract shall not be binding upon the parties until accepted by the authorized representative of South Ocean Beach, Inc., at its principal office in the District of Columbia.

7. THIS CONTRACT, INCLUDING THE RESTRICTIONS AND CONDITIONS WHICH ARE SET FORTH ON THE REVERSE SIDE HEREOF, REPRESENTS THE ENTIRE AGREEMENT BETWEEN THE PARTIES, AND SOUTH OCEAN BEACH, INC., SHALL NOT BE RESPONSIBLE FOR ANY REPRESENTATION WHICH IS NOT CONTAINED HEREIN.

8. SUBJECT TO PRIOR SALE This Contract Not Subject to the Construction of a Bridge.

9. This contract cancels all previous contracts and all monies applied thereon are applied hereto.

10. 225.00 due July 1st 1953 & 250.00 due Aug 1st 1953

Date: Jun 10 1953

Miss Ruth M Hageman
(Purchaser)

1835 - Phelps Place
(Street Address)

Washington 8 DC
(City) (State)

Hu 3-8791 U.S. Govt.
(Telephone) (Occupation)

(Purchaser)

(Street Address)

(City) (State)

SOUTH OCEAN BEACH, INC.

By: C. W. Edwards

Accepted: Date JUN 22 1953

SOUTH OCEAN BEACH, INC.
100 Barr Bldg., 910 - 17th St., N. W.
Washington, D. C., Tel. EX 3-0511

BY: [illegible]

CONDITIONS AND RESTRICTIONS

1. All lots and parcels of land in the subdivision known as South Ocean Beach, Maryland, shall be reserved and used for single-family residential purposes exclusively, excepting those specifically designated upon recorded plats as business, multi-family residential or commercial property.

2. No private dwelling or multi-family residential, commercial or business building, garage or other structure, or sewage disposal system, shall be constructed or erected upon or moved to any lot or parcel of land in the subdivision known as South Ocean Beach, Maryland, before or until two complete sets of plans and specifications and two plot plans showing the proposed location of improvements, shall have been submitted to and approved in writing by South Ocean Beach, Inc. No sign, billboard, fence, structural alteration, or addition to an existing building, or other physical improvement appurtenant thereto, shall be undertaken or placed upon the property until plans and specifications covering same have been submitted to and approved in writing by South Ocean Beach, Inc.

3. No building or other structure, or projection therefrom, shall be erected upon or extend above or below ground within twenty feet of any street frontage line or side boundary line of any lot and no building or part thereof, or any other structure or projection therefrom, shall be erected upon or extend above ground within eighty feet of the rear boundary line of any lot. No tent, or trailer, or other temporary structure of any kind may be erected on or moved to any lot or lots.

4. No sand dunes or other material shall be removed from any lot, except for necessary excavations in connection with construction of improvements, excepting such material as may project above the established grade of said lot and that surplus material shall be deposited on adjacent streets or other areas where designated by South Ocean Beach, Inc.

5. No privy or other outside toilet facility shall be constructed or maintained on any lot, and no liquid effluent or other outflow from a septic tank or sewage disposal system shall be discharged within fifty feet of any lot boundary (excepting on those lots whose width is less than 100 feet—in which case the effluent shall be discharged equi-distant from the side boundary lines), at not less than two feet depth below the established grade of adjacent streets, excepting the subsurface drainage tile, laid with open joints, which may extend underground at a depth of two feet or more to within twenty feet of any side or rear lot line. Septic tanks, sewage disposal systems and drinking water facilities shall conform to all requirements established by the Maryland State Department of Health and the Worcester County, Maryland, health authorities.

6. No more than one multi-family residential, business or commercial building or establishment shall be erected or maintained on any one business or commercial lot. No more than one single-family residential building shall be erected or maintained on any one residential lot.

7. No noxious or offensive trade or entertainment shall be carried on upon any lot nor shall any nuisance be maintained thereon.

8. The land hereby conveyed shall be subject to an easement over a strip five feet in width along side and rear lines, in favor of the owners of other lots for the purpose of laying, erecting, and maintaining water pipes, gas pipes, electric poles, or other public utilities and stringing of electric and telephone wires and necessary connections thereto to be used in common by the owners of other properties in the tract.

9. The provisions herein contained shall run with and bind the land and inure to the benefit of and be enforceable by South Ocean Beach, Inc. or the owner of any land included in said tract, and the failure by South Ocean Beach, Inc., or any land owner to enforce any restriction, condition, covenant or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter, as to a default occurring prior or subsequent thereto; and the declared invalidity of any one or more of the provisions herein shall not affect the validity of the others.

10. Any or all of the rights and powers, titles, easements and estates reserved or given to South Ocean Beach, Inc., in this contract may be assigned by it to any one or more individuals, corporations or associations that will agree to assume said rights, powers, duties and obligations and carry out and perform the same. Any such assignment or transfer shall be made by appropriate instrument in writing in which the assignee or transferee shall join for the purpose of evidencing his or its acceptance of such rights and powers; and such assignee or transferee shall thereupon have the same rights and powers and be subject to the same obligations and duties as are herein given to and assumed by South Ocean Beach, Inc.

11. The Purchaser covenants to pay to South Ocean Beach, Inc., on March 1st of each year, the sum of five dollars ($5.00) for each and every lot purchased, to be used for property maintenance.

12. This contract cannot be assigned except on the condition that the assignee is acceptable for membership in the South Ocean Beach Club.

13. It is covenanted that South Ocean Beach, Inc., shall have the right, after giving five (5) days written notice to the lot owner, to enter upon any lot or lots upon which any structures or nuisances have been erected or maintained contrary to any of these covenants and remove said objectionable structure or nuisance, without liability for damages for such removal. The owner of said lot shall repay South Ocean Beach, Inc., for costs incurred in the tearing down and removal of any such building or removal of such nuisance, including attorneys' fees incident to defending any suit for such removal.

14. All of the above covenants and restrictions shall remain in force until July 1, 1960, and shall be automatically successively renewed for each ten-year period thereafter, unless owners of at least two-thirds of the lots in the subdivision known as South Ocean Beach shall, at least six (6) months prior to any such renewal date, agree in writing to a change in or an abrogation of any of the above restrictions and conditions, and record such writing so amending the aforesaid covenants.

15. South Ocean Beach, Inc., reserves the right to modify the above restrictions and conditions in any case in which, in its discretion, it deems such modification necessary or advisable in connection with improvements to be erected on two or more adjoining lots.

Senator BIBLE. We have a statement from Mr. Marche which, without objection, I will insert in the record at this point.

(The prepared statement referred to follows:)

STATEMENT OF DON MARCHE

Mr. Chairman, members of the committee, my name is Don Marche. I served 38 months in the Navy during World War II. Including my service time, I have been an employee of the Federal Government over 25 years. I own one lot on Assateague Island. According to Secretary Udall and the local newspapers, I am a speculator and exploiter. With only one homesite, I do not think I am a very good exploiter.

I have noted in the speeches of the proponents of the Assateague National Seashore Park that, while they all started their speeches by describing the natural beauty of the island, they all concluded by requesting special concessions for the economic benefit of their constituents. And this is proper, for money is an important facet of our life. Senator Robertson and Congressman Downing opened their speeches with stories of the natural resources of Assateague and ended by requesting a road from the northern end to the southern

end of the island "so that the Commonwealth of Virginia could share in the prosperity of the area." Senator Brewster and Senator Tydings also started by describing the beauty of Assateague and ended up by reserving for the Old Dominion, a 2-mile area for a State park "so that the State of Maryland could share in the prosperity of the area." Congressman Morton was also for the bill if a provision were inserted for a concession area. Accordingly, if we property owners can be assured that we would retain possession of our property "so that we could have our place in the sun," we would also be for this bill. As I will show later, this is possible.

Secretary Udall has based his contention for seizing the island on the premise that the island is subject to storms and is unfit for human habitation. At times he has posed as a friend and savior of the property owners of Assateague. This man is not our friend, leastwise our savior. He is our enemy who is trying to steal our land for a pittance. I am not an engineer, but the very presence of booming Ocean City to the immediate north and Chincoteague to the immediate south, is living proof that Assateague Island, part of the same geological formation, and having the same elevation, could readily support habitation. As to storms, all areas along the coast are subject to storms, and this is a condition people along the coast learn to cope with. As Mr. Tolbert, a representative from Chincoteague stated earlier in these hearings—storms or no storms, I would still live on Chincoteague. And storms or no storms, the property owners on Assateague seek nothing further than to be left alone to pursue their own destiny on their land.

There is sufficient space to satisfy the needs of the naturalist, the campsite enthusiast, and private development on Assateague Island. A road from the bridge at the northern portion of the island, to the bridge at the southern end, would make the wildlife preserve accessible to the naturalist and its beaches could be used for bathing and recreation. The northern 7 miles are available to the Federal Government, which, together with the 2-mile State park area, would give the campsite enthusiast more than 9 miles to pitch his tent. The 14-mile area now subdivided for private development should be permitted to remain in the hands of these individuals with the stipulation that the beach area would be available to the public at large. If more space is needed, Secretary Udall should explore the possibility of acquiring approximately 60 miles of undedeveloped sandy beaches that extend from Chincoteague south to Cape Charles. This area, plus its offshore islands, would cost the Government far less than the subdivided property on Assateague. No real need has ever been shown by the Government to steal the long-cherished dreams of the property owners.

The property owners of Assateague have a well-planned community that in a very short time, can take its place alongside other summer resorts to provide fun and recreation for the Washington-Baltimore-Philadelphia complex.

We beseech you gentlemen to render a decision favorable to the property owners on Assateague Island.

Senator BIBLE. Now if my roster of witnesses is correct, I have two witnesses, Mike Giroux and Mrs. Snowman. I understood there was some agreement between the two as to whether they were going to divide their time or who was going to take how much—something of the kind. Is that correct?

Mrs. SHOWMAN. Yes, it is.

Mr. GIROUX. Mrs. Snowman will speak with what time is left.

Senator BIBLE. Why don't you highlight yours and we will take your statement in full. I think it is no more than fair that we divide the time between you.

Mr. GIROUX. If you will pardon me, sir, most of the testimony that I am about to give has not yet been heard by the subcommittee.

Senator BIBLE. It will all be in the record, anyway, in any event.

Mr. GIROUX. I would, however, like some of the reporters to hear this as well.

Senator BIBLE. It seems to me half the witnesses we have here are more interested in satisfying the reporters than they are the committee.

What I want you to do is to satisfy the committee.

STATEMENT OF MIKE GIROUX, ENGINEERING SERVICE ASSOCIATES, WASHINGTON, D.C.

Mr. GIROUX. Mr. Chairman, my name is Mike Giroux. Mr. Shamp has given me permission to speak not on his behalf but has desired that I take his place and give my views as a person who does not own property on Assateague Island. I do have a personal interest in the island though; I've been skindiving and sailing the whole Eastern Shore area since I was 12 years old.

In the acquisition of Assateague Island, there are a few points which, I think, may have been overlooked.

First, the land under consideration as a national park is the 14-mile strip now privately owned. It consists of some 8,721 acres. It is not the entire island with its total acreage of over 39,000 acres as is outlined on this map. This private section will cost at least $16 to $20 million which, as you have mentioned is a very conservative estimate. Another $8 million will be spent developing the area as a park, and another sum, as yet undisclosed, will have to be spent to provide adequate dune protection and erosion control.

The part of the island to the south of this private development is already Federal property and, from what I understand of the Secretary of Interior's feelings, the section will not be available for public use because it is a wildlife refuge.

The section to the north of the privately owned property is, in part, a Maryland State park. The other lands in this area will, under present plans, eventually become a State park.

There have been suggestions by this committee that perhaps this land to the north might be transferred to the national park, and I don't think you will have too much trouble getting it—if you want it.

Wednesday, Mr. O'Donnell of the State Planning Commission of Maryland said that the State Park would only be developed to permit daytime use such as surf casting and swimming. I feel that the fact is that he couldn't do anything else with it, because that, gentlemen, is the "white elephant" section of Assateague. Due to the jetties and breakwaters of Ocean City above it, there is a very difficult and expensive problem of beach erosion and dune breakdown. This beach is eroding at the rate of 75 feet per year. I think the State of Maryland would only be too glad to get rid of it.

What all this means is that you are paying, at a good guess, some $30 million for a 14-mile dribble of land which, it is claimed, will be the haven of all the peoples of the east cost megalopolis now and, more importantly, 25 years from now.

The Interior Department says:

> Never mind the 3,200 or so people who will be shoved off this land; they have held in hope of developing for almost 15 years. We're more concerned with the vast number of people who are not fortunate enough to have their own place by the sea. We're also saving land for future generations.

This attitude is good, don't misunderstand me, but the gall of this Interior Department spokesman telling you that the purchase of this one section of Assateague Island is the answer, or even a very good partial answer, "throws me for a loop." And I'll explain why in a few minutes.

But first, I would like to make a few more points before explaining, what I think, is a very positive program.

When Mr. O'Donnell was asked Wednesday whether or not he would like to part with his State park, he said that as an administrative type he was not qualified to make a decision on the matter, when questioned further, however, he said that, since the State government had spent $750,000 in land acquisition and another $250,000 in planning, he didn't feel that the State would like to hand it over. Well, I'm sure then that at least he can understand how 3,200 people feel after spending a far greater amount of money on their little half-acre plots. Putting it simply: They don't want to kiss it goodbye after all the work, money, dreams, and plans they've put into it.

Maybe this really isn't relevant to the problem at hand but I thought I'd kick it in.

Also, on Wednesday, Senator Tydings said, and Mr. Udall and Mayor McKeldin backed him up on Thursday, that Assateague Island is the only land left available for public use from Fire Island, N.Y., to Cape Hatteras. I could understand their very strong feelings in the matter and their concern for purchasing Assateague if they were correct. However, they are not right and, as Mr. Walker and Mr. King testified earlier, they're dead wrong.

Then too, on Wednesday, Congressman Downing said that the area to the south of Assateague Island, the Chincoteague area, is an economically depressed section. The fact is, if I am not mistaken, that the whole Eastern Shore area south of Assateague Island is economically depressed. Not only is this area economically depressed seasonally, as in the case of Worcester County near Assateague and Ocean City, but it has no basic source of income whatsoever. This is an important point to consider in the overall development of the Eastern Shore.

But before explaining this counterproposal in detail, I would like to rehash some of Thursday's testimony, otherwise known as "Udall's vision."

Senator Bible, you asked Mr. Udall and his advisers what they felt about building a road through the Virginia section of Assateague which is now the wildlife preserve. They responded with tremors of fear that all this building and noise would disturb the ducks. Mr. Udall said further that there must be a very thorough study made of this problem and that this problem, and all the other questions he couldn't answer, came under the heading of a "very serious management plan."

Commonsense, however, tells me two things that were not even touched upon by Mr. Udall, his advisers, or the very fine people from the Audubon Society. First, your big construction is done during the spring and summer months. Second, even more important, are the migration habits of the various fauna under consideration; that is, the ducks and the people who want to swim at the beach. Ducks migrate there and use this island briefly during the winter. The swimmers migrate there during the summer and go home in the winter. Ergo: no competition between ducks and people. To further prove this out, the ducks like the marshes on the western side of the island and the bathers prefer to swim in the ocean on the eastern side. Naturally, the people would want their road near the ocean so they wouldn't have to tramp through the swamps.

But really, though, the most amusing aspect of this whole statement of Mr. Udall's is that the man has had several years, a lot of money, and many men available to develop his plans for utilizing Assateague Island and presenting a complete program for its development so that people can get the best benefit. In my mind, he hasn't.

Earlier, as well, it was discussed that the entire sections of the island from the Virginia-Maryland boundary to the Ocean City Inlet might be purchased altogether, and then some of it leased back to the State for their own purposes. It was then mentioned that the concessions to be built on the proposed national park would be subject to local taxes. The usual rentals and leases for concessions would be carried out, too. From this information, I would like to ask: Is the Federal Government, under Mr. Udall's eyes, trying to outpromote private enterprise, or does he just think they should have a monopoly when it comes to passing money around? Under his program, they would buy, rent, lease, sell, and even pay taxes. I'm quite sure private development is doing the same thing.

Another thing about Mr. Udall: As your parting question to him, Senator Bible, you asked him why they should develop the 600 acres within this proposed national park for commercial use when an earlier statement in his report said that commercial development was economically infeasible for private owners.

He never answered that question, by the way, and following testimony knocked his statement into a cocked hat. But he said something else that was very interesting. First, that the people would be coming for the weekend and, secondly, that he estimated 85 to 90 percent of the people who would use it would be people in the surrounding area who would just be there for the day and would drive back in the evening. This is curious because there are only 23,000 people, approximately, in the surrounding area of Worcester and it doesn't seem very fair to me to persecute the 3,200 people who have homesites on Assateague for such a small number.

I'm more inclined to take his earlier estimates of use as closer to fact, however. I just used this to illustrate that, in this matter of some grave importance to a goodly number of landowners, he didn't appear to be paying much attention.

Now, I have a question which doesn't have to be answered by any of you. I feel it is germane to the issue but it has never been asked.

How many of you Senators on this committee have your own little place on the ocean, or your lodge in the mountains, or your hunting cabin in the woods, or your boat? Remember when Mr. Goldstein said Thursday that he was saving 50 acres in southern Maryland for the future? President Kennedy had Palm Beach in Florida and Middleburg in Virginia. President Eisenhower has Gettysburg in Pennslyvania and President Johnson has a ranch in Texas—and 3,200 people have a little plot on Assateague Island. Many of these people have dreamed of retiring on this island and leaving this as their legacy to their children for future use and enjoyment.

You have already heard some of their testimonies and you will probably hear more after I am done.

As you have noticed, they are sore. They are sore because now, 30 years after the Interior Department said they didn't want Assateague when it was being donated to them, and this was reconfirmed

up until 2 years ago, the Government wants their lands and these people feel they are being cheated. They are being cheated just after their bridge had been completed which, incidentally, they worked long and hard to get, and finally, when they thought that they would at last be able to build on land they purchased some 15 years ago they are stopped.

Don't misunderstand me. I don't think they feel they will be cheated monetarily by the Government if the proposed park is established, but they aren't interested in the money; they are interested in having their own place, a place by the sea their families can enjoy.

In response to that, the question I asked of you, it is not really important whether or not you Senators have your own place because each one of you, I am sure, dreams of it just as these people do. Why do you dream of it? Not so much because it's a hunk of property you can make your million from, but because it would be your own personal refuge. There has been a lot of talk about wildlife refuges, so far, but not too much consideration has been given to these human refuges which, I think are far more important.

However, what about all the people on the east coast who can't afford to buy their refuges? What about National and State parks that can accommodate these people, these taxpayers who need a place, too? Gentlemen, here is the answer to this problem, and, I might add, a much more economically sound answer than the one Secretary Udall has proposed.

Please consider this.

Senator BIBLE. Why do you not highlight this, because you have 4 minutes left and that will leave Mrs. Snowman 5. I might say you have prepared a very good statement here.

Mr. GIROUX. I was working on this until 2 o'clock this morning.

First, build a road such as Mr. Walker can suggest that is 500 yards inland from the ocean running from the beginning of the wildlife refuge at the Maryland-Virginia line and connect it with the existing roads at the bottom of the island. It doesn't have to be a superhighway, but a road similar to the ones found along Skyline Drive, or, as I understand, the Hatteras Park.

This accomplishes two things: It lets a vast number of people use this 12-mile stretch during the summer for swimming and fishing and, as Congressman Downing testified, it financially benefits the people of Chincoteague. The road would tie in with road developed by the private landowners on Ocean Beach and from thence to the Assateague Bridge assuring good traffic circulation.

If you build the road 500 yards back, it won't be washed away and, if you take that fence on the border that keeps people out of the refuge and stretch it along the western side of the road the length of the preserve, the ponies and dwarf deer won't be bothered. There could also be gates along the fence to let people in who wanted to walk through the preserve and get away from people. These folks would still be able to park their cars close by, however, and not have to hike the 6 miles necessary just to get to the preserve as Mr. Udall suggests in his plan.

The second thing I would do is have arrows marking the direction people in cars should take when they leave the Chincoteague exit of Assateague that would direct them down Route 13, just another 20

miles, to the entrance of the national seashore park on Parramore and Hog Island.

That was a fast one, wasn't it? But as Mr. Walker explained earlier, these two islands are much better to use from the taxpayers' standpoint and as a national park. These two islands combined are 14 percent bigger than the proposed park on Assateague and they would be less expensive to acquire and develop. I would also like to add that on Parramore-Hog there are 14 miles of very attractive ocean beaches, a good wooded area, water and sewage potential and higher ground, in many places, than on either Assateague Island or Ocean City.

But there are even more reasons why these two islands are better ——

Senator BIBLE. Your full time is up if you are going to give Mrs. Snowman 5 minutes.

Mr. GIROUX. Senator Bible, I respectfully request very sincerely that the people here today get a chance to hear a counterproposal.

Senator BIBLE. You are reading every single sentence of it. You certainly could highlight it.

Mr. GIROUX. OK, let me highlight it. I will break it down to the facts and figures.

Senator BIBLE. Just give us the highlights of it. I am not trying to cut you off but you are repeating things we have had a dozen times in the hearings. You point out your plan.

Incidentally, who are Engineering Service Associates?

Mr. GIROUX. That is the group that I am the vice president of.

Senator BIBLE. Who are they?

Mr. GIROUX. We are six companies who are in the aerospace industries. We are also manufacturers, market planners, constultants, business managers, advisers, salesmen, designers, and inventors.

Senator BIBLE. Take 5 minutes to outline your proposal and then I will stay a little additional time so that Mrs. Snowman can have 5 minutes.

Mr. GIROUX. This full section should be explained pretty thoroughly so that you can get a complete picture of it.

First, you spread the wealth of development over a much greater portion of the Eastern Shore which, as mentioned earlier by Congressmen Morton and Downing, is dependent on tourism. As Mr. Morton said, "Tourism is and will be our biggest business" and Congressman Downing said that "the future of the Eastern Shore depends on tourism."

Second, Assateague, under this plan, pays taxes. I would imagine a far greater amount than just the 600 acres of concession stands. I would think, too, that with private development of Assateague and public development of the Parramore-Hog Island National Park, quite a few more people would be employed than are presently expected.

Third, there is a lot more ocean area developed, almost 2½ times as much as Mr. Udall has planned for everyone to use and enjoy now, and in the future. Incidentally, the public has always been more than welcome to use the beach by the homeowners of Assateague.

Senator BIBLE. Without going into all the detail how you arrived at your figures, why do you not tell us what the end results are?

Mr. GIROUX. The end results are: Under my proposal the Assateague purchase at assesed value would cost the Federal Government

$2,925,000. If they purchased the land just five and a half times assessed value, which is a fair market price, it would cost them $16,087,500. The land purchased would be only 4,925 acres.

If you purchase Parramore and Hog Islands at 40 times the assessed value you are only spending $1 million. The land acquired in this purchase is 11,000 acres. The other facts on this are the Federal expenditure on Assateague Island for development and improvements on 218 acres of their own land. That is the section by the beach along the preserve. That, at a very exorbitant estimate, is a million dollars.

Federal cost for purchase of Parramore and Hog Islands is another million dollars. The Federal cost for development of Parramore and Hog Islands National Park using Mr. Udall's yardstick of $8.5 million for Assateague would cost $11 million. The Federal lands acquired and developed in my proposal would be 11,000 acres on Parramore and Hog Islands and 200 on Assateague. That brings a total of 11,200 acres used by the public.

The total cost absorbed by the Government is $13 million.

The Federal costs of purchase of Assateague under Mr. Udall's proposal are $16 million. Federal cost for development of Assateague, $8.5 million for only 8,721 acres. Total cost absorbed by the Federal Government under Mr. Udall's proposal is $24 million.

Mr. Udall is spending, and as you have admitted, Senator Bible, very conservatively spending $24 million and he is getting less land than I am when only spending about one-half that amount. As a matter of fact, his cost per acre of developed land that the public can use breaks down to $2,752 per acre for him and $1,161 per acre for me. Putting it another way, I am spending only 42.2 percent of what he is spending, and I am getting more land, better land in the bargain.

Now let's look at some more facts:

1. Assateague is developed completely without bothering the ducks or ponies, and at a very minimum cost to the Federal Government.

2. With total private, State, and Federal Government developments, under my plan, we will be developing an area 49 miles long. This is 2½ times the size presently proposed by Mr. Udall. You will also be doing it for a lot less money.

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However, under my plan, which extends as well into Virginia, the people of Accomack and Northampton Counties would benefit too. Here are the figures on that: In Accomack County, there are 30,600 people with a consumer spendable income per household of $3,916 per year, and in Northampton County there are another 17,500 people who have an average annual CSI per household of $4,030.

In summary, my plan benefits over 71,400 folks while Mr. Udall helps out a very doubtful 23,300. My plan helps out an additional 48,100 people who have an annual CSI per household of more than $1,500 per year less than just the people in Worcester County, and in total it helps out 3 times the number of people Mr. Udall's suggestions would.

I leave it to you gentlemen of this subcommittee to determine just how much my proposed Parramore and Hog Islands National Park would benefit these three counties.

There is one other point I would like to make which you don't have in your testimony.

Under this plan I have mentioned to you briefly the Federal Government would actually acquire 1,357 acres more for the Federal Government to preserve than all the land on Assateague Island and they do it for far less. If you will notice in one of the earlier pages of my testimony I mentioned only an approximate purchase price for Hog Island. I made a phone call this morning down to Accomack County and I found out the assessed value on Hog Island is between 50 cents per acre and $1.50 per acre. The assessed land on Assateague Island in the private section is $500 per half acre to a thousand dollars per half acre.

That about wraps it up.

Senator BIBLE. Thank you very much, Mr. Giroux. You obviously have spent a great deal of time on this. I will read it very carefully.

(The prepared statement referred to follows:)

PREPARED STATEMENT OF MIKE GIROUX

Mr. Chairman, my name is Mike Giroux. Mr. Shamp has given me permission to speak not on his behalf but has desired that I take his place and give my views as a person who does not own property on Assateague Island. I do have a personal interest in the island though; I've been skindiving and sailing the whole Eastern Shore area since I was 12 years old.

In the acquisition of Assateague Island, there are a few points which, I think, may have been overlooked.

First, the land under consideration as a national park is the 14-mile strip now privately owned. It consists of some 8,721 acres. It is not the entire island with its total acreage of over 39,000 acres as is outlined on this map. This private section will cost at least $16 to $20 million, which, as you have mentioned, is a very conservative estimate. Another $8 million will be spent developing the area as a park, and another sum, as yet undisclosed, will have to be spent to provide adequate dune protection and erosion control.

That part of the island to the south of this private development is already Federal property, and, from what I understand of the Secretary of the Interior's feelings, the section will not be available for public use because it is a wildlife refuge.

The section to the north of the privately owned property is, in part, a Maryland State park. The other lands in this area will, under present plans, eventually become a State park.

There have been suggestions by this committee that perhaps this land to the north might be transferred to the national park, and I don't think you'll have too much trouble getting it—if you want it.

Wednesday, Mr. O'Donnell, of the State Planning Commission of Maryland, said that the State park would only be developed to permit daytime use such as surf casting and swimming. I feel that the fact is that he couldn't do anything else with it, because that, gentlemen, is the "white elephant" section of Assateague. Due to the jetties and breakwaters of Ocean City above it, there is a very difficult and expensive problem of beach erosion and dune breakdown. This beach is eroding at the rate of 75 feet per year. I think the State of Maryland would only be too glad to get rid of it.

What all this means is that you are paying (at a good guess), some $30 million for a 14-mile dribble of land which, it is claimed, will be the haven of all the peoples of the east coast megopolis, now, and more importantly, 25 years from now.

The Interior Department says, "Never mind the 3,200-or-so people who will be shoved off this land they've held in hope of developing for almost 15 years. We're more concerned with the vast number of people who are not fortunate enough to have their own place by the sea. We're also saving land for future generations."

This attitude is good, don't misunderstand me, but the gall of this Interior Department spokesman telling you that the purchase of this one section of Assateague Island is the answer, or even a very good partial answer, throws me for a loop. And I'll explain why in a few minutes.

But first, I'd like to make a few more points before explaining, what I think, is a very positive program.

When Mr. O'Donnell was asked Wednesday whether or not he'd like to part with his State park, he said that as an administrative type he was not qualified to make a decision on the matter. When questioned further, however, he said that since the State government had spent $750,000 in land acquisition and another 250,000 in planning, he didn't feel that the State would like to hand it over. Well, I'm sure then, that at least he can understand how 3,200 people feel after spending a far greater amount of money on their little half-acre plots. Putting it simply: They don't want to kiss it goodby after all the work, money, dreams, and plans they've put into it.

Maybe this really isn't relevant to the problem at hand, but I thought I'd kick it in. Also, on Wednesday, Senator Tydings said (and Mr. Udall and Mayor McKeldin backed him up on Thursday) that Assateague Island is the only land left available for public use from Fire Island, N.Y., to Cape Hatteras. I could understand their very strong feelings in the matter and their concern for purchasing Assateague if they were correct. However, they are not right, and as Mr. Walker and Mr. King testified earlier, they're dead wrong.

Then too, on Wednesday, Congressman Downing said that the area to the south of Assateague Island, the Chincoteague area, is an economically depressed section. The fact is, if I'm not mistaken, that the whole Eastern Shore area south of Assateague is economically depressed. Not only is this area economically depressed seasonally, as in the case of Worcester County near Assateague and Ocean City, but it has no basic source of income whatsoever. This is an important point to consider in the overall development of the Eastern Shore.

