Y4
.In8/13
L 22/3
1040
KANSAS STATE UNIVERSITY LIBRARIES
GOVERNMENT
Storage
A11600 702843

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

HEARINGS

BEFORE THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETIETH CONGRESS

SECOND SESSION

ON

S. 1401, S. 2828, S. 531

BILLS TO AMEND THE LAND AND WATER CONSERVATION ACT OF 1965

AND

S. 1826

A BILL RELATING TO THE CONSERVATION OF NATURAL RESOURCES UPON LANDS OF THE UNITED STATES AND AMENDING CERTAIN PROVISIONS OF THE OUTER CONTINENTAL SHELF LANDS ACT AND THE MINERAL LEASING ACT

FEBRUARY 5, 6, AND 21, 1968



Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1968

89-619

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

CLINTON P. ANDERSON, New Mexico
ALAN BIBLE, Nevada
FRANK CHURCH, Idaho
ERNEST GRUENING, Alaska
FRANK E. MOSS, Utah
QUENTIN N. BURDICK, North Dakota
CARL HAYDEN, Arizona
GEORGE McGOVERN, South Dakota
GAYLORD NELSON, Wisconsin
LEE METCALF, Montana

THOMAS H. KUCHEL, California
GORDON ALLOTT, Colorado
LEN B. JORDAN, Idaho
PAUL J. FANNIN, Arizona
CLIFFORD P. HANSEN, Wyoming
MARK O. HATFIELD, Oregon

JERRY T. VERKLER, *Staff Director*
STEWART FRENCH, *Chief Counsel*
E. LEWIS REID, *Minority Counsel*

CONTENTS

	Page
S. 1401	2
Departmental reports:	
Agriculture	3
Budget	4
Interior	4
S. 2828	10
Departmental reports:	
Agriculture	10
Army	11
Interior	13
S. 531	14
S. 1826	237
Departmental reports:	
Interior	239
Justice	242

STATEMENTS

Agnew, Ray, executive vice president, National Camp Ground Owners Association	203
Anderson, Hon. Clinton P., a U.S. Senator from the State of New Mexico	274
Bemiss, FitzGerald, chairman, Virginia Commission of Outdoor Recreation	132
Berg, Oscar N., executive vice president, North Dakota Water Users Association	115
Bergen, Philip R., Save the Dunes Council	140
Boardman, Walter S., Appalachian Trail Conference	211
Boggs, Thomas Hale, Outboard Boating Club of America	209
Bradford, Carl L., senior recreation planner, State of West Virginia	137
Callison, Charles H., executive vice president, National Audubon Society	205
Cannon, Hon. Howard W., a U.S. Senator from the State of Nevada	47
Chambers, Larry L., vice president, Potomac Basin Federation	293
Church, Hon. Frank, a U.S. Senator from the State of Idaho	42
Clapper, Louis S., chief, Division of Conservation Education, National Wildlife Federation	192
Clark, Hon. Joseph S., a U.S. Senator from the State of Pennsylvania	163
Cliff, Edward P., Chief, Forest Service, Department of Agriculture	98
Courter, Anson O., chairman, Conservation Committee, Potomac Appalachian Trail Club	150
Cutlip, Fred, recreation planner, West Virginia Department of Commerce	130
Daniels, Frank C., secretary, National Rifle Association	191
Duve, Mrs. J. D., chairman of legislation, National Council of State Garden Clubs	200
Ellender, Hon. Allen J., a U.S. Senator from the State of Louisiana	250
Ellis, Spencer P., director, Maryland Department of Forests and Parks	212
Figge, Harry J., land acquisition and development chief, State of Colorado Game, Fish, and Parks Department	108
Fitzgerald, Joseph J., and Orell, Bernard L., National Forest Products Association	222
Gazlay, A. Gene, executive assistant to the director, Michigan Department of Conservation	146
Goddard, Maurice K., secretary, forests and waters, Commonwealth of Pennsylvania	118
Greenslit, John, State liaison officer, North Dakota State Outdoor Recreation Agency; accompanied by Milo Hoisveen, State engineer and executive officer, State outdoor recreation agency	113

	Page
Gutermuth, C. R., vice president, Wildlife Management Institute	189
Harris, Hon. Fred R., a U.S. Senator from the State of Oklahoma	21
Hart, Hon. Philip A., a U.S. Senator from the State of Michigan	101
Hendrickson, Einar H., administrator, Interagency Committee for Outdoor Recreation, State of Washington	174
Hoisveen, Milo W., State engineer and executive officer, North Dakota State Outdoor Recreation Agency	116
Hull, William J., chairman, Legislative Committee, Ohio Valley Improvement Association, Inc	220
Jaeger, Joseph Jr., chairman, Missouri State Interagency Council for Outdoor Recreation	120
Kennedy, Hon. Edward M., a U.S. Senator from the State of Massachusetts	151
Kerner, Hon. Otto, Governor, State of Illinois	180
Kuchel, Hon. Thomas H., a U.S. Senator from the State of California	32, 246
Landrum, Ney C., director, Florida Outdoor Recreational Development Council	135
Lightsey, William M., executive director, Northern Virginia Regional Park Authority and member, Virginia House of Delegates	143
Long, Hon. Edward V., a U.S. Senator from the State of Missouri	47
Long, Hon. Russell B., a U.S. Senator from the State of Louisiana	266
Long, Hon. Speedy O., a U.S. Representative in Congress from the State of Louisiana	290
MacMullan, Dr. Ralph A., National Association of State Liaison Officers for Outdoor Recreation and director, Michigan State Department of Conservation; accompanied by A. Gene Gazlay, Fisheries and Wildlife Committee, Great Lakes Commission	102
May, John A., director, Division of Outdoor Recreation, Department of Parks, Recreation, and Tourism, South Carolina	210
McCloskey, Michael, conservation director, the Sierra Club	216
McDonald, Angus, director of research, National Farmers Union	292
McIlrath, Howard, president, Central Crossing Association of Table Rock Lake, Mo	119
McKeithen, Hon. John J., Governor, State of Louisiana	252
Monroney, Hon. A. S. Mike, a U.S. Senator from the State of Oklahoma	16
Moss, Hon. Frank E., a U.S. Senator from the State of Utah	44
Mott, William Penn, Jr., director, Parks and Recreation, State of California	123
Moulton, John R., president, Potomac Basin Federation	229
Nadel, Michael, assistant executive director, the Wilderness Society	198
Nelson, Robert F., managing director, Virginia Travel Council	148
Noble, Brig. Gen. Charles C., Deputy Director of Civil Works, Chief of Engineers, U.S. Army; accompanied by Col. James B. Meanor, Jr., Executive Director, Civil Works, Chief of Egnineers; Harry O'Neill, chief, Management and Disposal Division, Directorate of Real Estate; and Mark S. Gurnee, chief, Civil Works, Operations Division	77
Penfold, J. W., conservation director, Izaak Walton League	182
Ribicoff, Hon. Abraham, a U.S. Senator from the State of Connecticut	45
Smith, Spencer M., Jr., secretary, Citizens Committee on Natural Resources	125
Additional statement	130
Staisey, Leonard B., vice chairman, Water and Air Pollution Committee, National Association of Counties	167
Steen, Melvin O., Nebraska State Liaison Officer	219
Stroud, Richard H., executive vice president, Sport Fishing Institute	139
Talbot, David G., Salem, Oreg	214
Thompson, Ben H., National Recreation and Park Association	201
Thompson, Charles P., executive director, Landowners Protective Association	186
Towell, William E., executive vice president, the American Forestry Association	130
Udall, Hon. Stewart L., Secretary of the Interior; accompanied by Edward C. Crafts, Director, Bureau of Outdoor Recreation, and George B. Hartzog, Jr., Director, National Park Service	49
Unpingco, Bert, executive director, Alabama Mountain Lakes Association	207

COMMUNICATIONS

Page

Bell, Lewis A., State of Washington Interagency Committee for Outdoor Recreation: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated January 31, 1968 ---- 174

Bennett, Hon. Wallace F., a U.S. Senator from the State of Utah: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated February 5,1968 ---- 49

Brinkley, Hon. Jack, a U.S. Representative in Congress from the State of Georgia: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated January 30, 1968 ---- 179

Burns, Hon. John A., Governor of Hawaii: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated February 2, 1968 ---- 121

Cargo, Hon. David F., Governor of New Mexico: Letter to Hon. Clinton P. Anderson, U.S. Senate,dated January 31, 1968 ---- 121

Cole, Bert L., commissioner of public lands, State of Washington: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated February 1, 1968 ---- 179

Cole, Joseph H., Superintendent of Recreation, District of Columbia: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated Fenruary 1, 1968 ---- 122

Cox, Royce G., chairman, Idaho Forest Industries Committee: Letter to Hon. Frank Church, U.S. Senate, dated February 1, 1968 ---- 228

Day, Ernest E., chairman, Idaho Department of Parks: Letter to Hon. Frank Church, U.S. Senate, dated January 26, 1968 ---- 43

DeRicco, Elmo J., director, Department of Conservation and Natural Resources, State of Nevada: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated February 5, 1968 ---- 181

Eastland, Hon. James O., a U.S. Senator from the State of Mississippi: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated January 30, 1968 ---- 117

Guy, Hon. William L., Governor of North Dakota: Letters to—

Committee on Interior and Insular Affairs, dated February 5, 1968 ---- 114

Jackson, Hon. Henry M., chairman, Interior and Insular Affairs Committee, dated January 30, 1968 ---- 115

Holder, Dwight A., chairman, South Carolina Department of Parks, Recreation, and Tourism: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated February 5, 1968 ---- 211

Laxalt, Hon. Paul, Governor of Nevada: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated January 26, 1968 ---- 180

Mansfield, Hon. Mike, a U.S. Senator from the State of Montana: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated February 6, 1968 ---- 48

McNair, Hon. Robert E., Governor, State of South Carolina: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated February 5, 1968 ---- 211

Rockefeller, Laurance, New York, N.Y.: Letter to Hon. Henry M. Jackson, chairman, Interior and Insular Affairs Committee, dated January 26, 1968 ---- 122

Tiemann, Hon. Norbert T., Governor of Nebraska: Letter to the Senate Committee on Interior and Insular Affairs dated February 2, 1968 ---- 121

ADDITIONAL INFORMATION

"A Proposal to Finance America's Conservation Program," from the Congressional Record, January 19, 1967 ---- 39

"Compensation for Oil Damage," from the Santa Barbara (Calif.) News Press ---- 35

'Crisis in Conservation," from the Congressional Record, June 12, 1967 ---- 36

"Open Spaces for Urban America," published by the Department of Housing and Urban Development, 1965 ---- 156

"Park Service Reports Nez Perce Site Steps," by Frank Hewlett ---- 42

Resolutions:

Great Lakes Commission ---- 147

County of Santa Barbara, Calif ---- 344

North Dakota State Outdoor Recreation Agency ---- 115

South Carolina Legislature ---- 348

South Carolina Recreation Commission ---- 319

Western Outdoor Clubs ---- 328

Washington State Park Association ---- 327

APPENDIX A

(Statements or communications were received from:)

STATEMENTS

	Page
Gill, Joseph N., commissioner, Department of Agriculture and Natural Resources, State of Connecticut	311
Mazzocchi, Anthony, Oil, Chemical & Atomic Workers International Union	311
National Association of Manufacturers	304
National League of Cities	309
Synnestvedt, Robert E., president, National Boating Federation	311
Train, Russell E., president, The Conservation Foundation	301

COMMUNICATIONS

Adams, Olga, Chesterton, Ind	347
Aiken Ornithological Society and others, Denver, Colo	352
Aylward, Paul, chairman, Joint Council on Recreation, State of Kansas	324
Baugh, Charles C., president, Utah Recreation & Parks Association	334
Beard, Winston, C., executive director, Arkansas Planning Commission	316
Bek, A. C., chairman, Park Board, Seward, Nebr	342
Bentzen, Lyle W., president, Wyoming Recreation Commission	312
Biemiller, Andrew J., American Federation of Labor	333
Bowers, Glenn L., executive director, Pennsylvania Game Commission	352
Bradner, Robert, Winnetka, Ill	345
Bronski, Chester R., Chesterton, Ind	346
Brown, Helen, Chesterton, Ind	347
Brown, Louise, Chesterton, Ind	346
Buhman, Miriam, Beverly Shores, Ind	344
Burris, Lynn, director, Kansas State Park and Resources Authority	323
Campbell, Thomas H., vice chairman, Appalachian Trail Conference	329
Carey ,S. P. "Pat", Washington State Parks Association	327
Carlson, J. D., chairman of the board, village of Mullen, Nebr	337
Chesley, John W., chairman, South Potomac Citizens' Council	330
Copes, E. E., mayor, Ainsworth, Nebr	340
Crowley, R. J., Jr., Department of Recreation and Economic Development, Concord, N.H.	330
Davis, Swep T., president, Rivers & Harbors Association of Mississippi	324
Deboody, Donald R., and others, Kimball, Nebr	334
Dickenson, Robert J., mayor, Paxton, Nebr	337
Douglass, Paul, professor of government, Rollins College, Winter Park, Fla	342
Dressler, Frank W., Tocks Island Regional Advisory Council	313
Dunkle, Frank H., director, Montana Fish and Game Department	352
Durning, Marvin B., Seattle, Wash	332
Dustin, Thomas E., Izaak Walton League, Fort Wayne, Ind	329
Edge, Walter M., president, Florida Recreation Association	321
Epstein, Jesse, president, The Mountaineers, Seattle, Wash	328
Evans, M. Brock, Seattle, Wash	351
Fischer, Virlis L., vice president, Nevada Wildlife Federation	345
Fitzgerald, Dr. Kenneth P., president, Roanoke Appalachian Trail Club	333
Ford, Mrs. Samuel, Las Vegas, Nev	353
Gass, Robert L., president of the council, Valentine, Nebr	338
Goering, Marietta, and others, Hutchinson (Kans.) Recreation Commission	330
Gordon, John L., director, Georgia Department of State Parks	319
Gregg, Howard, Milwaukee County Parks Commission	333
Hand, Irving, executive director, State Planning Board, Commonwealth of Pennsylvania	315
Hewitt, John P., director of parks, Maryland National Capital Park and Planning Commission	315
Hilton, Harold, mayor, Cambridge, Nebr	341
Hodgins, R. A., director, South Dakota Department of Fish and Game	321
Hopper, Chester, Weeping Water, Nebr	350
Hust, Carl M., South Carolina Recreation Commission	318
Kilborne, R. Stewart, Commissioner, State of New York Conservation Department	314

	Page
Killion, Marvin L., president, Gretna (Nebr.) State Bank	346
Kolbe, Ernest L., Western Wood Products Association	326
Landgren, Lynn L., mayor, Papillion, Nebc	338
Lynn, John C., legislative director, Amerianr Farm Bureau Federation	322
Mark, Shelley M., Department of Planning and Economic Development, Honolulu, Hawaii	352
Mason, Elizabeth, chairman, National Council of State Garden Clubs, Inc., Atlanta, Ga	343
McLennan, Janet, Portland, Oreg	349
McQuarrie, Agnes M., Washington State University	331
Miller, Dr. R. G., chairman, Nevada Outdoor Recreation Fund Coordinating Commission	321
Miller, N. E. Bill, Florida State Parks Director	331
Mischnick, Walter A., mayor, Alliance, Nebr	341
Morr, Fred E., director, Ohio Department of Natural Resources	316
Newlon, Ruth A., Denver, Colo	353
Nichols, Arch, Asheville, N.C	346
Olberding, Norbert, mayor, Randolph, Nebr	350
Orleans, Mrs. Jane H., Knoxville, Tenn	351
Payne, H. R., Knoxville, Tenn	351
Pelton, John, head, Butler University, Indianapolis, Ind	340
Pelz, Bernard L., National Campers & Hikers Association, Carbon Hill, Ala	343
Pilger, Cecil, Mountain Home, Ark	348
Pinder, Mrs. Walter J., Protem, Mo	348
Polyak, Stephen Francis, Beverly Shores, Ind	351
Porter, Mr. and Mrs. Kenneth A., Denver, Colo	353
Pound, Thompson, executive director, Tombigbee River Valley Water Management District	331
Pratt, Willard E., Arcata, Calif	347
Raisch, Robert D., Indiana Department of Natural Resources	316
Raphael, Mr. and Mrs. Phillip, Beverly Shores, Ind	345
Ratzlaff, D. P., chairman, Village Board, Henderson, Nebr	340
Read, Charlotte J., Chesterton, Ind	350
Roberts, Arthur M., Western Forestry & Conservation Association	325
Robinson, Sanger P., Chicago, Ill	350
Salak, Russell D., mayor, Schuyler, Nebr	336
Sattler, William and Genevieve, Concord, Calif	346
Schwartzkopf, Sam, mayor, Lincoln, Nebr	338
Sergeant, O. K., president, Smoky Mountains Hiking Club, Knoxville, Tenn	335
Shortle, Robert L., vice president, Mississippi Valley Association	320
Shute, Harry C., mayor, Pittsburg, Kans	335
Smith, R. L., mayor, Chappell, Nebr	341
Spina, Rocco L., park and recreation director, Reno, Nev	339
Stuart, Lawrence, State Park and Recreation Commission, Maine	318
Sullivan, George M., mayor, Anchorage, Alaska	335
Thomas, C. A., mayor, Scottsbluff, Nebr	336
Troy, Sylivia, Save the Dunes Council, Munster, Ind	342
Vaydik, Frank, director, Parks and Recreation Department, Kansas City, Mo	341
Viehoever, Arno and Mabel, Washington, D.C	347
Voigt, L. P., secretary, Wisconsin Department of Natural Resources	317
Werkema, Adah, chairman, Washington State Sportsman's Council, Inc	328
Wilbanks, W. M., South Carolina Recreation and Park Society	343
Wolbach, S. N., president, Hall County Museum Board, Grand Island, Nebr	339
Wright, James F., Delaware River Basin Commission	313
Zalesky, Phillip, president, Olympia Park Associates, Everett, Wash	352

APPENDIX B

Executive Order 11200 providing for establishing user fees pursuant to the Land and Water Conservation Fund Act of 1965	355

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

MONDAY, FEBRUARY 5, 1968

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to call, at 10 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington), Clinton P. Anderson (New Mexico), Frank Church (Idaho), George S. McGovern (South Dakota), Lee Metcalf (Montana), Thomas H. Kuchel (California), Gordon Allott (Colorado), Paul J. Fannin (Arizona), Clifford P. Hansen (Wyoming), and Mark O. Hatfield (Oregon).

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Roy M. Whitacre and Porter Ward, professional staff members; and E. Lewis Reid, minority counsel.

The CHAIRMAN. The committee will come to order.

This is a public hearing by the Senate Committee on Interior and Insular Affairs on bills that would affect directly the Land and Water Conservation Fund Act of 1965, which is Public Law 88–578. The first two bills to be considered are S. 1401, which I introduced on April 3, 1967, cosponsored by Senators Anderson, Kuchel, and Nelson, and S. 2828, which was introduced on January 18 by Senator Harris with the cosponsorship of Senators McClellan and Monroney.

Both of these measures have been the subject of reports by the executive agencies that have immediate responsibility for administration of the land and water areas to which Public Law 88–578 applies.

Without objection, I will direct that the texts of S. 1401 and of S. 2828 be made part of this hearing record, together with the executive agency reports on them.

The Chair would like the record to show also that there is before this committee another measure dealing with revenues for the land and water conservation fund. This is S. 531, which is sponsored by our able colleague on this committee, Senator Kuchel.

S. 531 and S. 1401 are very similar in substance and I am certain the distinguished senior Senator from California will agree that they can be considered as one. Senator Kuchel, it should be noted, is also a cosponsor of S. 1401. However, we will include a copy of it in the record.

(The data referred to follows:)

[S. 1401, 90th Cong., first sess.]

A BILL To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) OTHER REVENUES.—All revenues received on and after July 1, 1967, and prior to July 1, 1972, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code."

(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1968 and 1969 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to the section unless such acquisition is otherwise authorized by Federal law."

SEC. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner of record of such property thirty days following the date on which he is notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owner wishes to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: In response to your request of April 4, 1967, here is our report on S. 1401, "To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes."

S. 1401 would amend the Land and Water Conservation Fund Act of 1965 to provide for other sources of revenue and to authorize contract obligation of monies from the Fund for acquisition purposes. Revenues received during the period from July 1, 1967, to July 1, 1972, (1) from the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), as amended, (2) under the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331 et seq.), as amended, and (3) from the National Forests and disposed of pursuant to the provisions of 16 U.S.C. 499, would be deposited in the Land and Water Conservation Fund to the extent they would otherwise be deposited into the miscellaneous receipts.