But before explaining this counterproposal in detail, I'd like to rehash some of Thursday's testimony (otherwise known as Udall's vision).

Senator Bible, you asked Mr. Udall and his advisers what they felt about building a road through the Virginia section of Assateague which is now the wildlife preserve. They responded with tremors of fear that all this building and noise would disturb the ducks. Mr. Udall said further, that there must be a very thorough study made of this problem and that this problem (and all the other questions he couldn't answer) came under the heading of a "very serious management plan."

Commonsense, however, tells me two things that were not even touched upon by Mr. Udall, his advisers, or the very fine people from the Audubon Society. First, your big construction is done during the spring and summer months. Second, even more important, are the migration habits of the various fauna under consideration; that is, the ducks and the people who want to swim at the beach: Ducks migrate there and use this island briefly during the winter. The swimmers migrate there during the summer and go home in the winter. Ergo: no competition between ducks and people. To further prove this out, the ducks like the marshes on the western side of the island and the bathers prefer to swim in the ocean on the eastern side. Naturally, the people would want their road near the ocean so they wouldn't have to tramp through the swamps.

But really though, the most amusing aspect of this whole statement of Mr. Udall's is that the man has had several years, a lot of money, and many men available to develop his plans for utilizing Assateague Island and presenting a complete program for its development so that people can get the best benefit. In my mind, he hasn't.

Earlier as well, it was discussed that the entire sections of the island from the Virginia-Maryland boundary to the Ocean City Inlet might be purchased altogether, and then some of it leased back to the State for their own purposes. It was then mentioned that the concessions to be built on the proposed national park would be subject to local taxes. The usual rentals and leases for concessions would be carried out too. From this information, I'd like to ask: Is the Federal Government, under Mr. Udall's eyes, trying to outpromote private enterprise, or does he just think they should have a monopoly when it comes to passing money around? Under his program, they would buy, rent, lease, sell, and even pay taxes. I'm quite sure private development is doing the same thing.

Another thing about Mr. Udall: As your parting question to him, Senator Bible, you asked him why they should develop the 600 acres within this proposed national park for commercial use when an earlier statement in his report said that commercial development was economically infeasible for private owners.

He never answered that question, by the way, and following testimony knocked his statement into a cocked hat. But he said something else that was very interesting. First, that the people would be coming for the weekend and second, that he estimated 85 to 90 percent of the people who would use it would be people in the surrounding area who'd just be there for the day and would drive back in the evening. This is curious, because there are only 23,300 people, approximately, in the surrounding area of Worcester and it doesn't seem very fair to me to persecute the 3,200 people who have homesites on Assateague for such a small number.

I'm more inclined to take his earlier estimates of use as closer to fact, however, I just used this to illustrate that in this matter of some grave importance to a goodly number of landowners, he didn't appear to be paying much attention.

Now, I have a question which doesn't have to be answered by any of you. I feel it is germane to the issue but it's never been asked.

How many of you Senators on this committee have your own little place on the ocean, or your lodge in the mountains, or your hunting cabin in the woods, or your boat? Remember when Mr. Goldstein said Thursday that he was saving 50 acres in southern Maryland for the future? President Kennedy had Palm Beach in Florida and Middleburg in Virginia. President Eisenhower has Gettysburg in Pennsylvania and President Johnson has a ranch in Texas—and 3,200 people have a little plot on Assateague Island. Many of these people have dreamed of retiring on this island and leaving this as their legacy to their children for future use and enjoyment.

You've already heard some of their testimonies and you'll probably hear more after I'm done.

As you've noticed, they are sore. They're sore because now, 30 years after the Interior Department said they didn't want Assateague when it was being donated to them (and this was reconfirmed up until 2 years ago), the Government wants their lands and these people feel they are being cheated. They're being cheated just after their bridge has been completed which, incidentally, they worked long and hard to get, and finally, when they thought that they'd at last be able to build on land they purchased some 15 years ago, they are stopped.

Don't misunderstand me. I don't think they feel they'll be cheated monetarily by the Government if the proposed park is established, but they aren't interested in the money. They're interested in having their own place—a place by the sea their families can enjoy.

In response to the qeustion I asked of you, it's not really important whether or not you Senators have your own place because each one of you, I'm sure, dreams of it just as these people do. Why do you dream of it? Not so much because it's a hunk of property you can make your million from, but because it would be your own personal refuge. There has been a lot of talk about wildlife refuges so far, but not too much consideration has been given to these human refuges which, I think, are far more important.

However, what about all the people on the east coast who can't afford to buy their refuges? What about national parks and State parks that can accommodate these people, these taxpayers who need a place too? Gentlemen, here is the answer to this problem, and, I might add, a much more economically sound answer than the one Secretary Udall has proposed.

Please consider this:

First, build a road such as Mr. Walker can suggest that's 500 yards inland from the ocean running from the beginning of the wildlife refuge at the Maryland-Virginia line and connect it with the existing roads at the bottom of the island. It doesn't have to be a superhighway but a road similar to the ones found along Skyline Drive or, as I understand, the Hatteras Park. This accomplishes two things: "It let's a vast number of people use this 12-mile stretch during the summer for swimming and fishing and, as Congressman Downing testified, it financially benefits the people of Chincoteague. The road would tie in with roads developed by the private landowners on Ocean Beach and from thence to the Assateague Bridge assuring good traffic circulation. If you build the road 500 yards back, it won't be washed away and, if you take that fence on the border that keeps people out of the refuge and stretch it along the western side of the road the length of the preserve, the ponies and dwarf deer won't

be bothered. There could also be gates along the fence to let people in who wanted to walk through the preserve and get away from people. These folks would still be able to park their cars close by, however, and not have to hike the 6 miles necessary just to get to the preserve as Mr. Udall suggests in his plan.

The second thing I'd do is have arrows marking the direction people in cars should take when they leave the Chincoteague exit of Assateague that would direct them down Route 13 (just another 20 miles) to the entrance of the national seashore park on Parramore and Hog Island.

That was a fast one, wasn't it? But, as Mr. Walker explained earlier, these two islands are much better to use from the taxpayers' standpoint and as a national park. These two islands combined are 140 percent bigger than the proposed park on Assateague and they would be less expensive to acquire and develop. I'd also like to add that on Parramore-Hog there are 14 miles of very attractive ocean beaches, a good wooded area, water and sewerage potential, and higher ground, in many places, than on either Assateague Island or Ocean City.

But there are even more reasons why these two islands are better:

First, you spread the wealth of development over a much greater portion of the eastern shore which, as mentioned earlier by Congressman Morton and Downing, is dependent on tourism. As Mr. Morton said, "Tourism is and will be our biggest business" and Congressman Downing said that "the future of the eastern shore depends on tourism."

Second, Assateague, under this plan, pays taxes. I'd imagine a far greater amount than just the 600 acres of concession stands. I'd think too, that with private development of Assateague and public development of the Parramore-Hog Island National Park, quite a few more people would be employed than are presently expected.

Third, there is a lot more ocean area developed, almost 2½ times as much as Mr. Udall has planned for everyone to use and enjoy, now and in the future. Incidentally, the public has always been more than welcome to use the beach by the homeowners of Assateague.

I'd like to elaborate on my proposal a little more please, Senator Bible. Starting at the Ocean City Inlet and down through the end of the State park:

First, let Maryland take over the whole thing, if they want it, as a State park. This is primarily because it's no good for your purposes and it would cost the Federal Government a fortune to maintain it. If you want to buy it anyway, that's fine too because you should be able to pick it up for a very cheap price. Either way you work it out is up to you but the area is perfectly all right to use for daytime recreational purposes; such as, swimming, fishing, and sunbathing. You could even use it for overnight camping during good weather since there is water available. However, you should keep people off this area during storms. So you can see that this would be an excellent park for the State of Maryland.

Second, let Ocean Beach go on as it started as a small beach community with its beach open to the public as well. This area, because it will have some commercial services, including hotels, can accommodate the visitors who want to stay near the State park.

It will also be able to serve some of the people who will visit the preserve and the beach area along the preserve. Others in that area will go to existing Chincoteague facilities.

Third, you want to preserve untouched lands for future generations, right? OK, open up your complete national park in the area where it will really do some good; that is, to the south on Parramore and Hog Island.

Now, let's take a look at projected costs and exactly what you get for your money by comparison. There are a total of 39,630 acres on Assateague Island. Of that, 20,534 acres are either under water or submerged land. This leaves only 19,096 acres. Of this land, 9,453 acres are already federally owned; 922 acres are State owned; and the other 8,721 acres are under private development.

Most of the controversy has been with the area known as Ocean Beach and Ocean Beach South. This area is comprised of 5,850 half-acre plots or 2,925 acres. Here, though, let's be generous because I don't know exactly how many more acres they need for roads. So let's say that they have an additional 575 acres for roads and other things. (That's 25 percent of the residential and commercial plot total, so I think it's sufficient.) This brings the total acreage in that area to 3,500 acres.

Again, guesstimating, I'd say that there are 2,500 acres north of the State park, and another 2,721 acres in the marshland areas. This bring the total to the 8,721 acres now privately owned.

I make this suggestion first: Let the State park keep its 922 acres and let it acquire the northern 2,500 acres. This will give the State park a total of 3,422 acres and an approximate 9 miles of ocean beach front. It won't cost the Federal Government any money and the State of Maryland can develop it as planned for daytime recreational use.

Second, encourage the private development of the center section of Assateague including the marshlands and the Ocean Beach areas. This area with its restricted commercial zones can serve the people and provide overnight accommodations for the visitors who wish to use the State park and the 14 miles of public beach along the Ocean Beach area.

Third, open an area along the oceanside of the wildlife refuge approximately 500 yards east to west from the ocean and running the full length of the preserve. This would make available 218⅛ acres. If you allow 150 feet for two-lane road and a fence (a decorative one—not one of those link things with barbed wire) that would be put up on the westerly side of the road to keep the wild ponies and deer from being injured, you deduct 18⅛ acres leaving an actual 200 acres available to the public. The total beach area the public could use is 35 miles. The total cost to the Federal Government for land acquisition is nothing. If you open up this 12-mile stretch, you benefit the townspeople of Chincoteague because of the increased tourist trade of many park visitors who will find it more convenient.

I would like to point out, as well, that there are still 9,235 acres of untouched land in the preserve which I think people should be able to walk through and enjoy.

Now, let's talk dollars: The cost of that road along the 12-mile stretch of the preserve was estimated to cost $20,000 per mile by a county engineer if it's tar and chip. But you've got to include the cost of the fence, and let's be generous to the local folks anyway and say that it's going to cost $50,000 per mile. Multiply by 12 and you get $600,000. If you think you've got to have dunes, go ahead. Our same engineer estimated them at $2,500 per mile. But just to make sure, we'll say they cost $5,000 per mile. Again, multiplying by 12, you get another $60,000. What about the cost of fireplaces, picnic benches, running water, and maybe even showers? Is $340,000 enough? I think so. Now, let's add it up so far:

Cost of road	$600,000
Cost of dunes	60,000
Picnic benches	340,000
Total (cost to Federal Government)	1,000,000

Total Federal and State acreage so far (if the State of Maryland develops that northern State park): 12,875 acres.

These figures stand against Mr. Udall's purchase price only of an estimated $16 million for only 8,721 acres.

You've got to have that national park, right? Then here are the facts and figures on that:

There are 7,000 acres of land on Parramore Island. There are approximately 4,000 more on Hog Island. The land on Parramore is now assessed at $2 per acre and I believe the same holds true for Hog although it might be less. The improvements on Parramore are assessed at $2,000. I would estimate the improvements on Hog Island to be $1,000. This would bring the total assessed value to 11,000 acres times $2 or $22,000 plus $3,000 for improvements making a total of $25,000.

Parramore Island has been bequeathed to two people—Mrs. Jean Maxwell Saunders and Dr. Carl Schmidlapp. Neither of these people reside on the island and use it only occasionally. Hog Island has no residents at all according to the 1955 Report on Seashore Recreation Survey by the National Park Service, and the situation, I am informed, has not changed today. I might remind you again that this same report stated that "Parramore Island is one of the best remaining undeveloped areas along this section of the Atlantic coast, with important scenic and wildlife values, and would make an excellent public seashore recreation area."

Again, let's be very generous, and pay the owners 40 times the assessed value for Parramore and Hog Islands: $25,000 times 40 is $1 million for 11,000 acres.

I would like you to note that there are 5,850 half-acre lots alone in the Ocean Beach sections of Assateague, and that these lots are assessed at $1,000 for half-acre oceanfront lots and $500 for all other half-acre lots. Let's save time and

figuring, however, and say that all the lots are assessed at $500 for each half acre. That's $1,000 per acre.

Under Mr. Udall's plan, if he were to pay these people just the assessed value of their lots, he would have spent well over $2,925,000 for 2,925 acres. If he were to offer them just 5½ times their current assessment (which is really a fair market price) he would have spent over $16,087,500 and given the people only $2,750 per lot.

Again, let's compare prices and sizes:

Assateague purchase at assessed value	$2, 925, 000
Assateague purchase at 5½ times assessed value	$16, 087, 500
Land acquired under this purchase, acres	2, 925
Parramore-Hog Islands purchase at 40 times assessed value	$1, 000, 000
Land acquired under this purchase, acres	11, 000

Next on the agenda should be the development of Parramore Island and Hog Island:

You'll have to construct a causeway between Parramore and Hog but this can be done through either sandfill or dredging. I have an engineer's statement that this will be no problem.

Just as on Assateague Island, there is excellent drinking water available. I have another statement from an engineer who has already been recognized as an expert witness by this subcommittee that due to the existing aquafer that has been supplying drinking water at between 135 feet on the northern end and to 200 feet on the southern end of Assateague, the very strong likelihood is that this same aquafer will be found at between 325 feet and 350 feet on Parramore and Hog Islands. Also, there is a second aquafer, the Manokin asquafer, to be found at 325 to 350 feet on Assateague. This second source of excellent and very abundant drinking water will be found between 800 and 900 feet on Parramore and Hog. Sewerage is no problem on these two islands either.

Insofar as development costs are concerned, let's use Mr. Udall's very exorbitant figure for developing all of Assateague Island: $8½ million to develop 9,643 acres or less than $1,000 per acre. If we apply the same yardstick to Parramore and Hog Islands' 11,000 acres, we find we're spending under $11 million for development.

We'll now add up the costs and facts again:

Federal expenditure on Assateague Island for development and improvements on 218 acres of their own land	$1, 000, 000
Federal costs for purchase of Parramore-Hog Islands	$1, 000, 000
Federal costs for developments of Parramore-Hog Islands National Park	$11, 000, 000
Federal lands acquired and developed (total acres)	8, 721
Acres, Assateague	200
Total acres	11, 200
Total cost absorbed by Federal Government	$13, 000, 000
Federal costs for purchase of Assateague under Udall's proposal	$16, 000, 000
Federal costs for development of Assateague	$8, 500, 000
Federal lands acquired and developed (total acres)	8, 721
Total cost absorbed by Federal Government under Udall's proposal	$24, 000, 000

Mr. Udall is spending, and as you have admitted, Senator Bible, very conservatively spending, $24 million and he is getting less land than I am when only spending about one-half that amount. As a matter of fact, his cost per acre of developed land that the public can use break down to $2,752 per acre for him and $1,161 per acre for me. Putting it another way, I'm spending only 42.2 percent of what he is spending, and I'm getting more land * * * better land in the bargain.

Now, let's look at some more facts:

1. Assateague is developed completely without bothering the ducks or ponies, and at a very minimum cost to the Federal Government.

2. With total private, State, and Federal Governments developments, under my plan, we will be developing an area 49 miles long. This is 2½ times the

size presently proposed by Mr. Udall. You'll also be doing it for a lot less money.

3. Under Mr. Udall's proposal, only the people of Worcester County would benefit, and as we've already heard from the folks at Chincoteague, they don't think they'd benefit at all under Mr. Udall's current proposal. However, let's give him the benefit of the doubt. In Worcester County, Md., there are 23,300 people with an average annual consumer spendable income per household of $5,559. These are the people he, supposedly, would help.

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In summary, my plan benefits over 71,400 folks while Mr. Udall helps out a very doubtful 23,300. My plan helps out an additional 48,100 people who have an annual CSI per household of more than $1,500 per year less than just the people in Worcester County, and in total, it helps out 3 times the people Mr. Udall's suggestions would.

I leave it to you gentlemen of this subcommittee to determine just how much my proposed Parramore-Hog Islands National Park would benefit these three counties.

So that about wraps it up. I know you can do a lot more with the Eastern Shore area. All it takes is a little more foresight and a little more imagination.

Thank you.

Senator BIBLE. Our last witness is Mrs. Snowman. How long will you take, Mrs. Snowman?

STATEMENT OF MRS. JEAN B. SNOWMAN, PROPERTY OWNER, SOUTH OCEAN BEACH, MD.

Mrs. SNOWMAN. I really don't know.

Senator BIBLE. Well, we will take 5 minutes because I am going to adjourn at 10 minutes after 4. I have to be in Georgetown Medical Hospital.

Mrs. SNOWMAN. Thank you.

You are doing what my husband has been trying to do for 12 years and shutting me up in a limited amount of time.

Senator BIBLE. I have not done that. I asked for an expression from you and I was dividing your time and Mr. Giroux' time.

Mrs. SNOWMAN. I asked for 40 minutes.

Senator BIBLE. I know you asked for 40 minutes, but you also told the staffman that you would let Mr. Giroux go first. We will put everything you have in the record in full and for goodness sake give it to the members of the press and they will have it in full.

I have a medical appointment at 4:30 I have to keep.

Mrs. SNOWMAN. In August 1953 while vacationing at the summer resort town of Ocean City my husband and I, lured by a promotional billboard, decided to buy a lot on Ocean Beach on Assateague Island. We liked what we saw. We believed what we heard. We contracted to buy for $1,500 a 100-foot by 200-foot residential lot for a price of $1,500. The terms were $200 in cash for which deposit would be considered to be a part, to be paid within 5 days after date. The remainder to be paid in monthly sums of $15.

I have for the record a copy of that contract.

Senator BIBLE. We will be very happy to have that.

(The document referred to follows:)

South Ocean Beach, Inc.

Sales contract between South Ocean Beach, Inc., a Maryland Corporation, and Ralph W and Joan B. Snowman hereinafter referred to as the "Purchaser".

Receipt is acknowledged of a deposit of Fifteen ($ 15.00) dollars as part payment for purchase from South Ocean Beach, Inc., of Lot No. 8

in Block No. 743, in Section 2 of the subdivision known as South Ocean Beach, situated in Worcester County, Maryland; the total purchase price to be Fifteen hundred ($1500.00) dollars. Terms: Two hundred ($200.00) dollars in cash (of which the above deposit shall be considered a part) to be paid within five days after date; remainder to be paid in monthly sums of Fifteen ($ 15.00) dollars, or more at the option of purchaser, on the 1st. day of each succeeding month, with interest at the rate of 6% per annum on the unpaid balance, until the entire purchase price is paid. Monthly payments shall be applied to principal, interest, real estate taxes, and property maintenance fee (See Item 11 of Conditions and Restrictions).

In entering into this contract the parties agree to the following covenants and conditions which shall include the Restrictions and Conditions which are set forth on the Reverse hereof:

1. Upon payment in full of the purchase price, South Ocean Beach, Inc., will prepare and deliver to the Purchaser a special warranty deed conveying fee simple title to the above-mentioned lot or lots, free and clear of encumbrances. The Purchaser hereby agrees to pay the cost of conveyance and settlement, including notary fees, revenue stamps and recording charges. Such deed shall include the Conditions and Restrictions set forth on the reverse side hereof.

2. Time shall be of the essence of this contract, and in the event the Purchaser shall fail to make any payment as hereinbefore provided or is in default in the performance of any covenant, condition or restriction contained in this contract, South Ocean Beach, Inc., may declare this contract void, and all amounts paid prior to the time of such declaration shall be and become the property of, and shall be retained by South Ocean Beach, Inc., as liquidated damages for the breach of this contract.

3. No assignment of this contract shall be made by the Purchaser, or by any subsequent holder hereof, without the written consent of South Ocean Beach, Inc.

4. This contract shall be subject to the Purchaser's application for membership in the South Ocean Beach Club being approved by the Membership Committee. In the event of disapproval, this contract shall be cancelled and the deposit made by the Purchaser shall be returned.

5. This contract, including the Restrictions and Conditions which are set forth on the reverse side hereof, shall apply to and bind the successors and assigns of South Ocean Beach, Inc., and the heirs, personal representatives or assigns of the Purchaser.

6. This contract shall not be binding upon the parties until accepted by the authorized representative of South Ocean Beach, Inc., at its principal office in the District of Columbia.

7. THIS CONTRACT, INCLUDING THE RESTRICTIONS AND CONDITIONS WHICH ARE SET FORTH ON THE REVERSE SIDE HEREOF, REPRESENTS THE ENTIRE AGREEMENT BETWEEN THE PARTIES, AND SOUTH OCEAN BEACH, INC., SHALL NOT BE RESPONSIBLE FOR ANY REPRESENTATION WHICH IS NOT CONTAINED HEREIN.

8. **SUBJECT TO PRIOR SALE**

Date: August 5, 1954

Ralph W. Snowman
(Purchaser)

3237 Woodring ave.
(Street Address)

Baltimore 14, Md.
(City) (State)

Hamilton 6-2712
(Telephone) (Occupation)

Joan B. Snowman
(Purchaser)

Same
(Street Address)

(City) (State)

(Telephone) (Occupation)

SOUTH OCEAN BEACH, INC.

By: Clifford E. Strawn

Accepted; Date

SOUTH OCEAN BEACH, INC.
100 Barr Bldg., 910 - 17th St., N. W.
Washington, D. C., Tel. EX 3-0511

BY: Leon Ackerman
President

Mrs. SNOWMAN. We envisioned a home where we could escape the hustle and bustle of the city and we could have seashore living and in later years a retirement home. We were thrilled. We had just taken a 25-year mortgage on a home. We had other expenses. However, my husband has a steady income as a firefighter in the Baltimore City Fire Department. We decided with proper planning we could swing it. In 1964, 10½ years later, we completed part 1 of our plan for a summer home and a retirement home later. We have received the deed for our lot. I have a copy of that deed.

Senator BIBLE. That can be made part of the record.

(The document referred to appears on pp. 449, 450.)

Mrs. SNOWMAN. But storm clouds having gathered in the past few years, and it seems we are about to lose what we have just gained. However, this hearing is reassuring to me because I feel at least that something constructive is being done in arriving at a solution of the controversy over Assateague Island, a controversy which has resulted in emotional outpouring on all sides.

The issues involved are such as to evoke very strong feelings, American principles, States rights, conservation.

Our Secretary of the Interior has written a book on conservation entitled "The Quiet Crisis." A review of this book was inserted in the Congressional Record of the 88th Congress by the Honorable Craig Hosmer. I have here a reprint of the review. May I have it inserted in the record?

Senator BIBLE. That may be inserted in the record, certainly.

Mrs. SNOWMAN. Thank you.

(The document referred to follows:)

[From the Congressional Record, 88th Cong., 1st sess.]

REVIEWER PANS UDALL BOOK

Extension of remarks of Honorable Craig Hosmer, of California, in the House of Representatives, Friday, January 31, 1964

Mr. HOSMER. Mr. Speaker, our former colleague, the present Secretary of the Interior, wrote a book last year. Unfortunately its publication date was around the time of the late President Kennedy's regrettable assassination. As a consequence the book escaped the public attention it might otherwise have received. Therefore I feel it appropriate even at this late date to present the following review of "The Quiet Crisis," which appeared in the Baltimore Sun on November 24, 1963:

"UDALL ON CONSERVATION

" 'The Quiet Crisis' finally emerges as the erosion of the countryside, most recently largely by the expansion of our urban centers. Anyone who has witnessed one of these titanic reorderings of the countryside by mechanical behemoths might question the quietness, but this is a minor point. Mr. Udall is concerned with the abuse of the land, the disappearance of wild lands and wildlife, and he sees these losses as vital to humanity.

"The form of the book is historical: birth of land policy in colonial times, the role of the frontiersmen, Thoreau and the naturalists such as Audubon, the period of 'raiding the resources,' and the reaction, with attention focused on such towering figures as George Perkins Marsh, Carl Schurz, John Wesley Powell, John Muir, and others. There is a section on the role of the Government and another on the action of philanthropists in setting aside forest reserves and wildlife sanctuaries and parks. The problem of cities is discussed, and comments are made on conservation and land ethics for tomorrow.

"The plan is good, the men discussed are important, a lot of valuable material is presented, and there are some beautiful illustrations, many in color.

"DISAPPOINTING IN DETAIL

"In detail, the book is disappointing. The Indians are alleged to have left the land undefiled except for mere scratches in the cornfield clearings. In reality they often changed the land mightily, principally by burning everything in sight annually. To an astonishing degree the land as we received it was as the Indians had made it: with great increases of grassland and with great decreases of animal life. For example, the Indians exterminated the American elephants and horses and nearly all of the camels, to name a few examples. We are not unique in our impact.

"At times Mr. Udall explains things through simple physical environmental determinism. The South was as it was because of the climate and soil; and New England correspondingly different. This is so simplistic as to be totally erroneous. Elsewhere he fails to understand the changes that come with time. What is good conservation today would have been folly in the colonial era. This is best illustrated by Mr. Udall's quoting Jefferson on wise land use and commenting that Jefferson lacked any understanding of soil fertility. On the contrary, it is Mr. Udall that lacks appreciation of the colonial production problem, and the sensible shifting of land, labor, and capital to meet the problem of the time.

"SELF-CONTRADICTIONS

"Mr. Udall also quotes extravagant figures for the land given to the railroad to support their western construction. That the railroads made our settlement of the West possible, that scholarly research shows the land giveaway to have been grossly exaggerated and the Government to have profited from the deal, is seemingly unknown to Mr. Udall. On one page the myth that science can continue to give us new resources is attacked, and on the next page it is espoused. Teddy Roosevelt's vetoing of the development of the power in the Tennessee Valley is noted approvingly, and shortly thereafter F.D.R.'s TVA is justified because private industry had not gone ahead with the development of power in the area.

"Not unexpectedly, there is a strong political bias in the book. The introduction is by John F. Kennedy, and Mr. Udall is of course our Secretary of the Interior. He accepts wholeheartedly the concentration of power in Washington, and the New Deal, and all its works. Laissez faire is a whipping boy, private enterprise is presented in the robber baron stereotype, and the good is seen as governmental control. Setting up of forest reserves and national parks is considered so desirable an end that the fact that it was sometimes done by subterfuge is reported with gusto and approval; one assumes in total innocence of the fact that this is approving the doctrine that the end justifies the means.

"EMOTION WON'T DO

"Throughout the book there is the feeling that things have not been thought out, the contradictions not seen, and few things defined. There are many catchy phrases such as 'a habitat that will each day renew the meaning of human enterprise,' whatever that may mean. Elsewhere fear is expressed that cities may 'frustrate man's highest and most specifically human attributes,' but we are not told what these attributes are. The passage suggests that they are a desire for open space and serenity. More is intended, one supposes, but just what and just how cities and suburbs are frustrating this is not made clear.

"Just as everyone is against sin, so everyone is for conservation, and for man's attaining his 'highest and most specifically human attributes.' The trouble is that such problems need sharp definition, and then must be seen in a very broad context and preferably with real understanding of historical settings. Here outpourings of emotion won't do. Mr. Udall's book suffers from lack of sharpness of definition with emotionalism too often substituting for thought.

"GEORGE F. CARTER,
"Professor of Geography, John Hopkins University."

I would like to ask that S. 20 adequately remove this "weather conditions which prevents overnight occupancy" as indicating the Department's concern for human life. If water and sanitary conditions cannot be provided adequately for a small community how will the Department of the Interior propose to meet the needs of 34 million people? It has been stressed again and again that it is imperative that

THIS DEED, made this 4th day of December, in the year one thousand nine hundred and sixty-four, by and between WARRANTY TITLE HOLDING CORPORATION, a body corporate, duly incorporated under the laws of the State of Maryland, party of the first part, and RALPH W. SNOWMAN and JOAN B. SNOWMAN, his wife, parties of the second part.

WITNESSETH, that in consideration of the sum of $10.00 and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said RALPH W. SNOWMAN and JOAN B. SNOWMAN, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her heirs, in fee simple; all that lot of ground, situate in Worcester County, State of Maryland, described as follows:

BEING all that lot of ground shown and designated as Lot No. 8, Block 743, on the Plat entitled "South Ocean Beach, Inc., (Maryland), Second Section", which plat is recorded among the Land Records of Worcester County in Plot Book C. W. N. 1, folio 81.

BEING one of the lots of ground which by Deed dated August 15, 1955 and recorded among the Land Records of Worcester County in Liber F. W. H. 86, folio 154, was granted and conveyed by South Ocean Beach; Inc., to the Warranty Title Holding Corporation.

TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground, with the improvements and appurtenances aforesaid, unto and to the use of the said RALPH W. SNOWMAN and JOAN B. SNOWMAN, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her heirs, in fee simple, subject, however to the following conditions and restrictions, to wit:

1964, Dec. 11 ..... The foregoing ..... deed ..... filed for record and is accordingly recorded among the land records of Worcester County, Md., in Liber F.W.H. No. 183 ..... folio 39 & 40

..... Frank N. Wales ..... Clerk

2. No private dwelling or multi-family residential, commercial or business building, garage or other structure, or sewage disposal system, shall be constructed or erected upon or moved to any lot or parcel of land in the subdivision known as South Ocean Beach, Maryland, before or until two complete sets of plans and specifications and two plot plans showing the proposed location of improvements, shall have been submitted to and approved in writing by South Ocean Beach, Inc. No sign, billboard, fence, structural alteration, or addition to an existing building, or other physical improvement appurtenant thereto, shall be undertaken or placed upon the property until plans and specifications covering same have been submitted to and approved in writing by South Ocean Beach, Inc.

3. No building or other structure, or projection therefrom, shall be erected upon or extend above or below ground within twenty feet of any street frontage line or side boundary line of any lot and no building or part thereof, or any other structure or projection therefrom, shall be erected upon or extend above ground within eighty feet of the rear boundary line of any lot. No tent, or trailer, or other temporary structure of any kind may be erected on or moved to any lot or lots.

4. No sand dunes, or other material shall be removed from any lot, except for necessary excavations in connection with construction of improvements, excepting such material as may project above the established grade of said lot and that surplus material shall be deposited on adjacent streets or other areas where designated by South Ocean Beach, Inc.

5. No privy, or other outside toilet facility shall be constructed or maintained on any lot, and no liquid effluent or other outflow from a septic tank or sewage disposal system shall be discharged within fifty feet of any lot boundary (excepting on those lots whose width is less than 100 feet,—in which case the effluent shall be discharged equi-distant from the side boundary lines), at not less than two feet depth below the established grade of adjacent streets, excepting the subsurface drainage tile, laid with open joints, which may extend underground at a depth of two feet or more to within twenty feet of any side or rear lot line. Septic tanks, sewage disposal systems and drinking water facilities shall conform to all requirements established by the Maryland State Department of Health and the Worcester County, Maryland, health authorities.

6. No more than one multi-family residential, business or commercial building or establishment shall be erected or maintained on any one business or commercial lot. No more than one single-family residential building shall be erected or maintained on any one residential lot.

7. No noxious or offensive trade or entertainment shall be carried on upon any lot nor shall any nuisance be maintained thereon.

8. The land hereby conveyed shall be subject to an easement over a strip five feet in width along side and rear lines, in favor of the owners of other lots for the purpose of laying, erecting, and maintaining water pipes, gas pipes, electric poles, or other public utilities and stringing of electric and telephone wires and necessary connections thereto to be used in common by the owners of other properties in the tract.

9. The provisions herein contained shall run with and bind the land and inure to the benefit of and be enforceable by South Ocean Beach, Inc., or the owner of any land included in said tract, and the failure by South Ocean Beach, Inc., or any land owner to enforce any restriction, condition, covenant or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter, as to a default occurring prior or subsequent thereto; and the declared invalidity of any one or more of the provisions herein shall not affect the validity of the others.

10. Any or all of the rights and powers, titles, easements and estates reserved or given to South Ocean Beach, Inc., in this deed may be assigned by it to any one or more individuals, corporations or associations that will agree to assume said rights, powers, duties and obligations and carry out and perform the same. Any such assignment or transfer shall be made by appropriate instrument in writing in which the assignee or transferee shall join for the purpose of evidencing his or its acceptance of such rights and powers; and such assignee or transferee shall thereupon have the same rights and powers and be subject to the same obligations and duties as are herein given to and assumed by South Ocean Beach, Inc.

11. The Purchaser covenants to pay to South Ocean Beach, Inc., on March 1st, of each year the sum of five dollars ($5.00) for each and every lot purchased, to be used for property maintenance.

12. It is covenanted that South Ocean Beach, Inc., shall have the right, after giving five (5) days written notice to the lot owner, to enter upon any lot or lots upon which any structures or nuisances have been erected or maintained contrary to any of these covenants and remove said objectionable structure or nuisance, without liability for damages for such removal. The owner of said lot shall repay South Ocean Beach, Inc., for costs incurred in the tearing down and removal of any such building or removal of such nuisance, including attorneys' fees incident to defending any suit for such removal.

13. All of the above covenants and restrictions shall remain in force until July 1, 1960, and shall be automatically successively renewed for each ten-year period thereafter, unless owners of at least two-thirds of the lots in the subdivision known as South Ocean Beach shall, at least six (6) months prior to any such renewal date, agree in writing to a change in or an abrogation of any of the above restrictions and conditions, and record such writing so amending the aforesaid covenants.

14. South Ocean Beach, Inc., reserves the right to modify the above restrictions and conditions in any case in which, in its discretion, it deems such modification necessary or advisable in connection with improvements to be erected on two or more adjoining lots.

AND the said party of the first part hereby covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

WARRANTY TITLE HOLDING CORPORATION

IN WITNESS WHEREOF, the said ~~XXXXXXXXXXXXXX~~ has caused these presents to be signed in its corporate name, by A. E. Kernan, its Vice President, and its corporate seal to be hereunto affixed by its Secretary.

Witness:

TEST: WARRANTY TITLE HOLDING CORPORATION

James W. Leyko *Secretary* By A. E. Kernan *Vice President*

STATE OF MARYLAND
CITY OF BALTIMORE TO WIT:

I HEREBY CERTIFY, that on this 4th day of December, in the year one thousand nine hundred and sixty-four, before me, the subscriber, a Notary Public of the State and City aforesaid, personally appeared A. E. Kernan Vice President of Warranty Title Holding Corp. the within named grantor, and duly acknowledged the aforegoing Deed to be the act and deed of the said grantor.

AS WITNESS my hand and Notarial Seal.

Thomas J. Cleary Jr.
Notary Public.

1964 Dec. 11 The foregoing deed filed for record and is accordingly recorded among the land records of Worcester County, Md., in Liber F.W.H. No. 183, folios 239 to 246

Frank M. Wales Clerk

Congress act on this legislation before the development of Ocean Beach is established making the cost of acquisition prohibitive.

Has the Department of the Interior ascertained the cost to the taxpayers for maintaining the dunes? The Department of the Interior has painted a glowing picture of outdoor recreation but hasn't at the moment the answer to these questions. Or, to quote Professor Carter of Johns Hopkins University, "Is emotionalism substituting for thought in these matters?"

Mr. Udall cried there was the ever-increasing population. There is need for additional recreation areas. I know of a need which is more urgent which is with us now and which is every crying, and that is employment.

I am only a housewife but one does not need to be an expert to see that a primitive park will not provide employment that private development can and will provide. Federal acquisition of privately owned Assateague will route people in these areas of jobs in construction, maintenance service and, yes, even civil service.

Mrs. SNOWMAN. I will not read this review by Dr. George F. Carter, professor of geography at Johns Hopkins University in the interest of time, but I would like to pick up the subheading "Disappointing in Detail," and "Self-Contradictions."

This can be applied to the Department of the Interior proposal. I have gathered from Mr. Udall's testimony that he condones the expropriation first and planning second. I believe there should be first a detail plan with detailed cost estimates.

It appears that the Department of the Interior's proposal is disappointing in detail. The Department of the Interior originally justified its efforts to secure Assateague Island by saying it was unsafe for human habitation, that weather conditions made it hazardous for overnight occupancy, that it is impossible to provide safe water and sewerage for a community.

Now they proposed a day camp for millions of people 4 or 5 hours drive away. When the incongruity of this was hit, when pressure was applied, the Department of the Interior was willing to compromise. S. 20 in section b states—

> that the Secretary shall permit construction by private persons of suitable overnight and other public accommodations for visitors to the seashore.

I would like to read, if I may, from a letter to the sponsor of S. 20, Senator Brewster, from the business representative of Local 75 of the Wood, Wire & Metal Lathers International Union, AFL–CIO.

Senator BIBLE. Where is that located, in Baltimore?

Mrs. SNOWMAN. Their main office is in Takoma Park, Md.

Senator BIBLE. Very well.

Mrs. SNOWMAN. I would like to read two paragraphs of this:

> With the prospect of large-scale private development of Ocean Beach on Assateague Island in immediate view, I wish to go on record as opposing Federal nondevelopment of the whole island. The many job opportunities that will be available for the members of my union and allied building trades make it imperative that private development be allowed to proceed.
>
> Certainly Federal nondevelopment will not provide the economic expansion in this area of the State, expansion that is necessary to maintain the decent level of living for the workingman.

Here is one union which is concerned with full employment first and then recreation.

I would also like to read into the record a resolution by the Constellation Democratic Club, Inc.

Senator BIBLE. Why not incorporate the resolution in full in the record. What does it say?

Mrs. SNOWMAN. It endorses private development and is against Federal seizure.

Senator BIBLE. It is against S. 20?

Mrs. SNOWMAN. Yes.

Senator BIBLE. We will put it in the record.

(The document referred to follows:)

RESOLUTION OF THE CONSTELLATION DEMOCRATIC CLUB, INC.

Whereas the Constellation Democratic Club, Inc., formerly known as the 1–19 Democratic Club, located in the sixth councilmanic district of Baltimore City, and in the Fifth and Seventh Congressional District of the State of Maryland, stands in opposition to H.R. 8317, H.R. 8755, and S. 2128, introduced in the last session of the 88th Congress of the United States; said bills providing for Federal acquisition of Assateague Island, which is located off the Eastern Shore of the State of Maryland and Virginia; and

Whereas it is the opinion of the organization that the interests of the citizens of the United States, the State of Maryland, and the county of Worcester in said State of Maryland, would be best served by the orderly and cooperative development of Assateague Island by the Federal, State, and local governments, in conjunction with the 3,200 private property owners in the Ocean Beach and South Ocean Beach communities of said island: Therefore be it

Resolved, That the Constellation Democratic Club, Inc., desires to put itself on record as supporting the development of Assateague Island, in the northern portion, by the State of Maryland as a State park; in the central portion, known as Ocean Beach and South Ocean Beach, by the private property owners thereof; and in the southern portion, by the Federal Government as a public recreation area and wildlife refuge.

To which I fix my hand on this the 31st day of December, in the year of our Lord, 1963.

LOUIS A. DOERING, *President*.

Mrs. SNOWMAN. I am against the condemnation of our property not because it is a piece of land which belongs to my husband and myself, but because there is a principle involved which has no monetary value. I believe that Federal acquisition of Ocean Beach on Assateague is against the philosophy which was taught to me in our public schools which is a part of our American heritage.

Senator Bible, this country was developed by the risk takers and the job makers of America, not by people saying it is for the birds.

Senator BIBLE. Thank you very much. I want to compliment you. You condensed that 1 hour pretty well. I think you hit the main spots. Thank you very much.

Senator BIBLE. This brings us to the conclusion of our record. The record will be kept open for a period of 2 weeks for the purpose of supplying whatever additional information any of you care to supply for the record—2 weeks from today, whatever date that is. That will be April 4 or 5, something like that.

With that I just want to say you have been a very patient audience. It has been interesting to preside over this hearing. We will try to be fair on this issue.

The committee stands adjourned.

(Whereupon, at 4:10 p.m. the committee was recessed subject to call.)

APPENDIX

(Under authority previously granted the following statements and communications were ordered printed:)

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1965.

Senator ALAN BIBLE,
Committee on Interior and Insular Affairs,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: I am delighted to add my endorsement to the many which advocate placing Assateague Island in the national park system.

Assateague Island, partly in Maryland and partly in Virginia, is one of the two considerably undeveloped seashore areas yet remaining between Cape Hatteras and Cape Cod. Furthermore it is close to some of the largest cities on the east coast—Philadelphia, Wilmington, Baltimore, Washington. Making it a national park would insure that the natural attractions of this area would be saved for the benefit of all the people for generations to come.

The Department of the Interior proposes to keep intact the best features of the land, while opening up to fishermen, picnickers, campers, swimmers, and outdoorsmen, the opportunity to enjoy the advantages of this long beach. The Department likewise proposes to preserve the Chincoteague National Wildlife Refuge.

I wish to put myself on record as favoring making Assateague a national Park. In the interests of reaching this objective, reasonable concessions should be made to the varied interests concerned with this island—the State of Maryland, the Commonwealth of Virginia, Worcester County, Md., and private investors. An effective compromise can surely be reached that will bring together these divergent interests and achieve the greater objective of reserving this island for public use and enjoyment.

I respectfully request a favorable consideration of this legislation by your committee.

Sincerely,

CLARENCE D. LONG.

STATEMENT OF NOLAN J. POTTER

Mr. Chairman and honorable members of this committee, my name is Nolan J. Potter and my wife's name is Agnes E. Potter. We reside in Silver Spring, Md.

I, appear here today in our own stead, to defend our property rights located on Assateague Island, against Federal acquisition.

Never before in the history of our family has the Interior Department, threatened so many land grabs. The Government's fence borders the old homestead, acquired from the Indians in the Shepherd of the Hills in Missouri. The landowners there became very disturbed with Secretary Udall's intrusion, they were ready to take up arms, because they believe in a democracy. These pioneering families are a proud people who have strong beliefs in a democratic form of government. They are still far removed from socialism, more so, than the eastern section of the Nation and they abhor the very thought of it.

These pioneering families have kept Shepherd of the Hills, more in its exotic state of naturalism than what the Federal Government has done with the land it has purchased there. It has become commercialized.

We are now faced with Secretary Udall's design, to deprive us of our property located on Assateague Island. July 1953 when we purchased two ocean lots, we were determined to developed this property in the future, to help serve the needs of the public.

I have had a lifetime experience in private business. My pioneering parents helped settle the State of Missouri and this was accomplished by private enterprise. Never before in our history has the Government snatched property from us that we have earned by hard labor.

My lifetime career in private enterprise began as a boy—trapping, buying and selling furs, and farming; helping my father operate tomato-canning factories, a grocery store, and a livestock business. Later I was in the restaurant business, studied law and accounting, owned and operated public transportation, used car, auto parts, repair business, lastly; real estate business.

I can assure you that I know the cost price of private ownership and Government ownership. Now the taxpayer will have to buy my land and in turn pay taxes to maintain it.

Surely the requisites for development by private ownership excel a private park filled with trash and beer cans, or is the entrance fee to be high enough to hold this choice property for the hunting lodge and for all advocates of Government ownership? Dare we buy property any more without fear of Government interference?

Congress needs to be aware of costs. In this case Congress must know before being asked to legislate on the issues presented (1) what the costs are for the purchase of the private owners' property; (2) what the costs are for the development of the property; and (3) what the cost will be for maintenance after development.

Estimates of costs must be made based upon facts instead of guesses that are too low as admitted by Secretary Udall in April 1963 according to a news article appearing in the Baltimore Sun, June 1963. Mr. Udall's guess was $7 million, a later report reflected $12.3 million as the amount of costs for the land belonging to the private landowners on Assateague Island.

For the benefit of Congress, my two private ocean front lots cost, including $300 paid for bridge stock from July 1953 through December 1964, $14,234.76. This figure does not allow for any depreciation to offset monetary inflationary values for this period of ownership. Nor, does this figure reflect a market value based on an appraiser's report.

Under the age old right of eminent domain I recognize the Federal Government has the right to condemnation of property for public or semipublic use. Also, I am aware of the legal foundation stones upon which the Federal Government may exercise this right; namely, to prove that there is actual public necessity for the act of taking the property, and just compensation must be paid the owner before the actual taking.

In my case before the Congress of the United States, today, in the role of a property owner, a taxpayer, and a witness before this august body, I state unequivocally that Mr. Udall, Secretary of the Interior, has failed to establish that there does exist a real public necessity for the Congress to legislate against approximately 3,200 private property owners' rights of ownership and development of their property. Because[1] (1) the Federal Government now owns 10,000 acres and the State of Maryland owns 2,000 acres, a total of approximately 18 miles of shoreline of Assateague Island which is a sufficient public beach recreational area to care for all public visitors in the foreseeable future; (2) private development of the remaining 6,000 acres, with public accommodations by private property owners, would certainly suffice to meet any unforeseeable exigencies needed on behalf of all public visitors.

Also, the tax revenues to be collected by the State, county, and Federal Government from private development of the 6,000 acres would be in the best interest of all the citizens of the United States.

The identical conditions and restrictions contained in the contract of sale and deed are attached to the last page of my testimony.

One of the main purposes of the conditions and restrictions is to deter property owners from developing their property contrary to the master plan for orderly development which otherwise might be developed haphazardly.

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[1] Evening Star, Aug. 11, 1963: "The lower 13 miles of Assateague Island in Virginia offers much broader beaches than the northern end in Maryland. This section, noted for surf fishing and bathing, is owned by the Fish and Wildlife Service but has been leased by a Virginia authority and opened to the public."

Before some of the press write their editorials and the pressure groups make their statements advocating Government control of private property on Assateague Island, more research by these groups into the facts should first be made by them about the plans of development by the private property owners which are based upon an orderly master developing plan that is in compliance with the laws of the land. Statements made by pressure groups to the effect that private development would mire the beauty of this island with the erection of gasoline and tin can alleys and the statements of some of the press advocating public ownership of all of the island for a national seashore, as being better for the public interests than private development, are in total disfavor of the private property owners' constitutional rights and should be totally discounted by this committee, and find for the private property owners because the facts have failed to prove that there exists an actual public necessity for the act of taking their property.

Today there is real need for a changed public attitude. Advocates of Government control have forgotten all but too soon the immortal words of our late President Kennedy: "Do for your country, not your country for you." Time has arrived for the American people to understand there is no such thing as "Government money," apart from the tax payments made by the taxpayer to support the Government. Every expenditure of public funds inevitably means an absolute burden in the form of taxes either at that time or later.

Development problems, including water supplies, sanitation, and many others, I pass on to others more learned in these fields for the answer.

Mr. Chairman and honorable members of this committee, in conclusion, I solicit your support to preserve the possessory rights of all the private property owners of Assateague Island as being in the best interest of all of the people of the United States.

Thank you.

CONDITIONS AND RESTRICTIONS

1. All lots and parcels of land in the subdivision known as South Ocean Beach, Md., shall be reserved and used for single-family residential purposes exclusively, excepting those specifically designated upon recorded plats as business, multifamily residential, or commercial property.

2. No private dwelling or multifamily residential, commercial, or business building, garage, or other structure, or sewage-disposal system, shall be constructed or erected upon or moved to any lot or parcel of land in the subdivision known as South Ocean Beach, Md., before or until two complete sets of plans and specifications and two plot plans showing the proposed location of improvements shall have been submitted to and approved in writing by South Ocean Beach, Inc. No sign, billboard, fence, structural alteration, or addition to an existing building, or other physical improvement appurtenant thereto, shall be undertaken or placed upon the property until plans and specifications covering same have been submitted to and approved in writing by South Ocean Beach, Inc.

3. No building or other structure, or projection therefrom, shall be erected upon or extend above or below ground within 20 feet of any street frontage line or side boundary line of any lot and no building or part thereof, or any other structure or projection therefrom, shall be erected upon or extend above ground within 80 feet of the rear boundary line of any lot. No tent, or trailer, or other temporary structure of any kind may be erected on or moved to any lot of lots.

4. No sand dunes or other material shall be removed from any lot, except for necessary excavations in connection with construction of improvements, excepting such material as may project above the established grade of said lot and that surplus material shall be deposited on adjacent streets or other areas where designated by South Ocean Beach, Inc.

5. No privy or other outside toilet facility shall be constructed or maintained on any lot, and no liquid effluent or other outflow from a septic tank or sewage-disposal system shall be discharged within 50 feet of any lot boundary (excepting on those lots whose width is less than 100 feet, in which case the effluent shall be discharged equidistant from the side boundary lines), at not less than 2 feet in depth below the established grade of adjacent streets, excepting the subsurface drainage tile, laid with open joints, which may extend underground at a depth of 2 feet or more to within 20 feet of any side or rear lot line. Septic tanks, sewage disposal systems, and drinking water facilities shall conform to all requirements established by the Maryland State Department of Health and the Worcester County, Md., health authorities.

6. No more than one multifamily residential, business, or commercial building or establishment shall be erected or maintained on any one business or commercial lot. No more than one single-family residential building shall be erected or maintained on any one residential lot.

7. No noxious or offensive trade or entertainment shall be carried on upon any lot nor shall any nuisance be maintained thereon.

8. The land hereby conveyed shall be subject to an easement over a strip 5 feet in width along side and rear lines, in favor of the owners of other lots for the purpose of laying, erecting, and maintaining water pipes, gas pipes, electric poles, or other public utilities and stringing of electric and telephone wires, and necessary connections thereto, to be used in common by the owners of other properties in the tract.

9. The provisions herein contained shall run with and bind the land and inure to the benefit of and be enforceable by South Ocean Beach, Inc., or the owner of any land included in said tract, and the failure by South Ocean Beach, Inc., or any landowner to enforce any restriction, condition, covenant, or agreement herein contained shall in no event be denied a waiver of the right to do so thereafter, as to a default occurring prior or subsequent thereto; and the declared invalidity of any one or more of the provisions herein shall not affect the validity of the others.

10. Any or all of the rights and powers, titles, easements, and estates reserved or given to South Ocean Beach, Inc., in this contract may be assigned by it to any one or more individuals, corporations, or associations that will agree to assume said rights, powers, duties, and obligations and carry out and perform the same. Any such assignment or transfer shall be made by appropriate instrument in writing in which the assignee or transferee shall join for the purpose of evidencing his or its acceptance of such rights and powers; and such assignee or transferee shall thereupon have the same rights and powers and be subject to the same obligations and duties as are herein given to and assumed by South Ocean Beach, Inc.

11. The purchaser covenants to pay to South Ocean Beach, Inc., on March 1 of each year, the sum of $5 for each and every lot purchased, to be used for property maintenance.

12. This contract cannot be assigned except on the condition that the assignee is acceptable for membership in the South Ocean Beach Club.

13. It is covenanted that South Ocean Beach, Inc., shall have the right, after giving 5 days' written notice to the lot owner, to enter upon any lot or lots upon which any structures or nuisances have been erected or maintained contrary to any of these covenants and remove said objectionable structure or nuisance, without liability for damages for such removal. The owner of said lot shall repay South Ocean Beach, Inc., for costs incurred in the tearing down and removal of any such building or removal of such nuisance, including attorneys' fees incident to defending any suit for such removal.

14. All of the above covenants and restrictions shall remain in force until July 1, 1960, and shall be automatically successively renewed for each 10-year period thereafter, unless owners of at least two-thirds of the lots in the subdivision known as South Ocean Beach shall, at least 6 months prior to any such renewal date, agree in writing to a change in or an abrogation of any of the above restrictions and conditions, and record such writing so amending the aforesaid covenants.

15. South Ocean Beach, Inc., reserves the right to modify the above restrictions and conditions in any case in which, in its discretion, it deems such modification necessary or advisable in connection with improvements to be erected on two or more adjoining lots.

STATEMENT OF WILLIAM A. MCGHEE AND GEORGIA L. MCGHEE

Mr. Chairman and gentlemen of the committee, the following statements were taken from an article in the Washington Post, dated Wednesday, January 6, 1965, written by Alan L. Dessoff:

"Senator Brewster (Democrat, Maryland) will introduce a seashore bill today and Representative Morton (Republican, Maryland) will drop a similar measure into the House hopper, to acquire by condemnation Assateague Island as a Federal park. Last September Maryland opened a bridge linking Assateague to the mainland and providing easy access to the island eliminating transportation problems that was the major roadblock to private development of the island by the property owners.

"The State refused to issue building permits to the property owners despite a lower court's ruling that they must be granted; and the case has been taken to the Maryland Court of Appeals. Early action by Congress is urgent, Brewster declares, because private development probably will begin immediately if the appeals court rejects the State's argument and upholds the lower court's ruling."

Mr. Chairman, not one Washington newspaper has ever printed one word concerning the rights of these property owners, who had the foresight to see and recognize the beauty and development of this deserted island as a retirement home some day; not one word has been printed concerning the years, money, and hard work these people have put into making these dreams come true by working for the new bridge, which is now a reality. After all this work and sacrifice a few politicians have jumped in and taken full credit for the bridge being built, completely ignoring the true facts.

As far back as March 1951 my husband and I purchased property on Assateague Island with the definite intention of building there when we neared retirement age. Later in 1954 we purchased two more half-acre lots to hold as an investment. We are middle-income people and purchased this real estate on a time payment basis, which was not always easy for us. Also, for all these 14 years we have been paying ever-increasing taxes and upkeep on this property. You can easily understand that we feel strongly that the State and Federal Government should respect our property rights and our right to build our retirement home as we have planned for so many years, and our right to realize a fair return on our investment property, especially since this has been such a longtime investment with no return whatsoever.

Both the State and the Federal Government have had more than 50 years to do something about Assateague Island, neither have so much as raised a finger. Now that a group of people, predominantly "little people" like ourselves, have tied up their money and their dreams for the future in the island, there is much talk of taking our land away from us by condemnation. This would be a monstrous injustice.

Thank you.

STATEMENT OF HAROLD F. WATSON

Mr. Chairman and members of the committee, my name is Harold F. Watson. I am a resident of Clarksville, Md., and practice law in Washington, D.C. I appreciate this opportunity to express my views in opposition to the legislation now under consideration.

I am the owner of eight lots in Ocean Beach, on Assateague Island, but that is not my primary reason for appearing here. The proponents of this legislation have painted such a dismal picture of the prospects for successful private development of Assateague Island that, if I could believe them, I would welcome condemnation of the island as my best hope of salvaging a doomed investment. Even discounting these dire predictions, my selfish interest would probably be best served by condemnation of Assateague Island, since this would result in liquidation of my investment at a much earlier date than I can otherwise expect.

However, as a member of that vast majority, the average man, I feel compelled to speak out against the proposed legislation because I feel that it is wholly visionary, illogical, and unrealistic. In fact, I am shocked and a little ashamed that the highest officials of my State, and my entire representation in Congress have been led, by what means I can only surmise, to support legislation which is so detrimental to the taxpayer and the average citizen.

The average man is not a bird watcher, except in a very casual and detached way. The average man is not a surf caster or a shell collector. When he travels to the seashore, whether from 10 miles or a thousand miles, he is primarily interested in obtaining a few hours, or a few days, of relaxation lying on the beach and bathing in the surf. If anyone doubts this, it is only necessary for him to visit any beach and compare the number of people engaged in sun bathing and surf bathing with those engaged in the more esoteric pursuits which I have just mentioned.

The proponents of this legislation have made one point with which I thoroughly agree. I have seen most of the accessible beaches between Provincetown and Pensacola and in my opinion the beach at Assateague Island is unquestionably the best from the standpoint of the surf bather. This is all the more reason why it should be made available, by commercial development to the

maximum permissible extent, to the largest possible number of visitors. Conversion to a national seashore park, with little or no overnight facilities, and strictly limited bathing facilities, will bring about the opposite result. Because it will bring about this adverse result, and at huge expense to the very people being deprived of the facilities which they really want, is the reason why I term the proposed legislation as illogical.

As for being visionary and unrealistic, let us consider for a moment the projected use of the proposed national seashore park. At page 33 of the record of the August 1964 hearing, Senator Brewster is quoted as saying that the Interior Department estimate of "over 3 million yearly visitors seem to be a most conservative estimate." A few simple calculations, based upon some entirely reasonable assumptions, will demonstrate how unrealistic this estimate is.

In view of the Maryland climate, it appears unquestionable that if 3 million persons per year are to visit Assateague Island, at least 2 million of these will visit during the 3 months from the middle of June to the middle of September; but, to be conservative, let us say that an average of 600,000 per month may be expected during these 3 months. Since the seashore park will have few, if any, overnight facilities, these visitors will have to move to and from the island on a single day and this means an average of 20,000 different visitors per day, not counting repeats. It is reasonable to assume that the Saturday and Sunday quotas, to bring the weekly average up to 140,000, will be in the neighborhood of at least 50,000 new visitors per day. Making a generously conservative assumption that the visitors will average 4 per car, this means that at least 12,500 cars must get onto and off the island in a single day. Now, simple arithmetic demonstrates that this number of cars, allowing a modest 53 feet for each car and a minimum safe interval between cars traveling at low speed, means a line of cars 125 miles long. Traveling at 25 miles per hour the maximum safe speed for cars so closely spaced, and making a most favorable assumption that the line would keep moving, it would take 5 hours for this line to pass over the bridge, even if they all arrived at precisely timed 1½-second intervals, which is a precarious assumption in favor of the proponents' estimate.

Actually, if the approach roads could handle anything like this number of cars (they cannot), and since most visitors would arrive at the bridge within a couple of hours in the morning, and again in the late afternoon, you would have a traffic jam more monumental than any ever seen, even in the worst nightmare.

But assuming that you could get 12,500 cars to the island, you would need 12,500 parking spaces or, at 200 cars per acre, with every space filled, 62½ acres of parking area. If the last few thousand drivers are to be able to find spaces, there will have to be at least 20 percent more parking area, or 75 acres in all. There goes 12½ percent of the 600 acres allowed for concession development. This 600 acres would, it is assumed, contain all of the protected bathing facilities, and would presumably include only a mile or so of beach. It is reasonable to assume that at least 75 percent of the 50,000 visitors on a Sunday in July would want to bathe in the ocean—a population of about 7 bathers per lineal foot of waterline—a little better than Coney Island, but not much.

This figure of 3 million visitors a year was, obviously, simply plucked from the blue and if the present legislation were to be favorably reported in reliance on such a fantastic estimate, it would be an almost incredible and very unfortunate blunder. It appears that in arriving at this estimate, reliance was placed on the statement that visitors to Cape Hatteras increased 500 percent during 10 years; but 500 percent of nothing is still nothing. What is the actual number of visitors to Cape Hatteras?