S. 1401 would also provide that for the fiscal years 1968 and 1969, the head of the Department concerned could execute contracts for the acquisition of lands, waters, and interests therein which would obligate monies authorized to be appropriated from the Fund. The aggregate amount of such obligations could not exceed $30,000,000 for each of the two fiscal years. The execution of such contracts would be subject to limitations prescribed by the Secretary of the Interior. Furthermore, such contracts could be entered into only with respect to acquisitions otherwise authorized by Federal law. We are, of course, aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would provide a desirable means of combating price escalation and of promptly supplying recreation land acquisition needs. We would expect to participate in the development of the limitations to be prescribed by the Secretary of the Interior on the execution of the acquisition contracts if this authority is provided.

Section 2 of S. 1401 would authorize the Secretary of the Interior, with respect to any property acquired by him within a unit of the National Park System or miscellaneous areas, to convey a freehold or leasehold interest therein. This section also includes further provisions governing such conveyances and exchanges of property or interests therein within the National Parks or miscellaneous areas in which exchanges are authorized. Proceeds from conveyances of freehold or leasehold interests or by exchange would be credited to the Land and Water Conservation Fund.

We are well aware of the existing backlog and urgency of recreation land acquisition in both Federal and State outdoor recreation programs. Action is needed quickly to provide adequate funds in the Land and Water Conservation Fund for prompt acquisition of lands to meet the growing demands for outdoor recreation and to avoid the increased costs and inhibiting effects of rapidly escalating land prices.

The Department of the Interior, in its report to the Committee, has recommended several amendments to Section 1(a) of S. 1401. Those amendments would (1) set the level of funding for the Land and Water Conservation Fund at $200 million annually for the next 5 years; (2) utilize a portion of the more than adequate receipts available under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) repeal the authorization in Section 4(b) of the Land and Water Conservation Fund Act for advance appropriations to the Fund from the Treasury.

Section 1(a) of S. 1401 would require that, along with revenues from other sources, National Forest receipts would be deposited in the Land and Water Conservation Fund to the extent they would otherwise be deposited into the miscellaneous receipts of the Treasury. With limited exceptions, 35 percent of the receipts from the sale of products and other users of the National Forests is shared with the counties in which the National Forests are situated, or otherwise disposed of for special purposes pursuant to existing law. We do not recommend further earmarking of National Forest receipts. We concur in Interior's recommendation that these receipts not be used to augment the fund.

Other of Interior's recommended amendments will make it clear that the exchange provisions in Section 2(b) apply only to areas and lands under the jurisdiction of the Secretary of the Interior. This should be done.

The Bureau of the Budget advises that there is no objection to the presentation of this report and that enactment of S. 1401, if amended as recommended in the Interior report, would be consistent with the administration's objectives.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., January 5, 1968.

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

DEAR MR. CHAIRMAN: This responds to your request for the views of the Bureau of the Budget concerning S. 1401, "To amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes."

In the report which the Department of the Interior is submitting to your committee on this bill, the Department recommends that it be amended in a number of respects. The most important of these amendments would authorize, for the next five years, deposits to the Land and Water Conservation Fund from outer continental shelf oil receipts in such amounts as would yield, when added to current revenue sources, an annual input of revenue to the fund of $200 million.

If amended in the manner recommended in the Department's report, the enactment of S. 1401 would be consistent with the Administration's objectives. As noted in the Department's report, current budgetary constraints will likely preclude for the present, appropriations requests at the $200 million level.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 4, 1968.

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

DEAR SENATOR JACKSON: This responds to your request for a report from this Department on S. 1401, a bill "To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes."

We strongly recommend the enactment of S. 1401, with the amendments indicated below.

The principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the Land and Water Conservation Fund. This Fund was created in 1965 primarily to assist States and Federal agencies in acquiring and developing outdoor recreation lands and waters to meet the needs of the American people.

The problem of land price escalation for public park and recreation areas has been of increasing concern over the past few years to the executive and legislative branches of the Federal Government, State and local governments, conservation and recreation organizations, and the general public. The President, in his message of January 30, 1967, to the Congress on Protecting our Natural Heritage stated as follows:

"We are seriously hampered by rapidly rising land costs when we seek new areas for recreation. Average land prices are increasing at a rate of almost ten percent a year. The cost of land for recreation is spiraling at a considerably higher rate. This diminishes the effectiveness of our program of State grants and Federal purchases of land for parks and recreation areas. We must act promptly to assure that we can acquire needed recreation lands before the price becomes prohibitive. The most effective means of controlling the increase in the price of land is to acquire the lands quickly after authorization by the Congress."

The Senate and House Committees on Interior and Insular Affairs and Appropriations have also expressed concern over the spiraling costs of acquiring park and recreation area lands throughout the Nation, and have recognized the need for rapid acquisition of property in authorized areas in order to help reduce the effect of price escalation.

In January of this year, the Department of the Interior released a report, "Recreation Land Price Escalation," which includes several recommendations and details a proposed 10-year program. Copies of this report were supplied the Senate and House Committees on Interior and Insular Affairs at the time of its release.

The two main problems are: (1) the need to have an adequate amount of funds to purchase park and recreation lands and waters before they are priced out of reach or committed irretrievably to other uses, and (2) the need to acquire property as quickly as possible after congressional or State authorization of park and recreation areas.

S. 1401 will do three principal things to meet these problems: (1) it will add for a limited time additional sources of revenue to the Land and Water Conservation Fund for Federal and State property acquisition; (2) authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the Land and Water Conservation Fund for such acquisition; and (3) authorize a lease-back and sell-back land management program for the property acquired for the National Park System under which the moneys received from the lease and sell-back transactions would be credited to the Land and Water Conservation Fund, thereby lessening the burden imposed on the Fund by the initial property acquisition.

Section 1(a) of S. 1401 adds to the Land and Water Conservation Fund the following revenues received on and after July 1, 1967, and prior to July 1, 1972: (1) the unearmarked receipts under the Mineral Leasing Act of 1920 (except revenues from lands within naval petroleum reserves); (2) the receipts under Outer Continental Shelf Lands Act of 1953 (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds); and (3) unearmarked receipts from the national forests to the extent all such revenues otherwise would be deposited in miscellaneous receipts of the Treasury.

The 89th Congress authorized 23 new Federal recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Among the outstanding of these are the following: Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey; Indiana Dunes National Lakeshore; Whiskeytown-Shasta-Trinity National Recreation Area in California; Assateague Island National Seashore in Maryland and Virginia; Pictured Rocks National Lakeshore in Michigan; Guadalupe Mountains National Park in Texas; Cape Lookout National Seashore in North Carolina; Spruce Knob-Seneca Rocks National Recreation Area in West Virginia; and Mt. Rogers National Recreation Area in Virginia.

Some further significant additions were recommended by the President in his January 30, 1967, message to the Congress. These included a Redwood National Park in northern California, a national park and recreation area in the North Cascades area of Washington, a Potomac Valley Park in Maryland, Virginia, and West Virginia, an Apostle Islands National Lakeshore in Wisconsin, and several national parks and recreation areas previously proposed. He also renewed his recommendation for a national scenic rivers system and a nationwide system of trails.

The appropriation authorizations in existing laws for the acquisition of property for the National Park System, for which funds have not yet been appropriated from the Land and Water Conservation Fund, total $89 million. In addition, it is estimated that increases in existing statutory appropriation authorizations, and appropriations for areas where there are no statutory limitations on the amount authorized to be appropriated, will bring the amount needed for existing areas to about $318 million.[1] Furthermore, appropriation authorizations for new areas will create additional fund needs. Our current best estimate of the acquisition costs for those new areas for which we are supporting authorizing legislation now pending before the 90th Congress is about $160 million.

The Department of the Interior last January in its land price escalation report estimated total Federal and State needs under the Land and Water Conservation Fund for the next 10 years at about $3.6 billion and estimated revenues at $987

[1] This figure does not include any amount above the present authorization ceiling for land acquisition for the Point Reyes National Seashore.

million. On a 5-year projection those figures would be $1.5 billion and $460 million, respectively.

Considering the needs for recreation lands and water, and other demands on our national budget for defense and domestic programs, the Administration recommends that a level of financing for the Land and Water Conservation Fund for the next 5 years be established at $200 million annually, which is a total of $1 billion. Estimated revenues for the 5-year period are $460 million, which means that about $540 million would need to be found from additional sources. In addition, the Administration believes appropriations from the Land and Water Conservation Fund should be divided equally between eligible Federal agencies and the several States.

We recommend, therefore, that section 1(a) of S. 1401 be amended (1) to provide a level of funding for the next 5 years for the Land and Water Conservation Fund at $200 million annually; (2) to provide the moneys necessary to reach such level of funding from revenues under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) to repeal the provision in section 4(b) of the Land and Water Conservation Fund Act which authorizes advance appropriations to the Fund from the Treasury.

The table attached to this report summarizes the actual experience of the Land and Water Conservation Fund for Fiscal Years 1965–1967 and expected experience in Fiscal Year 1968. It is significant that revenues to the Fund from existing sources have underrun appropriations from the Fund by substantial amounts in the past 2 years.

It will not be necessary under the Administration's proposal to utilize unearmarked receipts under the Mineral Leasing Act of 1920 or such receipts from the national forests. In order to meet the recommended level for the Land and Water Conservation Fund only about $100 million of the much greater receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, will be needed annually.

To carry out the above recommendations, we offer the following amendments to section 1(a) of S. 1401:

1. On page 1, line 7, delete "1967" and "1972" and substitute "1968" and "1973", respectively, to accord with the probable date of enactment of the bill.

2. On page 1, line 9, after the comma delete all that follows through "and" on line 2, page 2. This deletes the reference to the Mineral Leasing Act of 1920.

3. On page 2, line 8, after the comma delete all that follows to the period on line 10, and substitute the following "but not to exceed annually an amount equivalent to the difference, to be determined by the Secretary of the Interior, between $200 million and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section".

This deletes the reference to national forest receipts, and imposes a $200 million annual limitation. Under the amendment the Secretary of the Interior will estimate the amount of revenues which will be covered into the Fund from existing sources and the amount of Outer Continental Shelf Lands Act receipts that will be needed to reach the $200 million annual level. The Outer Continental Shelf revenues will be credited to the Fund as they accrue.

In connection with the foregoing recommendation, however, it should be understood that current budgetary constraints are likely to preclude, for the present, appropriation requests at the $200 million level.

4. On page 2, line 11, change "(b)" to "(c)" and insert before that subsection the following new subsection:

"(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting for a total of eight years' and substituting 'until the end of fiscal year 1969'."

This will terminate the authority for advance appropriations to the Fund on June 30, 1969. The $200 million level of financing for 5 years will make unnecessary a continuation of the advance appropriations authority after that date.

We plan to place much greater emphasis on the matter of priorities in recommending the establishment of new Federal recreational areas and funding those already authorized. In the main, this will involve the restriction of recommendations for new areas to those which can be funded within a reasonable period of time from the Land and Water Conservation Fund, augumented as recommended in this report. Such an approach is consonant with our current budgetary situa-

tion. Equally important, priority fixing helps meet the land price escalation problem by avoiding premature authorization of areas and a stretched-out rate of land acquisition due to lack of adequate funds.

Section 1(b) of S. 1401 authorizes certain Federal agencies, within limitations prescribed by the Secretary of the Interior, to contract for the acquisition of property within the areas specified in section 6(a)(1) of the Fund Act during Fiscal Years 1968 and 1969 in advance of the actual appropriation of moneys by the Congress from the Fund. Such contracts for all Federal agencies concerned may not exceed a total of more than $30 million for each of the 2 fiscal years. The section will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to plan and negotiate land purchase contracts as soon as new recreation areas are authorized.

The need for such contract authority has been evident for several years. Land price escalation is most rapid at the time just before and after authorization of a national park or recreation area by the Congress. The progress of a national park or recreation area authorization bill through Congress is followed by the public, including real estate developers and land speculators. As a bill nears enactment, the public becomes increasingly aware of the Government's firm interest in property acquisition in the area. After authorization, land values continue to rise although funds have yet to be appropriated for property acquisition.

At twelve recently authorized Federal recreation areas there was an average lapse of about 2 years between the time a bill was first introduced in the Congress and its enactment, and an average lapse of about 3 years from introduction of a bill to the first appropriation of funds by the Congress for property acquisition after its enactment. The average time from enactment of a bill to the first appropriation of funds for property acquisition was about 9 months.

If acquiring agencies were authorized to enter into land purchase contracts at such areas immediately after authorization instead of having to wait an average of about 9 months for the appropriation of funds, as is now the case, substantial money would be saved. These savings would be accomplished by acquiring prime tracts before most price escalation could occur. Such procedure would have a further value in that these key purchases would establish a price pattern that would help in future negotiations. If prime tracts have been purchased at a reasonable price per acre, such action would be a factor considered by appraisers in valuing other tracts.

In an effort to prevent land price escalation at newly authorized areas, the Department requested from the Congress a $5 million appropriation for Fiscal Year 1968 for advance land acquisition planning and for purchase of selected tracts before regular funds are appropriated for the newly authorized areas. The Congress, however, allowed only $2 million for this purpose in the Department's 1968 Appropriation Act. Most of this money will go for advance planning, and the total involved will not accomplish the purpose of the $30 million contract authority provided by section 1(b) of the bill.

We are of course aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would be extremely useful in helping overcome land price escalation.

We recommend the following amendment of section 1(b) of the bill:

On page 2, lines 16–17, delete "fiscal years 1968 and 1969" and substitute "fiscal years 1969 and 1970" to accord with the fiscal year beginning after the probable date of enactment of the bill.

Section 2(a) of S. 1401 permits the Secretary of the Interior, with respect to any property he acquires within a unit of the National Park System, to lease-back or sell-back the property subject to such terms and conditions as will assure its use in a manner that, in his judgment, in consistent with the purpose for which the area was authorized by the Congress. The conveyance of an interest under this section will be to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but at not less than the fair market value

of the interest. If, however, the Secretary decides to convey such interest within 2 years after he acquired the property, the bill requires that the last owner of record be given an opportunity to acquire such interest by matching the highest bid.

Under section 2(a) of the bill the land acquired for national park and recreation areas, which is not needed for public facilities or actual public use, could be returned to private ownership or use with the assurance that the land will not be used in a manner detrimental to the park or recreation area. The sell-back and lease-back transactions will enable the Federal Government to recoup funds spent initially for land acquisition and return them to the Land and Water Conservation Fund. Under such transactions the Federal Government will receive the benefit from the increase in the fair market value of the land after its acquisition. As a preliminary estimate, we believe the sell-back program may yield from 40 to more than 100 percent of the initial acquisition cost. Lease-back transactions should yield from 4 to 7 percent of the initial land acquisition cost per year.

The language of the printed bill requires the Secretary, in exercising the lease-back and sell-back authority, to allow the last owner of record an opportunity to match the highest bid price. A number of persons, however, may have been the former owners of either individual portions of the property or of undivided interests therein. In such cases the Secretary will need authority to prescribe by regulation procedures for an equitable division of the property, as well as authority to impose time limits within which the payments for the property must be made. The language of the printed bill does not require a former owner to pay for the property within any specified period of time.

We recommend, therefore, the following perfecting amendment of section (2) of the bill:

On page 3, line 18, after "owner" insert "or owners"; on line 19, change "he is" to "they are"; on line 21, change "owner wishes" to "owners wish"; and on line 23, after "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe,".

Section 2(b) of S. 1401, which authorizes the exchange of certain Federal property for certain non-Federal property, is intended to provide the Secretary of the Interior with another tool to avoid the land price escalation problem. Exhanges do not lessen the economic cost of acquisition, although they do reduce the money amounts needed to be appropriated for acquisition and they can be effected in advance of appropriations for the project. The section as written, however, would not be of substantial value because it authorizes only the exchange of Federal property located within the boundaries of the park unit involved. There is a limited amount of Federal property within a park boundary that could be utilized for exchange purposes.

It should be understood that the narrow language of this section does not restrict the specific authority granted for individual park system units. See, for example, the Act of September 21, 1965 (79 Stat. 824), authorizing the Assateague Island National Seashore; the Act of March 10, 1966 (80 Stat. 33), authorizing the Cape Lookout National Seashore; and the Act of October 15, 1966 (80 Stat. 922), authorizing the Pictured Rocks National Lakeshore.

Section 2(b) contains an ambiguity which should be removed if the section is retained in its present form. The authority to convey Federal property in exchange for private property should be restricted to Federal property under the jurisdiction of the Secretary of the Interior. This can be made clear by the following amendment:

On page 4, line 7, after "therein" insert "under his jurisdiction".

The Bureau of the Budget has advised that there is no objection to the presentation of this report, and that enactment of S. 1401, if amended as recommended herein, would be consistent with the Administration's objectives.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEAR 1965-73

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969-73
	Receipts available, actual			Receipts available, estimated						
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total, Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total, Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [1]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [1]	+12.4	[2] −2.9	−15.2							
	Actual			Estimated						
6. Estimated revenue to the fund from existing sources:										
Annual permit	.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motorboat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[3] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf land					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the L. & W.C. fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately

[2] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[3] Under existing law, taxes relating to motorboat fuels will expire on September 30, 1972. Hence, revenues to the fund from that source for fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

[S. 2828, 90th Cong., second sess.]

A BILL To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects admistered by the Secretary of the Army

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the River and Harbor Act of 1965 is amended by redesignating section 315 as section 316 and adding immediately following section 314 the following new section:

"SEC. 315(a) No fee or charge shall be collected or received under authority of the Land and Water Conservation Fund Act of 1965, or any other provision of law for entrance, admission, or access to the project area (including the waters), or for the use of minimum recreational facilities as determined by the Secretary of the Army, at such project area, of any project administered by the Secretary of the Army acting through the Chief of Engineers.

"(b) Neither the Secretary of the Army nor any other officers or employee of th United States shall collect or receive any fee or charge for the issuance of any permit or license for any boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers. Nothing in this subsection shall be construed to prohibit the Secretary of the Army from requiring a permit or license for any such boating facility."

DEPARTMENT OF AGRICULTURE,
Washington, D.C., January 30, 1966.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: Here is the report of this Department on S. 2828, "To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army."

We recommend that this bill not be enacted.

S. 2828 would amend the River and Harbor Act of 1965 by adding a new section 315 concerning charges for recreation use of Corps of Engineers project areas. Section 315(a) would prohibit the collection or receipt of fees or charges under the authority of the Land and Water Conservation Fund Act of 1965, or any other provision of law for entrance, admission, or access to the project area, including the waters or any project administered by the Secretary of the Army acting through the Chief of Engineers. It also would prohibit collection or receipt of fees or charges for the use of minimum recreational facilities as determined by the Secretary of the Army at such project areas.

Section 315(c) would prohibit collection of any fee or charge for issuance of any permit or license for floating facilities such as boat docks, duck blinds, ski-jumps and swimming and diving platforms or rafts on any waters of such projects. However, the Secretary of the Army would not be prohibited from requiring a permit or license for any such floating facility.

The Land and Water Conservation Fund Act of 1965 authorized the President to provide for the establishment of entrance, admission, and user fees at designated Federal recreation areas on lands administered by the National Park Service, Bureau of Land Management, Bureau of Sports Fisheries and Wildlife, Bureau of Reclamation, Corps of Engineers, Tennessee Valley Authority, the United States Section of the International Boundary and Water Commission (United States and Mexico), and the Forest Service of this Department. Under Executive Order 11200, the areas designated for collection of fees in 1965 included all those lands administered by these agencies on which fees were collected during any part of 1964.

Executive Order 11200 also provided for designation of areas for the years after 1965, criteria for designation of areas, establishment of fees, coordination, and for other matters pertinent to administration of the recreation program. The Secretary of the Interior was instucted to adopt such regulations and coordination measures as are necessary to carry out the provision of the Order after consultation with the heads of other affected departments and agencies.

Under present law and regulations, areas where fees are to be charged must meet the following conditions. They must (1) be administered by any of the agencies listed above; (2) be administered primarily for scenic, scientific, historical, cultural, or recreation purposes; (3) have recreation facilities or services provided at Federal expense; and (4) be of such nature that fee collection is practical.

Enactment of S. 2828 apparently would exclude practically all recreation areas administered by the Corps of Engineers from fees charged under authority of the Land and Water Conservation Fund Act of 1965 or any other provisions of law.

If recreational uses of these areas are to be made available to the public at no charge, such policy would seem to be a departure from that established under recent legislation and would tend to weaken current efforts toward achieving a coordinated national program of public outdoor recreation.

In accordance with the Executive Order referred to above, the Secretary of the Interior adopted regulations and coordination measures to carry out the purposes of Sections 2(a) and 4(a) of the Land and Water Conservation Fund Act of 1965, and the provisions of the Order itself. It seems to us that these measures permit sufficient flexibility to develop a management system for projects administered by the Corps of Engineers in conformance with their characteristics and capabilities. In the event that areas do not meet the criteria for designation under the Land and Water Conservation Fund Act of 1965, no fees are to be charged. Similarly, if areas do meet the criteria, fees are to be charged for admission to, or use of, an area. Such charges would be selected from a schedule of fees in consideration of the nature of facilities, equipment, services available, and other pertinent factors.

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

Sincerely yours,

ORVILLE L. FREEMAN.

DEPARTMENT OF THE ARMY,
Washington, D.C., January 29, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 2828, 90th Congress, a bill "To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army."

This bill would amend the River and Harbor Act of 1965 (79 Stat. 1089) so as to prohibit the charging of any fee, under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) for access to, or use of minimum recreational facilities of, any project administered by the Secretary of the Army. This prohibition is assumed not to apply to fees collected by State or local interests in the administration of project areas which have been leased to them. This bill would also prohibit the charging of a fee for the issuance of any permit or license for any boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army. The Secretary would not, however, be prohibited from requiring a permit or license for any such floating facility.

The Department of the Army is opposed to the bill.

With regard to the first prohibition, prior to 1965, consistent with the provisions of Section 4 of the Flood Control Act of 1944, as amended, such fees were not charged at water resources development projects administered by the Department of the Army. The Land and Water Conservation Fund Act of 1965, provided for the charging of such fees. This Act was supplemented by Executive Order 11200, which authorized the Federal agency heads to impose entrance and user charges beginning April 1, 1965. The President delegated to the Secretary of the Interior the responsibilities of establishing a recreation fee schedule, with each agency head empowered, within the limits of the schedule, to fix specific charges at each designated area.

The Act provides for an integrated, coordinated program which involves every Federal agency with any significant responsibilities in the field of public recreation. Its general purpose—the improvement of outdoor recreational possibilities

for all Americans—is beyond criticism. That purpose can only be realized through careful planning and through the expenditure of money, and the Congress provided for both when it passed the Act.

The Department of the Army supports the general principles embodied in the admission and user charge provisions of the Land and Water Conservation Fund Act, and intends to implement the provisions of the Act fairly and equitably, consistent with the regulations promulgated by the Department of the Interior.

It is recognized, of course, that there may be imperfections in this Department's implementation of these provisions, and that there are practical, but as yet undefined limits in the application of the admission and user charge concept to Department of the Army projects. However, it is considered that the Land and Water Conservation Fund Act is as yet not fully tested, and should not now be limited in its application.

Insofar as the second prohibition is concerned, that relating to the charging of fees for permits to construct floating facilities, which fees are not charged under the Land and Water Conservation Fund Act, but, rather, pursuant to other authority, the attention of the Committee is called to his Deparment's opposition report, submitted to the Committee on Public Works, United States Senate, on S. 2236, 90th Congress, a bill "To prohibit the Secretary of the Army from charging fees in connection with permits for certain floating facilities." A copy of the report is inclosed for your convenience.

In this regard, it is noted that, subsequent to the submission of the report, the imposition of the new schedule of charges for docking and floating facilities, has been extended from the January 1, 1968 date given in the report to January 1, 1969.

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

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

DEPARTMENT OF THE ARMY,
Washington, D.C., September 26, 1967.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 2236, 90th Congress, a bill "To prohibit the Secretary of the Army from charging fees in connection with permits for certain floating facilities."

The general purpose of this bill is as stated in its title. More specifically it would prohibit the Secretary of the Army from collecting any fee or charge for the issuance of any permit or license for any private boat mooring facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers. It would not, however, prohibit the requirement of a permit or license for such floating facility.

The Department of the Army is opposed to the enactment of this bill.

In consonance with the Flood Control Act of 1944, as amended, the Department of the Army provides for construction and operation of public park and recreational facilities by local interests; and, in addition, where public requirements justify, provides for operation of commercial concession facilities. The operators of the concession facilities are required to furnish specified services and facilities supplied by commercial concessionaires, individuals have organized business. The rates and prices charged the public by the operators are approved by the responsible United States Army Engineer District. Thus, the public can rely upon the availability of services and facilities at reasonable rates.

In addition to the boat docks, marinas, lodging accommodations and other facilities supplied by commercial concessionaires, indivduals have organized yacht and boat clubs, and sailing clubs, in lieu of patronizing the commercial establishments. The need for the use of Government lands along the waterfront by clubs for such purposes as the storage of boats and the sale of oil and gas to club members has been recognized. However, it has been concluded that rentals should be obtained from the clubs commensurate with the privileges granted. This policy recognizes the need for such clubs, while also affording some protection to con-

cessionaires who have invested considerable capital in business ventures fraught with many risks.

The remaining type of boat dock user is the resident adjacent to such a project, who frequently is interested in building a boat dock to enhance his opportunity to use the lake for recreation. The adjacent resident has no vested rights in the lake or the shores thereof, notwithstanding his location, but is entitled to use the lake and the shores to the same extent as other members of the public. Nevertheless, these individuals have heretofore been permitted to build private docks free of charge, despite the fact that other members of the public must pay for similar privileges at commercial areas or by joining yacht and boat clubs.

The inequity of this situation has been recognized. The Bureau of the Budget has enunciated the Government's policy that fair market value should be realized where the exclusive use of Government property is involved (cf. BOB Circular A–25 dated 23 September 1959). Further, the Act of 31 August 1951 expresses the sense of Congress with respect to fees, charges, or prices for things of value or utilty provided or granted by any Government agency (65 Stat. 290; 5 U.S.C. 140).

To correct the inequitable situation and to establish conformity with the above-mentioned policy, a schedule of charges has been established for the use of Government-owned property, i.e., the land area underlying the dock and including any walkway approach thereto. It is emphasized that there is no charge being made for the use of the waters of the project. The criteria for, as well as the amount of, the charge have been the subject of an intensive study, during which the views of our field representatives in various sections of the country have been obtained. After full consideration of the amount of compensation to be obtained for such use, the annual rate was established at $10.00, plus seven and one-half cents for each square foot of the area occupied in excess of 200 square feet. The policy, which will be effective 1 January 1968, applies to all water resource development projects under the jurisdiction of the Department of the Army. The application of the new procedure for granting such permits on the basis of a reasonable fee will afford notice of at least six months to those who now hold permits heretofore granted.

The payment of a reasonable fee by individuals desiring to make such private use of Government property will place these individuals in the same category as others who obtain like privileges from operators of commercial concession leases granted either directly by the Government or by States or political subdivisions thereof through third party agreements as provided in leases for public park and recreational purposes. Accordingly, the Department of the Army, for reasons above stated, strongly recommends that S. 2236 not be enacted.

The enactment of this legislation will have no apparent effect on the budgetary requirements of the Department of the Army.

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

Sincerely yours,

STANLEY R. RESOR,
Secretary of the Army.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 3, 1968.

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

DEAR SENATOR JACKSON: This responds to the request of your Committee for a report on S. 2828, a bill "To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army."

We strongly recommend that the bill not be enacted.

The bill prohibits the charging of Federal recreation fees under the authority of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) for entrance, admission, or access to project areas (including the waters) administered by the Corps of Engineers, Department of the Army, or for the use of minimum recreational facilities, as determined by the Secretary of the Army, at such project areas. We assume that this prohibition is intended to apply only

to those public use areas under the direct management of the Army Corps of Engineers and not to the area leased by the Corps to non-Federal entities for recreation purposes.

In addition, the bill prohibits the collection of a fee for the issuance of a permit or license for a boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any similar floating facility on any of the waters of a project administered by the Corps of Engineers. This latter prohibition pertains exclusively to the province of the Department of the Army and is unrelated to the entrance, admission, and user fees (or "Golden Eagle" program) authorized by the Land and Water Conservation Fund Act of 1965. We defer to the views of the Department of the Army on the advisability of prohibiting fees for boat mooring and various other floating facilities.

The effect of the bill would be to prohibit the charging of Federal recreation fees at virtually all water resource development projects constructed by the Corps of Engineers, since it is rare that facilities in excess of "minimum recreation facilities" would be provided at Federal expense.

The bill would substantially alter the established policies and principles set forth below:

1. The pay-as-you-go concept adopted by Congress for carrying out the Land and Water Conservation Fund program which is aimed at meeting the increasing needs of our growing population for more and improved outdoor recreation areas and facilities.

2. The Congress intended the Corps of Engineers to be a full participant in the Land and Water Conservation Fund program along with other land managing agencies that administer Federal recreation areas.

3. User charges should be instituted by Federal agencies where the users reap special benefits that do not accrue to the general taxpayers who carry the burden of a Federal program.

4. The pending bill would put in doubt the propriety of other Federal agencies collecting fees at Federal recreation areas they manage which are located on Corps of Engineers and other Federal water development projects.

5. All Fund revenues are needed to help pay for new recreation areas authorized by Congress which have not yet been funded.

6. The pending bill would establish a precedent which could endanger successful recreation charge programs in State park systems, which have State parks located on or in the vicinity of Corps of Engineers reservoirs, by placing such State parks in an adverse competitive economic situation.

We believe that the bill would erode the fee provisions of the Land and Water Conservation Fund Act, constitute a major reversal of policy, and would result in hindering the progress made in recent years in public outdoor recreation.

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

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

[S. 531, 90th Cong., first sess.]

A BILL To amend the Land and Water Conservation Fund Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That essential outdoor recreation needs of the American people must be met and that this can be done most effectively by increasing revenues to the Land and Water Conservation Fund in order to assist Federal, State, and local governments in acquiring and developing public outdoor recreation facilities.

SEC. 2. To carry out the policy of section 1 of this Act, all revenues from July 1, 1967, received under the Mineral Leasing Act of 1920, as amended (except revenues received from lands within naval petroleum reserves), all revenues received from the Potash Leasing Acts of 1927 and 1948, as amended, and all revenues received under the Outer Continental Shelf Lands Act of 1953, as amended, to the extent such revenues would otherwise be deposited in miscellaneous receipts, shall be deposited in the land and water conservation fund created by the Act of September 3, 1964.

The CHAIRMAN. The differences between S. 1401 and Senator Harris' S. 2828 are readily apparent; S. 1401 would add gravely needed revenues to the land and water conservation fund; S. 2828 would result in reduced revenues for the fund by prohibiting the charging of any fees at Corps of Engineers water installations. However, the issue is not that simple and it well may be that an accommodation can be worked out in the way of more clearly defining those areas in which fees may be charged and the type and amount of such fees.

Now a few words concerning the background and purpose of these bills.

During the 88th Congress, we enacted several measures which have been hailed as milestones in the history of conservation legislation. Among these milestones were the Wilderness Act and the Land and Water Conservation Fund Act, Public Law 88–578. Enactment of these measures was the climax of a number of years of great effort on the part of dedicated citizens and organizations.

The purpose of the Land and Water Conservation Fund Act, the provisions of which are based on legislation I had the honor to sponsor, is to help the States and the Federal agencies meet the ever-increasing needs and demands, present and future, of the American people for lands and facilities for outdoor recreation.

The act established a fund from which grants are made to the States, on a matching basis, for planning and acquisition of land and water areas, and for construction of facilities on them. A part of the fund is available for appropriation to Federal agencies, through established authorization and appropriation procedures, for acquisition of additional land and water areas.

I think there can be no doubt that this act has provided a tremendous stimulus to comprehensive recreation planning, and through it we have made significant strides toward fulfilling the existing needs. Unfortunately, we find that today the fund and its entire concept is in a state of crisis.

We all know our Nation has been experiencing an escalation in land prices in general, and a particularly alarming one in prices for recreation-quality lands. With increasing affluence, Americans are willing to invest more money in recreation lands, and these lands, being limited geographically, are selling for ever higher and higher prices.

It is common for the price of recreation land to double in 6 or 7 years and, in not too rare instances, to double in 4 or 5 years. This nationwide trend is accelerated when the Congress authorizes a national park or seashore to be created in the particular area.

Of significance, I think, is the fact that, while the originators of the land and water conservation fund did not intend that it be a "limiting" fund, in practice it has been just that. The Congress has seen fit to appropriate funds for recreation-land acquisition only up to the limits of revenues earned by the fund.

Each member of the committee has before him a copy of a study published last year delineating the land price-escalation problem. That study points out that the combined Federal-State-local needs for recreation-land acquisition and development by 1977 will exceed the income to the land and water conservation fund by $2.7 billion. This figure was stated in prices current in 1966.

Section 1 of the bill would do two things. First, it would cover into the fund for 5 fiscal years the otherwise unearmarked revenues from mineral leasing on the Outer Continental Shelf, the Federal share of revenues under the Mineral Leasing Act, and the Federal share of national forest receipts income.

The Outer Continental Shelf program has a history which indicates annual returns to the Federal Government of between $400 and $500 million a year. The unearmarked portion of the Mineral Leasing Act revenues averages $11 to $12 million a year. The unearmarked portion of the national forest receipts would average $90 million annually.

I want to point out emphatically that this bill would in no way affect revenues from mineral leasing or the national forests that now are allocated to State and local governments for public purposes. Estimates of the new moneys available to the fund from enactment of S. 1401, as introduced, vary from $2 to $3 billion for the 5 years. Referring again to the Bureau of Outdoor Recreation report on land price escalation, you will note that the 10-year deficit, in 1966 prices, will be $2.7 billion.

A second provision of section 1, found in subsection (b), provides advance contract authority up to a maximum of $30 million a year for a 2-year period for land purchases. It is discouraging to visit an area under consideration or even authorized as a national recreation area or park and see the very heart of the area being subdivided. We have seen instances where the subdivider has advertised that a buyer "can't lose" because the Federal Government will "have to buy you out at no loss to you."

This advance contract authority would permit the agency to go out immediately after Congress authorized a project and purchase the key tracts which might be subject to such exploitation. Such action could be taken before any further subdivision caused additional increases in land prices further depleting Federal funds.

Section 2 provides certain new tools to the Park Service land-acquisition program such as authorization to use a buy-and-lease-back or a buy-and-sell-back-with-restrictive-covenants procedure. It would also permit the use of general exchange procedures for units of the national park system.

We have two Members of the Senate here and I will call on Senator Monroney and Senator Harris, together, I believe, if that is agreeable with our colleagues, to make their comments in connection with the bill Senator Harris introduced, which was cosponsored by Senator Monroney and Senator McClellan.

STATEMENT OF HON. A. S. MIKE MONRONEY, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator MONRONEY. Mr. Chairman and distinguished members of this committee, I am very happy to appear here today to give my views on S. 2828, which is cosponsored by Senator Harris and Senator McClellan and myself.

This is a subject about which I feel very strongly. I am happy to have the opportunity to tell you of my feeling.

Let me say at the outset that Senator Harris and I have cosponsored another bill now pending before the Senate Public Works Subcommit-

tee on Flood Control, Rivers and Harbors, which has as its purpose the removal of fees pertaining to floating facilities as those fees would be collected by the Corps of Engineers.

While I believe S. 2828, here under consideration, encompasses the terms of the other bill, I am still supporting S. 2236 as well as the present bill. I believe that our bill under consideration today is more far-reaching and I support it because of my firm conviction that the American public should not be required to pay additional funds for use of the water controlled by the Corps of Engineers.

The Conservation Act of 1965, specifically as it relates to the collection of fees for entrance, admission, and otherwise as it relates to public user fees charged or collected around the Corps of Engineers projects, should therefore be revised. The water projects built by the Corps of Engineers have been, and are being, constructed with public funds and, to my mind, the projects belong to the public. These projects have had as their primary purpose, flood control, navigation, power generation, and other uses, all of which are primarily aimed at being investments in our natural resources. The projects attempt to make maximum use of the waters of the country and generally there is computed in the cost of these projects a certain return measured in terms of prevention of loss by flooding, crop or structural damage, as well as the direct income received from generation of power.

To my understanding, nowhere in the congressional consideration of these projects has the collection of fees charged recreational users been contemplated as a means of obtaining return on investment of these water projects. Using all the other methods of computation of return, the result has been favorable without computation of these fees.

May I depart from my prepared statement to say that it is my recollection—I believe the distinguished chairman can bear me out—that when the land and water conservation bill was before the Senate I offered an amendment which I discussed with many, including several leading members of this committee, which struck out the charge of user fees on Army Engineers projects. It was included in the bill by the committee and was sent to the Senate in that form. Unfortunately, in conference, the House version prevailed and I believe it was stricken out of the bill at that time.

I merely mention this to show that the Senate version of the bill did exactly what we are proposing to do, if my memory serves me correctly, in S. 2828.

Let me say that we get revenues and they are back up and will be of very little difficulty to replace. The, shall we say, nickels, dimes, quarters, and dollars that will be charged is an annoyance fee to the millions of people who frequent these public resorts seeking a brief vacation.

No. 1, the revenue from the offshore lands which will, as oil discoveries in the vast new areas—and all oilmen will confirm this—bring in huge amounts from royalties, as these are developed both in the gulf and in the offshore tidelands of the Atlantic coast. This would be backup.

We also have a backup of revenues, and I make no protest about this, and this is the collection of a fuel tax on the motorboats used on these vast areas of our public lakes. I do not think that you need to go to the objectionable entrance fees where people are charged a fee to

enjoy a public use project that I think was intended to be public use. I have visited some of these projects, particularly those conducted by the Interior Department and to use the excuse that they have improved recreational areas with toilet facilities and restrooms and things of that kind is a complete misnomer.

I have in mind the Wichita Wildlife Refuge in my own State I visited not long ago where I find they are charging a dollar fee for use of toilet facilities, to use WPA-constructed toilets that were dirty, unsanitary, ill-kept, and unattractive.

The other picnic areas, so-called improved areas, were scattered with refuse and dirt, and boxes and lunchbaskets, and things of that kind, which certainly did not rank as a chargeable facility or special services given to them.

We are collecting, shall I say, a very heavy tax of 6 cents a gallon on all gasoline, on all oil and on rubber tires on our automobiles. May I say this is for the Interstate Highway System. I support that; I think it is correct. But bear in mind the hundreds of thousands of automobiles that go to these recreational areas, travel a large portion—it is not a major portion—of the distance from the user's home to the recreational area on noninterstate highways.

So, this fee is also being charged and I think should be considered as a part of the public contribution to the use of these facilities because it would amount to more at 6 cents a gallon than is being collected from them now as an automobile tax as they enter the gate or go into the recreational area around a Corps of Engineers project.

To my mind, these projects were constructed through public funds and belong and should belong to the public. I believe that the operation and maintenance of these projects for the use of the public is a trust given by Congress to the American public and constitutes a vested right. The public funds were derived from our process of taxation and continuing efforts are being made to get continuing funds for these projects by various methods stated in the Land and Water Conservation Fund Act.

I refer to the motorboat fuels tax, which equally affects users. It is not a matter of taking from Peter to pay Paul. The collections of these fees makes it a matter of taking from both the left and right pockets for the same service, and I am against it.

I am advised that the Corps of Engineers has shown by its own figures in a great number of cases the cost of collecting fees and charges exceed return. To me, it is just not double taxation but triple taxation. I do not think that the American people should be subject to it. Besides the figure aspects of this picture there is another area that I believe warrants consideration of this committee. That is the antagonism brought about by the collection of fees.

In the case of Oklahoma, many of our guests travel great distances to make use of our waters. They bring with them their boats, families, their influence, and their needs. To insult them by the collection of unnecessary, unfeasible charges to use those facilities, which they have a right to expect will be granted to them free of charge, can only result in the reduction of a number of users of our facilities and a corresponding reduction in the amount Oklahoma will realize in value received from this traveling trade.

This applies not only to Oklahoma but all States similarly located. To my mind, it is wrong to station soldiers or employees at gates of projects, implying by their presence total restriction and regulation, resulting in all the natural consequences that strict regulation implies.

There is always the possibility that additional wardens will have to police the areas to stop the fee jumpers. If the Corps of Engineers contemplates strict control of parks and camping facilities, we should also consider the extra cost of fencing and policing all the areas now budgeted, contemplated, or constructed.

The whole idea is wrong, to me. It is an imposition; it is unjust; creates a potentiality of greater evils than the public good that could be generated.

I feel very strongly that the creation of water facilities with attendant camping and recreational areas should be held in trust for the public. To do otherwise is to create a regulatory system at increased cost and in some cases multiple taxation to the American people. I believe the committee should carefully weigh all these facors. The use of these facilities, and the waters involved, as well as the use of all that pertaining to these projects, is a trust with an inalienable right vested in the American people.

I urge you to report favorably on passage of S. 2828 and repeal this admission charge and use charge that is now being imposed at our public lakes constructed by the Army Engineers.

I thank the committee.

The CHAIRMAN. Thank you, Senator Monroney.

(The statement follows:)

STATEMENT OF HON. A. S. MIKE MONRONEY, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Mr. Chairman, able members of the committee, I am very happy to appear here to give you my views on S. 2828, co-sponsored by Mr. Harris, Mr. McClellan, and myself. This is a subject about which I feel very strongly, and I am happy to have the opportunity to tell you of my feelings.