Everyone familiar with the Ocean City area knows that for many years there have been several miles of Delaware seashore parks, between Bethany Beach and Rehoboth Beach, available to picnickers, campers, fishermen, and others. I have driven past the area many times, at various stages of the summer season, and I will venture to say that on any given day the entire population of the park area in question would not fill one of the larger hotels at Ocean City. It is my best judgment that an Assateague National Seashore Park would not attract 3 million visitors in the next 30 years, let alone any one year. But, if it should, look out.

Now, as to the feasibility of private development of Assateague Island, let us consider the fact that the thriving resort area of Ocean City, Md., has been

erected on a precisely comparable barrier reef. Storms have damaged it but it has survived and grown to its present important status and vigorous prosperity. In fact, one of the best things that ever happened to Ocean City was the storm of 1933 which formed the inlet from the ocean to the bay resulting in Ocean City becoming a sports fishing center. To cite another example of an outstanding success with an inauspicious beginning, it is common knowledge that the city of Miami Beach was started in a mangrove swamp. The one man who probably knows more about Assateague Island than any other individual, Mr. Robert Walker, in his submission dated August 15, 1964, and appearing at page 105 of the record of the August 1964 hearing adequately refutes the pessimistic views for private development advanced by the proponents of the legislation under consideration.

Lastly, if there is to be an Assateague National Seashore Park, by all means the connecting highway proposed by Senator Robertson should be constructed. Entirely apart from its affect on the economy of Chincoteague, Va., such a highway would be essential to a proper traffic circulation. Without it the proposed park would be a giant cul-de-sac, and an annual visitation of anywhere near the projected figure would result in intolerable traffic problems.

Thank you.

STATEMENT OF WILLIAM A. LEONARD, JR.

1. Solely because I am a lover of nature and the sea with all their added attractions, and only because I wanted to be as close to these God-given gifts as I possibly could, I became an Assateague Island property owner. I purchased a lot in south Ocean Beach to satisfy this desire, even though this entailed many sacrifices. But what I did not know at that time, was the fact that after all these years an attempt was going to be made to deny me the right to keep what justly belongs to me an infringe on my rights as such. A "rights program" currently fostered and highly recommended for passage by the President and advocated by Members of Congress should certainly take cognizance of the fact that we as property owners have certain rights when we legally obtain a piece of property for the purpose of advancing a wholesome, healthy, and high ideal. On the basis of the aforementioned and for the reasons which follow, I object to the Federal takeover of that part of Assateague Island which rightly belongs to those who foresaw the opportunity to make one of their fondest dreams come true and took the necessary action to see it accomplished:

(*a*) There is no indication of any type of national emergency known to the writer which should force this issue.

(*b*) The State of Maryland has now, and for the foreseeable future, reserved and begun to develop several miles of the island for a State park in its natural splendor for the use of its residents and visitors to the State of Maryland located in the continental United States of America.

(*c*) The private development of part of Assateague Island is not expected to exclude the use of its parks and beaches to the public, but would enhance and add to the recreational facilities of a master plan for the whole of the island which would encourage visits and participation of parties or persons seeking all types of recreation.

(*d*) There are many, many more uninhabited islands in the proximity of Assateague Island for Mr. Udall to exploit which are entirely free of any personal or private control, which could be converted and developed into public and/or wildlife refuge more easily and more readily by the Federal Government than by a private combine.

(*e*) The Federal takeover of Assateague Island from private enterprise now, would spoil a prior, well-planned project, a type if and when fulfilled would be a recreational facility comparable to none, to be frequented more for longer periods and by greater numbers than the few bird watching societies and the like who prefer the wildlife aspect, one of which already exists, adjacent to Ocean Beach.

2. In closing let me state that my motto for this Federal takeover campaign will be "tap the untapped" (those beautiful but uninhabited islands to the south of Assateague). "Don't retap or confiscate from others what they had the foresight to see, to do, and did." God bless you and our heavenly America. There's room for all.

ALEXANDRIA, VA., *March 17, 1965.*

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I respectfully request that my objection to Federal Government seizure of private property on Assateague Island, Md., for use as a national seashore park be entered in the records of the current hearings on that matter.

I am the owner of residential property on Assateague Island and have, since purchase of the property, planned only personal use of that property. I firmly believe that Federal Government seizure of the property in question would be contrary to the best interests of the public and inconsistent with Federal Government policy concerning seizure of private property for recreational purposes.

Yours sincerely,

MYLES H. REYNOLDS.

STATEMENT OF DANIEL TRIMPER, IV

Senator Bible and distinguished committee members, my name is Dan Trimper. I was born in Ocean City, Md., and am a realtor in that area. I am also a property owner on Assateague Island.

I wish to thank you for the time necessary to hear my opinions which are opposed to the passage of Senate bills 20 and 1121.

First and foremost, I question the need for this legislation. We have been led to believe that by 1975 from 1.8 to 3 million persons will visit Assateague Island annually.

A well-developed private resort can easily accommodate this number of people in a 15-mile area such as Ocean Beach without showing signs of overcrowding. The Department of Interior has placed great emphasis on the following types of seashore recreation: swimming, clamming, boating, hiking, picnicking, sunbathing, surf fishing, camping, etc. None of these activities are denied the visitors to a well-developed privately built resort. Admittedly, these activities are enhanced by the pristine qualities of a lonely beach, but is this enhancement alone worth the acquisition costs?

There are many more people in this great Nation who prefer well-developed beach accommodations to camping and rustic living. What assurance do you have that the Department of the Interior has allocated sufficient funds to provide adequate living and eating accommodations for up to 3 million persons and many more as the population explosion continues?

It has been my experience to note that bayside mainland accommodations, which the Secretary suggests will flourish, are not as acceptable to beach-oriented vacationers.

Ocean City, another low-lying sandspit 20 years ago, faced with the same problems of development that are facing Ocean Beach today, has grown to be a fine resort which has accommodated over 4 million visitors in the past 2 years in its relatively smaller area. Chincoteague Ocean Beach served 250,000 people in two seasons. It would appear then, that far more people enjoy the seashore which offers comfortable accommodations.

Secondly, I must take exception to the methods which the Department of the Interior and our own State of Maryland have employed to acquire Assateague Island. In most cases, these tactics would be commonly designated as price fixing. On the one hand, the Department states that fair market value will be paid. On the other side of the coin, the Department, with the aid of news media, vigorously attempts to convey the false impression that the entire island is unsuitable for private development. Governor Tawes has said that the State has tried every legal means to hold the line against such development. The county has been denied the right to build its roads. The property owners have been denied building permits and sewage permits. In its attempt to purchase the island, the Department of Interior, knowing full well that market value must be paid, has set about to destroy market values.

The task before you appears to me particularly distasteful in that you are being assured by the Department that less than $12 million will purchase the lots at negotiated prices fair to both parties.

I question here that this figure is fair to the property owner who purchased beach land as much as 15 years ago. With the proceeds of a negotiated sale to the Government, this property owner will be unable to repurchase land of similar characteristics anywhere in our Nation.

The concept of fair price being based upon the return of capital plus interest and taxes is erroneous because it omits two factors—scarcity of beach land and inflationary trends which have occurred over recent years. The dollars today will purchase only a fraction of what it would when these people acquired their land at Assateague.

The concept of fair market value being set by condemnation juries, appraisers, and attorneys is not altogether applicable either, in this case, because of the tremendous price-fixing pressure which has been applied by the Department and by the press.

There is no reason why most of Assateague with its bridge and a commitment by the county for a road system cannot command prices of at least one-half those presently applicable to those of Ocean City. It is true that the absence of water and sewer facilities tend to depreciate price at Ocean Beach. However, land values at Ocean City above 33d Street continued to mount over the years without these facilities. It is only recently that a public water system has been made available in North Ocean City and this area is still using septic tanks to dispose of sewage. As development occurs, facilities can be built just as Ocean City has proven. But for a road, Ocean Beach on Assateague Island would be the same as North Ocean City is today—desirable and beautiful.

In summary, I question first whether the Department of the Interior can best serve the Nation's recreation needs or can it be provided by conscientious private development. Secondly, I wish to point out that a foul has been committed by the tampering of the Department of Interior with market value. This foul will have severe effects on true purchase prices.

Thank you.

DANIEL TRIMPER REAL ESTATE,
Ocean City, Md., March 25, 1956.

HON. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Committee on Insular Affairs, Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: During the course of the hearings on the Assateague Island National Seashore proposal, you expressed a very definite interest in the values of lots in the Ocean Beach tract. It was quite apparent that you did not receive testimony on this subject and, for this reason, I would like the following statements to be made a part of the record.

As a realtor in the Ocean City area, a member of the Coastal Board of Realtors of Maryland, Inc., I have perhaps sold more Ocean Beach property than any other agent or broker in the immediate area during the past 3 to 5 years. Recent sales of ocean-front lots have been in the following price range: Commercial, $5,000 to $6,300, residential, $3,300 to $4,750.

It is important to note that this market has remained quite firm in spite of the fact that the Federal and State government have caused much unfavorable press toward private development.

It appears to me that the Department of the Interior has underestimated the acquisition price by quite a large sum of money. I do not want the subcommittee to deliberate without full knowledge of the vast sums of money involved here. Mr. Udall's figure of $11 million plus for acquisition of lots only is merely a figure grabbed from the air. It is important to note here, too, that the appraisers mentioned in the testimony were those hired by the Department of the Interior.

I would appreciate the opportunity to be of further service in this matter.

Very truly yours,

DANIEL TRIMPER IV.

STATEMENT OF FRANK J. MURPHY

My name is Frank J. Murphy and I reside at 3800 Warner Avenue, Landover Estates, Md. I have been a taxpayer and resident of the State of Maryland for the past 24 years. I am one of approximately 3,200 property owners of Ocean Beach on Assateague Island. I have attended the hearings that this committee has held on the 17th, 18th, 19th, and 22d of March 1965.

During these hearings I directed my attention as to what degree of interest this committee held as to "the other side of the story," and I want to thank you, Senator Bible, and the members of this committee for showing the patience and keen interest that you gave all the witnesses, both proponents and opponents of S. 20. When over 3,000 people have all experienced the same frustrations, it is only natural that there be repetitious testimony. However, you and your committee members handled everyone with the same courtesy and patience and attention, and I would like to express my sincere thanks again.

"I am sure that members of this committee know more about how we Americans seek our recreation than I do, therefore, I shall not go beyond my own experience in seeking outdoor recreation than my main love, the seashore. I feel I am qualified in this respect having been born on the shores of Boston Bay, Boston, Mass., in 1916. Our Dad taught us as kids the love of the seashore, and in our younger days, when money was scare, it was only the wealthy who could look forward to that great luxury, a vacation at the seashore.

Today things are different. With more people, more available financial resources, and more leisure time, people want to spend as much of their vacation time as they can at the nearest possible point to their main enjoyment. This applies, I believe, more so to those that seek seashore enjoyment than any of our vast outlets of recreational opportunities.

Daytime use only of our seashores is enjoyed mainly by those that are within a reasonable time frame that a round trip would require. I am sure you would have to agree this would not be a distance of over 3 hours at the most (approximately 70 miles each way), and even that distance for just a few hours on the beach, with the possibility of the quick thundershowers that occur so frequently at the seashore, would be a discouraging factor for daytime use only.

For the past 15 years my family and I have enjoyed a vacation from 1 week up to 3 weeks at Ocean City, Md. (on the beach). We have met hundreds of people from practically every State in these United States that have vacationed there.

"We have watched Ocean City, Md., grow in the past 5 years at a fantastic rate and every summer I have been told by the hotel and motelkeepers that they turn away just as many as they can accommodate. I have talked to hundreds of people in the Washington, D.C., area that have expressed their desire to spend a vacation, if only a weekend, at Ocean City, Md., but most of these people have had the same experience of either driving down from Washington on a hot summer day only to find "no vacancy," or many of them have been discouraged without even attempting. I have had this same experience and even with the expansion that Ocean City has experienced in the past 5 years, one still has to make reservations well in advance, and in the more popular public accommodations establishments one has to make reservations (with a one-third down payment) in the early spring.

I believe in conservation and I think if controlled properly it is one of this country's greatest needs for the future. However, to deprive our generation of children the privileges and recreational enjoyments that they should be able to enjoy in order to put in "mothballs" areas that they could enjoy, is not what we, as free Americans, want.

In summary I would like to say that:

I believe that no private individuals or no private club, or Federal agency, should deprive the general public from the right to enjoy the beautiful beaches on Assateague Island. I also believe that some elected officials should not seek to selfishly grab the whole island under the appealing "national seashore" theme, without considering a multipurpose plan that would be beneficial to all people who seek the many varied opportunities for recreation that a multipurpose development plan would offer.

I believe overnight accommodations in the 14-mile privately owned section, with 9 miles to the north as an open State or Federal day-use only park, and the approximately 12 miles to the south that is already federally owned, would be a balanced national recreation seashore, that would benefit the greatest number of people who seek seashore recreation and relaxation. This 9 miles of State or Federal day-use only park, as mentioned above, would be 3 miles longer than the famous Jones Beach on Long Island, N.Y., that accommodates 12 million people annually.

I believe watching the sun rise from the ocean at dawn, the sun setting in the bay at dusk, and to watch the beautiful stars illuminate the sky in the night is a thrill that daytime use only would preclude millions of people from enjoying on Assateague Island.

I believe that families that love the seashore, who have small children, consider it a must to stay as close to the beach as available money and accommodations will provide. I am also sure that many of these families deprive themselves of many things in life so that they can get their kids down to the seashore to romp at will.

I believe a well-planned and orderly resort community located within this more than 33 miles of beach with private cottages, public accommodations, such as police protection, motels, hotels, restaurants, gas stations, churches, medical and sanitary facilities, parks, and other accommodations that the general public not only desires but needs, is a most favorable way to make this island a place for all the people who seek seashore recreation and relaxation.

I believe it would be pure folly, unsound planning, and sheer neglect to our citizens of Virginia's eastern shore, which is a depressed area, if any development plan did not provide a road that would connect the bridge at Chincoteague Island, Va., with the bridge on the Maryland end of the island. This would make a beautiful scenic ocean drive and would encourage tourists to use this highway as the ocean highway from the Norfolk Bridge Tunnel to the Lewes-Cape May Ferry.

I believe that the Federal Government should be concerned with what plan is best for the greatest number of people, the rights of the individual as set forth under the Constitution, and the taxpayer citizen.

In conclusion, I believe that the proposed plan of development of Assateague Island, as set forth and explained to the members of this committee at the public hearings by the Worcester County commissioners, has taken into consideration all of the above in their plan for development of Assateague Island as the most modern seashore resort along the Atlantic Ocean. In the interest of these millions of people who really and truly love the seashore, it is requested that this committee kill S. 20 and S. 1121 before an injustice is done to many, and let private enterprise put the show on the road and be allowed, without any further frustrations to start development of a seashore community that Federal, State, county, and all citizens can be proud of.

Thank you.

STATEMENT OF JAMES L. BAKER AND DOROTHY C. BAKER, BETHESDA, MD.

The Assateague question—To what form of government would these lot takeovers lead to?

We are lot owners at Ocean Beach, Md., and we plan to build as soon as possible. At this time, however, my entire family and I have begun to lose faith in our State Government due to the blitz techniques of a few people in big places and their relentless onslaught to acquire our building lots at Assateague Island. Not only do they plan to take, but to lease back, 600 acres as a starter, to concessioners other than present owners. We worry about the influence of a newspaper which reports only one side of the argument to the obvious exclusion of the rights, in jeopardy, of the 3,200 lot owners, most of whom do not want to have their building lots taken over by the Federal or State Government, and are distraught over their lack of integrity and their turncoat attitude toward their constituents. Let me give an example of what I mean.

Senator Daniel B. Brewster stated in a letter to Mrs. Anne W. Runnels in October 12, 1962:

"Let me state categorically that I believe the orderly and proper development of the island's full potential requires that the interests of both the public and the private property owners be fully protected. I certainly respect the property rights of the individual owners who have patiently waited for many years to develop their property.

"My statement that '* * * this still unspoiled beach and wildlife refuge should be set aside for public use and for the benefit of future generations,' was made with reference to that portion of the island which the State of Maryland desired to purchase for a State park.

"I believe the State's decision to purchase this portion of the island and preserve it for public use was a wise decision and certainly in the interest of all the citizens of Maryland. I further believe that the private development of that portion of the island generally referred to as Ocean Beach would likewise be in the best interests of all the citizens of the State.

"The private development of that portion would have an extremely beneficial effect on the economy of Worcester County and the entire Eastern Shore. This dual development of both the private and public portions of the island cannot possibly be accomplished unless the island is linked to the mainland by an adequate bridge, and it, therefore, follows that I would favor the construction of such a bridge."

Signed by Daniel B. Brewster, Member of Congress.

We voted for Brewster—never again.

The attitude of State officials at the Snow Hill, Md., hearings was one of contempt for those testifying in behalf of lot owners to proceed with private development of that section of Ocean Beach. They did not even take a transcript of the hearings. The prevailing atmosphere at this hearing was one which the Federal Government already owned all of Assateague Island. A large percentage of the disinterested public has been led to believe that all of the island belongs to the Federal Government, this impression due to biased and inaccurate coverage by some radio reports and the Washington Post newspaper.

Why take all the Ocean Beach lots when there exists enough land and beach for centuries to accommodate campers and bathers by using all of the beach at Ocean Beach, all of the 10 miles of land and beach belonging to the State and all of the land in the Federal wildlife refuge below Ocean Beach. Why? Why? Why? The layout of the Ocean Beach private homes and commercial areas is an arrangement with much vision. Its planned roads, parks, building lots, and commercial lots are in harmony with the intent of the Great Society. Roads, at every block, lead directly to the beach and would accommodate parking for hundreds of thousands of cars at the same time—free to the public—with no cost to the Federal Government.

Many people have asked of property owners why they had not built on Ocean Beach long before this time. The answer is quite simple—owners have been waiting for a bridge to be built. Many could have used the three-car ferry to transport buildings materials and labor to the island, but were advised against it due to the additional expense involved—they kept saying "The bridge will be started next year." One problem after another, however, delayed starting of the bridge for nearly 13 years. The Government turned down the opportunity to buy over 16 years ago when offered for sale prior to the subdivision of Ocean Beach. Purchasers, including myself, would have carried materials and labor by rowboat if they had been able to predict Secretary Udall's utter disregard of the rights of property owners.

There have been so-called studies made to show that the island is not safe for development due to erosion and sanitation. How anyone with integrity can write and believe this in the presence of examples to the contrary, is somewhat of a mystery to me. The storm of 1962 was devastating; however, the damage to Ocean City, Fenwick Island, and Rehoboth Beach was more severe than to Assateague Island. Houses properly anchored to piling will withstand much greater wind and water forces than experienced in that storm. Southeastern Florida has beach homes that withstood winds up to 150 miles an hour and water levels up to 8 feet above mean high water. I think all lot owners at Ocean Beach have learned a lesson as to what type of construction is best. I might reiterate what has already been stated and that is that the changing of the beach contour over a few hundred yards at the tip of the island is due to the unbeatable erosive action combination of the jetty and the inlet at Ocean City, Md.

The other disparaging comments by do-gooders and armchair sanitation engineers are not based on fact. Chemical toilets and other advanced engineering practices have been proven to be free from any hazardous effects. These 100-by 200-foot beautiful building lots are more than three times larger than comparable building lots in Ocean City, Fenwick Island, and Rehoboth Beach, and are of no lower sea level than some of the thriving retirement communities on the western shores of Florida.

By necessity, the Federal Government has already taken a large amount of choice Maryland waterfront for development of military weapons. Solomon's Island, Spetsusi Island, the Aberdeen Proving Grounds, Edgewood Arsenal, Naval Experiment Station, Blossom Point, Indian Head, are some centers to which large parcels of land along the waterfront were annexed from the beginning of the century through World War II. These annexation actions were in the interest of national defense, and few would want to challenge the wisdom

behind the Federal Government's action. Besides, most of the property was very sparsely settled, large acreage was held by a very few people and there were no immediate plans for large-scale development. If these Ocean Beach building lots are acquired, 75 percent of Maryland's seashore plus a vast amount of shoreline of the Chesapeake Bay and its estuaries will be in the hands of the Federal Government.

For these reasons then, my recommendations are to—

(1) Declare all Assateague Island beaches free and accessible to all the Nation;

(2) Let the people of Ocean Beach develop their land in accordance with the plan set forth nearly 16 years ago—but which had to await the building of a bridge;

(3) Accept the State of Maryland's offer to utilize the 10 miles of State land for conversion into a federally owned and operated camping park;

(4) Acquire more land, if needed, on the Virginia seashore. Much of this shore is owned by a very few people who would be least affected and at the same time the Government would be spreading its holdings along more of the coastline making accessability to seashore parks easier for more people.

I close these comments by saying that if the Assateague Island question is not settled in favor of the large majority of property owners who have been waiting for 15 years to have their dreams come true, then I wonder what bolder steps next our Government will take toward acquisition of the property of its people. What does it take for the Government to cease being a Democracy and become something else?

STATEMENT OF CHARLOTTE R. BARNARD ON KEEPING ASSATEAGUE ISLAND FOR MARYLAND AND ITS PEOPLE

I am very much opposed to the takeover by the Federal Government of our private property on Assateague Island.

I cannot see much use passing the Appalachia bill to help one group of people and then taking over another group of property owner's land.

We, the owners, are not rich people, but veterans, teachers, and other working people, who have bought these lots and paid a little at a time as we could save the money for payments from our small salaries. Why not let us develop then as a free enterprise in the way that Ocean City was developed, and allow it to be a source of a large tax income to the county, State, and Nation instead of a burden to an unbalanced Federal budget?

The Federal Government already owns a park there, and that is enough. Why should they take the owner's tax money and buy all this land, and then concession it out to favored parties?

As to saving the wildlife, all of the land wildlife has already been taken off and put on the Virginia end of the island.

STATEMENT OF SIDNEY S. AND JOAN F. FABER

We, Sidney S. Faber and Joan F. Faber, residents of Montgomery County, Md. (3603 Isbell Street, Silver Spring) and owners of four lots located on that portion of Assateague Island known as Ocean Beach, oppose the Federal acquisition of the above-named property for a national seashore.

We are particularly opposed to the provisions of the legislation under consideration that would confiscate property owned by American citizens for commercialization by the unknown, but favored, few. We have owned this property for approximately 15 years, have paid taxes (without receiving services in return) to Worcester County and the State of Maryland, and have paid fees to maintain the shoreline and the sand dunes. We cannot stand idly by and see our investment wrested from us to be dispensed, perhaps as political patronage, to those who would be allowed to convert federally purchased land for private profit.

The Department of the Interior has testified that the island is not suitable for private development, although engineering testimony shows that its topography is similar to such highly developed areas as adjacent Ocean City, Md. What the Department cannot answer is: If the island is not fit for use by about 3,000

families, how will it be suitable for use as a Federal park attracting the millions of visitors the Department maintains will visit it?

The Department's claim that Assateague Island is the last available shoreline on the Atlantic coast has also been refuted by other testimony. We repeat this point to emphasize the additional cost to the Federal Government to acquire Assateague as against other areas, some of which are already owned by the Federal Government and not being used.

Now that the State of Maryland is developing a public park on the island, with access from the mainland, there is even less justification for the U.S. Government to spend upward of $25 million to arbitrarily deprive property owners of their rights.

It has not been proven by the Department of the Interior that "millions of people" from nearby cities (such as, Philadelphia, Pa.) will be attracted to Assateague if it is a Federal seashore. Attendance at privately developed beaches; such as, Atlantic City, N.J.; Ocean City, Md.; and Rehobeth Beach, Del., far exceeds that of seashore parks now maintained by the Federal Government; such as, at Cape Hatteras. The use to which the Department of the Interior has put the southern end of Assateague Island further disproves its qualifications to serve as the custodian of facilities and services to the recreation-seeking public.

In conclusion, even a cursory observation will prove that the only beach areas that the public will use are those which are residentially and commercially developed under the American system of free enterprise.

STATEMENT OF WILLIAM E. FELIX

Mr. Chairman and members of the Park and Recreation Subcommittee: my name is William E. Felix. I am an American citizen and property owner on Assateague Island, Worcester County, and also own property in Montgomery County, State of Maryland. I wish to thank you for the opportunity to appear before this committee in opposition to the Assateague National Seashore bill.

Mr. Chairman, in my letter to you dated June 12, 1964, I stated "According to 'Webster's Dictionary,' communism means 'common ownership of property; the abolition of private property, and government control of labor, religion, social relations,' etc. This bill as you can see is a step in that direction. The right to condemn private property, without reason, is a violation of the basic rights of all of our people and can only serve the purpose of those who would destroy us."

In a letter dated July 27, 1964, to Congressman Rogers C. B. Morton, I stated "This action (H.R. 11117), in my estimation, has the odor of the savings and loan swindle that was perpetrated on the people of the State of Maryland by politicians who were elected to represent them."

I will also refer to a minority report by Justice Harlan, U.S. Supreme Court, taken from the U.S. News & World Report, July 1964, "Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit * * * are things all entitled to a large measure of protection from governmental interference * * * There are areas of private rights upon which Federal power should not lay a heavy hand."

Also, an article in the Paulin publication, "I Cover Suburbia" dated August 13, 1964, where it referred to the hearing in Baltimore on August 14, 1964, as a "Kangaroo Court" and also stated: "While on the surface this issue seems to concern only Assateague Island it has dangerous implication for every citizen of the land. Almost every act of the Secretary of the Interior, Stewart L. Udall, since he came in office is symptomatic of his thirst for power. Where does this kind of ambition stop? Will we be faced with the proposition one day that the Federal Government acquire all county golf courses for public recreation purposes? Will all private swimming pools go the same way? And will that be the fate also of other private beach property? These are not idle questions; they are well within the realm of possibility."

Gentlemen, today we stand at a fork in the road—one leads to communism and Government control, the other toward free enterprise and the American heritage. The brave men who died defending this Republic are waiting and watching. I can only echo Abraham Lincoln who said "that these honored dead shall not have died in vain * * *". I can only ask that you protect the rights of the property owners in Assateague, and implore you to defeat this bill, with the words of the immortal Patrick Henry, "Forbid it Oh God."

STATEMENT OF BENJAMIN RUTKOWSKI, GLEN BURNIE, MD.

Mr. Chairman, my name is Benjamin Rutkowski and I live at Glen Burnie, Md. I am a supervisor at Westinghouse.

I want to express my gratitude and appreciation to be heard. I am a property owner on Assateague Island and have been for 10 years. When I purchased this property, I knew it would be a few years before the bridge would be completed. This would be all right, for it would give me ample time to pay off the lot and have a clear start for constructing a bungalow when the Assateague Island Bridge would be built. But since that time, year after year, people on Assateague Island have encountered obstacle after obstacle. Why our own State political figures made favorable statements one time then, later on, reversed these same statements leaving the people of Assateague Island disgruntled and disillusioned.

The committee and individuals worked hard to see their dream become a reality. It was a tough uphill battle fighting city hall, especially when you had to roll up your sleeves after regular working hours or take time off from your daily work schedule. I speak not only for myself but for many of Assateague's members. We believe in an idea, our property right and also of accomplishing a wonderful project to be an asset and something the State of Maryland would be proud to have within its boundaries. But it never materialized because its basic facility was a bridge. Without a bridge, Assateague Island is for the birds. With a bridge, Assateague is for the people. Building a bridge is not a simple factor for opposition is met constantly. One big factor here is, if it was not for the lot owners on Assateague Island, the bridge would not have been built and now we cannot use the bridge to construct our homes.

We are supposed to be spoiling the land, so I have heard so many times. I sure do not comprehend this type of thinking. In my economic studies, land is land until one develops it properly and sees things grow and prosper for the betterment of mankind and improving our standard of living.

We are not spoiling the land, as it has been phrased so many times; we are improving our way of life with the land available—Assateague is our foundation.

My family and I love Assateague Island. This is the reason we purchased a part of it. We looked many places before we found what we liked—Assateague is our dream.

Why is everyone trying to get into the act now that the bridge is completed? Assateague Island was there for centuries and no one wanted it, especially the State of Maryland and the Federal court. But now it shows such great potential that "Big Brother" comes along and wants to "take all the marbles" and save them for posterity.

I give Mr. Ackerman (real estate developer) much credit for trying to develop Assateague Island. For he saw a diamond in the rough and he visualized the beautiful pictures once the diamond was polished and brilliance brought out by hard work with individual initiatives and our free enterprise system.

It is not easy for me to be here and speak our problems; but what is not worth having is not worth fighting for.

As far as I can comprehend, as far as I am able to analyze, our trouble began when the Secretary of the Interior, Mr. Udall, stepped into the picture and decided to take Assateague Island after the storm of 1962. Mr. Udall wanted Assateague Island before this but, under the circumstances, the pickings were not right. The storm gave him a chance to tell the public that the repairing of the wall would be too expensive and private developers could not do this properly.

Also, he convinced the top Maryland political figures to go along with him, in which they all tagged along. If we had the proper people in Maryland office performing their duties properly, this waste of money and time for this hearing would be avoided. I have a speech of Mr. Al Quinn, favorable WBAL radio announcer, which I very much would wish to submit into the records.

In closing, Honorable Senators, Assateague Island is left in your hands and also the dreams and hopes of its people. Not only Assateague Island but similar situations could very well be the innocent victims of the Federal Government landgrab. How far will they go? When will they stop? It is your decision to make.