Let me also say at the outset that Senator Harris and I have co-sponsored another bill now pending before the Senate Public Works Committee's Subcommittee on Flood Control, Rivers and Harbors which has as its purpose the removal of fees pertaining to floating facilities as those fees will be collected by the Corps of Engineers.

While I believe S. 2828 here under consideration encompasses the terms of the other bill, I am still supporting S. 2236.

I believe that our bill under consideration here today is more far-reaching and all inclusive, and I support it because of my firm conviction that the American public should not be required to pay additional funds for the use of waters impounded or controlled by the Corps of Engineers.

The terms of the Land and Water Conservation Fund Act of 1965 as it specifically relates to the collection of fees for entrance, admission, or otherwise as it relates to public user fees charged or collected around Corps projects should, therefore, be revised.

The water projects built by the Corps of Engineers have been, and are being, constructed with public funds and to my mind the projects belong to the public. These projects have had as their primary purpose flood control, navigation, power generation, and other uses all of which are primarily aimed at being investments in our natural resources.

The projects attempt to make maximum use of the waters of our country, and generally there is computed in the cost of these projects a certain return measured in terms of prevention of loss by flooding, crop or structure damage, as well as the direct income received from the generation of power.

To my understanding, nowhere in Congressional consideration of these projects has there been contemplated the collection of fees charged recreational users

as a means of obtaining a return on the investment in these water projects. Using all the other methods of computation of return, the result has been favorable without computation of these fees.

To my mind these projects were constructed with public funds and belong to the public. I believe that the operation and maintenance of these projects for use of the public is a trust given by Congress to the American public and constitutes a vested right in them.

The public funds were, of course, derived from our process of taxation, and continuing efforts are being made to get additional funds for these projects by the various methods stated in the Land and Water Conservation Fund Act. I specifically refer to the motorboat fuels tax, which equally affects users of these bodies of water. I think that it is not a matter of taking from Peter to pay Paul; the collection of these fees makes it a matter of taking from both the left and right pockets to pay for the same service, and I am against it.

As I stated before the Subcommittee on Flood Control, Rivers and Harbors, I am advised that the Corps of Engineers has shown by its own figures that in a great number of cases the costs of collecting fees and charges exceed the return. To me this is not just double taxation, but triple taxation, and I do not think the American people should be subjected to it.

Besides the financial aspects of this picture, there is another area which I believe warrants the consideration of this committee, and that is the antagonism brought about by the collection of fees for the use of these facilities.

In the case of Oklahoma, which has the finest lakes in the world, many of our guests travel great distances to make use of our waters, and they bring with them their boats, their families, their influence, and their needs. To insult them by the collection of an unnecessary, unfeasible charge to use those facilities, which they have a right to expect will be granted to them free of charge, can only result in a reduction in the number of users of our facilities, and a corresponding reduction in the amount Oklahomans will realize in value received from this traveling trade. Of course this applies not just to Oklahoma but all the states similarly situated.

To my mind it is wrong to station soldiers or employees of the Corps of Engineers at gates to projects that for all intents and purposes are public, implying by their presence total restriction and regulation, resulting in all the natural consequences that strict regulation implies. There is always the possibility that additional wardens will have to be employed to police the areas to stop the fee-jumpers. If the Corps of Engineers contemplates strict control of the parks and camping facilities, not to mention the water facilities, then we would also have to consider the extra costs of fencing and policing all the areas which are now budgeted, contemplated, or constructed.

The whole idea to me is wrong, it is an imposition, it is unjust, and certainly it creates the potentiality of greater evils than the public good that could be generated.

I feel very strongly that the creation of water facilities, with the attendant camping and recreational areas made possible by public projects, publicly funded, for the public use should be held in trust for the public. To do otherwise is to create a regulatory system at increased costs, and in some cases multiple taxation for the American people, and I believe the committee should carefully weigh all these factors.

The use of these facilities, and the waters involved, as well as the use of all that pertaining to these projects, is a trust with an unalienable right vested in the American people, and with all the sincerity at my command, I urge this committee to report favorably on passage of S. 2828.

Thank you very much.

The CHAIRMAN. I think it might be helpful if we could hear from Senator Harris and we could then ask questions of you two at the same time.

Senator Harris, we are happy to hear you in connection with the bill you have sponsored.

STATEMENT OF HON. FRED R. HARRIS, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator HARRIS. Mr. Chairman and gentlemen of the committee, I wonder if I could not simply file my statement and excerpt from it and summarize it after saying that I heartily endorse the comments of my senior colleague.

With your permission, I would like to just summarize and file the statement.

The CHAIRMAN. Very well. The entire statement will be included in the record, Senator Harris, and you may give us a summary of it.

(The document referred to follows:)

STATEMENT OF HON. FRED R. HARRIS, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Mr. Chairman and Members of the Committee, I appreciate this opportunity to discuss the provisions of S. 2828, which prohibits the Secretary of the Army from collecting fees for entrance to or use of projects under the jurisdiction of the Corps of Engineers. Mr. Chairman, until recently it has been the policy of the United States Congress and of the Executive Branch that access to and use of lakes, reservoirs and rivers created or improved by the Federal Government under its public works program should be free for the mutual benefit of the general public. Freedom of access to and use of the waters of the United States dates back to the Ordinance of 1787 which specified that no fee or toll could be charged for the use of the nation's waterways. This policy of free use of the nation's waterways also was reiterated in 1830 by President Andrew Jackson in his second annual message when he stated, "All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow citizens exempt from payment of tolls or any imposition of that character." The Congress further emphasized the free use of the waterways of the United States in the Rivers and Harbors Act of 1882. This legislation stated that waterways would be free from tolls or user charges. Ever since that time the Congress has continually adhered to a policy of freedom from tolls or user charges on our nation's lakes and inland waterways.

Mr. Chairman, since the first Rivers and Harbors Act was enacted in 1826, it has been the feeling of Congress that the development and full utilization of our inland waters is sound national policy. Through the public works programs administered by the Corps of Engineers we in the United States developed not only an outstanding transportation system on our inland rivers but we have also created flood protection, municipal and industrial water supply, irrigation and recreational facilities for our citizens.

The economic benefits which have accrued as a result of our water resources development program have more than offset the cost of constructing these projects. The savings to the people through the flood protection provided by our reservoirs has been tremendous. Revenues collected by the Federal Government through the sale of hydroelectric power and through the sale of water for municipal and industrial uses have offset a great deal of the cost of constructing the projects. Low cost transportation on the inland navigation projects has resulted in a great savings to both the shipper and the consumers. These items all contribute to the economic justification of our water-related public works projects, and it is a proven fact that over the years the economy has gained sufficiently to offset the cost of constructing all the water resources projects which are now in operation. Fortunately and rightfully, an important by-product of any lake or reservoir or river improvement project is the availability of a new recreational facility to be used by the general public. Many of the projects now being administered by the Corps of Engineers were highly controversial at the time of their conception. As you know, Mr. Chairman, my state of Oklahoma has led the way in water resources development and in the conservation of our water for the use of future generations. The progress Oklahoma has made in the field of water resources development has not always enjoyed popular support. Many of the dams which now impound water in Oklahoma have brought about the inundation of large amounts of farm land and in some cases have even resulted in the relocation of small communities. A number of these projects were accepted and supported

by local citizens only because the construction of the reservoir would create an outstanding recreational facility and thus would bring about a boost to the local economy through increased tourism.

Although there has never to my knowledge been a reservoir constructed in the United States for the sole purpose of providing increased recreational opportunities, it is nonetheless a fact that no reservoir could be constructed without the automatic by-product of recreational benefits. Thus, regardless of the prime purpose of constructing the reservoir—be it flood control, irrigation, water supply, or navigation—recreation becomes an inherent by-product of almost every project. Unlike a national park, which can be fenced off and closed to public use, and unlike a national forest, which can be operated with controlled access, and unlike a wildlife refuge, which can be closed to public access, a man-made lake with hundreds of miles of shoreline cannot be closed easily to the public. People are going to seek out the lakes to use for fishing, boating and swimming and they expect to use them for these purposes without charge. I feel they should be able to use these large bodies of water for recreational purposes, and I feel that they should be able to use them without paying a toll or fee.

The Land and Water Conservation Fund Act passed the Congress in 1964 prior to the time that I became a member of the United States Senate. However, since coming to the Senate, I have vigorously fought to restrict the provisions of that Act insofar as it relates to projects administered by the Corps of Engineers. As I have stated earlier, Oklahoma has taken the lead in water resources development in the nation. During the planning stages of many of our large reservoirs in Oklahoma public hearings were held in which the benefits of the project were discussed in detail with the local citizens. Recreation was consistently cited as a benefit which would accrue to the area in which the reservoir was to be located. However, at no time during these public hearings was any mention made to the local citizens that they would have to pay a fee in order to fish or swim or go boating on one of these reservoirs. Thus, practically every reservoir in Oklahoma was supported by the local citizens with the understanding that recreational uses of the reservoir would be free to the general public. Then, in 1964, the Congress enacted the Land and Water Conservation Fund Act and repudiated the long standing policy of the United States Government that access to and use of the rivers and lakes of our country should forever be free. After the enactment of the Land and Water Conservation Fund Act, the Bureau of Outdoor Recreation instructed the United States Army Corps of Engineers to implement a system of collecting fees in connection with the use of these reservoirs for recreational purposes. I feel that the implementation of this program represents a radical change in the policy the people of the areas were led to expect. Furthermore, I feel that the imposition of fees or charges for the use of these reservoirs for recreational purposes represents an undue burdan on those among us who are least able to pay. Most of the reservoirs in Oklahoma are located in the eastern part of our state which has been recognized by the United States Department of Commerce as one of the most underdeveloped areas of the entire country. A high percentage of the population of this area are old-age pensioners or welfare recipients on fixed incomes. Thus, for these people to pay a fee in order to take advantage of the only recreational facilities at their disposal is inconsistent with our goals to give poor people an equal opportunity to enjoy recreation and relaxation with our more fortunate citizens.

Further, Mr. Chairman, I feel that the collection of fees in connection with recreational use of our lakes and reservoirs represents in effect double taxation. The Congress, over a hundred and fifty years ago, determined that it is sound public investment to develop the water resources of our country. Thus, we have used our taxpayer's money for over a hundred and fifty years to construct, operate and maintain lakes and reservoirs and inland navigation systems. These investments have been recovered many times over through the economic benefits of flood control, navigation generation and water supply. Therefore, since the public has paid for the projects initially, and the economic benefits derived through the existence of the projects have been greater than the initial cost, the collection of a fee on these projects for recreational use at this time represents an additional tax on the public.

Aside from the fact that our policy has always been that of freedom of our waterways and lakes and reservoirs, the collection of fees on Corps of Engineers projects has been found to be unsound economically. For instance, Mr. Chairman, since the initiation of the fee system under the Land and Water Conservation Fund Act in 1965, up to August of 1967, the revenue derived from the sale of rec-

reation permits amounted to $8,450,328. In the same period of time the revenue deprived through the collection of individual entrance and user fees amounted to only $13,072,941. According to the report of the House Committee on Interior and Insular Affairs, dated November 14, 1963, the annual revenue from the sale of recreation permits was estimated to be $2 million in 1964; $25 million in 1965; $34 million in 1966; and $39 million in 1967. The annual revenue through the collection of entrance and user fees was estimated to be $3 million in 1964; $8 million in 1965; $9 million in 1966; and $10 million in 1967. Thus, Mr. Chairman, as you can see the total revenue collected since the implementation of the program from recreation permits and entrance and user fees is far below what was predicted to be collected in one year. In fact, the total collections since the implementation of the program are $11,467,731 below what was predicted would be collected in the year of 1965 alone. As you know, Mr. Chairman, the Land and Water Conservation Fund consists of monies collected from recreational permits entrance and user fees, the sale of surplus property and motor boat fuel taxes. Since the program was implemented in 1965, recreation permits and entrance and user fees have accounted for 8.9 per cent of the total in the trust fund. The remaining 91.1 per cent of the money in the Land and Water Conservation Fund was derived through the sale of surplus property and motor boat fuel taxes. It would appear that we are going to a great deal of trouble to collect such a small amount of money. The figures I have cited do not take into consideration the cost incurred by the Corps of Engineers in administering the collection of entrance and user fees. On September 21, 1967, Lieutenant Colonel William Needham of the Army Corps of Engineers advised my colleague from Oklahoma, Congressman Ed Edmondson, by letter that a total of $594,174 had been collected in entrance fees at designated fee areas during the period April 1 through August 31, 1967. Mr. Edmondson and the distinguished Majority Leader of the House of Representatives, Mr. Albert, were told recently by top officials in the Corps of Engineers that approximately $600,000 had been spent by the Army Engineers out of their appropriated funds during this same summer, 1967, to employ additional rangers and personnel in an effort to collect entrance fees at reservoirs and recreation areas. Thus, Mr. Chairman, the cost of administration exceeded the revenues collected. Not only is it expensive to administer this program, it is also practically impossible to collect the fees efficiently and fairly on a reservoir which has many miles of shoreline and many recreational areas. For instance, many people utilize the recreational facilities in and around these reservoirs without paying an entrance or user fee or without the purchase of the so-called Golden Eagle, while at the same time, others pay entrance or user fees or pay $7 for a Golden Eagle certificate. In any given fee area on a lake or reservoir, you will find those enjoying the privilege of using the facility who have not paid fees, and at the same time, you will find those who have born the cost of the fees. This, of course, represents unfair treatment.

The Deputy District Engineer at Little Rock, Arkansas, pointed out this difficulty in a letter when he said, "Many of our park use areas have several entrances. Cost of enforcement with sentrys at each entrance would be in excess of three times the present cost. We, therefore, feel that continuing our present program of advising the public of the fee requirements through the news media, of posting all entrances to the fee areas, and of checking the areas on a cyclical basis are the best means of enforcing the entrance fee system."

The fact is, short of fencing the entire shoreline of the reservoir, there is no practical and efficient way to collect entrance fees at these areas. The Army Engineers recognize this; the general public knows this; and more and more members of Congress are coming to recognize it.

Let me close by way of summary. First, we all recognize that it has been the long standing policy of the United States Government that access to and use of the waterways of the United States should be free to the general public.

Second, the public support of our national waterways program has in many instances hinged upon the free recreational benefits that accumulated as a result of reservoirs constructed and rivers improved.

Third, the revenues collected through entrance and user fees are a very minor part of the total land and water conservation fund.

Fourth, the cost of collection and difficulty of administering the fee program on Corps of Engineers projects is uneconomical and unrealistic.

Mr. Chairman, I hope that you and members of your Committee will give careful consideration to S. 2828, and will report favorably on it, so that the Congress can act on it this year. Thank you.

Senator HARRIS. Let me say, first, Mr. Chairman and members of the committee, I certainly commend you for the laudable purpose embodied in the Land and Water Conservation Fund Act and the general laudable result which it has had.

I think recreation is and will be of continuing importance in this country with our growing population and growing leisure time. I think this committee has done a great service to the country in helping to make recreation facilities more readily available.

I also commend you, Mr. Chairman, for the introduction of S. 1401, the general purpose of which I endorse and support.

I appreciate this opportunity, even before your own bill is considered, for us to be heard in regard to S. 2828.

The Land and Water Conservation Fund Act passed by the Congress in 1964 was prior to the time that I became a Member of the Senate of the United States. However, since coming to the Senate, I have vigorously fought to restrict the provisions of that act, particularly insofar as it relates to the projects administered by the Corps of Engineers.

Oklahoma has taken the lead in water resources development in the Nation. During the planning stages of many of our large reservoirs in Oklahoma, public hearings were held in which the benefits of the projects were discussed in detail with the local citizens. In accordance with the long policy of this country, dating back to the ordinance of 1787 and the statements made during those hearings, recreation was consistently cited as a benefit which would accrue to the area in which the reservoir was to be located. However, at no time during these public hearings was any mention made to the local citizens that they would have to pay a fee in order to fish or swim or go boating on one of these reservoirs. Thus, practically every reservoir in Oklahoma was supported by the local citizens with the understanding that recreational uses of the reservoir would be free to the general public.

Then, in 1964, the Congress enacted the Land and Water Conservation Fund Act and thereby repudiated the longstanding policy of the U.S. Government that access to and use of the rivers and lakes of our country should forever be free.

After the enactment of the Land and Water Conservation Fund Act, the Bureau of Outdoor Recreation instructed the U.S. Corps of Engineers to implement a system of collecting fees in connection with the use of these reservoirs for recreational purposes. I feel, as does my senior colleague, as he stated, that the implementation of this program represents a radical change in the policy that the people of these areas and the country were led to expect.

Furthermore, I feel that the imposition of fees or charges for the use of these reservoirs for recreational purposes represents an undue burden on those among us who are least able to pay.

Most of the reservoirs in Oklahoma are located in the eastern part of our State, which has been recognized by the U.S. Department of Commerce as one of the most underdeveloped areas of the entire country. A high percentage of the population of this area are old-age pensioners or welfare recipients on fixed incomes. Thus, for these people to pay a fee in order to take advantage of the only recreational facilities at their disposal is inconsistent with our goals to give poor people an equal opportunity to enjoy recreation and relaxation with our more fortunate citizens.

I would hope, Mr. Chairman and members of this committee, that there soon might be some general reconsideration of the entire fee structure and fee power allowed by the Land and Water Conservation Fund Act outside the jurisdiction of this bill which has only to do with the Corps of Engineers projects, because since the program was implemented in 1965, according to figures furnished to this committee and to me and others, recreation permits and entrance and user fees, I am informed, have accounted for only 8.9 percent of the total trust fund. The remaining 91.1 percent was derived through the sale of surplus property and motorboat fuel taxes. It would appear that we are going to a great deal of trouble to collect such a small amount of money.

The figures I have cited do not take into consideration the particular cost incurred by the Corps of Engineers in administering the collection of entrance and user fees to projects under their jurisdiction.

The bill, S. 2828, is a companion measure to a bill introduced in the House of Representatives by Congressman Edmondson of Oklahoma, on which hearings have been held by the House Public Works Committee.

On September 21, 1967, Lt. Col. William Needham, of the Army Corps of Engineers, advised our colleague from Oklahoma, Congressman Edmondson, by letter that a total of $594,174 had been collected in entrance fees at designated fee areas during the period from April 1 through August 31, 1967.

Mr. Edmondson and the distinguished majority leader of the House of Representatives, Mr. Albert, also our colleague from Oklahoma, were told recently by top officials in the Corps of Engineers that approximately $600,000 had been spent by the Army Engineers out of their appropriated funds during this same summer, 1967, to employ additional rangers and personnel in an effort to collect entrance fees at these reservoirs and recreation areas.

Thus, Mr. Chairman and members of the committee, the cost of administration exceeded the revenues collected.

Not only is it expensive to administer this program, it is also practically impossible to collect the fees efficiently and fairly on a reservoir which has many miles of shoreline and many recreational areas.

For instance, many people utilize the recreational facilities in and around these reservoirs without paying an entrance or user fee or without the purchase of the so-called Golden Eagle, while at the same time others pay entrance or user fees or pay $7 for the Golden Eagle certificate.

The deputy district engineer of the Corps of Engineers at Little Rock, Ark., pointed out this difficulty in a recent letter when he said, "Many of our park use areas have several entrances. The cost of enforcement with sentries at each entrance would be in excess of three times the present cost. We therefore feel that continuing our present program of advising the public of the fee requirements through the news media, of posting all entrances to fee areas and of checking the areas on a cyclical basis are the best means of enforcing the entrance fee system."

The fact is, short of fencing the entire shoreline of the reservoirs, there is no practical or efficient way to collect entrance fees at these areas. The Army Engineers recognize this and the general public knows this and more and more Members of Congress, I feel and I hope, are coming to recognize it, as well.

89-619—68——3

Let me close, Mr. Chairman, by way of summary: First, we all recognize it has been the long-standing policy of the U.S. Government that access to and use of waters of the United States should be free to the general public. Second, the public support of our national waterways program has in many instances hinged upon the free recreational benefits that were to accumulate as a result of reservoirs constructed and rivers improved. Third, the revenues collected through entrance and user fees are a minor part of the total land and water conservation fund. The cost of collection and difficulty of administering the fee program on Corps of Engineers projects is, I submit, uneconomical and unrealistic.

Therefore, Mr. Chairman and members of the committee, I hope that you will give careful consideration to S. 2828 and that you will be able to report favorably on it so that the Congress can act upon it this year.

I think you again for allowing us to appear.

The CHAIRMAN. Thank you, Senator Harris and Senator Monroney.

Obviously your bill raises the whole question of user fees in general. The committee will take a very careful look at this in connection with the hearings we are holding on the other bills that are before us today.