We ask for only what is rightfully ours. We are not thieves in the dark; we are not infringing on others; we are simply pioneers, builders, as our forefathers did—we ask only for the opportunity to go ahead. Without this hope I see many of the people disillusioned and their spirit drained.

(The speech referred to follows:)

MARYLAND REPORT, AUGUST 20, 1963

Good evening, this is Al Quinn with Maryland Report: The expression, "States rights," has gotten itself trapped in a blind alley.

Thanks to a lot of Southern politicians, States rights has gotten itself misidentified with the so-called or claimed rights of certain Southern States and communities to keep their Negro citizens in a second class of citizenship.

I think some very good arguments could be made that this right of the Southern politicians, their States, and their communities doesn't exist at all, and maybe I'll get around to that some other time, but the purpose of this speech is to free States rights from the demagogs and put them in their proper perspective.

States rights are more than an expression. The words have real meaning—so real that they are at the very heart of the Federal system of 50 sovereign States with a Central Government established by the States.

It was intended by the Founding Fathers that the States should maintain many rights and responsibilities of government, and to make sure that that was understood, after the original Constitution was prepared, it was written in by amendment, part of the Bill of Rights—"That the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

But through the years, the Federal Government, particularly since the 1930's has found it convenient, and all too easy, to ignore this guarantee of powers and governmental authorities of the States.

Or, to put it another way, the States have found it too difficult to resist the Federal Government when it wanted something or when it wanted to enter into some field of traditional State government where it doesn't belong.

The States, to maintain their constitutional rights—to exercise their constitutional sovereignty—must, of course, accept the responsibilities of government—difficult areas of State government as well as the easy areas of State government.

More and more, in these latter years of rising costs, the States—or most of them—have been far too prone to yield to the blandishments and the boodle of the powergrabbers in Washington.

Sometimes, but not often, there are shows of resistance on the part of the States. Sometimes, but far too seldom, they get up on their hind legs and fight the powergrabs of the Federal Government.

Occasionally, not frequently but occasionally, there is a President of the United States who thinks favorably of and tries to act favorably toward the Federal system.

Back in the fifties, when Dwight D. Eisenhower was President and, first, Douglas McKay and then Frederick A. Seaton were Secretaries of the Interior, the Department of the Interior negotiated with various States for the purpose of returning to the States for their use and administration many thousands of acres of Federal Government forest lands.

Maryland was proud to take its land back—47,832 wooded and mountainous acres of sylvan beauty that had been under the control of the Government—bringing the total of State forest lands to 121,144 acres.

Prior to the Eisenhower term, when the Federal Government sought to seize control of the offshore oil deposits in Texas and Louisiana, the State of Maryland, at the suggestion of the then Attorney General Hall Hammond and with the full cooperation of the then Governor, Theodore R. McKeldin, intervened against the Government proposal.

Mr. Hammond, now a judge of the Maryland Court of Appeals, pointed out at the time that the defeat of the proposed oil grab by the Government in Texas and Louisiana was important to Maryland and all coastal States—because if the Government could seize the underwater oil deposits, it next might be able to seize control of the offshore fisheries.

You may be guessing by now that I got on this State sovereignty kick today because of the Assateague Island situation. You're right.

Here is a prime example of the Federal Government's attempted use of its debt-encumbered superfluity of money to seize State land.

Why in the name of all that's sane and sensible would the State rejoice at getting back from the Federal Government in the 1950's more than 47,000 acres of potential park land, and even consider surrendering to the Federal Government now more than two-thirds of its entire Atlantic coast line?

Why in the name of all that's reasonable would a State that had the courage to join a couple of distant sister States in fighting for their rights to the wealth beyond their shores but within their constituted boundaries be willing now to give up a long area of its own ocean beach to the same Federal Government which then would control all of the wildlife on the island and the offshore fisheries which we once considered very important to protect from Federal usurpation.

Money, of course, is the lure by which the Federal Government seeks to seduce this surrender by the sovereign State of Maryland of most of its ocean shore. The Department of the Interior issues dire warnings of what it would cost the State and the private developers to make the narrow sandspit habitable and useful.

Do the Department of the Interior people think the State authorities are a bunch of dim wits? Do they think the people who bought property on the island did it with their eyes closed?

State authorities talked of the dunes that are needed for the island long before the Department of the Interior stuck its long nose into Assateague—and the private property owners knew the problems that they faced—the same problems, virtually, that are faced by any developers on any low lying island.

The spokesman for the Department of the Interior even admits that none of the problems of the island are insurmountable—but still insists that only the Federal Government can do the job—the all-powerful grabbers for more power—particularly in the handy States that adjoin the District of Columbia.

Well, Maryland has not yet surrendered Assateague to Stewart Udall. Governor Tawes is a man of courage. He demonstrated this in his successful battles on matters of high principle with the State legislature.

There is a big matter of principle—an important principle of State sovereignty—in the Assateague affair.

And thank you for listening; this has been Al Quinn with Maryland Report.

WBAL.

(Permission is granted for Mr. Benjamin A. Rutkowski to use Maryland report of August 20, 1963, at hearing on Assateague Island matter—or as he sees fit.)

STATEMENT OF FLORENCE MACCALLUM, GLEN ARM, MD.

I am a naturalized citizen who came to this country after World War II. I have repeatedly heard my native country ridiculed by members of the U.S. Government, the press, and the public for doing exactly what is being sought after in this hearing today, i.e., the nationalization of private property. I have joined in this ridicule myself because I am strongly opposed to the brushing aside by an all-powerful government of the precious rights of a man to own property.

I am not opposed to public parks nor to conservation of this beautiful land, but I am firmly opposed to the grab of private property from approximately 3,000 protesting citizens when the Government already owns land which could be used for such projects.

In the case of Assateague Island, that part privately owned and known as Ocean Beach, never has and never will be barred to the public. If this committee will check the proposed layout of Ocean Beach under private development it will notice that commercial areas at certain intervals along the island have been set aside for the establishment of hotels and motels to accommodate visitors to the island. One of the reasons given by the proponents of the national park for the takeover of this property is to keep the island free of commercialism, yet they now propose under Government ownership to set aside 600 acres to lease for motels and concessions, etc. In other words, the Government is planning to spend millions of taxpayers dollars to get into the real estate business and do exactly what the private owners plan to do with their own funds.

Another reason the proponents have given for this very urgent confiscation of private property is to preserve this island for future generations. I have made a survey of college students to get their feelings on the private versus public ownership of Assateague Island, and 80 percent of them are for private ownership. These young people feel that as Federal and State Governments already own both north and south of Ocean Beach, they see no reason why the private property owners should be forced to relinquish their land. In fact, they feel that the island under both public and private ownership would be able to cater to all types of people, not just those who enjoy the wilderness.

In closing, I would like to add that under private development there would be no hony-tonks on Assateague Island. The fact that the property owners abhor honky-tonks is the reason why they bought land on Assateague Island in the first place.

STATEMENT OF MISS LAVERNE M. MALONE, OCEAN BEACH PROPERTY OWNER

The other property owners and I of Ocean Beach, Assateague Island, Md., invested in the island when it was in its crudest state. The purchasers went by motorboat or ferry to see their property and when they arrived there they had to climb rugged sand dunes. Our maintenance fees (not our taxes) cleaned up the place and smoothed down the dunes and built a good road for us to enjoy. We had meetings, wrote letters, and "cried" in various ways for a bridge, but little did we realize we were making the island appeal to a group of people who think animals, birds, and a lot of restless people would benefit more by us not having it.

I plan to retire in 6 years and have planned through the years to have a beach home at Ocean Beach to enjoy my summers there. We know this type of property is rare for this area, and I hope we will be allowed to keep our good fortune and enjoy it just as any good American is entitled to enjoy what he possesses.

TOWN OF OCEAN CITY,
MAYOR AND CITY COUNCIL OF OCEAN CITY, MD.,
March 23, 1965.

Hon. DANIEL B. BREWSTER,
Room 240, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have been reading quite a bit about your problem with Assateague. As mayor of Ocean City, I have tried to keep out of this scrabble as I have felt it was out of my jurisdiction. I would like to call to your attention a couple of things pertaining to Assateague Island.

First, if the Government is going to make a national park out of the island, it will probably cut down on the future economy of the county. To combat this, I feel that a good road linking Chincoteague with the beach near Ocean City would bring thousands of visitors through Assateague Island. And as Ocean City now pays nearly 60 percent of all the taxes in Worcester County, some of the visitors would stay in Ocean City—now that we are 10 miles long—thus giving not only the county more revenue but also the State; and by all means doing away with that "damned" fence on the Virginia line.

Second, I see no need of taking an island that is merely a mile from the beach. Some of these islands have clubhouses for fishing and gunning and I do not see how this would in any way hurt the national park. Check with the Outer Banks of North Carolina.

Hoping to see you in the very near future. With kindest personal regards and best wishes, I remain,

Sincerely yours,

HUGH CROPPER, Jr., *Mayor.*

AMERICAN AUTOMOBILE ASSOCIATION,
Washington, D.C., March 23, 1965.

Hon. ALAN BIBLE,
Chairman, Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: The American Automobile Association supports and calls for early enactment of a bill to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia.

AAA policy, as established in annual convention, calls for an expansion of recreational facilities:

"Development of recreation and vacation areas has not kept pace with the requirements of the American people, nor can these regions continue to meet the needs of an expanding population. The AAA believes that government—State and Federal—must place increasing emphasis on the creation of new recreational travel resources throughout the country."

The development of the Assateague Island National Seashore will provide excellent swimming, surf boarding, sun bathing, fishing, skindiving, water skiing, boating, hunting, clam digging, and crabbing for American people on vacation.

Within a 150-mile radius are the great metropolitan areas of the District of Columbia, Baltimore, Wilmington, Philadelphia, and Norfolk, Va. The population of this area exceeds 11 million people. Within a 250-mile radius it is estimated that there are some 34 million inhabitants. The Department of Interior estimates that the immediate annual attendance at the seashore would be in the neighborhood of 3 million with many millions more using this facility within a few years.

In 1964, according to the National Park Service, a total of 102,375,100 people visited U.S. national parks and other areas administered by the National Park Service. Of this total, it is estimated that 96 percent visited these national parks and recreation areas by automobile.

The AAA supports the establishment of the Assateague Island National Seashore because we feel it will help fulfill the need for additional recreational service facilities such as swimming, boating, camping, picnicking, hiking, trails, fishing, hunting, water skiing, etc.

It is requested that this letter be made a part of the official hearings of your subcommittee.

Sincerely,

RUSSELL E. SINGER,
Executive Vice President.

AUTOMOBILE CLUB OF MARYLAND,
Baltimore, Md., March 19, 1965.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. BIBLE: The Automobile Club of Maryland, representatives of 52,000 Maryland motorists, wishes to express its wholehearted support for Senate bill 20 which would establish the Assateague Island National Seashore.

Assateague Island is the lone remaining unspoiled section of oceanfront on the Atlantic coast. It is within 1-day driving distance of more than 30 million American citizens. We firmly believe that it should be preserved and dedicated to public use.

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

Very truly yours,

HARRY E. UHLER,
Executive Vice President.

SPORT FISHING INSTITUTE,
Washington, D.C., March 18, 1965.

Re S. 20, to establish Assateague Island National Seashore.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: The Sport Fishing Institute wishes to go on record in support of S. 20, a bill to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes.

The tremendous increase in population with its ensuing more than proportionate increase in numbers of sport fishermen, is reason enough for Sport Fishing Institute to support most legislation designed to increase opportunities for public access to recreational fishing waters. The 119-page special study of the Outdoor Recreation Resources Review Commission entitled, "Sport Fishing—Today and Tomorrow," estimates, as population increases by 30 and 98 percent by the years 1975 and 2000, respectively, sport fishermen will increase by 50 and 150 percent, respectively.

In 1960 some 17 percent of all fishing was done in coastal waters, with an anticipated rise to nearly 30 percent of all fishing by 2000. Marine waters are expected to absorb 36 percent of the increasing pressure above the 1960 level, anticipated for the next 40 years. We desperately need open public lands for access and for controlled fishery research and ensuing knowledgeable management. Assateague Island, with its 35-mile long barrier beach linked to the mainland by two bridges could help significantly to fulfill this great need.

The Atlantic coast has an extreme need for public seashore recreation resources. Assateague Island would be one of the largest undeveloped seashore areas fitting in between Cape Hatteras, N.C., and Cape Cod, Mass. Fishing along its surf is excellent for bluefish, striped bass, weakfish, and other sport fishes. Some 34 million people within a radius of 250 miles could eventually plan at one time or another to participate in outdoor recreation on this island.

Other well-intended bills have been introduced to establish a national seashore at the Assateague Island location. However, Sport Fishing Institute wishes to be on record as specifically supporting S. 20 as proposed by Senator Daniel B. Brewster of Maryland.

We suggest, in this connection, that it may help to strengthen the intent of S. 20 to omit present section 7. General laws pertaining to the national park system provide for adequate authority to construct, or cause to be constructed, public service facilities where deemed necessary and desirable by professional administrators. Should section 7 be included, the language authorizing the Secretary to set aside designated public use areas might unwisely stimulate their early establishment. Future developments may tend to demonstrate that hasty action would be unnecessary or undesirable. Administrative experience can best determine the necessity or desirability of extensive public use facilities within this national seashore.

Further, S. 20 provides for purchase of all interests in the Chincoteague-Assateague Bridge and Beach Authority. We believe that these facilities including the southern 4 miles of refuge should be under the management of the Bureau of Sport Fisheries and Wildlife, as a recreational part of the refuge.

Sport Fishing Institute appreciates the opportunity to comment on this proposed act and respectfully requests that this letter be made a part of the record of hearings.

Sincerely yours,

PHILIP A. DOUGLAS,
Executive Secretary.

IZAAK WALTON LEAGUE OF AMERICA, INC.,
INDIANA DIVISION,
March 27, 1965.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: While the national organization of the Izaak Walton League and its coast-to-coast State units are firmly on record in support of establishment of the proposed Assateague Island National Seashore, it is the wish of the Indiana division to specifically associate itself with the supporting statement offered March 17, by Mr. Charles Wiles, of the league's Maryland division, in his testimony regarding S. 20 and S. 1121.

As you and your colleagues are increasingly aware, the opportunities, particularly on the Nation's east coast, to preserve portions of relatively undisturbed natural environment in the public interest, grow evermore infrequent.

We take no issue with the acknowledged need for economic expansion, but it is our contention that the finest fruits of national growth are found in our wisdom in maintaining significant areas for their inherent capacity to inspire the people and to renew their spirits. Such places as Assateague provide our people a connective tissue which enables them to enjoy, appreciate, and learn from the national environment, while accumulating the benefits and the bounty of our national economic life, in other phases of their activity. Places such as Assateague, therefore, are more than isolated tracts of real estate; and the decision is deeper than whether we shall have another housing development or another park. It would appear that the pivotal question is whether we are wise enough to understand that man's comprehensive needs and vital interests are directly related to preservation of parts of his environment in a relatively unmanaged condition.

The Indiana division would specifically concur with the concept in the bills noted by Mr. Wiles, in which he suggests that potential for intensive development be limited to outside areas which do not impact upon the body or the immediate environment of the proposed national seashore. It is not really possible to accomplish all things on all acres simultaneously; and if our purpose in the establishment of Assateague is the perpetuation of the environment it provides—as

must surely be the case—it would appear wise to protect the area from alien impact in every way possible.

We hope your subcommittee and the full committee will find it possible to report one of these measures and that the people of the United States may soon see the establishment of the Assateague Island National Seashore.

Thank you.

Sincerely yours,

THOMAS E. DUSTIN,
State Secretary.

P.S.—May I respectfully request that this letter be incorporated in the record of the hearings if they remain open at this time?

COMMISSION OF FORESTS AND PARKS,
Baltimore, Md., April 2, 1965.

Re S. 20, Assateague Island National Seashore.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Recreation and Parks of the Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: During the course of the hearings on S. 20 for the establishment of the Assateague Island National Seashore, your subcommittee, I am sure, was fully informed of the unqualified support of this commission, other State agencies and the executive department for the Federal acquisition of Assateague Island. Anything further I would have to say could only be repetitious. I wish, however, to add to the list of exihibts in favor of S. 20 the enclosed letter appearing in the Baltimore Sun today by Malcolm H. Dill, nationally recognized as one of the country's top land planners, now retired, and presently a consultant on land planning to the Baltimore County Department of Planning and Zoning. I believe this letter conveys more eloquently than I could the feelings of the vast majority of the people in this State who daily await your favorable report for the establishment of the Assateague Island National Seashore.

Cordially,

HOWARD I. SCAGGS, *Chairman.*

[From the Baltimore Sun, Apr. 2, 1965]

ASSATEAGUE ASSET

SIR: The excellent editorial about Assateague on March 21 brings out significant points against leaving the island for private development and also notes some important factors favoring the national seashore park proposal. One point made, however, warrants further emphasis; namely, the potential economic value to Worcester County of the proposed Federal reservation. A news article of March 19 quoted delegate Hickman of that county as saying that, "A national seashore would do my county the greatest injustice that has ever been perpetuated" (perpetrated?) "on any subdivision of any State in the history of this Nation." State Senator Sanford presented a similar grim view of the disastrous economic implications for his county.

I suggest that these and other pessimistic Worcester Countians take a trip to the environs of the Great Smoky Mountains National Park—particularly to the town of Gatlinburg, Tenn. When I first drove through there in 1933 (shortly after the park's creation) that was a rather pathetic little hamlet with one old frame summer hotel. Gatlinburg today presents a startling contrast, with numerous excellent shops and 9,000 motel or other rental units in the immediate vicinity. The Great Smokies Park nearby, but unspoiled by this tourist mecca, has the largest patronage of any national park in the United States, notwithstanding its distance from the larger centers of population. The Smokies are not exactly, one might think, the kind of thing that would attract people in great numbers. But apparently Americans do appreciate a vast stretch of unspoiled natural scenery of extraordinary merit, which, of course, is the basic criterion for any national park.

If hostile Worcester Countians were really in the know I believe they would be backing the proposal 100 percent and working full tilt toward planning for the best possible development of the mainland area near the park. Instead of the financial headache that Assateague Island could be if developed for cottages

(without Federal and State subsidies for preventing erosion by winds and waves, and for provision of adequate sanitation), as a national seashore, the Federal Government can and will take preventive and protective steps to keep Assateague, as in the case of all national parks, essentially as it is, with the minimum of development necessary for appropriate public access. Such preservation of this national asset for all the people of the United States is the really important thing. But with the future total populations of the nearby metropolitan areas alone becoming probably between 8 and 9 million by the year 2000, the economic future of Worcester County, thanks to preservation of Assateague as a national seashore area is likely to be quite the reverse of the gloomy picture that its delegate forecast.

MALCOLM H. DILL.

LUTHERVILLE, *March 21.*

AMVETS DEPARTMENT OF MARYLAND,
Rockville, Md., March 10, 1965.

HON. CARL HAYDEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HAYDEN: On March 17, 1965, it is our understanding that hearings will be held with respect to the situation affecting the land taking on Assateague Island for public use.

Concerning this matter I am enclosing a resolution that was unanimously adopted by the Maryland Department of AMVETS on June 20, 1964, the subject of which we feel should be of interest to you and the other members of the Interior and Insular Affairs Committee.

A similar prior resolution adopted by AMVETS department convention on June 22, 1963, is also enclosed for your information.

It is requested that these resolutions be made a part of the record of the hearings.

Thank you for your consideration in this matter.

Sincerely,

A. LEO ANDERSON, *Department Commander.*

RESOLUTION 3

Whereas the Department of Maryland AMVETS in convention June 22, 1963, did adopt a resolution to petition Governor Tawes and the Maryland Members of the Congress of the United States to oppose the acquisition by condemnation by either the State or the Federal Government of any of the private property located in that portion of Assateague Island, Md., recorded as Ocean Beach and South Ocean Beach; and

Whereas legislative proposals have been introduced, namely, S. 2128 and H.R. 8371, H.R. 8385, H.R. 8755, and H.R. 11117; each providing for the acquisition of this property by condemnation; and

Whereas we are firm in our opposition to socialized recreation; and

Whereas the county of Worcester has officially opposed such condemnation; and

Whereas over 50 percent of the owners of Ocean Beach and South Ocean Beach are veterans; and

Whereas 90 percent of the owners have expressed their opposition to such condemnation; and

Whereas the press and other news media have from time to time indicated the possibility of hearings on this legislation being held in either or both Houses of Congress; and

Whereas if hearings on any of the proposed legislation are held they will be held by the appropriate subcommittees of the Interior and Insular Affairs Committee: Now, therefore, be it

Resolved, That the Department of Maryland AMVETS in convention June 20, 1964, adopt this resolution to petition the Members of the Senate and House Committees on Interior and Insular Affairs not to consider S. 2128 and H.R. 8371, H.R. 8385, H.R. 8755, H.R. 11117; and be it further

Resolved, That in the event hearings are held on any of this proposed legislation that the chairmen of the appropriate subcommittees are requested to notify us in ample time so that we may appear in opposition thereto; and be it further

Resolved, That we attach a copy of Resolution 11 adopted by the Department of Maryland AMVETS in convention June 22, 1963.

RESOLUTION 11

Whereas the Outdoor Resources Recreation Review Commission created by act of Congress, recommends in chapter 11 of its report to the President and Congress that Government agencies should stimulate diversified commercial recreation investments on private lands and waters. Government agencies should promote greater public recreation use of private lands and waters; and

Whereas the ORRRC report states on page 157 of its report, "The most important single force in outdoor recreation is private endeavor—individual initiative, voluntary groups of many kinds, and commercial enterprise. When Americans seek experience in the outdoors, they do not necessarily turn to government. Approximately two-thirds of the Nation's land is in private ownership, and in the Eastern States the proportion is much higher. Outdoor recreation starts on the front lawn or in the backyard. Day outings are often on private lands. People on weekend trips and vacations involving outdoor recreation usually patronize private accommodations, while some stay at privately owned cottages in seashore, lake, or mountain settings. Outdoor recreation, unlike such a service as police protection, cannot be the responsibility of government alone. General access to the out of doors and simple facilities should be made available to everyone, but the more specialized activities are among the good things of life that must be paid for by the individual who wishes them. Government can help make opportunities available and can carry out projects in the public interest that cannot be done privately, but it does not, cannot, and should not provide for all the outdoor recreation needs of every citizen"; and

Whereas the U.S. Senate in a current report to accompany S. 20 of the 1st session of the 88th Congress endorsed the above quoted portion of the ORRC report; and

Whereas the House of Representatives in a like report endorsed these principles; and

Whereas the conference report on S. 20 also endorsed the above; and

Whereas the Department of the Interior ignores this directive from Congress in its report on Assateague Island; and

Whereas the Department of the Interior already owns over half of Assateague Island, which is confined to use as a bird sanctuary thus restrictive to public use; and

Whereas 9 of the 24 miles of Assateague Island in Maryland are to be developed as a State park; and

Whereas the remaining 15 miles of Assateague Island developed as Ocean Beach is owned by some 3,000 individual American citizens who purchase these lots out of their savings and on which they have paid taxes and maintenance for the past 12 years; and

Whereas the National Park Service in 1955 reported adversely the taking of Assateague Island for a Federal park; and

Whereas the recent study of the recreation values and potential use of Assateague by employees of the Department of the Interior is replete with inexactitudes; misinformation, erroneous statements, and unsupported opinion; and

Whereas this report was prepared without consultation with the State officials concerned, nor the local elected officials or Worcester County, nor with the 3,000 property owners involved; and

Whereas over 50 percent of present property owners are war veterans and they remain firm in the belief that the right of individual ownership of private property is a human right; and

Whereas we are opposed to destruction of this human right by any form of State socialism: Now, therefore, be it

Resolved, That the Department of Maryland AMVETS in convention June 22, 1963, adopt this resolution to petition Governor Tawes and the Maryland Members of the Congress of the United States to oppose the acquisition by condemnation by either the State or the Federal Government of any of the private property located in that portion of Assateague Island, Md., recorded as Ocean Beach and South Ocean Beach.

AMVETS,
NATIONAL HEADQUARTERS,
Washington, D.C., April 4, 1965.

Mr. JAMES C. GILL,
Commander, AMVETS Post No. 11,
Takoma Park, Md.

DEAR COMMANDER GILL: Enclosed is a copy of a resolution affecting the proposed land taking by the Federal Government of property located on Assateague Island.

This resolution was unanimously adopted by the national executive committee in meeting held April 3, 1965, at the Mayflower Hotel, Washington, D.C. I sincerely trust that this action meets with the approval of the membership of post No. 11, and with kind personal regards, I remain,

Sincerely,

DON SPAGNOLO,
National Executive Director.

AMVETS POST NO. 11,
Takoma Park, Md.

Whereas the Department of Maryland AMVETS in convention June 22, 1963, did adopt a resolution to oppose the acquisition of any of the private property, by either the Federal Government or the State of Maryland, located in that portion of Assateague Island, Md., recorded as Ocean Beach and South Ocean Beach; and

Whereas the Department of Maryland AMVETS in convention assembled on June 20, 1964, reaffirmed its position of June 22, 1963; and

Whereas over 50 percent of the owners of the building lots on Ocean Beach and South Ocean Beach are veterans; and

Whereas hearings have been held on Senate bills S. 20 and S. 1121 which propose Federal acquisition of these privately owned building lots: Now, therefore, be it

Resolved, That the National Executive Committee of AMVETS advise the chairman of the Senate Subcommittee on Parks and Recreation of its opposition to such legislation.

U.S. MARITIME POST 47,
DISTRICT OF COLUMBIA DEPARTMENT,
AMERICAN LEGION,
April 2, 1965.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: Since many of our members are property owners on Ocean Beach, Assateague Island, Md., a detailed report of the hearings before your subcommittee March 17, 18, 19, and 22 both for and against the establishment of a National Recreation Seashore was presented at our regular meeting on April 1, 1965.

The following action was taken:

I, as commander, was requested to write you stating that the U.S. Maritime Post 47, District of Columbia Department, American Legion, would like to go on record as opposing the establishment of a National Recreation Seashore as proposed in the bills S. 20 and S. 1121 now being considered by your committee.

Thank you very much. I am,

Sincerely yours,

EVA E. MANCHESTER, *Commander.*

SILVER SPRING, MD., *April 3, 1965.*

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: My name is George J. Paul. I own one lot on Ocean Beach, Assateague Island, Md. I am an amputee and have been found 100 percent disabled by the Veterans' Administration. I had hoped to testify at the recent hearings, but was unable to remain after the opening day as I have a family to support.

I did note, however, that Claude Callegary, in the course of his statement favoring the Federal taking of my property stated: "I am also the senior vice commander of the Disabled American Veterans, the incoming national commander."

I resent the injection of his office in the Disabled American Veterans into this controversy.

I request that this communication to you, who certainly tried to run a fair hearing, be placed in the record immediately following the statement of Mr. Claude Callegary so that all will know that Mr. Callegary was not speaking officially for me, a lifetime member of the Disabled American Veterans.

Very respectfully yours,

GEORGE J. PAUL.

BETHESDA, MD., *April 2, 1965.*

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I served in the 101st Airborne. I am an amputee. I own a building lot on Assateague Island. I have been told that Claude Callegary mentioned his office in the Disabled American Veterans while testifying before one of your committees. He had no authority to speak for me, a lifetime member of the Disabled American Veterans. Many of us own lots on Assateague and want to build there.

I request that you include this letter in the record of the proceedings and that the enclosed article by Aubrey Graves carried in the Eastern Shore Times, September 6, 1962, be printed either immediately following my letter or in the appendix.

Respectfully submitted.

FRANK B. GERMON, Jr.

[From the Eastern Shore Times, Sept. 6, 1962]

THE STORY OF ASSATEAGUE: "MORE THAN WATER SURROUNDS ISLAND"

(EDITOR'S NOTE.—The following story, by Aubrey Graves of the Washington Post, appeared in a recent issue of that newspaper, after Mr. Graves had made an extensive tour and study of the island and all the political and other ramifications surrounding the storm of controversy about the island. We publish it as a public service, so that you can make up your own minds about what the future of Assateague should be.)

(From the Washington Post, by Aubrey Graves)

Another phase in the long controversy over Assateague Island will approach a climax on September 17, and it is certain to be festooned with political fireworks.

On that date, trial of Maryland's suit to condemn 668 acres of the island for a State park will resume in Worcester County Circuit Court.

At the urging of Gov. J. Millard Tawes, the Maryland Legislature appropriated $750,000 to buy the land. Five hundred and forty acres of it, claimed by a client of Representative Daniel B. Brewster's (Democrat, of Maryland), law firm, has been offered to the State for $500,000. This parcel is carried on tax rolls at a valuation of $750.

For this same tract, Robert C. Walker of Berlin, Md., paid the State $3,645 in 1951.

Brewster's role in Assateague affairs was aired by his primary opponent for the Democratic senatorial nomination, Blair Lee. Lee charged that Brewster, while a Maryland delegate, represented a client who offered the 540 acres to the State for $500,000 in 1956.

Lee maintained that Brewster's client, the Cecil Amusement Co., was rechartered by Brewster "at the precise time" hearings were being conducted before the Public Service Commission on a proposed $1.5 million bridge to Assateague. Lee continued, "The bridge, of course, by rendering access more convenient, would make the land much more valuable."