Your bill would prohibit the corps from collecting any fees in connection with the use of any boating facilities and so forth. Would this mean that a private entrepreneur could collect fees for such purpose?

Senator HARRIS. Of course, we would feel that he certainly should not have the power to do so.

The CHAIRMAN. I wanted to clarify that.

As I interpret S. 2828, I think that there is no prohibition in here on the part of a private entrepreneur who has a boating facility and gets a license or a permit from the Corps to build facilities and collects fees from the public. This is a point I wish you would take a look at and we could go into it a little later.

Senator HARRIS. We will look into that. I appreciate your calling it to our attention.

My objections do not go so stringently to the user fees, although I object to them also, as they do to the general entrance fees. That is user fees where services or facilities are being especially and particularly provided may have some justification. That is not the case, it seems to me, that we generally have where the entrance fee is collected.

We will take a look at the question you raise, and I appreciate your raising it.

Senator MONRONEY. My idea is this: This would not affect the normal concessionaire relationship. If the Army Engineers grant concessions, for example, for motorboats or water skiing or services that they are rendering, I would think and I feel sure that it is the custom today, that the Army Engineers in their management would set a maximum amount of fee that the concessionaire could charge for his very definite service in the rental of equipment of that kind.

The CHAIRMAN. Of equipment, yes. But I am talking about the boating facility, the use of the actual facility for docking purposes that he would construct pursuant to a permit from the Corps.

Senator MONRONEY. I would not think he would be allowed to charge for docking purposes but he would perhaps be allowed to charge whatever the going rate is for fuel, gasoline, or oil.

The CHAIRMAN. I understand that.

Senator MONRONEY. Fishing worms, minnows, or things of that kind.

The CHAIRMAN. I understand that, but my point is that there is a prohibition in here on the Corps from charging fees for the use of docking facilities, but there is no prohibition on the entrepreneur, the private operator who has such a facility, from charging fees to a person who may wish to use the docking facility to moor his boat.

Senator MONRONEY. For a permanent mooring base. I think it would have no relationship to that because this would be on a concession basis where the concessionaire obviously would be paying an annual rental to the Army Engineers for that special commercial privilege and he and the commercial operator would charge fees that were not above that limit which the Army Engineers usually crank into the contract stating how much can be charged for the private fees.

The CHAIRMAN. Are there any questions of the Senators?

Senator Anderson?

Senator ANDERSON. I just want to say a few words here.

There was a reorganization act passed by the Congress a few years ago to the effect that each such standing committee shall, so far as practical, require all witnesses appearing before it to file in advance a statement of their proposed testimony. You gave one copy. I hope someday we will have a chance to rehear this bill so that we can find out what the background has been. We don't have it at the present time.

Did you participate also in a vote that we had on the tidelands oil matter, Senator Monroney?

Senator MONRONEY. The bills I referred to?

The CHAIRMAN. No. Did you participate in the vote on the tidelands oil matter? That was back in 1953.

Senator MONRONEY. Yes, sir; I certainly did.

Senator ANDERSON. At that time, we tried our best to obtain funds for education. This would take away all these fees, would it not? Would this not change quite a bit the established pattern?

Senator MONRONEY. No. This has to do with the Corps of Engineers and on projects developed with tax money for the Engineers. The tidelands matter, as I recall, was a matter of collecting the revenue in royalty from our declaration in the Tidelands bill that the public lands were all lands lying beyond the 3-mile limit and in the case of Texas, I believe, and one or two other States that claimed historic ownership of the lands out to the 12-mile limit, I believe. This had nothing to do with that.

This is the development of natural resources and the charge that was acceptable to everyone. The question is, who is going to get the result of the charge, whether it be the States that had the tidelands and what their extent of this sovereignty historically was.

Senator ANDERSON. Are the Corps of Engineers opposed to this bill, or Secretary of Interior, or Secretary of Agriculture?

Senator MONRONEY. I can't hear you.

The CHAIRMAN. Are the reports from the executive agencies favorable or unfavorable on the pending measure? I think the answer is that there has been an adverse report filed with the committee on the proposed bill.

Senator HARRIS. You would be the proper one to respond to that.

The CHAIRMAN. Talking about S. 2828, your bill.

Senator MONRONEY. The report has come to the committee, I presume.

The CHAIRMAN. You probably have not had a chance to see it.

Senator MONRONEY. That is right.

The CHAIRMAN. There is a report from the Secretary of the Interior recommending against it and also from the Department of the Army by the Secretary of the Army, opposing the enactment of the bill.

I think that answers the question.

Senator HARRIS. I might say I am not surprised nor moved by that report but I had not known that you had received it yet.

Senator MONRONEY. Could I ask a question?

Am I not correct that the bill, when it did pass the Senate, struck the provision for the collection of fees and that the collection was restored by the conferees on that piece of legislation?

The CHAIRMAN. Senator Monroney, I am trying to check that very point. I did not raise it because I am not sure about it. We had an argument, as I recall, over the question of access to these areas. This is what the hassle was about between the House and the Senate. But I can't specifically respond to your question until we find the bill as it passed and we are trying to get a copy of that.

Senator MONRONEY. I have had my staff working on it. I apologize for not having my statement ready but I have been busy with matters of campaign.

The CHAIRMAN. We never enforce the rules on Senators or House Members. We realize that it is not possible.

Senator MONRONEY. It is a very good rule, I will say, and it should be observed by Senators as well as departments.

The CHAIRMAN. The trouble is that you depart from your text anyway so it does not matter.

Any further questions?

Senator ALLOTT. Yes.

The CHAIRMAN. Senator Allott.

Senator ALLOTT. I have just one question.

When this legislation originally came before the Senate, I was less than enthusiastic about the overall approach. One of the chief things that bothered me was the administrative cost of it. I thought that the mechanics of the enforcement of this would be a little beyond us and I will be interested to get from the testimony of both the Department of the Interior and the Corps of Engineers the actual amount of money that has been raised as compared with the administration and collection of it. The question I have I will direct to you, Senator Monroney.

We have with these two bills before us almost the opportunity to completely review this entire matter of the land and water conservation fund. I notice that my own State has taken a very strong position on it. Now, if you were to pass legislation that exempted Corps of Engineer projects from user tax, would you not be even more justified in exempting Interior Department projects from it?

For example, reclamation projects are in a major portion paid for by the users. In a Corps project, the major portion is paid by the general public. So, it seems to me that if you feel that fees should be done

away with, you have an even stronger argument for it where a great deal of the expense is borne by the individual people who use water or power from that particular project. Don't you think this is true?

Senator MONRONEY. I would feel for the recreational uses of your Interior Department projects, particularly reclamation, that we should have the removal of the fee by the Corps of Engineers because the lakes look pretty much alike after they are completed. There would be no reason to charge for one and not charge for the other or not to charge for one and to charge for the other.

Senator ALLOTT. I still have to make up my own mind about this but it seems to me that where you have a project—looking at it purely from an argumentative standpoint—where you have a reclamation project that is paid for to a great extent by private individuals, you have even less of an argument for user fees than you do in a Corps projects which is paid for the General Government.

Senator MONRONEY. I would agree with that.

Senator HARRIS. Could I respond to that by saying that this bill was narrowly restricted to Corps of Engineers projects because of special national policy considerations historically and also particularly because it is a companion measure to an identical bill introduced in the House of Representatives by Congressman Edmondson.

Let me say I indicated in my statement both orally and written that I have grave misgivings about the entire entrance and user fee program and I would hope that, given this bill as a vehicle, and S. 1401, which is designed to bring in additional revenue to the fund, and the fact that only 8.9 percent of the fund presently has come from fees while 91.1 percent has come from other sources, it seems to me this would be a good time to review the entire entrance and user fee program.

I point out in particular one project that is very much of concern to me. The Wichita Mountain Wildlife Refuge in Oklahoma, under the jurisdiction of the Department of the Interior, collected in fees $11,454. It paid out the following in costs to administer that: Salaries, $9,800; and first-year cost for collection, booths, signs, equipment, roadways, which will be amortized over several years, $12,000; for an initial cost of $21,800, as compared to an income of $11,454, and in the process excluded a great many poor people from the use of those facilities.

Senator ALLOTT. I am not interested in getting into that matter at this point but I did want to raise the point about reclamation projects, which I think is a maximum issue.

Senator HARRIS. I am very sympathetic with what you have said.

Senator ALLOTT. There is even less justification for charging on a reclamation project, where a major portion of the cost is borne by the private individuals, than charging on a Corps project, where the major portion of the cost is borne by the Government.

That is all I have.

The CHAIRMAN. The Chair wishes to state that it indicated at the outset that S. 2828 raises the whole question of user fees. The committee will review the matter de novo. We will go through the whole business. Otherwise, we can't properly reach a conclusion on S. 2828. I think our colleagues from Oklahoma will agree on that.

Senator MONRONEY. I agree completely because we are falling between two Chairs, jurisdiction between two committees, one with recla-

mation and one with Corps of Engineers projects. We could not very well go into a committee jurisdictional fight so we beamed it in on this one, which will set a pattern, I am sure, for the others.

The CHAIRMAN. Are there any further questions?

Senator FANNIN. Mr. Chairman.

The CHAIRMAN. Senator Fannin.

Senator FANNIN. I would like to ask if it would not be true that certain administrative costs would be nonrecurring so that perhaps it would not be proper to take the first year as a schedule for the later years in regard to the cost and the amount of revenue that will be forthcoming.

Senator HARRIS. Senator Fannin, you are quite correct. I thought I made that clear in the charges I cited on the Wichita Mountain Wildlife Refuge, that of the $11,454 first-year cost, $9,800 were salaries made necessary by the program, $12,000 were for first-year costs, all of which would be amortized over a period of years.

Senator MONRONEY. May I make an addition here on the cost and it is extraneous to a degree on what we are talking about, but I do think it has a bearing.

Many of the lakes we have in Oklahoma will be part of the navigational facilities of the Arkansas navigation program. It is going to be pretty hard for Senator Harris and myself, the Oklahoma congressional delegation, to explain to a man who brings a rowboat or motorboat in at the back end of his pickup truck with a family of kids, why he has to pay x dollars to use the lake and he sees the towboats going up the entire lake length of the navigational project from the Mississippi River to Tulsa without any charge for navigation or use of the water whatsoever.

So, I think we have to be a little realistic in trying to keep this thing in balance. I would hate to see the public, for the minor use they put the lake to, to be penalized while we recognize the freedom of navigation on our inland waterways.

The CHAIRMAN. Are there any further questions?

Senator CHURCH. Mr. Chairman.

The CHAIRMAN. Mr. Church.

Senator CHURCH. The issues raised by the bill that the two distinguished Senators from Oklahoma have introduced really extend beyond projects of any sort, that is, the chairman has indicated, the question here is whether or not we should continue recreational fees. It goes beyond reclamation and Corps projects. It extends to the Forest Service.

The CHAIRMAN. That is right. User fees.

Senator CHURCH. We have in the West many campgrounds with special facilities where a very minor fee is charged for the use of those facilities on a day-by-day basis. It seems to me we are going to have to apply this across the board and either eliminate these fees entirely or reaffirm the propriety of fees of this kind. That, it seems to me, is the issue raised by this bill, that there will be no justification to limit the application to corps projects alone.

Senator HARRIS. Mr. Chairman, could I respond?

The CHAIRMAN. Senator Harris.

Senator HARRIS. I respectfully disagree in one particular. I think there is this special situation in regard to the navigable waters of the United States as our statement indicated. Furthermore, as I said earlier, I have very grave misgivings about the whole fee program, anyway, with the burden it puts on people in this great rich, wealth country, and also on the cost of administration in connection with the income. I would hope the whole program could be reviewed but I think there are particularly distinguishing features about Corps of Engineers projects which we testified to.

Senator CHURCH. However, there are Forest Service camps that involve recreational facilities that relate to navigable waters, lakes, and rivers. It is difficult, I think, to draw a line of distinction that is completely tenable.

Senator HARRIS. I don't disagree with what the Senator says. I do, for example, urge that a facility such as Wichita Mountain Wildlife Refuge be a nonfee installation.

Senator MONRONEY. I think we are not asking for all or nothing in this. I think we are asking for a start and to take off the most obnoxious fees for the most incidental use of the facilities. I don't know when a picnic area becomes a genuine recreational area with bath facilities and with cabins or shelters and various things of that kind. This is going to be a hard line to draw.

I think when it does become a matter of habitation, of facilities beyond the normal day-to-day use, then we do have a right to collect a normal fee, whether it is a cabin or whether it is the Old Faithful Lodge.

Those things are matters of degree and the services rendered, particularly to the individual for his personal housing and comfort and safety might be subject to a nominal fee charge. I don't think the public would object to that.

The CHAIRMAN. Senator Anderson.

Senator ANDERSON. Are you distinguishing between fees on navigable waters and fees on other bodies of water?

Senator HARRIS. I think the history and policy of the U.S. Government has quite clearly always done that. As I said in my statement, since the ordinance of 1787 the navigable waterways of the United States are free. That has been our policy. Andrew Jackson reaffirmed it in 1830 when he said, "All improvements affected by the funds of the Nation for general use should be open to the enjoyment of all our fellow citizens exempt from payment of tolls or any imposition of that character."

That was renewed by the Congress in the Rivers and Harbors Act of 1882 and legislation ever since until the Land and Water Conservation Fund Act changed that historic policy.

The CHAIRMAN. Any further questions?

Thank you, gentleman. We appreciate having your statement and comments. We will review the entire matter of user fees in connection with your pending legislation and place the memorandum at this point.

(The memorandum referred to follows:)

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., February 9, 1968.

MEMORANDUM

To: Senator Henry M. Jackson.
From: Stewart French, committee counsel.
Subject: Exemption of Corps of Engineers projects from Land and Water Conservation Fund Act fees.

Neither the Committee records nor the reports of the Floor debate in the Congressional Record on the Land and Water Conservation Fund Act (S. 859 and H.R. 3486, 88th Congress) show that any amendment was offered either in Committee or from the Floor that would have exempted Corps of Engineers projects from the fee provisions.

The text of the bills as transmitted by President Kennedy on February 14, 1963, authorized establishment of fees "at any land or water area administered by or under the authority of the Federal agencies listed. . . ."

As it came to our Committee, H.R. 3846 provided in subparagraph (iv) of section 2(a) for:

"fees for the use within an area of sites, *bodies of water*, facilities . . ." (italics supplied).

In Committee, we struck the words in italics, above, and also struck the words "land or water" from the following provision which read, prior to our committee amendment:

"Entrance and admission fees may be charged at *land or water* areas. . . ."

Again in a following provision we inserted the word "any" to make it read:

"No fee of any kind shall be charged under any provision of this Act for use of *any* waters."

(The italic "any" was our committee amendment).

During the Floor debate on August 12, 1964, Senator Monroney proposed a further amendment to the Senate amendment to section 2(a)(iv), above quoted, which added the words "or access thereto" after the word "water," so as to make the provision read:

"No fee of any kind shall be charged under any provision of this act for the use of any waters or access thereto."

This amendment was accepted by Senator Jackson and by the Senate (page 19118, Congressional Record, August 12, 1964).

On final passage of H.R. 3846, as amended, the vote was 92–1, with Senator Ellender casting the sole vote against.

The House refused to accept the Senate amendments, and on August 31, a conference was held at which the House receded from its disagreement to the Senate Amendment and agreed with an amendment as follows:

"No fee of any kind shall be charged by a Federal agency under any provision of this act for use of any waters."

This is the provision in the law (P.L. 88–578). Nowhere was there a proposal to exempt Corps projects, nor are Corps projects singled out for special treatment.

The CHAIRMAN. Senator Kuchel has a statement.

STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator KUCHEL. Mr. Chairman, this decade has seen the greatest progress in the history of the United States in the field of conservation of our limited and priceless natural resources.

Since 1963, Congress has authorized the addition of 35 new areas to the national park system, including two national parks, three national seashores, and two national lakeshores. The chairman of the full committee and the chairman of the Parks and Recreation Subcommittee deserve the highest commendation for their efforts in making that legislation possible.

Public use of water recreation areas, national parks and national forests has also greatly increased. Last year, it is estimated that 1.5 billion visits were made to public recreation areas—Federal, State and local. This is nearly double the 1960 estimate of 820 million visits.

We need more recreation areas. As Americans gain more leisure time, we especially need areas readily available to the growing urban population centers.

During the past 3 years the Nation has had its first continuing source of money to help provide expanded outdoor recreation opportunities. This money has come from the Land and Water Conservation Fund.

Through the first 3 years of the Land and Water Conservation Fund, $214,314,000 has been made available for State and local needs on a dollar-for-dollar matching basis. $131,152,000 has been allocated from the fund to acquire needed recreation lands and waters in national parks, national forests, national wildlife refuges, and other Federal recreation areas.

In spite of the tremendous accomplishments of the fund in stimulating efforts to meet the recreation needs of the American people, it has still fallen far behind the surging demand. Parks cost money—money to acquire property, money to develop the areas, money to maintain and expand existing facilities.

There is a large and growing gap between the cost of protecting our natural heritage for future generations and the money available in the Land and Water Conservation Fund. Unless this conservation gap is closed, much of the magnificent park legislation which has passed through this committee and the Congress in the past few years may stand on the statute books as an unfulfilled dream.

My own State of California has a crucial stake in the matter. By the turn of the century our population is expected to be 50 million, more than double what it is at present. Action must be taken now to make certain that adequate parks, recreational areas, seashores and wilderness areas are provided to keep peace with the huge human influx.

As the result of a 6-month study, the Bureau of Outdoor Recreation concluded: "It seems fairly clear that the Land and Water Conservation Fund will fail to meet minimum program needs over the next 10 years by possibly $2.7 billion, considering both Federal and State needs."

To meet this conservation gap, I called on the experience of the State of California and introduced S. 531 in January 1967. That bill, which would authorize the earmarking of all of the unallocated Outer Continental Shelf revenues and other relatively minor mineral leasing revenues for the land and water conservation fund, was cosponsored by Senators Brewster, Gruening, Long of Missouri, Metcalf, Morse, Moss, Nelson, Scott, Tydings, Yarborough, and Inouye.

The State of California pioneered a similar approach over 20 years ago. During the time when I was State controller California was financing its State park acquisitions with its tidelands oil revenues. By spending the people's income from their land resources for the acquisition and development of recreation areas, the State of California built an unparalleled State park system. Our Nation should borrow from the experience of the State of California.

With these problems in mind, the chairman has proposed a bill, S. 1401, which I am privileged to cosponsor, which should meet (1) the need to have adequate funds to purchase park and recreation lands and waters before they are priced out of reach or committed irretrievably to other uses, and (2) the need to acquire property as quickly as possible after congressional or State authorization of park and recreation areas.

S. 1401 solves the first problem by providing for additional revenues to the land and water conservation fund from that portion of the Outer Continental Shelf leasing revenues which presently goes into the Treasury as miscellaneous receipts. Additional revenues will be provided by the receipts accrued under the Mineral Leasing Act of 1920 and certain Forest Service receipts.

These earnings, which represent the earnings of the American people from their land resources, should be returned to the people in the form of a new and lasting land resource, parks, and recreation areas.

I will listen carefully to the testimony at this hearing, but my present inclination is to recommend that S. 1401 be reported without providing for the annual $200 million ceiling suggested by the administration, or the 5-year limitation found in S. 1401. We must complete the projects which Congress has authorized to date, and it would be foolish to pass legislation which would assure that we must come back to Congress in a few years for more help.

The problem of land price escalation for public park and recreation areas is staggering. The Point Reyes National Seashore is a horrible example of the problem. The 1962 act establishing that seashore carried a $14 million price tag. Congress has boosted the ceiling slightly, to $19,135,000, but it has already been put on notice that the final cost may run in excess of $55 million.

S. 1401 contains several very important tools which may go a long way in cutting down the ultimate cost of parkland.

The most important factor in controlling land price is time. If property can be acquired quickly, it can be acquired at less cost. S. 1401 authorizes the head of an agency to obligate the Federal Government by contract in advance of actual appropriations. This authority is limited to the next 2 fiscal years and to an amount not exceeding $30 million per year. It applies only to areas where Congress has already by law authorized the acquisition of land.

Often years elapse between the proposal of a new park and the enactment of park bill. An average of 9 months elapses between the enactment of a park bill and the first appropriation of money to acquire land for that park. During this critical period land prices continue to inflate—due largely to the creation of a one-buyer market. If the Secretary had authority to commit the Government to a reasonable price as soon as the bill was enacted, the price rise could be checked.

Section 2 of S. 1401 authorizes a sellback and leaseback program for the national park system. I am quite anxious to hear testimony on this proposal. It may have great potential for reducing the cost of parks, but it is a change in park policy of such a fundamental nature that this committee should be thoroughly acquainted with its implications.

The third sentence of section 3 of the Land and Water Conservation Fund Act provides:

> Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

The administration not only suggests an annual limitation of $200 million on the revenues flowing into the fund, but also says in the Budget Bureau letter of January 5, 1968: "* * * current budgetary constraints will likely preclude, for the present, appropriations requests at the $200 million level."

It is scant solace to those who are alarmed at the despoilation of America's natural resources, to say that hundreds of millions will be funneled into the land and water conservation fund only to be regurgitated into the General Treasury 2 years later. I intend to propose an amendment to S. 1401 striking the third sentence of section 3 of the act. My amendment will plug a hole in the bottom of the fund to prevent conservation dollars from draining out as fast as they flow in.

My good friend Paul Veblen, executive editor of the Santa Barbara News-Press, has made a suggestion which I wish to explore at this hearing and in our committee's executive session on S. 1401. Everyone in this room remembers the Torrey Canyon disaster which played havoc with the beaches and wildlife of Great Britain last year. And we have no assurance that oil leakage from vessels or onshore or offshore facilities will not cause similar damage in the United States. Would it not be appropriate to dedicate some small portion of the revenues from leasing on the Outer Continental Shelf to an insurance fund to protect both private and public seashore property in the United States against such massive shoreline oil pollution?

Mr. Chairman, I ask unanimous consent to have an editorial from the Santa Barbara News-Press entitled, "Compensation for Oil Damage" printed in the record at this point. I look forward to the opportunity to work with you, Mr. Chairman, in an effort to fashion satisfactory statutory language to carry out this idea.

Mr. Chairman, I ask unanimous consent that an aricle which I wrote about the land and water conservation fund entitled, "Crisis in Conservation," which appeared in the March 1967, Sierra Club Bulletin, be printed in the record at this point.

I also ask that sundry editorials supporting the direction we are taking in this legislation be printed in the record at this point.

(The information referred to follows:)

COMPENSATION FOR OIL DAMAGE

One subject that was not mentioned in the Interior Department's announcement of limitations in the oil leasing program now set for federally-owned parts of Santa Barbara Channel is the question of compensation for any damage that may result from oil line breaks or other accidents.

Men are fallible, and the materials and techniques they employ are fallible. And even if drilling, pumping and distributing facilities are "fool proof" to a high degree, there still is the possibility of earth shocks and extreme conditions of wind and wave action to reckon with. A major leakage of oil drawn from pools believed to exist under the channel could cause substantial damage to the onshore property and the tourist economy of the city and county. It also could cause great damage to the property of individual residents—including beach dwellers and boat owners.

It is reasonable to ask that the federal government, which expects to receive some $300,000,000 in bonus money from companies bidding for the 110 leases to be offered for sale on Feb. 6, and additional millions in royalties in future years. set aside a percentage of this income as a pollution insurance fund to provide compensation for any damages resulting from the development of such leases.

Such a fund, built up and controlled by the federal government, would provide some compensation for public and private property damage from pollution that might be attributed by the oil companies to a natural cause or "act of God," and so would not be collectible in the courts.

One suggestion that has been offered is that the federal government set aside 1 per cent of all income from these leases and royalties, at least until an adequate reserve has been established; and that it should cover drilling and facilities in state-owned tidelands as well as the federal areas.

The assistance and support of California's two senators and Congressman Teague might well be invited by the county in studying this matter, and preparing legislation for Congress.

[From the Congressional Record, June 12, 1967]

CRISIS IN CONSERVATION

Mr. AIKEN. Mr. President, in the March 1967, issue of the Sierra Club Bulletin, there appears an article entitled "Crisis in Conservation," written by THOMAS H. KUCHEL, U.S. Senator from California.

I ask unanimous consent that this article be printed at this point in the Record.

(There being no objection, the article was ordered to be printed in the Record, as follows:)

CRISIS IN CONSERVATION

(By Thomas H. Kuchel, U.S. Senator from California)

It was little more than a century ago when waves of Americans sweeping across the country reached the Pacific Ocean and were turned back upon themselves. During the westward expansion, our nation had few people and an "inexhaustible" supply of land and natural resources. But, as oceans fenced in our territorial growth and population made increasing demands upon our dwindling resources, it has become clear that immense value must be placed on the remaining uncluttered, unspoiled and unique parts of our nation. One quarter of a billion humans are added to the face of this earth every four years, and we must bear the heavy burden of minimizing the destructive force of our rapid population growth.

Facing this burden, Congress and the States have acted in the public interest—the interest of today's public as well as posterity—in establishing vast new park and recreation areas in the past few years.

However, the conservation program of the United States is facing a crisis. The crisis is the lack of money.

The Land and Water Conservation Fund was created two years ago to

"Assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors . . . outdoor recreation resources . . . and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the states in planning, acquisition, and development of needed land and water areas and facilities, and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

The revenues coming into the Fund are made up of the amount realized from entrance and user fees collected at Federal recreation areas, sale of surplus property and miscellaneous fuel taxes.

When the enabling legislation was before Congress, it was estimated that the income of the Fund would be up to $230 million per year. If these amounts were realized, the American people could move forward to complete the splendid State and Federal park and wilderness system we have planned. Herein lies the problem.

While the surplus property sales and fuel tax revenues have proceeded as predicted, the entrance and user fees collected have been substantially below expectations. Instead of the low of $125 million per year planned coming into the Fund, only around $101 million has been realized. The greatest disappoint-

ment has been the low sales figures for the $7.00 "Golden Passports," which allow the purchaser access, without additional cost, to all National Parks and other areas for which an entrance fee is charged.

The Land and Water Conservation Fund benefits both Federal and State projects. Sixty per cent of the monies of the Land and Water Conservation Fund are returned to the states for state park programs and acquisitions. These grants are made to the states on a fifty/fifty matching fund basis, the states paying for at least one-half of the costs and expenses of their projects. Before a state is eligible for consideration for a grant out of the Fund, it must have a comprehensive plan for outdoor recreation acceptable to the Secretary of the Interior. This encourages the states to think and plan seriously about the critical recreational requirements, present and future, of their citizens, as well as providing a sound means for implementing their plans.

Some of the projects that have been accomplished by states with the use of these Federal grants-in-aid are: the Allagash Wilderness Waterway in Maine, where this beautiful river was rescued from disastrous timber cutting, logging roads, and unsightly subdivisions with the aid of $1.5 million in Federal funds; the Lake Tahoe State Park on the Nevada side of that beautiful lake, which retained as wilderness 12,157 acres on the northeast corner of the lake which was so rapidly becoming an eyesore; an enlargement of the Humboldt Redwood State Park in California which preserved the Avenue of the Giants; the acquisition of Natural Tunnel State Park in Virginia; and the establishing of hiking, bicycle, and horse trails in some twelve urban areas in many states which demonstrate what can be done with a small capital outlay to enhance outdoor recreation for city dwellers.

FUNDS FOR PARK PURCHASES

The forty per cent of the funds to be used by the Federal government are to be used for the acquisition of land and waters by the National Park Service and the Forest Service, and for the protection of threatened species of fish and wildlife. This means that the Land and Water Conservation Fund is the primary source of financing for all new National Park and Forest Service acquisitions, as well as the expansion of presently existing facilities. Some of the current projects calling upon the Fund are:

Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey;

Assateague Island National Seashore in Maryland;

Fire Island National Seashore in New York;

Whiskeytown National Recreation Area in California;

Point Reyes National Seashore in California; and

National Forest projects, such as those at Ottawa in Michigan; Monongahela in West Virginia; Allegheny in Pennsylvania; and Tonto in Arizona.

These are but a few examples of the projects now in progress. What the future holds by way of demands on the Fund is impossible to say, but ambitious projects, such as the proposed Redwood National Park, will require substantial sums.

In its present condition, the Land and Water Conservation Fund is inadequate to meet the needs for which it was created. In every session of Congress we see more and more bills to have some worthwhile area designated as a National Park, National Seashore, National Recreation Area, or the like. The Fund simply will not bear these additional costs; the Fund is not even able to keep up with the presently existing demands made upon it to finance the acquisition and development of areas already authorized by Congress.

LAND SPECULATION DRIVES PRICES UP

The problem of insufficient funds is additionally complicated by the rising cost of land acquisition and development. The time gap between the designation of an area for consideration for a national enjoyment area, its approval by Congress, and the appropriation of funds to carry out the plan of procurement and development, is often great. Often a period of several years elapses before funds are available to perform the actual purchases necessary to carry out a noble and far-sighted plan. This time lag often produces a disturbing situation which repeatedly faces those of us who favor conservation of our natural heritage—land speculation. Frequently, soon after the announcement of the government's interest in establishing a recreational facility in a given area, the land in the area is bought up by those intent on holding up the government for as

much profit for themselves as they can garner. Their activity drives the price of proprety up. They will not sell out cheaply and condemnation actions often result in an unreasonably high valuation. Coupled with the prevailing general increase in property values, as amplified by land speculators, the problem is enormous. The general upswing in the price of rural lands has been about 300 per cent between 1945 and 1965. The Forest Service is now paying on the average about five times more than it paid for equivalent land in 1950. The Park Service reports that an average increase of six percent a year on lands in established areas in the East and ten per cent in the West is not uncommon. If this trend continues, the cost of lands will double in the next ten years. By the time the government is in a position to consummate the actual purchases, the funds originally appropriated are inadequate. This necessitates further delay, or in some cases, failure to procure the desired land.

There is a simple and straightforward answer to this dilemma. We must have adequate funds in the Land and Water Conservation Fund to allow the speedy acquisition and development of property once a National Park or Recreation Area is authorized by Congress. We must purchase needed land before speculation and inflationary trends make initial authorizations unrealistic. Money must be available for the acquisition of options, and the exercise of the options before they expire. Time is a great factor, not only in saving money, but also, in accomplishing realistic conservation objectives. It is mandatory to acquire lands before they can be turned into wastelands by private interests in search of the profits which may be unavailable once a park is created.

With our ever-increasing population we must develop and protect our national outdoor heritage for ourselves and for future generations now. Soon it will be too late. A tree which took 2,000 years to grow, once cut, will not be replaced for another 2,000 years.

In January I introduced in Congress a bill, S. 531, which will provide the funds necessary to allow the establishment of a truly great system of state and national parks. I have proposed that the monies realized from the leasing of the outer continental shelf, and from certain other mining leases, to the extent that they would otherwise go into the Treasury's "miscellaneous receipts," be placed in the Land and Water Conservation Fund. These revenues have averaged $100 million per year over the past ten years. On occasion they have exceeded $300 million in a single year. These monies are the earnings of the people of America from their natural resources. It seems appropriate that they should be returned to the people in the form of an enhanced national recreation and conservation program.

This approach was used by the State of California when faced with a similar problem. Over 20 years ago California began financing its state park system with its tidelands oil revenues. Until recently, 70 percent of these revenues were allocated to the State Division of Beaches and Parks. These funds helped the people of California to build an unequalled state park system. California has provided state parks, campgrounds, recreation areas, beaches, marinas, and similar facilities with the aid of these offshore oil revenues. Few of these facilities or areas would have been possible without the tidelands funds. Some have asked whether this program was a worthwhile investment. To me, the enjoyment of millions of people is certainly an extremely sound investment. I trust that Congress will learn from the California experience and provide the necessary funds to accomplish our great conservation and recreation programs before more precious time is lost.

SUPPORT FOR S. 531 AND S. 1401

I am happy to report that my bill, S. 531, has received substantial and enthusiastic support both from conservation groups around the country and from many of my colleagues in the Senate. The bill has been co-sponsored by Senators Brewster of Maryland, Clark and Scott of Pennsylvania, Gruening of Alaska, Inouye of Hawaii, Long of Missouri, Metcalf of Montana, Morse of Oregon, Moss of Utah, Nelson of Wisconsin, Tydings of Maryland, and Yarborough of Texas.

The principle of devoting revenues from leasing the outer continental shelf to recreational uses is also incorporated into S. 1401, introduced in the Senate early in April by Senator Jackson of Washington and co-sponsored by Senators Anderson of New Mexico, Nelson of Wisconsin, and myself. S. 1401 also would send the unallocated portion of Forest Service receipts into the Land and Water Conservation Fund and would allow limited contractual obligations to be undertaken in advance of appropriations, as well as authorizing "inverted scenic

easements" through purchase and lease-back or sell-back of land with appropriate use restrictions.

I sincerely hope that when these bills come before the Senate Committee on Interior and Insular Affairs, of which Committee I am senior Republican member, they will receive rapid and forceful approval, in order that there will be a favorable law at the earliest possible moment. This is especially pressing because it is likely that the Land and Water Conservation Fund will be the only source from which the estimated $43 million needed to complete the acquisitions at Point Reyes National Seashore, and the anywhere from $50 to $200 million needed to finance the proposed Redwood National Park, will come.

Senator KUCHEL. And, in addition, some comments I had the pleasure of making in the Sierra Club Monthly Bulletin and some comments I made in the Senate last year on this general subject.

The CHAIRMAN. Without objection, all of that will be included.

(The documents referred to follow:)

[From the Congressional Record, Jan. 19, 1967]

A PROPOSAL TO FINANCE AMERICA'S CONSERVATION PROGRAMS

Mr. KUCHEL. Mr. President, I introduce, for appropriate reference, a bill to cause the revenues realized under the Outer Continental Shelf Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Act of 1927 and 1948, to be deposited in the land and water conservation fund to the extent that such revenues would otherwise be treated as miscellaneous receipts to the Treasury.

The land and water conservation fund was set up by Congress to finance park and recreation areas, seashores, wilderness areas, and wildlife refuges. During the last several years Congress has authorized the creation of an enormous number of national parks, seashores, and recreation areas in all parts of the country. America's population is not going to get smaller; it will grow and continue to grow. Recreational facilities must be developed now to meet that growth. Our generation owes future generations the opportunity to share in the great outdoor heritage of our Nation.

Parks cost money—money to acquire property, money to develop the areas, money to maintain and expand existing facilities.

There is a large and growing gap between the cost of protecting our natural heritage for future generations and the money available in the land and water conservation fund. Unless this conservation gap is closed, much of the magnificent park legislation which has passed through Congress in the past few years may stand on the statute books as an unfulfilled dream.

If we are to preserve treasures like the Point Reyes National Seashore, the Delaware Water Gap National Recreation Area, Assateague Island, the Cape Cod National Seashore, and the proposed Redwood National Park, funds must be available to fulfill these noble and farsighted plans.

When Congress authorizes a national recreation facility we now wait several years before funds for land acquisition become available. It is wrong to allow land speculators to take advantage of those years of delay and to reap large profits at the expense of the public. On the other hand, it is unfair to tell the owners of property within proposed recreation areas, "You can't sell your land, and it may be several years until the Government has the money available to buy your land from you."

There is a source of money which would enable us to complete a truly great recreation and park system for all Americans. Portions of receipts of the Bureau of Land Management from the leasing of the Outer Continental Shelf and from certain other mineral leases now go into the General Treasury as miscellaneous receipts. These receipts average about $100 million annually. They have exceeded $300 million in a single year.

Mr. President, I ask unanimous consent that a tabulation of the Outer Continental Shelf receipts and the Mineral Leasing Act receipts, which have gone into the Treasury as miscellaneous receipts in each of the last 10 years, be printed in the Record at this point.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

Outer Continental Shelf receipts

[In millions]

Year:	
1957	$2.2
1958	3.4
1959	3.4
1960	229.4
1961	7.3
1962	11.6
1963	336.8
1964	16.4
1965	53.4
1966 (preliminary)	248.3
Average	91.2

Mineral Leasing Act receipts

Year:	
1957	$7.5
1958	8.6
1959	8.7
1960	8.8
1961	9.2
1962	10.9
1963	10.7
1964	11.2
1965	11.3
1966 (estimated)	11.4
Average	9.8

Mr. KUCHEL. Mr. President, the portion of the Outer Continental Shelf leasing revenues which go into the Treasury as miscellaneous receipts represent the earnings of the American people from their land resources. I propose that these earnings be returned to the people in the form of a new and lasting land resource, national parks and recreation areas.

The State of California pioneered a similar approach when faced with a similar problem. Over 20 years ago, California began financing its State park acquisitions with its tidelands' oil revenues. Until recently, 70 percent of the State's tidelands' oil revenues were allocated to the division of beaches and parks. These revenues helped the people of California to acquire portions of Squaw Valley and Emerald Bay at Lake Tahoe, and to develop marinas in southern California, to mention but a very few. By spending the people's income from their land resources for the acquisition and development of the recreation areas, the State of California built an unparalleled State park system. The environment of millions of Americans who visit California's beaches and parks is a testament to the soundness of the investment in recreation.

Our Nation should borrow from the experience of the State of California. Congress should promptly pass this measure in order that no more precious time be lost.

Mr. President, I ask unanimous consent that editorial comments appearing in the Los Angeles Times of December 22, 1966, and in the Sacramento Bee of January 11, 1967, be printed in the Record at this point.

I also ask unanimous consent that the bill lie at the desk until the close of business January 26 for additional cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the editorials will be printed in the Record, and the bill will lie at the desk as requested.

The bill (S. 531) to amend the Land and Water Conservation Fund Act of 1965, introduced by Mr. Kuchel (for himself and Mr. Metcalf), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The editorials ordered to be printed in the Record are as follows:

"[From the Los Angeles Times, Dec. 22, 1966]

"SOUND PROPOSAL ON CONSERVATION

"Spiraling land costs, property speculation and inadequate funds are jeopardizing the federal conservation effort.

"To remedy the situation Sen. Thomas H. Kuchel (R-Calif.) will introduce legislation in the 90th Congress to earmark oil revenues from the outer continental self for improvement of the program.

"The unallocated portion of such revenues average $90 million a year, according to figures supplied to the senator, and have run as high as $336 million in a single year.

"Although Congress has authorized scores of parks in reecnt years, the fund it created to finance their acquisition and development has been too meager to achieve the congressional goals.

"As an example of the problem, Kuchel cites the Point Reyes National Seashore. The 1962 act establishing that project allocated $14 million. This year Congress boosted the appropriation by $5 million, but it has already been put on notice that the final cost may run in excess of $55 million.

"California has a particular stake in the matter.

"We gain 1,500 new residents every 24 hours. By the turn of the century our population is expected to be 50 million, more than double what it is at present. Action must be taken now to make certain that adequate parks, recreational areas, seashores and wilderness areas are provided so as to keep peace within the huge influx.

"Significantly, the legislation Kuchel proposes embraces a field in which California has pioneered. More than 20 years ago the state realized the wisdom of utilizing revenues from one natural resource—tidelands oil—to preserve and enhance other natural resources. Until recent years the bulk of the tideland oil money was used to finance beach and park acquisitions.

"Continental shelf revenues, which now pour into the Treasury for general use should likewise be set aside for conservation purposes. Since the program has worked well in California, Congress would be well advised to follow the state's lead in the best interests of all the people."

"[From the Sacramento Bee, Jan. 11, 1967]

"KUCHEL MOVE TO SAVE CONSERVATION PROGRAM

"As the United States grows under the impact of World War II babies, or of the population explosion as some like to call it, there grows side by side the need for more iving space and more room and facilities for play and relaxation.

"This is particularly true when one puts into the equation the technological explosion and its inevitable bequest of more leisure time.

"In this context the proposal of U.S. Sen. Thomas Kuchel of California for financing additional recreation and park facilities from federal tideland oil revenues take on special relevancy and urgency.

"Unallocated funds from the outer continental shelf have averaged $90 million a year and have run as high as $336 million in a single year.

"Kuchel properly has perceived that as the number of Americans increases, real estate will become more expensive. It is therefore his entirely logical deduction that the federal government should gain control of recreational land before increasing costs whirl it out of reach.

"He said:

"'Spiraling land costs, real estate speculation and inadequate funds have combined to endanger the entire congressional conservation program.'

'Kuchel has proposed to nail down a sure, continuing flow of funds. Delay could be fatal. Congress here has a duty to act while the funds are unallocated. The need will never diminish."

The CHAIRMAN. Senator Church also has a statement.

STATEMENT OF HON. FRANK CHURCH, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator CHURCH. I am particularly pleased that the committee has seen fit to consider this measure sponsored by the distinguished chairman and ranking minority member of the committee. This legislation is, in my judgment, an emergency measure vitally necessary to combating the ever-increasing land price escalation problem.

True, we have made significant progress through the land and water conservation fund and other programs designed to enhance this Nation's recreation opportunities, but much more needs to be done.

Senator CHURCH. I would like to stress in my own State of Idaho this is an example of how the land and water conservation funds are used. In my State of Idaho, there are 39 projects totaling over $2.9 million which have been implemented through this land and water conservation fund. Yet, through fiscal 1967, all of the funds allocated to the State under this act have been obligated and funds apportioned under fiscal 1968 will be obligated by June 30, 1968. It has gotten a good start.