Brewster's legal fee, Blair pointed out, would amount to $65,000 "for selling land to the State of Maryland for a park toward the establishment of which Mr. Brewster worked diligently—and, I must admit, effectively—as a member of the House of Delegates and later as a close political crony of Governor Tawes."

Following his defeat, Lee pledged his support to Brewster and Tawes and has said nothing more publicly about the land-bridge deals.

The man who has done most to keep the Assateague pot boiling is W. E. Green of Snow Hill, Md. For 10 years Green, an ardent disciple of New York's Moses—and just as outspoken—has been demanding that Maryland's last long stretch of ocean frontage be rescued from private exploitation and developed under a public authority.

Green's bill, introduced at the past five sessions, has twice passed the house and twice been bottled up in senate committee.

Green has fought doggedly the cart-before-the-horse plan to build the bridge before the land is bought. At public hearings he has referred to it as "the Danny Brewster Memorial Bridge to Nowhere."

It was Green who, during the legislative council's recent tour of Assateague, produced the tax levy showing the $750 valuation placed on the 540 acres, described on the levy as "all of plot of Atlantic City except oceanfront block from Balto Avenue to ocean."

Moses, the developer of New York's Jones Beach has strongly supported Green in letters sent to Maryland officials. "Assateague Island, with its beach, dunes, ponds, and marshes," Moses wrote, is a priceless asset which Maryland cannot afford to throw away."

The low-lying, narrow sand spit runs for 32 miles along the Maryland and Virginia coasts. The 9-mile-long southern tip (in Virginia) is a Federal wildlife refuge. On the 23 miles lying within Maryland there are no permanent residents. There are no roads or streets, although there are street signs.

After heavy rains, these signs point across acres of water.

During the March 6–8 storm, the island's northern tip "migrated" 420 feet northwest. Only 6 of the 20 or so summer cottages and fishing shanties on the island remained standing.

Ten days later, visitors found the storm had left a costly dune building job and miles of island that would be inundated by the first high tide.

After surveys from air and ground, the National Park Service declared the entire island "unsuitable for permanent development." In a letter to Tawes, Interior Secretary Stewart L. Udall proposed that it be restored and protected as a recreational area under public ownership.

Udall's plan brought bitter protests from many of the 2,500 persons who shortly after World War II bought 4,500 lots from Leon Ackerman. These absentee owners, more than 950 of whom live in the Metropolitan Washington area, for 15 years have been paying about $50,000 a year in county taxes on their vacant lots.

Salesmen had promised them a bridge; when it was not forthcoming, they put up $300,000 to build their own. This project fell through and all the landowners have to show for this cash is an unfinished causeway jutting from the mainland toward the island.

Ironically, no legal building permits can be obtained on Assateague. No part of the island meets requirements of the county dune law which forbids structures at elevations less than 10 to 16 feet above sea level.

Among other Assateague landholders are:

Robert C. Walker and family, 50 waterfront acres.

Thomas B. McCabe of Wilmington, Del., 515 acres. McCabe, board chairman of Scott Paper Co., is described as an ardent conservationist who would like to see Assateague kept in a wild state.

John T. Moton, under indictment as a result of Maryland savings and loan investigations, who testified at his trial that he owned Atlantic Ocean Estates, Inc., a narrow 3-mile stretch.

The 540 acres claimed by Brewster's client consists of lots given away like trading stamps in 1917 by a Baltimore department store. The store offered a 25- by 100-feet lot to every customer who bought $50 worth of merchandise and put up a $7.50 deed-recording fee. Most of the 2,808 recipients either forgot about their lots or failed to pay taxes.

In 1926 the 540 acres were acquired by Marion R. Owen, president of the amusement company. Thereafter, the company "became just a landholding company with no other business," Owen's son Robert of 3910 Ingomar Street, told The Washington Post. In 1930 the company lost its charter for failure to pay State taxes and make annual reports.

Little more was heard of Assateague until Ackerman started buying land. His civil engineer was Walker. His local attorney was Godfrey Child who simultane-

ously was commonwealth attorney of Worcester County. Child has since been appointed to the circuit court bench by Tawes and is sitting alone as judge in the State's condemnation suit.

In 1951 Walker filed a patent on 668 acres of the land given away by the Department store, including the 540-acre tract. For this patent called "Walker's recovery," Walker paid $6.75 an acre.

Soon thereafter, Brewster, then a delegate from Baltimore County, and his law partner, John Grason Turnbull, then a State senator (now a circuit court judge) appeared as Owen's legal counsel. They asked the court to set aside the sale to Walker. The court did so.

Papers filed in the charter reactivation declared that the last acting officers were unable or unwilling to sign articles of revival and that, therefore, new directors had been elected to sign them.

The new directors were Owen, his wife, Verlee Owen, and Ellen T. New, Brewster's law secretary. The CAC's address was given as 24 West Pennsylvania Avenue, Towson, Md., then the address of Brewster's law firm.

On January 13, 1958, Brewster and Turnbull advanced $10,000 to CAC as a 3-year loan. As collateral, they took a mortgage on the 540 Assateague acres.

The Owens family was without cash resources, Brewster told the Washington Post and the $10,000 was needed to pay $260 in back taxes (for 26 years) "and other bills." Clouded titles to the land, Brewster said, prevented the company from borrowing money against it through regular channels.

When the note to Brewster and Turnbull came due on January 13, 1961, it was canceled and a new note for $15,000 executed in favor of John H. Cook, a member of Brewster's law firm.

Brewster insisted that he and Judge Turnbull have now "divorced" themselves completely from Assateague affairs. He admitted, however, that his firm would receive a fee of 12½ percent of whatever sum the State pays for the CAC land.

He insisted that his and Turnbull's former roles were "strictly that of lawyers to client" and that politics had not entered into the picture.

TRAVEL TRAILER CLUBS OF AMERICA, INC.,
Arlington, Va., March 18, 1965.

Hon. WILLIS ROBERTSON,
U.S. Senator, Virginia,
Washington, D.C.

DEAR SENATOR ROBERTSON: I am a police sergeant here in Arlington, Va., with the background of many years in civic work and a lifelong resident of Arlington. I am known by many respected people in the area and I feel compelled to advise you, sir, I would appreciate this letter being a part of the records on the Assateague Island case now being heard on Capitol Hill.

As a national director of Travel Trailer Clubs of America, Inc., a nonprofit organization with travel trailer owner members and organized club members all over the United States and Canada, I endorse the Federal Government's taking over of the island and the placing of same under the national park jurisdiction. This could be one of the greatest areas in the East for those who love the outdoors. The wildlife could be preserved the same as has been by the national seashore along North Carolina's coast. The campers and travel trailer owners could enjoy the island as we do the seashore national park in North Carolina for fishing, camping, and bird watching. Yes, I feel the road in question will not disturb the wildlife as has been said, but would enable all to enjoy the area as proposed by Senator Brewster's bill and do hope you will let my feelings be known.

Since World War II, the people of the United States have taken to the outdoors, so to speak, and are camping and traveling all over the world in trailers. It is the coming way of life of today and has been encouraged by many. Even the late President Kennedy and now President Johnson, have endorsed "See the United States, our home, first." There are thousands of families all over the United States doing just that, but with some trouble. There still must be established more and better national parks for these families to stop over in. There are many times during the summer Skyline Drive is full, thus people must make out in the best manner they can. Other States are building overnight stops with baths along their superhighways for these travelers to rest overnight. Virginia and other States in the East must catch on in order to keep up with the demand.

I am most interested in any form of legislation being considered where the camper or travel trailer traveler is concerned, and would be most happy to assist in any way possible. Feel free to contact me at any time.

Very sincerely yours,

TRUMAN M. ADAMS.

BOARD OF EDUCATION OF BALTIMORE COUNTY,
Towson, Md., March 12, 1965.

Hon. ALAN BIBLE,
Chairman, Senate Subcommitteee on Recreation and Parks,
Washington, D.C.

DEAR SENATOR BIBLE: I wish to go on record as supporting Brewster bill (S. 20) and the Sickles bill (H.R. 1730). I feel that all government officials and citizens of Maryland and Virginia should do everything possible to preserve Assateague as a natural seashore and public recreation area. This action should take place at once as the seashore of the Eastern United States is rapidly becoming highly commercialized. Assateague is a natural beauty spot which should be preserved at all costs.

I, my family and friends will appreciate everything you do to support the Brewster and the Sickles bills.

Sincerely yours,

THOMAS M. GREENE,
Director of Adult Education.

SNOW HILL, MD., *March 26, 1965.*

Hon. ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee,
Commitee on Interior and Insular Affairs, Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: Representing Mr. Thomas B. McCabe, who owns some 650 acres of land on Assateague Island, extending from the Atlantic Ocean to Sinepuxent Bay, immediately to the north of the State park and extending for a considerable distance along the bay and between it and part of the State park, I attended the hearing conducted by your subcommittee with respect to Senate bills Nos. 20 and 1121 dealing with the proposed establishment of the Assateague Island National Seashore by the United States, on March 17 and 18 and until the noon recess on March 19 when the presentation on behalf of the officials of Worcester County had been completed. As you indicated during the course of the hearing that the record would be kept open for about 10 days I ask that this letter be included in the record.

Permit me first to express my appreciation for the fair and judicial manner in which you conducted the hearing and to congratulate you and your fellow members of the committee for the timely and pertinent questions you put to witnesses to bring out the true facts before the committee.

As I view the hearing, it seems to me that the greatest problem facing your subcommitee is to determine the truth of the matter and it is with the view to correcting an erroneous statement and to add an element of fact that I write you on behalf of Mr. McCabe.

I noted at the time of presentation and I note now in the presentation by L. Hollingsworth Pittman, Esq., attorney for the county commissioners of Worcester County, on page 4, beginning at the 10th line from the bottom, Mr. Pittman makes the following statement: "The 8 miles north of the State park to the Ocean City Inlet are not susceptible to private development." I know that Mr. Pittman would not deliberately mistake the facts so that I must assume that this statement was inadvertently made with respect to the property of Mr. McCabe. I can say without fear of contradiction that Mr. McCabe's property has no superior in quality of beach, height above mean low water, protective dunes or susceptibility of development on the entire island. There is included in the property owned by Mr. McCabe the entire southerly part of the area laid down on the "Plat of the Sinepuxent Beach Co., of Baltimore City" (which plat includes Ocean City itself). According to the report to me by Mr. William D. Pitts, registered surveyor, who is thoroughly familiar with the whole area on Assateague Island, Mr. McCabe owns the entire area on said plat from South 48th Street to South 84th Street, with the exception of five lots, and it was testified before your subcommittee by Mr. Kenneth C. Carter, engineer, and

formerly in charge of planning and zoning for Worcester County, that this would include some 1,800 lots. I would like the record to show, therefore, that not only is Mr. McCabe's property as susceptible of development in the future, now that there is a bridge to the island, as the area north of Ocean City is susceptible now; but that a very large part of his property is already subdivided according to the aforesaid "Plat of the Property of the Sinepuxent Beach Co., of Baltimore City."

If additional copies of this letter are required for the purpose of having the letter included in the record, please so inform me and the copies will be furnished without delay.

Thanking you, I remain,

Respectfully yours,

WILLIAM H. PRICE.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE AUDUBON NATURALIST SOCIETY OF THE CENTRAL ATLANTIC STATES, ADOPTED MARCH 16, 1965

Whereas the Audbuon Naturalist Society of the Central Atlantic States is devoted to the conservation of the region's natural environment; to the enhancement of the region's recreational opportunities; and to the wise management of the region's wildlife; and

Whereas the society places great importance upon the public values of Assateague Island and upon the necessity for preventing uncontrolled private and commercial development on the island, and the society further considers the Chincoteague National Wildlife Refuge to be an irreplaceable natural resource of immense value to the region and Nation; and

Whereas the society feels very strongly that any road through, or any development of tourist facilities in, the area now managed as wildlife refuge would do irreparable damage to the refuge: Therefore be it

Resolved, That the society urges passage of Senate bill No. 20, introduced by Senator Brewster; and be it further

Resolved, That the society stands in opposition to any proposals for a highway through the wildlife refuge joining the bridges at the northern and southern ends of the island.

[From the Washington Post, Mar. 14, 1965]

THE NATURALIST: CHINCOTEAGUE NEEDS PROTECTION

(By Irston R. Barnes, chairman, Audubon Naturalist Society)

I should like to interrupt my commentary on the President's highway beautification program to direct attention to a highway that must not be built, that violates every goal that the President has set for the highways and natural areas of today and tomorrow.

It seems to be a "rule" or "law" that special interest groups will always try to secure destructive rights in any national park, wildlife refuge, or natural area. The present proposals to establish the Assateague Island National Seashore are the occasion for efforts that would destroy the Chincoteague National Wildlife Refuge on the southern portion of Assateague Island.

Senator Daniel Brewster, of Maryland, has introduced a fine bill, S. 20, to establish the Assateague Island National Seashore. It is cosponsored by Senator Joseph Tydings and 14 other Senators. Parallel bills, H.R. 2607 by Representative Samuel Friedel and H.R. 1730 by Representative Carlton Sickles, both of Maryland, have been introduced in the House. These deserve the active support of conservationists.

However, certain objectionable bills have also been introduced which, either as separate legislation or as possible amendments to the above bill, would destroy the Chincoteague refuge. These are S. 1121 introduced by Senator A. Willis Robertson, of Virginia, an identical bill in the House, H.R. 4426, by Representative Thomas Downing, of Virginia, and a similar bill, H.R. 2071, by Representative Rogers Morton, of Maryland, that includes the road, but otherwise agrees with the Brewster bill.

I have not sufficient space to discuss all the details of these bills, but a reference to three features of the Robertson-Morton-Downing bills will indicate the seriousness of the threat.

First, unlike the Brewster bill, these bills would provide for the construction of a highway the length of the island from the Sandy Point-Assateague Bridge south to the Chincoteague-Assateague Bridge, just west of the dunes.

This highway would destroy the refuge. It would permit intrusions every day throughout the year. It would bring too many people into areas that should be largely undisturbed. It would adversely affect not only the waterfowl for which the refuge was established, but also the shore birds and other migrants and summer and winter birds that use the area.

In connection with rebuilding the dunes to protect the whole island, a fresh water impoundment was created at Wash Flats. A recent count showed whistling swans, 3 kinds of geese, and 18 kinds of ducks using the area. Among waterfowl present in unusual numbers were 501 gadwall, 1,070 shovellers, and 93 hooded mergansers. The highway would destroy this area.

Second, the Robertson-Downing legislation would remove from the refuge control the present public-use area now operated by the Chincoteague-Assateague Bridge and Beach Authority and provide for the construction by private persons of suitable overnight and other public accommodations. The present use is restricted seasonally and limited to daytime hours.

Such construction could destroy all of the southern 4 miles of the refuge, an area required for the effective administration of the refuge in the interests of wildfowl.

Indeed, it would seem that self-interest would require even the people of Chincoteague Island to oppose this extension of their "privileges," for it would take businss from the town for the favored private concessionaire.

The Brewster bill wisely reaffirms the authority of the Fish and Wildlife Service over the public-use area at the southern end of the island.

Third, the objectionable bills would require setting aside "sufficient grazing areas on the seashore for the preservation and protection of the wild ponies whose natural habitat is Assateague Island." This is a real "sleeper." Of course, Assateague Island is not the "natural habitat" of the ponies. But more important, the ponies must be carefully limited in number if they are not to destroy the whole island.

The preservation of the island requires the building and maintenance of dunes. Great difficulty has been experienced in stabilizing the dunes because the "wild ponies," with little else to eat have been grazing the grasses planted on the dunes. If there is to be either refuge or park, the number of wild ponies must be strictly limited.

Senator Alan Bible's subcommittee of the Senate Commitee on Interior and Insular Affairs is holding hearings on the sound Brewster bill, S. 20 and the unsound Robertson bill, S. 1121, on March 17, 18, and 19. Conservation organizations will support the former and oppose the latter. It would be desirable for individuals also to make known their positions in letters to Senator Bible.

ALEXANDRIA, VA., *April 3, 1965.*

HON. ALAN BIBLE,
Chairman of the Subcommittee, Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR BIBLE: I attended some of the hearings you had on Assateague Island. I believe testimony of many of the witnesses was an "eye opener" as to the reasons for the property owners wishing to retain their property. Now, it was said that you had some difficulty in determining the initial cost to some of the landowners. In May of 1953, I bought a one-half-acre lot (platte 657–5) for $2,000.

Some of the more vehement antagonists of Mr. Udall's plan call his proposal communistic. I would not go that far but I do think, without question, it socialistic due to the fact that the vast majority of the 3,200 people who bought ground are not large property owners. Also, most of them bought with the idea of either retiring there or using it as a summer home.

We have been belabored in the local press as being real estate promoters, etc., which is, as you found out, not true. The hostility of the press is rather bewildering to many as between 10 to 13 years ago, they made a lot of money by running full page ads on the desirability of buying property on Assateague Island.

At your hearings, if I heard correctly, the wealthy or at least men of means who have hunting lodges on the marshy side of the island would be willing to

have the Secretary of Interior take the ocean side of the island but they did not want their properties expropriated. Senator Robertson, of Virginia, is in agreement with Mr. Udall provided that a road is built through the wildlife sanctuary at the southern end of the island to connect with Chincoteague. The State of Maryland approves of Mr. Udall's plan providing the U.S. Government does not disturb its State park at the northern end of the island. I know you have been in politics a long time but in a way this was a very disgusting spectacular to many, as those who testified in the areas mentioned above, practically said, "OK take the little people's land but don't touch ours." This is the reason why I call this proposed legislation socialistic in nature.

Just to touch lightly on the Department of Interior's proposal which is a matter of record, this is the worst piece of slanted publication I have ever read. I am, by profession, a management analyst with the U.S. Army and if I turned out a study like this, I would be fired. For example, on page 9 under topography, it shows as "dramatic evidence" of the shoreline migration at the northern end; tree stumps exposed by the 1962 storm. This has definitely been proved to be as a result of the jetty built by Ocean City located just to the north of this area in question. On the same page, the statement is made that barrier reefs are notably unstable and yet, at the same time, this masterpiece speaks of ponies which have been living on the island since the early 1600's. On page 15, this beautiful document states that if under the Department of Interior, the island would be managed and developed for maximum public recreation use which means, as it states, "a balance between intensive (high density) and extensive (low density) recreation would be encouraged." In another part of this masterpiece, it states that 600 acres out of thousands would be developed by concessions for motels, etc. In other words, the proposal is tantamount to taking this property from individuals who have owned it for 10 years or more, and then to rent part of it to individuals for profit.

We, the property owners of Assateague Island, are somewhat in a sense in the same position as South Vietnam. All we are asking the Federal Government to do is please let us alone to develop our portion of the island which is a basic American heritage. Our portion of the island would be developed in an orderly manner. For example, every other mile is zoned for commercial establishments which there will be no honky-tonks or other undesirable establishments. And, every other mile is zoned for family living on which there will be permitted a one-story family home on a one-half acre. The plans for a home will have to be approved by the board and he will not be permitted to build closer than 40 feet to his property line. The millions of people who live within this area will have the pleasure of the island and will be as welcome as the flowers in May, to come to Assateague and enjoy the beach with all its facilities, so the argument that the Federal Government must own it for recreation is just not so. In addition, there will be no boardwalk to give it the Atlantic City atmosphere. The wildlife sanctuary at the southern end of the island would not be disturbed and I think should not be disturbed. I do think, however, that a road should be built through the sanctuary to connect with the bridge to Chincoteague Island. This road could be fenced on both sides to avoid disturbance of the wildlife. The reason I recommend this is not for the benefit of the ocean beach property owners but I believe this would help the economy of the people located on Chincoteague Island.

I am sure that the Geodedic Survey will reveal that the elevation of the 15-mile stretch, of which we are talking, has the same elevation as Ocean Beach, Md., and other seashore resorts for after all, this was once all the same island. I think also that this report will reveal that it has approximately the same elevation as that of Miami Beach. I have lived along the east coast most of my present life and I am familiar with it from New England down to Miami Beach, and that when terrible storms hit like that of 1962, beach property is damaged and this is expected. This includes Miami Beach which has to be evacuated every few years prior to one of these storms. Dunes may be built along the beach and seeded with grasses which, in most cases, will halt and not wash. There is land available within 25 miles which the Federal Government can purchase at about one-tenth or even less than the purchase of the 15-mile stretch on Assateague Island would cost.

I strongly urge that the proposal of the Department of Interior be reported on unfavorably by your committee. I also wish to thank you and the members of your committee which gave so generously of your time to hear our side of the story.

Sincerely yours,

GEO. E. HALPIN.

WASHINGTON, D.C., *March 30, 1965.*

Hon. ALAN BIBLE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SIR: We wish to go on record in opposition to the bill to make the entire area of Assateague Island a Federal park.

Our lot is indicated by a red dot on the enclosed plat. It is 100 by 200 feet, or about a half acre, as are all the rest. An examination of the accompanying plat will show that this property has been recorded as a restricted, residential, private, one-family development, with commercial areas shaded, as shown, each 2 miles; no "honky-tonk", no "cheap shacks". This slanted publicity simply isn't so.

However, for the last 15 years, we have been paying taxes, maintenance fees, and special assessments in addition to the cost of our property. For many years, we have planned a rather pretentious retirement home, to cost $24,500. We had been waiting for completion of the bridge, which now makes our property accessible from the mainland. After all these years of paying and planting, now comes the Interior Department in an attempt to take our property. Naturally, we object to this. We had depended upon this investment to carry a large part of our young son's college costs in the years ahead. Temporary rental would provide this income during these college years. Then we had planned to retire and enjoy our home on the island.

It is known within the botanical community that at least two species of palm trees are winter hardy near the ocean at this extreme latitude. We were planning to order these palms from a Florida nursery and landscape our "Riviera of the North." I am sure Interior has no such plans.

Isn't the northern part of the island sufficiently large for the public use? In addition, the plat will show a public setback of 250 feet between the high tide line and the property line. This is now, and always has been, dedicated to public use. This is a very large island with enough room for both private and public use.

This, then, is our position, along with that of many of our friends and neighbors. Anything you can do to save our property will be deeply appreciated There is ample room on Assateague for all. We love this place. Many of us are of the conservational, orithological and geological disciplines.

Sincerely yours,

LIONEL H. STRUCK, Jr.,
JEANETTE B. STRUCK,
MRS. LIONEL H. STRUCK, Jr.

COLLEGE PARK, MD., *May 2, 1963.*

DEAR SIR: It has come to my attention through newspaper items and friends of mine that you are proposing that the Federal Government take over Assateague Island in Maryland. Apparently this is to support the Secretary of the Interior's ideas to spend $13 million and heaven knows how much more.

I am a registered voter in the State of Maryland, I own property in several counties, as well as in Worcester County, mainly two lots on Assateague Island; being a lot owner, I am of course interested in what happens on the island.

Therefore, I want to be on record as against the Federal or State ownership of any part of the island in Maryland, except the northern end which is now owned by the State of Maryland. Also I wish to be on record as in favor of the bridge from the mainland to the island being built at once. As you know this bridge is to be a toll bridge and the lot owners and the public will pay the bill for same.

I also understand that you and many other Republican Congressmen and Senators are against the administration spending the taxpayers' money foolishly. The Secretary of the Interior's proposal, I feel, falls in this category. For example, they now own 12 miles of the island in Virginia and to my knowledge have owned it for 12 years or more. The Government has done nothing that I know of to improve what they now have except drive piling on the island and string it with barb wire, like a concentration camp and block off any use to the public except 5 of the 12 miles of beautiful beach. Now they want to buy our 21 miles in Maryland and spend a lot of money. What for I ask? If the Secretary wants to develop something let him develop what the Government now owns and leave the 2,500 or more lot owners, like myself, develop our own part of the island.

The private owners developed Ocean City which was just like our part of the island years ago.

I am asking you to reconsider your stand on this issue and think of the many people you will hurt if the Government should acquire this island. Also the taxpayers' money that will be saved.

Sincerely yours,

S. F. RICHARDS.

OAKTON, VA., *March 24, 1965.*

Re S. 1121, a bill to provide for the establishment of the Assateague Island National Seashore and for other purposes, introduced by Senator Robertson.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
U.S. Senate,
Washington, D.C.

Gentlemen: I address the following to you as a taxpayer, as an active conservationist and as a nationally known painter of wildlife.

It is my understanding that this bill provides for the construction of a new road connecting Assateague and Chincoteague Islands and that the road will go through an established fish and wildlife refuge. Bill S. 20 providing ingress to the north end of Assateague and the south end of Chincoteague would provide adequate access to the island and help preserve the natural assets.

May I say that I am very much in favor of making this area a national seashore. I do, however, urge each of you gentlemen to give careful and detailed study to the routing of the road in order to maintain as much of the natural beauty of the area as possible with minimum injury to the refuge and its inhabitants.

To help illustrate my point: While in the Assateague-Chincoteague area last spring I observed in the refuge several glossy ibis. This rather uncommon bird is restricted by civilization and has not been able to adjust to vehicular traffic. A road through the refuge will drive this vanishing bird away—but where? And what impact will the road have on other forms of wildlife within the area?

I hope you will give the routing of the proposed road the greatest consideration.

Very truly yours,

WALTER A. WEBER.

BERLIN, MD., *August 13, 1964.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SIR: I was born 36 years ago in Berlin, Worcester County, Md., and have lived here all my life.

My uncle, who died several years ago, was an ardent surf fisherman. He used to take me with him, when I was 10 years old, to Assateague Island fishing. From then on I have fished the length of the island. Approximately 3 years ago the Federal Government closed off the Virginia end of the island to all traffic, which in effect denied residents and visitors alike, access to the best fishing grounds on the entire island. This lies in the middle of the Virginia levels, or, bow of the beach, so-called by the natives.

Now the Federal Government plans to take over the entire island with day use only, until 6 p.m. Sir, I don't know whether or not you have done any surf fishing, but the 6 p.m. moratorium makes the accessible part of the island virtually useless to surf fishermen because of changing tide times and so forth. After observing the Federal Government slowly but surely encroach itself into areas where it has gradually assumed control of land and our own personal liberties, I can foresee the complete denial of access to the entire island if Secretary Udall has his way and gains control over Assateague.

The local rod and gun club, former Congressman Johnson and many responsible people violently protested the closing of the Virginia end of the island when it happened 3 or 4 years ago to no avail. We received several idiotic reasons for its being closed from the Interior Department; such as, to protect the beach birds' nests. Beach birds do not nest on the surf or open beach. At present they nest on sand islands in Sinepuxent Bay and are not molested by anyone. They said that the surf fishermen would interfere with vegetation,

which only occurs back from the surf several hundred yards on dunes. They said that we would disturb ducks nesting in the marsh. Sir, the only ducks that nest in this area are a few local black ducks. Many diving ducks, bluebills, canvasbacks, redheads, shovelers, etc. winter here after the fall surf fishing season is over. Also many Canadian black ducks, sprig tails, teal, and geese winter here in the marshes of the Federal preserve, but the danger to these birds comes from the surrounding mainland where natives trap an inestimable number of ducks each winter despite the Government. The diving ducks keep to the open water and never use the marshes for anything.

Despite what the newspapers would have you believe about the island; it is buildable and in most areas is higher than the island that Ocean City, Md., now occupies. The people who own lots on the island, purchased them years ago with the intention of building retirement homes and summer homes to enjoy. The so-called Ocean Beach and South Ocean Beach portion of the island is zoned on the plan layed out by the Ocean Beach Corp., when it was originally subdivided with commercial areas designated accordingly. The development of this section would increase the wealth and economy of Worcester County very greatly. To date the county has received approximately $500,000 in taxes from the property owners of Ocean Beach and South Ocean Beach paid on unimproved land. You can imagine how much revenue would eventually be made available to the county if the island was left in private ownership. The Government would still have the Virginia end to turn into a national seashore with 16 miles of virgin beach, opened to the public in the spring, summer, and fall with lodging and accommodations provided in the Ocean Beach portion by private enterprise. This would be a good compromise all around. The State of Maryland would own a park at the north end. The Ocean Beach and South Ocean Beach property owners would own a 14-mile stretch in the middle and the Federal Government would own 16 miles at the south end for a national seashore. The general public would have complete access to the surf and the beach along the surf in the privately owned section, just as they do at Ocean City, Md., now. The fishermen and nature lovers would be able to enjoy the federally owned and State owned portions as unspoiled virgin beach in its natural state.

I would point out that this plan could be accomplished at a fraction of the cost that the present Government proposal would entail, therefore, reducing Government spending in line with the present administration thinking. The only money the Government would need to spend would be on a road running through the southern end so as to allow access to the beach and on a fence to keep people from the marshes, such as is now in existence at Cape Hatteras National Seashore.

I would apprecate it very much if you would call your committee's attention to this letter and its proposal for consideration before taking action on Assateague Island.

Sincerely,

O. SHELDON CHANDLER, Jr.

REMINGTON FARMS,
Chestertown, Md., March 19, 1965.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: This is in reference to Senate bills 20 and 1121 which would authorize Assateague Island National Seashore.

Before hearings on these bills on Wednesday, March 17, a witness mentioned Remington Farms in illustration of an area where wildlife populations are unaffected by roadways and public access. The reference was intended to suggest that a roadway through Chincoteague National Wildlife Refuge would likewise be of no adverse effect to waterfowl in that area.

The two situations, as I see it, have little in common. While we do permit public visitation, the unit mainly involved is little more than a hundred yards in length and is limited to a sanctuary concentration area. The site is immediately adjacent to a caretakers residence, maintenance shops, and offices. The clock-around presence of employees permits a high degree of control and supervision of the visiting public who visit here mainly in fall and winter. During the breeding season of waterfowl we do not permit unattended travel over the area.