Our State has money available, in fact, more money available, I understand, now, than there is Federal money to match, which is the very thing we hoped to stimulate with this land and water conservation fund. We hope to get the State engaged in outdoor recreation programs. I think this is indicative of the success of the fund that we should now have in my State more State money available than there is matching money when a few years ago there was no appreciable State money available at all for outdoor recreation.

So, I think this certainly bears out the success of this program and represents, in my judgment, an effective partnership of Federal and State Government in this field. During these days of crises abroad and troubles at home, man's need to revive his spirit and refresh his body is of paramount importance. I am pleased to join in support of this legislation.

I should like to enter for the record an excellent article which has been written by Mr. Frank Hewlett, having to do with the use of money from this fund in connection with land acquisition for the Nez Perce National Historical Park with which you are familiar, located in Idaho.

The CHAIRMAN. Without objection, it is so ordered.

(The document referred to follows:)

PARK SERVICE REPORTS NEZ PERCE SITE STEPS

(By Frank Hewlett)

WASHINGTON.—The land acquisition work is just about completed for northern Idaho's promising new tourist attraction, the novel Nez Perce National Historical Park.

The National Park Service, in a report to Sen. Frank Church, D-Idaho, author of the Nez Perce park legislation, said the land acquisition has been mainly at Spalding site where it plans to build its administration headquarters. This area was seen first by white men in 1805 by the Lewis and Clark Expedition. Thirty-three years later the Rev. Henry Spalding established a mission among the Nez Perce there, calling the place Lapwai. A century ago it was the site of the Nez Perce Indian Agency and today it includes the village of Spalding and a state park.

"At the Spalding site," said the NPS report, "we have reached agreement with the owners of 39 tracts involving 20 separate landowners which virtually completes our acquisition there except for three tracts, all three of which must be condemned to clear title."

BOUGHT FROM NEZ PERCE

Land also has been acquired at the White Bird site, a principal battleground of the 1877 Nez Perce war and the East Kamiah site, also in Idaho County, where 10 acres have been acquired from the Nez Perce Indians for $10,000.

Total land acquisition cost to date has been $428,650 and accordiing to the Park Service, it appears the $630,000 limitation ordered by Congress "will be adequate to purchase the three units comprising the federally owned portion of the historic site."

"It is hoped," said the report, "that the Lolo Trail and Lolo Pass can be included in the park. Both of these features, which will require at least several interpretive facilities, are on land administered by the Forest Service. In fact, we hope that the eastern contact point for park visitors will be at Lolo Pass in a visitor center and information office already planned by the Forest Service for its own purposes."

The report notes that during the feasibility study and legislative phases of the park project, Mr. and Mrs. John Pfeifer, owners of the St. Joseph's Mission at Slickpoo, expressed a willingness to have the old First Presbyterian mission church included in the park.

STRUCTURE CLOSED

"Since the establishment of the area, however, the increased visitation has placed too much of a burden upon them and they have recently closed the structure to the public," said the park service. "This service has been attempting to draw up an agreement which might provide the Pfeifers a reasonable amount of financial assistance in the maintenance and interpretation of the building but terms have not yet been found which will be likely to be agreeable to the Pfeifers and still comply with the provisions of the authorizing legislation."

"We feel," the report concludes, "that steady and purposeful progress is being made toward the completion and operation of the park as envisioned by the authorizing legislation and in the approved master plan. Facilities on park lands already acquired are being improved and agreements for interpreting sites in nonfederal ownership are being drawn. We hope to have most of the nonfederal portions of the park at least marked by the next visitor season and to have an adequate wayside exhbit functioning at Canoe Camp by the same time. Visitors to the Spalding site will find the grounds and picnic facilities more attractive than ever before and an active interpretive program with demonstrations of Nez Perce art will be in operation."

Senator CHURCH. Finally, I would like to enter into the record a letter received from Ernest Day, chairman of the State park board, in which he expressed the board's general endorsement and support of the pending bill.

(The document to be furnished follows:)

IDAHO DEPARTMENT OF PARKS,
Boise, Idaho, January 26, 1968.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: We have received a copy of S. 1401, 90th Congress, Second Session, relative to amendment of the Land and Water Conservation Fund Act (P.L. 88-578).

The Idaho Parks Board and the Department of Parks have reviewed this proposed amendment, and we believe that the State of Idaho will benefit from its enactment.

The State of Idaho has been moving forward quite rapidly in implementing the Land and Water Conservation Fund Act. We now have 39 active outdoor recreation projects, totaling $2,951,400.38. All of the funds appropriated to the State under this Act, through fiscal year 1967, have been obligated. Money apportioned to the State for fiscal year 1968 will be obligated prior to June 30, 1968.

The State is now short Federal funds to match some of its park developments. We feel that the purpose of the Land and Water Conservation Fund Act has been well served by stimulating outdoor recreation projects, not only by the state agencies, but by the political subdivisions of the State as well.

The State's outdoor recreation needs cannot be met at our current level of funding. We believe that the additional revenue which this proposed amendment would deposit in the Land and Water Conservation Fund would further our program in fulfilling high-priority needs.

The Idaho Parks Board, therefore, urges you to support this legislation.

We have noted, in a press release dated January 11, 1968, the Secretary of the Interior recommended enactment of S. 1401, and that the States and Federal agencies share the funds equally. This is contrary to Section 4 of the Land and Water Conservation Fund Act, which establishes an appropriation ratio of 60 percent for State purposes and 40 percent for Federal purposes. We further urge that the fund allocation ratio remain 60 percent for State purposes.

We will sincerely appreciate your assistance in this matter.

Sincerely,

ERNEST E. DAY,
Chairman, State Park Board.

The CHAIRMAN. Senator Moss also has a statement.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Mr. Moss. Mr. Chairman, having previously cosponsored S. 531, which would add to present land and water conservation fund revenues those realized under the Outer Continental Shelf Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Act of 1927 and 1948, I am glad to support S. 1401, which seeks to achieve the same objectives.

Since the issuance in 1962 of "Outdoor Recreation for America," the report of the Outdoor Recreation Resources Review Commission, the Congress has moved to expand and protect the Nation's outdoor recreation resources. A few of the treasures we have already added to the national inventory are Point Reyes National Seashore, Padre Island National Seashore, Canyonlands National Park, Delaware Watergap National Recreation Area, Assateague Island, and Cape Cod National Seashore. A Senate-passed bill to create a Redwoods National Park is now before the House Committee on Interior and Insular Affairs.

To raise money for the purchase of these park and recreation lands, and for the support of Federal and State outdoor recreation programs, the Land and Water Conservation Fund Act was passed.

Experience has now made it clear that the revenues we provided for the fund are inadequate. This is because the fees established for the use of Federal areas have failed to raise the estimated amounts. Almost $25 million a year less is coming into the fund than was expected. We cannot simply wait for the fund to build up because land prices have a tendency to escalate in areas suitable for public parks and recreation areas. Early in 1967 President Johnson pointed out that average land prices are increasing at a rate of almost 10 percent a year and that the cost of land for recreation is increasing at a considerably higher rate. He stated that the most effective means of controlling these increases is to acquire the lands as quickly as possible after areas are authorized by Congress. We in the Interior Committee have been made fully aware of this problem and of the great difficulty the National Park Service and other agencies have had in trying to overcome it.

Today's fund is not adequate to keep up with purchases of areas already authorized by Congress, let alone to finance additions.

If the Federal Government and the States are forced to wait until the moneys now going into the land and water conservation fund are sufficient, the ultimate cost to the taxpayers will be greatly increased. It will save millions of dollars in the years ahead if we invest as soon as possible. This problem has received careful study, and the most practical solution is to raise the moneys from the sources proposed in this bill.

Besides adding revenues to the fund, S. 1401 would give the land management agencies administrative weapons to fight rising land prices. One of these would permit department heads, under certain conditions, to contract for the land authorized for parks or recreation areas prior to actual appropriation of moneys from the land and water conservation fund. Another would set up a lease- and sell-back land management program for property bought for the National Park System. Amounts obtained from lease- and sell-back transactions would be credited to the fund, thus lessening the burden imposed by the initial purchase of property.

Mr. Chairman, the Federal portion of the land and water conservation fund is the primary financing source for all new acquisitions by the National Park Service and the Forest Service as well as for expansion of existing facilities. It is the financial base for expanding recreation programs of the States and their political subdivisions. Only added revenues will make it possible for these agencies to meet the park and recreation requirements of our citizens in the next decade. I support prompt approval of this bill.

The CHAIRMAN. Senator Ribicoff of Connecticut has submitted a statement for inclusion in the hearing record. That statement in support of this legislation will be printed at this point.

(The statement referred to follows:)

STATEMENT OF HON. ABRAHAM RIBICOFF, A U.S. SENATOR FROM THE STATE OF CONNECTICUT

Mr. Chairman, almost three out of four Americans live in urban surroundings, and each year more land is swallowed up by our burgeoning metropolitan areas. New highways acquire landscape at the rate of 60 acres a mile and a single cloverleaf junction requires 50 acres. Vast shopping centers and industrial parks now dot the outskirts of our cities where once there were pastures and forests.

In my own State of Connecticut, today's population of nearly three million people will double in size by the year 2000. It took us more than 300 years to reach three million—the next three million will be added in little more than three decades.

With this trend toward urbanization has come a greater demand to protect lands in their natural state. As our people increasingly populate urban areas, so do they increasingly demand escape to more natural surroundings for respite, relaxation and recreation. Higher incomes, more leisure time and greater mobility all steer our people toward the outdoors.

By enacting the Land and Water Conservation Fund Act of 1965, the Federal government took the lead in providing urgently needed land for open space and recreational opportunities for the American public. During the 89th Congress, we authorized 23 new federal recreation areas encompassing a quarter of a million acres. The present Congress is continuing the trend.

But, as presently constituted, the Land and Water Conservation Fund is unable to meet our obligations to the American people. It has neither adequate funding for the future, nor the ability to act quickly to hold down acquisition costs.

Land is expensive, and getting more expensive every day. Land prices are spiraling at the rate of almost 10 percent a year—at an even faster rate in land with recreation potential.

The Department of the Interior estimates that under present funding, the Land and Water Conservation Fund will fall $2.7 billion short of our requirements for the next ten years. This lack of money will mean delay in acquisition of this badly needed land. In this case, time is money, for delay means the land will be more expensive in the future. To meet our needs as economically as possible, we must have enough funds immediately.

S. 1401 provides these urgently needed funds for the Land and Water Conservation Fund. Section 1 of the bill would add to the fund the unearmarked receipts under the Mineral Leasing Act of 1920, the receipts from the Outer Continental Shelflands Act of 1953 including those funds now held in escrow which may accrue to the United States, and certain revenues from the national forests. It is estimated that these additional sources of revenue would add from two to three hundred million dollars annually to the Fund. These funds would, of course, be subject to the normal appropriations process.

An equally significant aspect of S. 1401 is the provision in section 1 (b) allowing certain federal agencies to contract for the purchase of land in advance of appropriations for the purchase. This power is restricted to $30,000,000 annually of those funds authorized by Congress. This is an important and badly needed power. Generally, land price escalation is intensified immediately after the federal government has authorized the purchase of lands for a recreation area. The public follows the course of legislation through Congress, and speculation increases concomitantly with the likelihood that the federal government will acquire the land. It is not unusual for prices to increase to the point that the Congress is forced to subsequently raise the authorization ceiling for certain federal projects. The time lapse between authorization and appropriations can be as much as nine months to two years—a lapse that can mean an increase in prices of recreation land of as much as 50 percent.

In my own state of Connecticut, the Bureau of Outdoor Recreation is studying the feasibility of establishing a national recreation area in the Connecticut River Valley. As sponsor of this legislation, I am vitally interested in means to accomplish any required land acquisition for this project at the lowest possible price.

In a time when we must carefully scrutinize every dollar of federal expenditures, devices such as the proposed advance contracting authority can be most helpful in minimizing the burden on the taxpayer. The advance authority in S. 1401 is, however, wisely limited to $30 million—requiring the Department of the Interior to devise its priorities and utilize the authority selectively for the land most likely to increase in cost.

The second section of the proposed bill would allow the Secretary of the Interior to sell or lease back parcels of land previously purchased for recreation areas. Such sales or leases would have restrictions on the use of the land in keeping with the nature of the proposed plans. The authority under this provision would also help to hold down acquisition costs by reimbursing the government through the sale price or rental. For this reason, I believe the thrust of the section is beneficial.

I would like to point out, however, a potential difficulty under this authority. As presently drafted, the Federal government has the power to buy land under condemnation proceedings and then sell it back to the original owner at an inflated price. The government would, of course, retain the profit. The sale or lease back authority is designed to hold down acquisition cost, but it does not necessarily follow that the government should make a profit. I would hope a means could be found by which the government might restrict the use of the land without taking an unnecessary gain by purchase and resale.

Mr. Chairman, I appreciate the opportunity to submit a statement on this important piece of legislation. With my previously stated minor reservation, I strongly support S. 1401 and ask that it be favorably considered by this committee.

The CHAIRMAN. Senator Cannon of Nevada and Senator Long of Missouri have submitted statements in support of this legislation. Also Senator Mansfield of Montana and Senator Bennett of Utah have written letters indicating support of the measure.

(The data referred to follows:)

STATEMENT OF HON. HOWARD W. CANNON, A U.S. SENATOR FROM THE STATE OF NEVADA

Mr. Chairman, I appreciate the opportunity to support the objectives of S. 1401, to amend the Land and Water Conservation Fund Act.

Too often in these troubled times, we are inclined to concentrate our mental and physical resources on the elementary concern of survival. As our population grows—in our rush to build a better life for our families—cities and towns expand tremendously. Land is gobbled up, trees are torn down, waterways become mere transportation routes or sewers. As local patches of forests and woods are torn down for industry or housing projects, families must wander farther and farther away from their homes to find beauty, nature, and even solitude.

Our existing national parks are becoming overcrowded as families run to these few refuges to find a few days of solitude and recreation, only to find themselves one of a mob looking for the same thing.

Just recently in California, Yosemite Park discontinued its world famous nightly "Firefall" because the park was becoming overcrowded.

In my own State of Nevada, the Lake Tahoe area, which 15 to 20 years ago offered beauty, recreational benefits, tranquility, and seclusion, now finds thousands upon thousands of visitors bumping into each other seeking these benefits.

Let's face it—we are using up our land, using up our natural resources rapidly. Our future generations will find themselves with few places to go if we cannot retain for them the parks, seashores, and wilderness areas they are entitled to as part of their heritage.

Congress and the Government are aware of this, of course. We acted in 1965 to set up a land and water conservation fund so that State and Federal agencies could buy and develop recreational lands and waters for present and future generations of Americans.

Unfortunately these sources are proving to be inadequate for our growing needs. The 89th Congress alone has authorized 23 additional recreation areas requiring the acquisition of 250,000 acres at an estimated cost of $119 million. It is estimated that over the next 10 years $2½ billion of Federal assistance will be needed by the States to help acquire and develop projects. Of course, land values will continue to go up, thus making prices go up in these intervening years.

The gap between monies authorized and actual amounts funded is widening each year. Clearly, we must find additional sources of revenue.

S. 1401 would help by providing new funding sources and authorizing advance land purchases in certain instances. The bill calls, in part, for adding to the conservation fund, revenues accruing from Continental Shelf oil.

To help cut down rising land costs due to speculative activities the bill calls for advanced land purchase contract authority. This would allow agencies to go ahead with mapping and other acquisition planning during the period between authorization of funds for an area and appropriation. This is the time period, usually nine or more months, when land values rise sharply in anticipation of Government purchase.

If this Nation is to continue planning for future generations, this is the type program and authority it needs to keep pace with the population's growing demand for conservation and recreation.

STATEMENT OF HON. EDWARD V. LONG, A U.S. SENATOR FROM THE STATE OF MISSOURI

Mr. Chairman, I appreciate this opportunity to express my support for S. 1401, legislation to amend the Land and Water Conservation Fund Act.

The Land and Water Conservation Fund, through a program effective January 1, 1965, has provided a continuing source of money to help provide expanded local, State and Federal outdoor recreation opportunities. To this date, appropriations from the Land and Water Conservation Fund program have totaled $352,312,239. Of this amount $131,152,431 have been for Federal programs and $214,314,808 for State programs.

I am pleased that Missouri has actively participated in the State Grant Program which is operated on a dollar-for-dollar matching basis. In the three year period from January 1, 1965 to January 1, 1968, 124 Missouri projects qualified for assistance. These projects total $5,113,579 and will benefit citizens in all areas of the State.

The Federal share of the Land and Water Conservation Fund is used for the acquisition of outdoor recreation land in National Forests, National Parks, National Wildlife Refuges and other Federal recreation areas. Missouri also has benefited by Federal purchases under this program. Expenditures of the National Park Service for the Ozark National Scenic Riverways total $3,134,990. Expenditures of the Forest Service for Clark and Mark Twain National Forests are $1,580,474.

Though Missouri and the Nation have received much assistance from the Fund, the money available has fallen short of the demand and is continuing to fall further behind. In the 89th Congress, 23 recreation areas requiring an estimated $119 million were authorized. The estimated needs of the three Federal agencies are over $1 billion for the next 10 years. The States, according to information from the Department of the Interior, estimate their needs for the next 10 years at the level of $7.1 billion.

Without one major factor, it might be possible to delay acquisitions until funds become available from the present sources. This factor is the soaring cost of land. This problem is most clearly demonstrated in the case of Point Reyes National Seashore. The estimated cost of the Seashore in 1962 was $14 million. By the time the acquisition is completed, expenses may run in excess of $55 million.

In some areas the rising costs are a natural result of increasing population. In others, the costs represent the activities of speculators buying up land before the necessary Federal funds are available.

At this time income of the Land and Water Conservation Fund is represented by the sale of surplus Federal real property, unclaimed Federal tax on fuel used in pleasure boats, and the system of entrance and user fees at Federal recreation areas.

S. 1401 which I am pleased to support would amend the Act by adding to the Fund for a five year period the revenues accruing under the Outer Continental Shelf Act of 1953, certain revenues from the Mineral Leasing Act of 1920 and the national forests. At the present time these funds are deposited in the United States Treasury as miscellaneous receipts.

Mr. Chairman, I urge the Committee to act affirmatively on the most effective measure possible.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., February 6, 1968.

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

DEAR MR. CHAIRMAN: While it was not possible for me to testify at the hearings held on S. 1401, amendments to the Land and Water Conservation Fund Act, I wish to take this means of endorsing this important legislation and urge early and favorable consideration by your Committee.

The expanding recreation needs of the American people are one of the most difficult problems facing those charged with resource development in our Nation. The enactment of the Land and Water Conservation Fund Act of 1965 was a major step forward. The Act earmarked as revenues for the Fund the proceeds from the sale of surplus Federal real property, the unclaimed Federal tax on fuel used in pleasure boats, and the proceeds from a system of entrance and user fees at Federal recreation areas. The public demand for more and better recreation areas has far exceeded funding now available at both the State and Federal level. It is my understanding that Federal and State funding over the next ten years will require in excess of $7 billion for acquisition and development over the next 10 years.

S. 1401, if enacted, will provide additional sources of Federal funds for a five-year period. Making use of the revenues from the Outer Continental Shelf Lands Act of 1953, unearmarked revenues from the Mineral Leasing Act and the national forests seems to be a wise expansion of the authority contained in the Fund Act. Any specific limitations on the amounts might best be set by the Committee after the thorough review now underway.

The State of Montana has been an active participant under the Land and Water Conservation Fund Act. Federal funding and participation has made it possible for rehabilitation, expansion and installation of recreational facilities in our towns and cities. Montana is dependent on tourism as a major source of income and the expansion of this program means a great deal to the people at home as well as the hundreds of thousands who travel to the Treasure State each year.

In conclusion, I ask that the text of this letter be included in the printed hearings on S. 1401.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

U.S. SENATE,
Washington, D.C., February 5, 1968.

Hon. HENRY M. JACKSON,
Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SCOOP: I appreciate your letter of January 31 concerning the hearings on S. 1401, to amend the Land and Water Conservation Fund Act.

Although I will be unable to testify in person, I would appreciate having my support of the bill noted in the record of the hearings.

I am fully aware that the Fund has proven inadequate, particularly with regard to land price escalation. Therefore, I feel that your proposal to double the monies in it for a limited period of time is a very desirable solution.

It is a pleasure to assure you that this proposed legislation is supported by the Coordinating Council of Natural Resources; Utah Outdoor Recreation Assistance Agency; and the Utah Recreation and Parks Association.

Kindest personal regards.

Sincerely,

WALLACE F. BENNETT.

The CHAIRMAN. We are very pleased to have as our next witness the Secretary of the Interior, Stewart Udall, and his colleagues.