A public road through Chincoteague could not be accompanied by the same measure of human control and nominal disturbance to birds. In these days of dwindling breeding grounds in Canada and our Northern States, the production

potential of areas such as Chincoteague takes on a new significance. It would be a serious mistake to hazard the loss of such values in the interest of public accommodation.

In my judgment a public road through this Federal refuge would subordinate the principal and legal purposes of the area to recreation in a broad sense. In general, I favor both—refuges for wildlife and public places for recreation. But in this instance I would not like to see the values of the former destroyed or measurably impaired by the public roadway provision (sec. 7) of S. 1121.

I would appreciate having this letter made a part of the record of the hearings.

Very truly yours,

J. P. LINDUSKA,
Director of Public Relations and Wildlife Management.

SNOW HILL, MD., *March 19, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SENATOR BIBLE: I trust this communication can be made a part of the permanent record of the hearings on the proposal that the Department of the Interior acquire all of Assateague Island as a national seashore park.

At one time Mrs. Cohen and I led the effort at the State level to preserve the island for public use and it was we who with the help of Mr. W. E. Green, organized the two hearings before the Ways and Means Committee of the Maryland Legislature in 1963, which finally forced our State administration to recognize that this was at least a statewide issue and not one which could be settled comfortably as a local issue between the Worcester County commissioners, our local State legislators and the board of public works.

Mr. William E. Green, who dedicated the last years of his life and a substantial fortune to prevent private development, and who singlehanded, tormented the legislature and Governor since 1953 into repeated consideration of the issue, always fought for the island's preservation for the use and enjoyment of man and not birds. I attended this courageous man in his last days and it was his understanding and his courage which brought me into this controversy.

It is to the credit of Governor Tawes that he has finally recognized the realities of the situation, that he has accepted the advice of his department heads who could look at the issue with objectivity and understanding, and finally brought himself to make as forthright a statement as he offered your committee on Wednesday, March 17. The establishment of a State park and the State administrations' dedication to the continued development of a small ocean-front park for intensive use can only be understood in the context of the maneuvering that preceeded the advent of the Federal Government in this issue.

On the strength of my continuing interest in this matter, I have the courage to offer my position:

1. The position of Senator Robertson, of Virginia, is reasonable and his proposal for a road, and for the protection of the Chincoteague ponies is a needed addition to the admirable bill offered by Senator Brewster. If a road is not built to connect the two existing bridges, neighboring Chincoteague will be damaged in a way it does not deserve, the usefulness of the island for the enjoyment by our citizens will be needlessly limited. From personal observation I can testify to the fact that bird life and bird nesting and propagation is compatible with the existence of nearby roads, and the contention that the road will injure the function of the existing sanctuary is exaggerated beyond belief. The proposal by the Wildlife Federation that a road over the marshes of Chincoteague Bay be built to bypass the sanctuary on the west is unrealistic, heedless of enormous cost and damaging to their stated objectives, for the wild fowl use the marsh to feed, and not the barren seashore.

2. Proposals to build overnight accommodations on the island leave me unenthusiastic, unless they be very restricted and left very simple. The present owners will have good cause to charge unfairness if present property owners are dispossessed and later parts of the island are turned over for development to those who have never had a stake in the island. Problems of sewage and water supply are as difficult under Federal direction as they are under private ownership. Surely adequate land is available on the western shore of Chincoteague Bay to meet the needs of any forseeable use. The introduction of this provision was intended to placate our county officials by offering them a tax base on

the island, but a facility built on the mainland will still be a tax base and a lot safer place to sleep. Even camping will have to be a restricted use, for sewage requirement and disposal hazards are as real for campers as they are for ordinary citizens.

3. The need for immediate action is great. The value of the island goes up in astronomical ratio. I can recall the time when lots on Assateague were given away as a bonus for a newspaper subscription. In the late 1940's the place was considered so remote and so hopeless that several square miles were sold by the State of Maryland to Mr. Ackerman for $6,000 as I recall. The bridge that Maryland built has opened up a potential for private building that has no limit. The one great need is for Federal acquisition here and now. It is my prayer that your subcommittee under your wise leaderhip, will make such a recommendation. If we do get a national seashore park on Assateague, I know that future generations will have good cause to bless a wise Congress for understanding and generosity.

Finally, we enclose copies of two letters, one that Mr. Green addressed to President Kennedy, and another letter we sent to former Gov. William Preston Lane, with the purpose of giving you a little background. I trust these letters may also be made part of the record of this subcommittee hearing.

I am,

Respectfully,

PAUL COHEN, M.D.

[Mailed to the President Apr. 9, 1963—Release date Apr. 15, 1963]

SNOW HILL, MD., *April 8, 1963.*

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

SIR: I appeal to you to assume leadership in an area where Maryland is bereft of leadership. Only your own good offices can now save what you as a seashore enthusiast and a protector of Cape Cod would want to have preserved for public enjoyment: 23 miles of unspoiled ocean beach within a few hours' drive of Washington, Baltimore, Wilmington and Philadelphia.

Nowhere from Bar Harbor south to Cape Hatteras is there left an undeveloped sweep of ocean front such as Assateague Island offers to future metropolitan millions. As Mr. Udall and others in the Department of Interior can tell you, Assateague is a low-lying reef of sparkling sand, within sight and easy reach of the Maryland mainland, that has all the potential of another Jones Beach, which Robert Moses developed from a similar reef. This once visionary creation is now world famous.

A national wildlife refuge is located at the Virginia end of the island, along with the famous wild ponies that annually are rounded up at Chincoteague. At the northern (and weakest) end, the State of Maryland plans to establish a park. Between the inadequate park site and the wildlife refuge lies the problem area: a stretch of about 15 miles which a Washington promoter in the early 1950's sold off as cottage lots to gullible city dwellers who did not know that many of the lots lie under water after a heavy rain.

A team from Interior after last year's disastrous storm had swept over and through the island described Assateague as unfit for human habitation. A Maryland highways spokesman has warned against despoiling an irreplaceable natural resource with a "shantytown." A Maryland health official has predicted a "cesspool paradise" if lot owners are allowed to build on the island in its present condition. The Maryland Board of Natural Resources has urged that the island be left as a wilderness area. Despite all this, the Tawes administration is prepared to go ahead with a bridge as an accommodation to lot owners when there are no plans for water, sewers, roads, storm protection and erosion controls.

I myself do not own a grain of sand on Assateague. My interest is solely that of a man who can see the island from his kitchen window and is outraged that Maryland would throw away so obvious a priceless public asset. Since 1953 I have fought for public ownership of the island. With the help of Robert Moses in 1954 I had a public authority bill drafted by park experts, of whom I consider Mr. Moses the greatest in the world, and I have tried every year since then to get the Governor and general assembly to give it serious consideration.

You may have seen stories in the Washington Post and Baltimore Sun and other papers to the effect that W. E. Green of Snow Hill is battling Maryland

legislators once again. This last time it was from a wheelchair, due to an inoperable lung cancer, but it was to no avail. Refusing to look upon Assateague as their responsibility, Maryland officials regard it as a local concern of adjacent Worcester County, which could not begin to cope with Assateague even if its hands were not already full with sanitation and other problems at Ocean City.

As a resident of Worcester County, I can assure you that our county government has no means of developing an asset such as Assateague. As one who has spent years trying to get the State government to assume its responsibility, I can assure you that Annapolis will do nothing except make Assateague more readily accessible to speculators and county politicians. Our only hope is that the Federal Government will step in, as Mr. Udall has expressed an interest in doing, and make the island from end to end a public preserve.

I urge you, Mr. President, to request Congress to establish Assateague Island as a national seashore under the jurisdiction of the new Bureau of Outdoor Recreation. I urge that you have it called the Robert Moses Seashore as a fitting honor to the American who, more than any other, has had the boldness and imagination to make recreation available on a large scale for urban populations. I further urge that you act quickly because, while Mr. Udall with due deference seeks State cooperation, he does not know how impervious our State officials are to constructive suggestions. They will have thrown the island to the cesspool set before Interior has reached agreement on clause 1 of what should be done.

The 87th Congress by amending and enacting Public Law 874 on October 23, 1962, under title "Protection of Shores," 70 Stat. 702, declared explicitly and forthrightly the intent of the Congress relative to the restoration and protection of our ocean front and I quote from that law, section 1(b): "except, that the costs allocated to the restoration and protection of Federal property shall be borne fully by Federal Government and, further, that Federal participation in the cost of a project for restoration and protection of State, county, and other publicly owned shore parks and conservation areas may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs, when such areas: Include a zone which excludes permanent human habitation; include but are not limited to recreational beaches; satisfy adequate criteria for conservation and development of the natural resources of the environment; extend landward a sufficient distance to include, where appropriate, protective dunes, bluff, or other natural features which serve to protect the uplands from damage; and provide essentially full park facilities for appropriate public use, all of which shall meet with the approval of the Chief of Engineers."

Mr. President, this direct appeal to you is in keeping with the intent of the Congress that, if the State government refuses to assume its responsibilities, it then becomes the responsibility of the National Government to step in and take over. This 23 miles of ocean front needs the immediate attention of the Beach Erosion Board under the Chief of Engineers of the U.S. Army. It is obvious that the new Bureau of Outdoor Recreation is uniquely suited for developing Assateague Island in a fitting and proper fashion, and it is equally obvious that, if you lend your name in support of this project, it will serve as a catalyst, hastening the necessary governmental action to preserve this area for posterity.

I petition you, sir, to request the Congress in 1963 to create the Robert Moses National Seashore in Maryland and add it to the list created in 1962, namely, Cape Cod, Mass., Point Reyes, Calif., and Padre Island, Tex., already administered by the National Park Service.

I am,

Most respectfully,

W. E. GREEN.

SNOW HILL, MD., *March 1, 1963.*

HON. WILLIAM PRESTON LANE, JR.
Imperial House,
150 East 69th Street,
New York, N.Y.

SIR: I address this letter to you as the legislative chairman of district 1 of the Federated Garden Clubs of Maryland, with the hope that I can arouse your interest and enlist your support in our efforts directed toward the passage of a bill authorizing the establishment of an "authority" for the proper development of Assateague Island.

This is a project which has been carried on by Mr. William E. Green since 1955, singlehanded. The only excuse I have for supplanting Mr. Green in making this appreach, is the fact that Mr. Green is now hopelessly ill with cancer of the lung, and is physically incapable of carrying on this fight. I have the courage to appeal to you because I remember what a wonderful job you did as Governor of Maryland, and the conviction that so proper a step for the good of the citizens of Maryland can do nothing but appeal to your devotion to the public good and dedication to the proprieties of responsible government.

Our situation is this: Our legislature and Governor have authorized the construction of a bridge from the mainland to Assateague Island for $1,500,000, and but for the fact that the lowest bid was $300,000 over and above the sum specified in the act enabling the construction of this bridge, we would be on the road to having such a bridge, with its attendant misfortunes. The State roads commission is currently occupied with revising specifications downward to bring the costs down to an attainable level. Those of us who are concerned with preserving Assateague Island for public use are urgently anxious to stop such a bridge because it will open up the island to private development of privately held lands. It will lead to an increase in land values which would forever make land acquisition for State use a financial impossibility. It will expose the innocent and unwary buyer of such property to loss through storm and wave action, and pose for each of them an impossible problem of sewage disposal.

It is our conviction that the press of population growth will present this State with a need for an ocean front park of proportions resembling that of the Jones Beach facilities on Long Island, within the foreseeable future.

It is ironical that such a worthy cause for the public good should be promoted by a man from Worcester County who had had to fight not only public apathy, but the selfish interest of unworthy speculators and the well-motivated, but improper concern of our local elected officials, directed toward holding down the Worcester County tax rate. It is only now that Mr. Green has won a statewide support from the Federated Garden Clubs of Maryland and the Maryland Wildlife Federation.

Our need is urgent and immediate. Mr. Green has had his "Authority" bill introduced as a petitioner. A hearing before the ways and means committee is scheduled for 3 p.m., March 6, in the house chambers. We have the unstinted support and advice of Mr. Robert Moses and Mr. Stuart Constable, two men who must be well known to you. Mr. Constable is planning to support us by his presence at the hearing. It may be an unreasonable hope and request to even suggest the desirability of your presence at the hearing, but I still herewith formally, and urgently, request your presence to testify on the behalf of the people of Maryland.

I am mailing an enclosure with this letter which will unfold some of the facets of this problem to help you to evaluate it.

Mr. Stuart Constable, vice president of the New York World's Fair, is flying from New York to arrive at Friendship Airport at 11 a.m., March 6, and I expect to meet him. If it is possible for you to join him on this flight, you would find him a charming and informative companion. If you do decide to come, please call me at Snow Hill, Md., Phone No. 329, at my expense, and I am sure that I can arrange for Mr. Constable both to have you picked up in New York, and have you meet him if you have not already done so.

Finally, may I offer you my apologies for this extraordinary and urgent appeal. The time is short, and we need your help.

Respectfully,

Mrs. Paul Cohen.

Washington College,
Chestertown, Md., March 17, 1965.

Senator Alan Bible,
Senate Subcommittee on Recreation and Parks,
Senate Office Building, Washington, D.C.

Dear Senator Bible: The purpose of my letter is to urge your committee to give a strong endorsement to Senate bill No. 20, having to do with the acquisition by the Federal Government of Assateague Island in Maryland as a national seashore.

I have lived on the Eastern Shore for the past 15 years in my present capacity, and I happen to be deeply concerned with the development of this entire area, presently one of the most sparsely populated on the northeastern seaboard. We are surrounded by a tremendous population, and one of these days it is going to explode onto this peninsula. For that reason, the thoughtful utilization of land spaces is of the utmost importance—not a few years from now, but presently, while the problem is still solvable. Among those problems one of the most important, it appears to me, is the preservation of Assateague Island. There is pressure, I am aware, for its private development, and behind that pressure the dollar sign is clearly evident. Dollars will not reclaim a virgin seashore, once it has been despoiled.

We who live on the Eastern Shore now are lucky, for it is still very literally a "land of pleasant living." Let us hope that our children can find it so. The preservation of Assateague Island for all the people would be some assurance that future generations will not equate seashores with Atlantic City or Ocean City, Md.

Very sincerely yours,

DANIEL Z. GIBSON, *President.*

BETHESDA, MD., *March 15, 1965.*

Re Assateague Island.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: I am the owner of two lots on Assateague Island since 1950 and I want the record to show that I am opposed to the Federal Government takeover of the entire island at this late stage of its development. It was only through the persistent efforts of the lot owners that a bridge was built; consequently, in line with American tradition of free enterprise, I believe we, the lot owners, have certain rights that should be respected. After 15 years, I and my fellow lot owners should be permitted to enjoy the fruits of our investment, labors, and patience.

If this committee believes it in the interest of conservation that the Government should acquire additional shoreline property, I would urge that the legislation be limited to the acquisition of the 7 miles of property north of the Maryland State park. This with the 2 miles of State park would along with the Virginia holdings, give the Government more than enough property for many, many years to come and condemnation proceedings against 3,300 lot owners could be avoided.

As I will not be able to attend the hearings, I wish this statement be made a part of the record.

Respectfully yours,

LEON C. RUBIN.

SILVER SPRING, MD., *March 14, 1965.*

Hon. ALAN BIBLE,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: As an owner of property on Ocean Beach, Md., I wish to state I support private development of Ocean Beach. Private development will provide more recreation for more people than any development the Department of the Interior could develop. Young children must have a place in the sun to grow, which is more important than the "bird watchers."

My husband and I bought our lot with the hope that we would be able to build a home for our retirement. We still hope to do this as we do not believe our Government can be so unfair as to take property which is not needed for the Interior Department's so-called recreational purpose.

As a former employee and former official secretary of Ocean Beach Club, Inc., I would like to point out for the record that during the 8½ years which I worked with the members of the club, it was for one purpose and that purpose was to develop Ocean Beach as a community. The some 2,900 property owners—most of them single lot owners and just "little people," had to sacrifice and struggle to pay for their lot. Now they want to build a home and enjoy the type of recreation they cannot afford at expensive seaside resorts.

The plans for developing Ocean Beach are orderly and would be a credit to Maryland.

The Government owns 9 miles of Assateague Island in Virginia which certainly seems ample and could be put to better use for more people.

The owners of lots on Ocean Beach have paid taxes to the State and county in excess of one-half million dollars without help from either. Now the Federal Government wishes to take our property for a use which would not serve the people as effectively as private development. Families raising children who will become the future citizens of America, must have some place to live decently and give them some recreation, too. Have we lost sight of the rights of the individual?

Now, as in the past, I am endeavoring to aid and protect the rights of the individual property owner in order that he or she may develop property on Ocean Beach on a private basis. I am opposed to the Department of the Interior taking our property for public use. We, the property owners, are convinced that private development would serve more people in a recreational way than any plan offered by the Department of the Interior.

I wish to go on record as being opposed to the Government taking our land for public use. We want to develop our property as every American citizen has the right to do under our free land. Or is America still a free country?

It is respectfully requested that this letter be made a part of the official hearing on private development versus public development of Ocean Beach, Assateague Island, Md.

Respectfully yours,

ANNIE W. RUNNELS
Mrs. Annie W. Runnels.

CANOE CRUISERS ASSOCIATION OF GREATER WASHINGTON, D.C.,
Arlington, Va., March 22, 1965.

Hon. Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SENATOR BIBLE: In respect to the hearings on the Assateague Island bills of March 17, 18, 19, 1965, this communication is intended for incorporation in the record of those hearings. I write in behalf of an active outdoor organization with more than 500 members in the Metropolitan Washington region and other members in Maryland and Virginia. This organization, the Canoe Cruisers' Association, has a keen and abiding interest in the long run best possible management of Assateague Island because our membership visits annually many places of natural value to the public and posterity within a radius of 300 miles from the White House.

We favor the immediate adoption of Senator Brewster's bill, S. 20, as printed in the Record of the 89th Congress, January 6, 1965. We are firmly opposed to the building of a high-speed roadway with a right-of-way of 200 to 300 feet from the Maryland bridge to the Virginia bridge. We hold that Assateague Island is one of the few remaining Atlantic beaches of such quality and size as to warrant the official designation of a "national seashore." We plead that our reasons for cherishing its wild character are a sufficient justification for preserving the island as it is.

The proposed construction of a roadway is a shocking disregard for the sanctity of the important Chincoteague National Wildlife Refuge that would be reduced to a travesty of its original meaning and intent by the cynical development of a roadway. Such a violation of principle would "sell down the river" those thousands of taxpayers who have purchased the duck stamps which made the acquisition of the refuge possible.

Assuring you, sir, of our faith in your committee's judgment and of our intention to continue to use Assateague Island for spiritual refreshment, mental gain, and wholesome pleasure, I am,

Very sincerely yours,

JAMES W. JOHNSTON,
Chairman, Conservation Committee.

CITIZENS COUNCIL OF DELAWARE COUNTY,
Media, Pa., March 12, 1965.

Hon. ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I am writing in behalf of the Open Space Committee of the Citizens Council of Delaware County (Pa.) in favor of quick passage of the Assateague Island National Seashore bill (S. 20).

At a meeting held on Thursday, March 11, the open space committee unanimously voted to endorse the Assateague bill.

Here in Pennsylvania we are just starting an expanded system of State, county, and local parks under Project 70. We also desperately need larger recreation areas such as Assateague (and Tock's Island) for our rapidly expanding population with increasingly more leisure time. We feel that this unique island should be purchased now for the enjoyment of present and future generations. We earnestly hope that your committee will report favorably on this important bill.

Very truly yours,

JOHN A. HARRIS, *Executive Director.*

BALTIMORE, MD., *March 17, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SENATOR BIBLE: This letter follows my brief letter of March 16, 1965, urging passage of Senate bill S. 20.

I was very encouraged to see that you and Senator Brewster and other members of your subcommittee were able to make a personal visit to Assateague Island last Saturday. I feel that it is essential that such trips be made since many people who speak of Assateague Island—either in favor of its preservation or in favor of private development—do so without a firsthand knowledge of the island. Further, they do so without a personal knowledge of what remains preserved and what does not on the entire Atlantic seaboard.

I am testifying in support of the preservation of Assateague Island based on a detailed and intimate familiarity with the Cape Cod National Seashore, the Cape Hatteras National Seashore, and, in particular, Assateague Island. I can further testify that I have traveled by foot and by vehicle on almost every foot of these three areas.

To see what has been achieved at Cape Hatteras, and more recently at Cape Cod, and to see the full length of the island of Assateague at all hours of the day and night is to gain a deeper appreciation of the vital need for its preservation.

I have no doubt that ways could be found to stabilize the beach and provide an adequate sewage system, for the resources and optimism of man are unlimited. There is, however, no real need for the creation of another Ocean City. I speak of another Ocean City since at the public hearing of August 15, 1963, in Baltimore the spokesmen for the property owners, themselves, pictured the ultimate creation of another Ocean City or perhaps even a Miami. They said it would just take a little time. The 3,000 houses would then get torn down to make way for this.

Without the passage of this bill, we are, then, at the point where all interests will be deluded. Without the passage of this bill, everyone has lost, but most of all the future generations of Americans who might otherwise have had an opportunity to see a small portion of the land as the forces of nature originally shaped it.

The Algonquin Indians named this island. The exact meaning of their name is not entirely clear, even to experts in the language. Loosely translated, it means "A long brownish yellow river of sand across the water." It was well named. I urge your support in insuring that the name remains appropriate.

Very truly yours,

ROBERT L. DWIGHT.

WASHINGTON, D.C., *March 15, 1965.*

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I hereby express opposition to any legislation coming before your committee on the Federal seizure of private property on Assateague Island for a national seashore park. My attendance at the hearings on March 17, 18, and 19, is impossible.

I am owner of two residence and two oceanfront commercial lots. It has been my intention that the proceeds from sale of part of this property would enable building and maintaining a commercial establishment and residence on the island.

This is an investment of 11 years during which time I have paid taxes, maintenance fees and other assessments, and have looked forward to the time this property would reap some benefits to me. I am a working person and have invested in this for my future. Are we sinking into the mire of socialism? Are we no longer encouraging the initiative of the individual? Has the free enterprise system failed?

After waiting all this time in anticipation of some enjoyment from my investment, at a time when more of my working years are behind me rather than ahead of me, I ask that your committee recommend the private development of that portion of Assateague Island threatened by Federal seizure.

It is factual that there would be no bridge to Assateague Island today—except for the efforts and determination of the property owners of Ocean Beach and other owners of private property on Assateague Island.

However, there is a bridge to Assateague Island—and, property there is, in fact, accessible oceanfront property. Property values there have tripled since my purchase. The only reason that we are not now building on our land is the deliberate prevention of our doing so by political factions.

I respectfully request that this letter voicing my strong objection to the Federal "grab" of our private property for a seashore park be read into the record of the March hearings on such legislation.

Thank you.

Sincerely yours.

MRS. MARCELLA B. STOREY.

WASHINGTON, D.C., *March 18, 1965.*

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Senate Interior and Insular Affairs Committee.

DEAR SENATOR BIBLE: The following statement is submitted for the record of the hearings on S. 20, a bill to authorize the acquisition of Assateague Island as a Federal wildlife refuge and natural recreation area.

Proposed amendments would require that a road be constructed between bridges now existing near either end of the island. The arguments for the road are that profits from tourist trade would otherwise be realized only at the Maryland end of the island. I believe the aim of those who proposed the Federal reservation was to protect the island in its natural state and provide for as many visitors as could be admitted without destroying what they came to see. An unfettered wildlife management has done well in fitting wildlife to its habitat; could it not be trusted to be as efficacious and sympathetic toward people?

Although I am, at 60, an active member of the Wanderbird and the Potomac Appalachian Trail Clubs, I well realize that not all people who enjoy wild areas would be able to hike to all spots. Construction of simple piers and cooperation with the bay-side dwellers would afford access to many points, however. The bridges would remain as accessible as at present, and the bill as written would reserve a site of up to 600 acres for overnight accommodations and unobtrusive facilities. A quick run from end to end will thrill few; "see one island (lake, mountain, river) seen 'em all." If experience with visitors shows some roadbuilding is required, the road should be designed to prevent drivers from running onto the beach, or over grazing areas.

I look forward to a bill protecting what nature provides. Those who think there is a right to be lonely some of the time are asking for very little between Newport and Norfolk.

Sincerely yours,

ANSON O. COURTER.

BALTIMORE, MD., *March 9, 1965.*

Senator ALAN BIBLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: I am a property owner at Assateague Island and since I will be unable to testify at the March hearings on Senate bills 20 and 1121, I would like you to know that I am against anyone taking my property.

When I bought this land 15 years ago, it was advertised in several of the leading newspapers in Baltimore, Philadelphia, Washington, and Norfolk, at $10 a month payments. Most anyone could have had the opportunity I did in investing at Assateague. Why then wasn't Assateague Island purchased by the State or Federal Government? It seems to me that the Federal Government tries to punish the thrifty workingman who looks ahead to his retirement. I believe very strongly that this is unfair, un-American, and an abuse of authority. This is why I'm in favor of the "Worcester County Assateague plan."

I would like to have this letter placed on record as my testimony.

Very truly yours,

EDUARDO L. LOPEZ.

INDIAN ROCKS BEACH, FLA., *March 4, 1965.*

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

SIR: As an owner of three lots on Assateague Island, I wish to go on record as being 100 percent for the acquisition of the island as a national seashore. There is a group calling themselves Ocean Beach Club, Inc., 1025 Connecticut Avenue NW., who purport to represent landowners on the island. They do not speak for me or represent me in any way, yet I am being beseiged with letters such as the following. Be assured they represent a small minority of property owners. In 1962 they sent out a roster of names of owners who no longer belonged to their so-called club, 428 (all holding at least 1 lot on the island); since that date there are no doubt many more, who, like myself, went along with them until they began asking for funds for attorneys to fight the Government acquisition of the land.

I am enclosing their most recent communique.

Thank you.

Respectfully yours,

GENEVIEVE SUTPHIN
Mrs. Glenn T. Sutphin.

NEWSLETTER NO. 3—URGENT

OCEAN BEACH CLUB, INC.,
Washington, D.C., March 1, 1965.

1. Your club has just received a communication from a group calling themselves the Assateague Land Owners, and signed by Calvin P. "Jack" Pruitt, suite 803, 1028 Connecticut Avenue, Washington, D.C. You are cautioned that this group is in no way associated with your club. The Ocean Beach Club, Inc., suite 812, 1025 Connecticut Avenue, Washington, D.C., is the only organization officially and legally authorized to represent you in maintaining, protecting, and developing Ocean Beach. And the names of your board of governors are: Miss Hageman, Mrs. Bernwinkler, and Mrs. Snowman, and Messrs. Abbot, Adams, Bowers, Cleaves, Gill, King, McIntyre, Prevost, Strang, and Waring.

Your club believes that this is not the time to negotiate a settlement with the Department of Interior; on the contrary, this is the time to muster all our strength for the fight in the Congress.

As a matter of fact, the Department of Interior has no authority or money to negotiate for the purchase of your land at this time. Please resist this effort to mislead you.

We are sorry that this group has taken a defeatist attitude, because your club intends to win this fight.

We also want to notify you that your club already has competent legislative counsel and a land appraiser, both of national repute, to help us in our struggle in Congress. But we need your help, too; we want to hear from all property owners willing to testify before the Senate Interior Committee's Subcommittee on Parks and Recreation, possibly in mid-March. Please communicate with us

at once. Also be sure to write to Senator Alan Bible if you can appear before his subcommittee. If you live in Virginia, write to Senator A. Willis Robertson and Senator Harry F. Byrd expressing your opposition to takeover legislation.

2. We expect to pay $5,000 due on the bulldozer this month. Please help by paying your dues and maintenance promptly if you have not done so.

3. We would like to know the names of any of our members who are veterans but who are not affiliated with any veterans group.

Again we caution you to disregard communications not endorsed by your club.

JOAN B. SNOWMAN, *Secretary.*

VIRGINIA SPECIAL—NEWSLETTER NO. 2–A

OCEAN BEACH CLUB, INC.,
Washington, D.C., February 18, 1965.

This is written particularly to the Ocean Beach property owners residing in Virginia.

On February 4, 1965, Congressman Thomas N. Downing of Virginia introduced H.R. 4426, a bill which in general corresponds to his testimony at the hearing on S. 2128 held August 11, 1964. A printed copy of that hearing was mailed to you last September. On February 11, 1965, Senator A. Willis Robertson of Virginia introduced identical legislation in the Senate. His bill is S. 1121.

Please write immediately to Senator A. Willis Robertson, Senate Office Building, Washington, D.C., asking for a copy of S. 1121. Also request that you have ample opportunity to study his proposal before hearings are held on it. Tell him in your own words that you support his proposal to open the Chincoteague Wildlife Refuge to recreation and to the building of a road from the Virginia end of Assateague through the refuge, but that you are opposed to Federal seizure of your property on Ocean Beach, Assateague Island, Md. Tell him you must have time to study his bill and that you hope to appear at any hearings held on his bill. It is of the utmost importance that he learns that many residents of Virginia will be affected by S. 1121. If you type your letter, send a copy to Congressman Joel T. Broyhill and to Congressman Thomas N. Downing, House Office Building, Washington, D.C. This is the first real opportunity our Virginia owners have had to influence proposed legislation. Write now. A few minutes will do much toward saving your property for you. We hope many of you will express your individual opposition if hearings are held.

On September 10, 1963, Interior Secretary Udall, in writing, estimated the cost of acquisition of Ocean Beach property at $6.5 million. On August 10, 1964, less than a year later, his estimate of cost in writing was $16.8 million. As far as I have been able to determine, neither estimate included the beach which without question, is worth hundreds of dollars per front foot. Perhaps this could be brought to the attention of Senator Robertson.

Be sure and write. A letter in longhand is just as effective as a typed one. These are the names again: Senator A. Willis Robertson, Congressman Thomas N. Downing, and Congressman Joel T. Broyhill.

COLORADO SPRINGS, COLO., *March 14, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SIR: We are strongly in favor of S. 20, a bill designed to establish Assateague Island National Seashore. As former residents of Maryland we know the beauties of the wild Atlantic coast and how rapidly such areas are disappearing under the pressure of commercial development. Since Assateague Island is one of the very few remaining virgin beaches, we must leave it as a recreational and esthetic legacy to future generations who are likely to live in a world much more crowded than ours.

We hope you will do everything in your power as chairman to see that the Interior and Insular Affairs Subocmmittee gives a speedy and favorable report on this legislation. Please enter this letter in the hearing record on S. 20.

Sincerely yours,

HANS AND DOROTHY KRIMM.
Mr. and Mrs. Hans Krimm.

THE GREENWAY GARDEN CLUB,
Baltimore, Md., March 17, 1965.

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SIR: The members of the Greenway Garden Club, a club of the Maryland Federated Garden Clubs, district IV, wish to go on record as having urged you to support the Brewster bill (S. 20) and Sickles bill (H.R. 1730).

Any legislation passed to preserve and beautify Maryland's natural beauty, be it seashore, mountain, or just city property, is of the greatest concern of all members of garden clubs.

Assateague Island is one such area and we ask you, as our representative, to use any influence you may exert, to save this spot for the health, recreation, and pure enjoyment of the peoples not only of Maryland but visitors from many States, before it goes the way too many such Maryland beauty spots have gone.

A safe, easly accessible park can be of great value to the health and happiness of the people of Maryland.

Thank you,

RUTH L. BRIDDELL, *Corresponding Secretary.*

SELBYVILLE, DEL., *March 12, 1965.*

Hon. HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I am one of many marshland owners on Assateague Island, who has property improved with a home.

We are most interested in retaining the land for gunning purposes. We feel that the marshland and small offshore islands are useless to the general public for recreational purposes. The most discouraging reason for the public not wanting to use the marsh area, is the terrible mosquito problem and general lack of usefulness, due to low ground and dense growth. Also, the water is very shallow and not suitable for boating, except with a shallow draft craft.

The area about which I speak, is located in a narrow strip on the west bank of the island and extends from the southern border of the present State park to the Virginia line.

We feel it would be advantageous to exclude this area from the present bill and save the Government a considerable expense and satisfy a group of hardy gunners, who will brave the mosquitoes to prepare for the November meeting with the waterfowl. By doing this, you will retain the desirable 90 percent of the island for public use and save the Government millions of dollars.

I am not sure that the Senators realize the value of this marshland to waterfowl hunters.

Most of the owners of marsh gunning acreage, have had bona-fide offers of sales far in excess of the value of average marsh acreage. Also, the homes on these properties were expensive to build, due to the location and cost of labor to place them in their location.

If you are a waterfowl sportsman, you can appreciate our feeling in the thoughtless acquisition of property of no use to the general public, proposed by this bill.

I thank you for your consideration of this request.

Sincerely yours,

RICHARD A. PEOPLES, O.D.

LINTHICUM HEIGHTS, MD., *March 15, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SENATOR BIBLE: I wish to go on record as approving the Brewster bill (S. 20) and the Sickles bill (H.R. 1730) both of which deal with Assateague Island as a Federal wildlife sanctuary.

It was both educational and awe-inspiring to visit the Outer Banks of North Carolina. To see nature preserved in its natural form as well as to view the wildlife feeding there.

I believe Assateague Island should be preserved by the Federal Government rather than for this land to be turned into building lots which would undoubtedly ruin its educational value as well as a sanctuary for the many wild birds.

We do not have many of these sanctuaries on the Atlantic coast and I feel that it is very necessary that as much of our coastline should be retained in its natural state as possible.

Very truly yours,

RUTH W. CHRISTOPHER.
Mrs. A. C. Christopher.

BALTIMORE, MD., *March 14, 1965.*

DEAR SENATOR BIBLE: Please put me on record in support of the Brewster bill (S. 20) and the Sickles bill (H.R. 1730).

It would be a shame for Assateague to be commercial.

Sincerely,

JOAN S. LEATHERMAN.
Mrs. E. Gordon.

SNOW HILL, MD., *March 22, 1965.*

DEAR SENATOR ALAN BIBLE: Before the Senate Subcommittee on Public Parks and Recreation makes its decision on whether to acquire Assateague Island for a national park, I would like you to know that there are people in Worcester County, Md., who want the island publicly developed by the Government. After going down the island in a jeep, I feel that it would be a shame for the island to be developed like Ocean City, Md. I feel sorry for the people who have bought one or two lots, but not for those who have many lots and want Assateague privately developed for their own personal benefit. As for the many public officials of the county, their reason for support of the private development is based on their political future. It is true that our county is financially well off because of Ocean City, but one of them is enough.

I hope your committee makes a favorable report for public development. Also I hope you had an enjoyable visit on the Eastern Shore last weekend.

Sincerely,

BARRY LAWS,
Senior, Snow Hill High.

BETHESDA, MD., *March 23, 1965.*

DEAR SENATOR BIBLE: As the owner of a single lot of Assateague Island, I have been following the recent hearings with more than passing interest. Nothing that you will hold the record open for 2 weeks for further pertinent comments, I address this letter to you.

As I see it, you must measure the public need and benefit against current private ownership. This means that the following questions must be answered satisfactorily before any bill can be favorably reported upon.

Is there a public need? With considerable Federal or State-owned seashore property already dedicated to public use, the Federal property at one end of Assateague, State (Maryland) property at the other end of the same island, and State (Delaware) park plans a short distance away at Fort Miles, it would appear that a reasonable public interest has been protected.

What are the Department of Interior plans for public use of the property they now seek? The evidence is that these plans do not indicate any substantial interest in accommodation of any substantial numbers of people. They propose to do just enough to acquire the property, and nothing more. It is simply incredible that they do not look with favor upon a road down the entire island. How many people (as opposed to birds) have enjoyed the miles of beach on Assateague Island that is now managed by the Interior Department and has been so managed for many years?

Are the Interior Department cost estimates valid, or even in the ball park? I have been on my half-acre, and know just exactly what it is like. Has anyone in Interior Department obtained prices for a prime half-acre of ocean property anywhere in this mid-Atlantic region?

Are the problems associated with the development of Assateague Island insurmountable? There are problems, but how was Ocean City, Md., Atlantic City, N.J., or Miami Beach, Fla., developed? All are built on similar "sand bar" bases, all have had problems, and all have obviously thrived on the basis of private

development. The presence of problems, it seems, does not immediately require the Federal presence.

Stated simply, I am both part of the public and an owner of private property on Assateague Island. Useful and valuable recreation in the former capacity does not require that I surrender by position in my latter capacity.

Sincerely yours,

JOHN G. IRWIN.

RANDALLSTOWN, MD., *March 16, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SIR: As a citizen of Maryland and a garden club member, I urge you to do everything you possibly can to preserve Assateague as a natural seashore and public recreation area.

I want to go on record in support of the Brewster bill (S. 20) and Sickles bill (H.R. 1730).

Sincerely yours,

(Signed) MADELINE R. WILLIAMS.
MRS. H. STUART WILLIAMS.

WASHINGTON, D.C., *March 20, 1965.*

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: I am writing to express my approval of S. 20, Senator Brewster's bill to establish the Assateague Island National Seashore, and to request that this letter be made part of the record of the hearings held this week by your subcommittee. I am, however, strongly opposed to a road through the Chincoteague National Wildlife Refuge.

It seems to me extremely important to preserve this stretch of seashore—one of the very few remaining unspoiled beaches on the Atlantic Coast—in public ownership for the enjoyment of the people and the protection of wildlife. While I recognize the desirability of providing for some overnight accommodations on Assateague Island, I urge that these be limited to the 600 acres adjacent to the Worcester County Bridge, and that the area south of this be retained in a substantially natural and primitive condition.

I believe it would be most unfortunate to construct a road through the Wildlife Refuge in the southern portion of the island. This established sanctuary is an important link in the chain of waterfowl refuges along the Atlantic Flyway, as well as a haven for deer and wild ponies. As an amateur field naturalist I know how disturbing motor traffic can be to wild creatures and how destructive of refuge values. The proponents of the road are interested in attracting tourists to Chincoteague and other Virginia communities for commercial reasons. But let's remember that the purpose of the seashore is preservation for public recreation and wildlife protection—not tourism or other commercial advantage.

Therefore, I strongly urge your subcommittee to report out S. 20 favorably, substantially as introduced by Senator Brewster, and without any authorization for a road through the refuge.

Sincerely yours,

PHILIP J. STONE.

ARLINGTON, VA., *March 17, 1965.*

Hon. ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee, Committee on Interior and Insular Affairs, U.S. Senate.

MR. CHAIRMAN: My name is Bernard O. Wilkinson and I own lots No. 3 and 7 block 806, Ocean Beach, Assateague Island, Md.

I have asked to testify before this committee in protest of Government seizure of my property.

I also wish to protest the harassment and inconvenience being imposed on property owners of Ocean Beach to delay development prerogatives ordinarily given to a private citizen.

Elected officials have stated publicly and, I believe before this committee their purpose to stall construction activity and have admitted that such actions may ultimately be held unlawful.

If Government seizure is aided in anyway by such deliberate actions, the victory, in my opinion, will be hollow indeed for any American.

Respectfully yours,

BERNARD O. WILKINSON.

WASHINGTON, D.C., *March 17, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation,
Washington, D.C.

DEAR SIR: I am writing to you concerning the Assateague Island national seashore bill, hearings for which are now being held by your subcommittee. I am the owner of two lots (7 and 8) in block 955 of the South Ocean Beach development.

First, I favor passage of the bill introduced by Senator Daniel Brewster, of Maryland. I feel that it is in the best interests of the future generations of our country that Assateague Island become a national seashore reservation.

Second, a more important reason for my writing, I am against anything that would harm the Chincoteague Wildlife Refuge as it currently exists on that portion of the island lying within the State of Virginia. And I am fearful that the bill introduced by Senator Willis Robertson, of Virginia, providing for a highway into the area now occupied by the refuge, would destroy one of the better wildlife havens. I firmly believe that this bill should not pass. This refuge is as much for the future generations of Americans as is the saving of the northern portion of the island as a national seashore park.

Very sincerely,

ROBERT W. RHYNSBURGER.

BALTIMORE, MD., *March 17, 1965.*

Senator ALAN BIBLE.

DEAR SIR: Sorry I did not write sooner. I am a property owner of a lot on Assateague Island, Md. I am in favor of the preservation of Assateague Island as a national seashore.

Yours truly,

MRS. CORINNE HUBBARD FODORE.

BALTIMORE, MD., *March 16, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Recreation and Parks,
Washington, D.C.

DEAR SENATOR: I am a lot owner of Ocean Beach, and am very definitely for the Brewster bill (S. 20) and the Sickles bill (H.R. 1730).

I have been to Assateague and know how beautiful it is and feel it would be a crime not to save it for a natural seashore and public recreation area.

Sincerely,

SARAH L. SYMINGTON.

WASHINGTON, D.C., *March 16, 1965.*

Hon ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: This is to urge passage of the bill S. 20 to make Assateague Island a national seashore.

I have owned two lots at Ocean Beach since 1950, paying county taxes and maintenance fees annually, fully expecting the area to develop into a fine seaside community. But times have changed, population pressures have changed, and conservation and recreation needs have changed. I believe the best use of this area is for public recreation. The desires of 3,000-plus lot owners and county tax officials should not be allowed to prevent development of Assateague Island as a national seashore for use of all the people. I strongly urge legislation for this purpose.

But I also most strongly request that in developing a national seashore, no road be allowed through the Chincoteague Wildlife Refuge, and that the refuge be fully protected from trespassers. It would not be right to damage a wildlife refuge in developing a recreation area.

Sincerely yours,

GORDON D. MERRICK.

BALTIMORE, MD., *March 15, 1965.*

Hon. Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: Thank you for your continued efforts and those of Senator Brewster on behalf of creating a national seashore park of Assateague Island.

I am a lot owner in Ocean Beach but I will willingly sell my lot to the Government to forward the plan for a national park on Assateague. It would be fine to have a summer home on Assateague, but not nearly as fine as if this virgin stretch of beach can be left in its unspoiled state.

Please continue your work to preserve this natural beauty spot. Thank you again.

Cordially yours,

RAYMOND DONELSON.

DEVON, PA., *February 13, 1965.*

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: As an Assateague Island property owner, I am writing to you concerning this bill, S. 20.

I have read pretty thoroughly the report of the hearing before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs on S. 2128 on August 11, 1964, and I presume S. 20 is a similar bill.

Because of the almost insurmountable obstacles in the way of building on the island and keeping your house safe from storms after you get it built, as brought out in the hearings, I am compelled to the conclusion that the better part of wisdom would be for the Federal Government to take over the island for a national seashore.

When the hearings are concluded I would like my vote to be cast in favor of the national seashore and we will look elsewhere for property for a seashore home.

Very truly yours,

C. R. HOUCHINS.

CHEVY CHASE, MD., *March 23, 1965.*

Senator ALAN BIBLE,
Senate Interior Committee,
Senate Office Building,
Washington, D.C.

MR. CHAIRMAN: My name is Robert MacKenzie Waggaman, Chevy Chase, Md. My wife and I have six children between us. I am retired (I have been employed in the proprietary drug business, and I have been self-employed). I served our Navy during World War II and I was honorably discharged. I am a legal resident of Chevy Chase, Md.

I wish to have my name listed in your records as being opposed to those Senate bills which propose the taking of Assateague Island by the U.S. Federal Government for the use of the U.S. Department of the Interior.

I am a third-generation landowner in the Ocean City-Assateague Island, Md., area.

I own approximately 150 acres of patented shooting land, marsh, and ponds off the western side of Assateague Island, approximately 12 miles south of Ocean City, Md., known variously as Tingle's or Waggaman's Island.

I am in favor of retaining in private ownership this land (representing approximately 65 percent of the total Maryland Atlantic shoreline), that it may be utilized in a manner best exemplifying those American traditions of individualism and free enterprise—as opposed to Assateague Island becoming

"Udall-ized," in what appears to be a continuing U.S. Federal Government policy "jag" manifesting what appears to be such irresponsible financial waste, corruption, political intrigue, and increasing harassment of the private individual section that, rightly or wrongly, there is increasing confusion whether or not the U.S. Federal Government is becoming a practitioner of Marxian socialism.

I have attended three sessions of your public hearings on the Senate bills concerning Assateague Island.

Therefore, I feel secure in the knowledge that you will give your very just and best consideration to these sincere Americans, and hard-pressed Assateague landowners.

I remain,

Respectfully,

ROBERT M. WAGGAMAN.

SILVER SPRING, MD., *March 6, 1965.*

HON. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: I own a lot on Assateague Island and feel strongly that our property should not be taken away from us. It seems a large portion, which is owned by the State of Maryland, could be used as a park area for the public.

In the hearings held previously, you seemed interested in both sides of the question and fair to all. This we appreciate.

We bought our lot, expecting to build or sell at a profit when a bridge was built. It seems we had a right to expect this on our investment.

We property owners and Worcester County were instrumental in having the bridge built. We paid taxes and waited for the bridge. Therefore, if our property is taken it seems we should, at least, receive today's fair market value. The increase in value which the bridge brought is due to those who bought, worked, and waited.

Thank you for your interest and fairness. The Ocean Beach Club, Inc., will be representing me, as well as others, at next week's hearings.

Sincerely,

ALVIN H. HARDT.

COLLEGE PARK, MD., *March 11, 1965.*

Senator ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: As lot owners on Assateague Island, my wife and I are strongly opposed to the bills providing for the Federal acquisition of the privately owned part of the island as unjustified and unfair.

In this connection, I would like to draw your attention to the following points:

1. The fact that two-thirds or 12,000 acres of the island are now under Federal and State ownership and only one-third or some 6,000 acres are privately owned has been carefully kept out of the public eye.

2. The technical reasons given for the acquisition of our land have been based on obvious exaggerations, misstatements, and prejudicial slogans such as: low elevation, lack of water, excessive erosion, "cesspool paradise," etc.

3. The proposed costs for "fair" compensation of the owners and other involved expenses have been substantially understated.

Finally I would like to point out that the 3,000 small lot owners of Assateague after 15 years of struggle to make the island accessible and after spending close to $1 million in taxes and one-half million dollars in maintenance have reached the end of their rope. Steamrollered, with their voices drowned by a professional opposition, they appear before you for the protection of their elementary property rights.

Sincerely yours,

Dr. D. ALEXANDER SOULIDES.

FORT LAUDERDALE, FLA., *March 15, 1965.*

Senator ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: I am writing you this letter to let you know that I am opposed to Federal seizure of my property on Ocean Beach, Assateague Island, Md. I know that you are a good honest man and a Christian so I beg of you to help me please. I am a widow, 52 years of age. My husband died 4 years ago. He bought the three commercial ocean lots (200 by 200) paying cash in 1951. It has cost me almost $25,000 so far. I have been paying taxes and Ocean Beach Club dues for 14 years now and I am holding on to my lots because that is all that I have in this world. I would like to build a two-unit apartment house for investment and have a gift shop so that I could work and make a living and investment for myself. I have no home now and I am getting tired of getting pushed around. I live with my son in Florida. He supports me but I cannot go on forever like this. I owe him plenty now. After my husband's death I was in and out of the hospital for 2 years. I am getting on my feet now and I must work, but no one wants to give me a job having severe arthritis and being so nervous and, of course, my age is against me. I do not get social security as I have to wait until I am 62 years of age and that is a long time off.

We only lived in our new home 6 months when my husband died sudden. I lost my home and $4,000 that we had in it as I could not keep it up. I know that if my husband knew this would happen he would never invested in this property. For 14 years, all I have been doing is paying taxes every year and Ocean Beach dues of $20 a year. If we had that money invested in good stock over the 14 years I would have had an income and I wouldn't have to worry. Now that the bridge has been constructed the Federal Government wants it. Why didn't they seize that property when Mr. Ackerman was selling lots there instead of waiting 14 years to do it? After 3,500 people bought lots now they want it.

I wish I could have come to Washington to testify, but I have no money to make that trip. That is why Senator Bible, I am writing to you for help. My husband and I worked very hard all our life to save to buy that property. Why has Ocean Beach become a political issue? Is it graft? If Mr. Udall, Senator Brewster, or Senator Morton owned any Ocean Beach property I am sure they would never suggest anything like this. My three commercial Ocean lots are worth $50,000 to me and I intend to keep them. Is the Federal Government willing to pay $50,000, or more for them? I have been sick about all this. May God bless you.

Sincerely,

MRS. JOHN DOENGES.

P.S.—I was born and raised in Baltimore, and I am very lonely for my hometown. I want to come home to Ocean Beach.

BETHESDA, MD., *March 14, 1965.*

Senator ALAN BIBLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Last year I visited Las Vegas, Nev. I think, Las Vegas has great possibilities as a national park—water, sewer, streets, hotels, etc., etc., already in and doing great—yes, even churches. Stated area is close to the most populated State of our country, California.

I am a veteran, World War II. European Theater of Operations, five battle stars, etc., etc., who like a fool invested and paid taxes on block No. 113, lot No. 2, section A, Assateague Island. And now you want my sand for a national park. Oh yes, I received my deed for said sand, August 3, 1950, after I had been recalled to active duty in the Air Force, because of something called, Korea.

Senator, please don't take my sand from me, I want to build a house on it for my own recreation. I think I have done enough for my country. Thanks.

Sincerely,

GEORGE W. HUNT.

WASHINGTON, D.C., *March 13, 1965.*

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As a property owner in the Ocean Beach section of Assateague Island, I wrote to you on May 12, 1964, expressing my opposition to S. 2128 by Senator Brewster.

This is to advise you that I am opposed to Senator Brewster's new bill S. 20 and all other bills for Federal acquisition of our property on Assateague Island.

I hope that you will give favorable consideration to the pleas of the Worcester County officials and to our Ocean Beach Club representatives at the hearings next week.

Respectfully yours,

NORRIS V. STERLING.

WASHINGTON, D.C., *March 15, 1965.*

Hon. ALAN BIBLE,
Subcommittee of the Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: As a property owner on Assateague Island, Md., I wish to cast my vote in favor of a State park for the north end of Assateague Island and for private development of the land between the Maryland State park and the Virginia State line where the national wildlife refuge begins.

We have paid much in taxes since the purchase of our island property to say nothing of the sacrifices of many to invest for their future enjoyment. It is my firm belief that a bridge would not now exist if the property owners had not spent months working to accomplish this endeavor.

In 1963, my wife and I toured some of the national seashore parks. As a result of these visits, I became convinced that the larger percentage of people today like conveniences and will be attracted to a fully developed beach rather than a natural national seashore park.

Enclosed herewith is a petition containing the names of a few citizens who share our views.

In the interest of the public and the Assateague property owners, I sincerely hope you will reconsider and help make Assateague Island become a State park and a privately developed beach.

Sincerely yours,

NEIL M. WOODCOCK.

[Enclosure]

PETITION TO SAVE ASSATEAGUE FOR MARYLAND

Whereas Assateague Island comprises a major portion of the Atlantic coastline of Maryland, and therefore, is invaluable to this State and to Worcester County; and

Whereas we believe Assateague Island will best serve the public's need for new recreational areas by allowing the privately owned portion of the island to be developed by its present owners in conjunction with State and Federal parks to the north and south, thereby providing a wider variety of attractions and accommodations; and

Whereas many of the property owners on Assateague Island are veterans who believe in, and fought for, their right to keep and develop their property as they see fit, without undue governmental intervention; and

Whereas the taking of this property from those who purchased and paid taxes on it is against their will and without ample justification, and therefore, is contrary to the American concept of justice and fairplay; and

Whereas private development of a portion of Assateague Island would be a source of large tax income to the county, State, and Nation instead of a drain on an already unbalanced Federal budget;

Now therefore, we the undersigned, do earnestly petition you to reject the proposed plans to give the Federal Government control of all of Assateague, and let the privately owned part of it be developed by free enterprise. Stop federalization now.

Save Assateague for Maryland.

[The above petition carried 86 names.]

NORFOLK, VA.,
March 16, 1965.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR BIBLE: This is the second letter I have written to you on Assateague Island.

I own one lot on this island. I bought it about 15 years ago to be used for a summer home when I retire. During this 15-year period, I have paid taxes and club dues to help protect and restore the island. Through the collective efforts of the property owners, in large part, a bridge to the island now exists. It has been a tedious process.

I am sure that I am not alone in feeling penalized by the efforts of the Federal Government in taking this land. I am now at the stage of life where I am approaching retirement and should soon be able to build on my one lot, the summer place that I had intended to.

I strongly feel that this entire island is not needed for the proposed national seashore. There are other areas, such as the Matheson Hammock Park near Miami, Fla. that are more than adequate with much less area. There are miles and miles of seashore south of Assateague Island down to Cape Charles, Va., that should be considered.

There is a goodly sized area on the southern end of Assateague Island already devoted to a park. In my opinion it is adequate for the intended use of Secretary Udall.

Respectfully,

HARRY W. TAYLOR,
Colonel, U.S. Marine Corps.

GRAVE'S GAS SERVICE,
Ocean View, Del., March 15, 1965.

Hon. HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I am one of a number of interested persons, and a member of one of the gunning clubs, who hunts on Assateague Island.

The property owners, through their attorney requested an appointment to be heard by the Subcommittee on Recreation and Parks of which you are a member. It is our intention to present prepared testimony containing facts which we hope will prove the Department of Interior's acquisition of these lands would be useless as a Federal seashore park. These landowners control the marshlands from the Virginia line to a point just north of the Maryland State park. The waters here are extremely shallow and would require much dredging to make it available for the boat enthusiast. This represents only about 10 percent of the entire island. However, this is the area where over 90 percent of the homes are built and because of the excellent hunting area, it would be the most costly to acquire. We can see the possibility of the Federal Government saving millions of dollars by excluding this small area of land and still leaving 90 percent of the island which consists of 33 miles of good surf and other beach lands for the public use.

I respectfully urge your consideration to the above facts and am hopeful that you, too, will see that the purchase of this section of land would be a needless Government expenditure and that Assateague Island is big enough for the enjoyment of everyone.

Thanking you in advance for your kind consideration, I remain,

Yours sincerely,

RALPH K. GRAVES.

[Telegram]

TOWSON, MD., *March 19, 1965.*

Senator ALAN BIBLE,
Washington, D.C.:

We are unable to appear to personally protest the bills which favor Federal acquistion of Assateague Island. We wish to go on record as definitely opposed to these bills.

FRANCIS R. LYONS, Jr.
JEANNE M. LYONS.

FALLS CHURCH, VA., *March 21, 1965.*

Senator ALAN BIBLE,
Parks and Recreation Subcommittee, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.:

Realize you are pressed for time but respectfully request each ocean beach property owner be given same consideration that each proponent of national seashore park to present testimony without time limitation.

HENRY AND MATTER RUTTER.

MARCH 12, 1965.

Hon. ALAN D. BIBLE,
Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I am one of a number of interested persons, most of whom are large acreage holders of improved property on the bay side of Assateague Island. Our property consists of mostly marshlands with some sandy land and small islands adjacent to Assateague Island proper.

We have recently, through our attorney, requested an appointment to be heard by the Subcommittee on Recreation and Parks of which you are a member. We intend to present prepared testimony containing facts which we hope will prove the Department of Interior's acquisition of our land would be useless as a Federal seashore park. We control the marshlands from the Virginia line to a point just north of the Maryland State park. Our land represents only about 10 percent of the entire island. However, this is the area where over 90 percent of the homes are built and due to its potential for future development, it would be the most costly to acquire can we can see the possibility of the Federal Government saving millions of dollars by excluding this small area of land and still leaving 90 percent of the island, which consists of 33 miles of good surf and other beach lands for the public use.

We respectfully urge your consideration to the above facts and are hopeful that you, too, will see that the purchase of our section of land would be a needless Government expenditure and that Assateague Island is big enough for the enjoyment of everyone.

Thanks in advance for your consideration.

Yours very truly,

WILLIAM A. MURRAY.

HUNGERFORD & TERRY, INC.,
Clayton, N.J., March 11, 1965.

Hon. HENRY M. JACKSON,
Senate Office Building, Washington, D.C.

DEAR SIR: I own approximately 50 acres of high ground and marshland with a navigable gut leading into the bay, along with a hunting lodge nestled in a pine grove. For 14 years I have enjoyed unrestricted use of my property for hunting, fishing, and recreation. In purchasing this site, I also took into consideration that as the island developed and access bridges were installed, the value of my land would increase many times over.

Up to the present time, I have seriously objected to the acquisition of Assateague Island, Md., section by the Department of the Interior. They already have sufficient marsh acreage and approximately 12 miles of beach front on the Virginia side of Assateague Island. Future appropriations could very well be applied to the development of the Virginia side of Assateague Island, and this move would create a national seashore park for everyone, and would allow our section of the island to be developed privately.

In view of the above, I, together with the other large acreage owners, intend to present, through our attorney, prepared testimony containing facts which we hope will prove the Department of the Interior's acquisition of our land would be useless as a Federal seashore park. We control the marshlands from the Virginia line to a point just north of the Maryland State park. Our land represents only about 10 percent of the entire island. However, this is the area where over 90 percent of the homes are built, and due to its potential for future development, it would be the most costly to acquire and we can see the possibility of the Federal Government saving millions of dollars by excluding this small area of land and still leaving 90 percent of the island which consists of 33 miles of good surf and other beach lands for the public use.

I would appreciate your giving this plan your uusal astute judgment in analyzing our problem.

Yours very truly,

CHURCHILL HUNGERFORD, Jr.

BERLIN, MD., *March 5, 1965.*

ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee, Senate Committee on Interior and Insular Affairs, Washington, D.C.:

As attorney for group of interested persons and substantial improved property owners along the westerly or marshy side of Assateague Island. I respectfully request this group have an opportunity to be heard by your Parks and Recreation Subcommittee at a time to be specified by you on either March 17, 18, or 19 relative to Senate bill 20, to present facts which we feel will convince your subcommittee that the acquisition of certain area comprising approximately 10 percent of Assateague Island would not be beneficial to either the Federal Government or the general public.

I would greatly appreciate as much advanced notice as possible of the date and hour most convenient to you for us to appear.

MARCUS J. WILLIAMS,
Attorney at Law.

WASHINGTON, D.C., *March 12, 1965.*

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation.

DEAR SIR: Am very much interested in retaining Ocean Beach for private ownership, as I own eight lots. We were promised the bridge in a couple of years, so thinking it a good investment for my old age, I put every available penny in it, at the time.

After having paid taxes on them for 10 years, I would hate to lose them, or be given any small sum the Government saw fit to give us.

Would be glad to help in any way possible on the 18th or 19th if you will notify me.

Lots Nos. 54–8, 182–1, 185–3, 270–1, 999–4–5–6–7.

Sincerely,

MRS. ELSIE M. BEATTIE.

○