Mr. Secretary, you have a prepared statement. We may also wish you to respond in connection with some of the questions raised by the discussion of S. 2828.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR; ACCOMPANIED BY EDWARD C. CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION; AND GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE

Secretary UDALL. Mr. Chairman, I have with me this morning Dr. Edward Crafts, Director of the Bureau of Outdoor Recreation, and Mr. George Hartzog, Director of the National Park Service.

Mr. Chairman, I should like at the outset to congratulate the committee for giving top priority to this legislation. This is the first hearing that I have participated in in this room in this session of Congress.

I think it is significant that the House is holding hearings tomorrow on this legislation. I intend to testify there.

My own feeling is that this is one of the most vital pieces of conservation legislation to come before the committee this session. I would like to say on the basis of our 3 years of experience I think the conservation fund has been remarkedly successful in the last 3 years. It has one big shortcoming, that is the reason we are here today, that there is not enough money in the fund. It has been a national program. All of the States have participated.

I should like to particularly call to the attention of the members of the committee the fact that we have been able through the use of the fund and particularly the contingent part of the fund that this committee allowed, to get some outstanding projects started in the States and State projects that they could not have begun.

For example, I would refer to the east side of Lake Tahoe where we are cooperating with Nevada on a State park; the $2 million that I gave the State of California as a special grant for State redwood parks 3 months ago; the Allagash River in Maine where we are sharing in saving that fabulous stream.

We have had many projects with some of the cities in this country.

Senator Hatfield will be interested to know I just had a communication from Governor McCall about the Willamette project as a special project under the fund.

The bill has strong bipartisan sponsorship in this committee. This fact, coupled with the favorable administration report of January 4, plus the President's endorsement of it in his budget message of January 29, encourages me to hope that Congress will complete action on the bill in 1968.

Each of you should have before you not only the administration's report, but also a brief statement explaining activities under the fund for the first 3 years and a series of graphic pie charts that emphasize certain highlights.

The basic problem is that existing sources of revenue have not come up to either expectations or needs, particularly the entrance and user fees. Even if they had, the financial requirements posed by States, by new Federal authorizations, and the escalation in real estate prices are so great that the fund as conceived when enacted by the Congress in September 1964 is not adequate to do the job.

There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the administration because funding for Federal land acquisitions for recreation purposes prior to the fund was dismally small.

Another choice is to do away with the fund and rely entirely on general funding from the Treasury as sources of Federal financing. This also is not favored for the same reason.

The third choice—and I am pleased that the Bureau of the Budget went along with this—which is our preference and that of the authors of this legislation, is to strengthen the fund to the degree necessary for it to do the job as originally contemplated.

Let me say first that in my opinion the fund in its short life has accomplished much and has been remarkably successful. Those who refer to it as a "failure" cannot be aware of just how much progress

has been made. The pie charts and descriptive material before you, I think, demonstrate this conclusively.

Senator ALLOTT. May I ask where are these pie charts? I have a tabulation at the end of my statement but no pie charts.

Mr. CRAFTS. You should have one of these green booklets, Senator Allott.

Senator ALLOTT. Thank you.

Secretary UDALL. For example, the three Federal agencies—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—have acquired 310,000 acres with an expenditure of $88 million since the initiation of the fund.

On the State and local side, there was some slowness getting started because it was necessary to have prepared and approved statewide outdoor recreation plans. All States have done this and as of January 1, 1968, State and local governments had submitted some 3,300 projects for $278 million to the Bureau of Outdoor Recreation. Of this amount, some 2,400 projects with a Federal expenditure of $138 million have been approved. The apportionment between Federal and State agencies of the $370 million appropriated has been 39 percent Federal and 61 percent State.

Many of the States are in a position to considerably more than match the Federal dollars that have been available.

That is one of the encouraging things, the leadership that many of the States have provided in this area.

About a year ago, the Bureau of Outdoor Recreation took a hard look at the long-range program needs under the fund and the problem of land price escalation. Its report on price escalation has previously been made available to this committee. It showed a prospective need during the next 10 years of $3.6 billion, prospective revenues to the land and water conservation fund of a little less than $1 billion, and a prospective deficit of $2.7 billion.

In approaching the question of what to do, three alternatives were considered. The first of these was to devise new sources of revenue to meet the 10-year deficit of $2.7 billion. A second alternative was a more modest approach of looking 5 years ahead with a total program objective of $1.5 billion. A third and still more conservative approach was a 5-year program with an objective of $1 billion. Even this third alternative is about twice the present level.

These alternatives and the amounts that would go to the various agencies, plus possible revenue sources are shown in more detail below.

(The document referred to follows:)

ALTERNATE FEDERAL AND STATE OUTDOOR RECREATION PROGRAM LEVELS, REVENUES TO THE LAND AND WATER CONSERVATION FUND FROM PRESENTLY AUTHORIZED SOURCES, AND AMOUNTS FROM ALTERNATIVE NEW SOURCES

[In millions of dollars]

	Alternate level I—10 yrs., fiscal years 1968–77	Alternate level II—5 yrs., fiscal years 1969–73	Alternate level III—5 yrs., fiscal years 1969–73
Outlay:			
Estimated Federal:			
National Park Service	617	560	375
Forest Service	348	125	85
Bureau of Sport Fisheries and Wildlife	43	25	15
Administration and contingency	80	40	25
Estimated total, Federal	1,088	750	500
Estimated total, State	2,500	750	500
Estimated, Federal and State	3,588	1,500	1,000
Estimated revenues to the fund from existing sources:			
Annual permit	81	25	25
Other entrance, admission, and user fees	96	35	35
Motorboat fuel tax	182	151	151
Surplus real property	628	252	252
Total estimated revenues from existing sources	987	463	463
Utilization of advance appropriation authority	480	0	0
Possible new sources of revenue to the fund:			
Unearmarked Interior mineral receipts (including Outer Continental Shelf receipts)	900	[1] 1,037	[1] 537
Unearmarked national forest receipts	720	----	----
Releases to United States from Interior mineral receipts in escrow	574	----	----
Estimated total revenues from existing and possible new sources	3,588	1,500	1,000

[1] From Outer Continental Shelf receipts only, the amount of the difference between estimated revenues from existing Sources and alternate program level indicated above.

Secretary UDALL. Considering the financial resources and demands on the Federal budget in general, the administration in its report on S. 1401 has recommended the more conservative approach, or alternative 3. It is also recommending a 50–50 split between the Federal and State programs.

Assuming this more conservative level, the National Park Service would receive $375 million during the next 5 years. This would enable substantial progress to be made in acquiring lands recently authorized for the national park system, to make other essential acquisitions where there are no statutory limitations, as well as provide for some new areas which the administration is now supporting before the Congress.

For example, as the administration report points out, the 89th Congress authorized 23 new Federal recreation areas involving the acquisition of 250,000 acres at the total cost of $119 million. These include such familiar names as Delaware Water Gap, Indiana Dunes, Whiskeytown-Shasta-Trinity, Assateague Island, Pictured Rocks, Guadalupe Mountains, Cape Lookout, and others.

As you well know, on many of these projects the big job of acquisition is still ahead of us.

Currently, as the President mentioned in his recent budget message, the administration is supporting a Redwood National Park, the most costly in our history; North Cascades National Park, the least costly; Apostle Islands National Lakeshore, and systems of scenic rivers and trails.

Our minimum estimate is that established and recently authorized areas of the national park system need about $318 million for acquisition. New areas which the administration is supporting before the Congress would need an additional $160 million. This is a total of $478 million, or $100 million more than would be available to the National Park Service under the third alternative.

The details of the alternative 3 program outlined to you have been developed on a year-by-year basis for each of the next 5 years down to and including the individual units of the National Park Service. These are available for the committee's files but I would urge that they not appear in the record because the result in some instances would be to further skyrocket land prices.

A summary of the proposed program by agency and years is attached to my testimony. Similar breakdowns are available for each of the other two alternatives.

Of course, these estimates are flexible and subject to adjustment depending upon both legislative and appropriation actions of Congress.

Any one of the three alternative levels would help substantially, and even the smallest would result in roughly doubling prospective levels to the fund by providing about $100 million a year from Outer Continental Shelf receipts.

We hope, incidentally, that the organizations represented here today and the members of this committee will help us get appropriations so that we can amend the law in the Appropriations Committee.

During the past 5 years, receipts from the Outer Continental Shelf lands have averaged $265 million annually. They are forecast for the next 5 years to average about $500 million a year.

I should acquaint the committee with some of the decisions we have made with regard to the shelf. We have a new sale that is moving forward right now off the California coast in the Santa Barbara area. We had a very successful sale of the Louisiana-Texas gulf coast last June, the most successful sale ever. We just put out notice of nominations last week on the Alaska Outer Continental Shelf; that will begin and be consummated in the next 18 months to 2 years. So, there is going to be substantially more activity.

Thus, the placing into the fund an average of about $100 million a year——

Senator KUCHEL. What is that?

Secretary UDALL. $100 million we are proposing, which we foresee for the next year and beyond. This amount is roughly the difference between the proposed $200 million annual level and annual receipts from existing authorized sources.

Thus, the placing into the fund an average of about $100 million a year would take about 20 percent of the prospective income from the Outer Continental Shelf receipts which now go to the miscellaneous receipts of the Treasury. It would not be necessary under this

proposal to involve funds from the Mineral Leasing Act of 1920 or the national forest receipts. The advance appropriation authorization that is now in the fund act would be repealed following fiscal year 1969.

Under the bill as introduced and also as recommended, there are two other provisions that deserve mention.

The first would provide for 2 years advance contract authority up to $30 million per year for the acquisition of property within authorized areas. Such authority will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to negotiate land purchase contracts as soon as new recreation areas are authorized or in other authorized areas where there is need to move swiftly.

This has been one of our problems; the committee has worried along with us on it. We, in effect, would be given authority to move swiftly with a type of contract negotiation and work such as a real estate operator would engage in if he were acquiring land and trying to do it as quickly and as cheaply as possible.

The need for advance land purchase contract authority for Federal agencies participating in the land and water conservation fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area, a lag which for recent authorizations has averaged about 9 months. This is a critical period when land values often rise most sharply.

If we can move in and put out some of the fires of speculation before they begin, we believe we could save millions of dollars if this authority is granted.

The escalation problem would be reduced and substantial saving made if agencies were authorized to proceed with mapping, land title search, and other acquisition planning, and to acquire quickly or obtain options for key recreation tracts most in danger of rising land values.

Section 2 of S. 1401 also authorizes the sale or lease of certain property within a park or recreation area subject to conditions that assure compatible uses.

We believe that a recreation environment can be maintained within parks or recreation areas without total Federal ownership, so long as controls exist to assure compatible private uses. I believe there is sufficient protective language in the bill to prevent unwise or indiscriminate sale or lease of National Park lands. This policy is applied at Cape Cod, where residential uses are permitted to remain, subject to assurances that no adverse change in use would occur.

Under the sell-back and lease-back program authorized by section 2, we could, for example, acquire the farmlands back of the river shore at Ozark National Scenic Riverways in Missouri, and sell the land subject to a condition that if it is used for other than farming, title will automatically revert to the Federal Government. We will save money this way and we will preserve the natural scene as it is.

An alternative would be to lease the land for an annual rental subject to cancellation of the lease upon the same condition.

We have studied other applications of the sell-back and lease-back land management program. It has been used with success by private realtors in connection with recreation land. It is used also by universities and other institutions as a method of assuring a quality environment.

The other bill which I am advised the committee is considering today is S. 2828 by Senator Harris and Senator Monroney and others. There is an adverse administration report before you which speaks for itself. The bill, in effect, would repeal the authority in the Land and Water Conservation Fund Act for the Corps of Engineers to charge recreation fees at areas under its administration. This, I think, would be inequitable.

It would erect a double standard and we have discussed that many times before the committee here.

If there are to be Federal recreation fees, they should be applicable to the Federal recreation agencies across the board.

The propriety of exempting one of the largest of the recreation administering agencies is, to me highly questionable. Although recreation fees are not measured up to expectations, it is our belief they should be continued and the user of Federal recreation facilities should pay directly a reasonable price for his enjoyment of those facilities.

I would like to say with the progress we have made we have a degree of acceptance. The people are accepting the fee and the Golden Passport and it is working much better than it was 2 years ago.

This philosophy should include the corps as well as agencies in other departments. It is significant that most States apply some type of recreation fee to areas under their administration, including numerous State-leased areas at corps projects. These basically are the reasons why the administration opposes S. 2828.

As far as I am aware, there is widespread support for S. 1401 in the Congress, among the Federal agencies, the States, local governments, and conservation groups. I think it no exaggeration that action on this bill may very well make or break the effectiveness of the land and water conservation fund program during the next several years. I commend it to you for favorable consideration.

(The following chart accompanied the statement:)

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEARS 1965-73 (ALTERNATE LEVEL III)

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969-73
	Receipts available, actual			Receipts available, estimated						
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total, Federal	5.8	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total, Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [1]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [1]	+12.4	[2] −2.9	−15.2							
	Actual			Estimated						
6. Estimated revenue to the fund from existing sources:										
Annual permit	.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motorboat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[3] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf land					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the L. & W.C. fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately

[2] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[3] Under existing law, taxes relating to motorboat fuels will expire on September 30, 1972. Hence revenues to the fund from that source for fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

Secretary UDALL. Finally, I would like to add one thing, Mr. Chairman.

My Department is one of the few that comes fairly close each year to having its own Department budget in balance. This is because we administer resources from which receipts are substantial—receipts from various activities, such as the leasing of minerals, petroleum and grazing.

I can't think of any sounder philosophy than of using some of the revenues from one resource, particularly in this instance a depleting resource—the oil and gas revenues from the Continental Shelf—and reinvest them in outdoor recreation lands and park lands, forest lands and other lands which form the basis of the estate of the Nation in the future.

I think from the standpoint of philosophy, it is economically sound. We commend this legislation to you.

I thank you.

The CHAIRMAN. Mr. Secretary, we will insert the two attachments to your statement at this point and then take up the questioning.

(The attachments referred to follow:)

THE LAND AND WATER CONSERVATION FUND ACT OF 1965 AND S. 1401

THE LAND AND WATER CONSERVATION FUND ACT OF 1965

This Act established the Land and Water Conservation Fund. It earmarked as revenues for the Fund the proceeds from the sale of surplus Federal real property, the unclaimed Federal tax on fuel used in pleasure boats, and the proceeds from a system of entrance and user fees at Federal recreation areas—a system of fees authorized by the Act. After appropriation by the Congress, these funds can be used by the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife for the acquisition of lands and waters for outdoor recreation. Areas to be acquired by these Federal agencies must have been authorized by other legislation. Money appropriated from the Fund can also be used by the States and their political subdivisions (through the State) for the planning, acquisition, and development of outdoor recreation areas and facilities. The law provides for Federal grants of up to 50 percent of approved projects.

The Act suggests that the Fund be divided 60 percent for State grants and 40 percent for acquisition by the Federal agencies. It provides, however, that during the first five years the President can recommend modifying this distribution by plus or minus 15 percent. The Congress can always change the percentage when it makes appropriations from the Fund.

The moneys appropriated for State use are apportioned to the States on the basis of two-fifths divided equally among the 50 States and three-fifths divided among the 50 States plus the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of need. In determining need, the Secretary will consider, among other things, population, the extent of Federal recreation programs, and out-of-State visitor use.

THE FIRST THREE YEARS

During the first three years of its existence (January 1, 1965, to December 31, 1967), the Fund has received $289,239,336 in revenue. $53,650,087 more has been appropriated and is expected to accrue during the remainder of fiscal year 1968. Of this total, the States have or will receive $214,314,808, the National Park Service $78,625,460, the Forest Service $48,459,457, and the Bureau of Sport Fisheries and Wildlife $2,047,915.

As of January 1, 1968, the States and their political subdivisions have obligated $138,516,686 for 2,486 projects. $50,929,264 Federal and an equal amount of State or local money have been used to acquire 295,000 acres. $2,961,494 in Federal funds plus the State match have been obligated for 69 State planning projects, and $84,625,928 in Federal plus an equal amount of State or local moneys have been obligated for 1,667 projects to develop various types of outdoor recreation facilities.

During this same period the National Park Service has acquired 86,143 acres with the funds made available to it, the Forest Service 219,515 acres, and the Bureau of Sport Fisheries and Wildlife 2,239 acres.

UNMET NEEDS

In spite of the tremendous accomplishments of the Fund in stimulating Federal, State, and local efforts to meet the recreation needs of the American people, it has still fallen far behind the surging demand. The 89th Congress alone authorized 23 additional recreation areas requiring the acquisition of 250,000 acres at an estimated cost of $119 million. The three Federal agencies whose acquisitions are financed by the Land and Water Conservation Fund estimate the cost of their total acquisition needs for the next 10 years as over $1 billion. These future needs include the Redwoods, North Cascades, Scenic Rivers, National Trails, Apostle Islands, Sleeping Bear Dunes, Biscayne Bay, Florissant Fossil Beds, and Great Salt Lake, all pending before the present Congress.

The States in their State plans have indicated that they will need a capital investment of $7.1 billion for acquisition and development projects over the next 10 years. It is estimated that State and local sources can fund approximately $4½ billion of this total but that some $2½ billion of Federal assistance will be needed to make up the difference.

S. 1401 *Amending the Fund Act*

S. 1401 introduced by Senator Jackson of Washington for himself, and Anderson of New Mexico, Kuchel of California, and Nelson of Wisconsin would amend the Land and Water Conservation Fund Act of 1965 by adding to the Fund for a five-year period the revenues accruing under the Outer Continental Shelf Lands Act of 1953 and those unearmarked revenues from the Mineral Leasing Act of 1920 and the national forests which now are deposited in miscellaneous receipts of the United States Treasury. It also would authorize for the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the Land and Water Conservation Fund for such acquisition, and it would authorize a lease-back and sell-back land management program for the property acquired for the National Park System.

The need for advance land purchase contract authority for Federal agencies participating in the Land and Water Conservation Fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area, which frequently is nine or more months. This is the period when land values often rise sharply. The escalation problem could be minimized greatly and substantial saving made if these agencies were authorized during such period to go ahead with mapping, land title search, and other acquisition planning and to acquire quickly key recreation tracts most in danger of rising land values.

As indicated above, the programs sponsored by the Land and Water Conservation Fund require all of this revenue to meet identified recreation needs of the American people. However, current domestic and foreign obligations are such that the Administration, while strongly endorsing the principles of these bills, has recommended that only Continental Shelf oil revenues should be added to the Fund for the five-year period and only that portion of those revenues needed to stabilize revenue into the Fund at $200 million a year. It further suggests that the costs of authorized Federal areas are so great that 50 percent of this expanded Land and Water Conservation Fund should be appropriated for Federal acquisition and 50 percent apportioned to the States for the grant program. Under the unamended law, revenues are estimated at $465 million for this five-year period. With a 60–40 split the States would receive $279 million and the Federal agencies $186 million. Under the Administration suggested modification of S. 1401 and with a 50–50 split, the States would receive $500 million (up $221 million) and the three Federal agencies $500 million (up $314 million).

SUMMARY OF LAND ACQUISITION UNDER THE LAND AND WATER CONSERVATION FUND PROGRAM AT FEDERAL RECREATION AREAS, JANUARY 1965 THROUGH DECEMBER 1967

With money available under the Land and Water Conservation Fund, the Federal agencies are making a concerted effort to select recreation lands in areas that will make the greatest contribution to closing the gap between recreation needs and available opportunities.

Since the inception of the Land and Water Conservation Fund, there has been appropriated from the Fund $131,152,431 for Federal land acquisition, of which $88,093,000 has been obligated as of December 31, 1967.[1]

The following are highlights of the Federal land acquisition by agencies:

National Park Service

Total appropriated through June 30, 1968	$78,645,060
Total cash available Dec. 31, 1967	63,653,690
Total fund obligated Dec. 31, 1967	[1] 57,316,000
Percent of cash available obligated Dec. 31, 1967	90.0
Major recreation projects with land and water conservation fund expenditures:	
Delaware Water Gap NRA, Pennsylvania and New Jersey	7,857,905
Fire Island NS, New York	7,694,486
Cape Cod NS, Massachusetts	4,963,298
Assateague Island NS, Maryland and Virginia	4,338,088
Whiskeytown NRA, California	3,655,250
Ozark NSR, Missouri	3,134,990
Point Reyes NS, California	2,512,772
George Washington Parkway, Maryland and Virginia	2,294,622
Indiana Dunes NL, Indiana	1,328,050
Piscataway Park, Maryland	1,317,388
Subtotal	39,096,849
For acquisition of recreation lands in other units of the National Park System	[1] 18,219,151
Total	[1] 57,316,000

Forest Service

Total appropriated through June 30, 1968	$48,459,457
Total funds available through Dec. 31, 1967	[2] 41,312,553
Total obligated through Dec. 31, 1967	[1] 29,855,000
Percent of funds available obligated Dec. 31, 1967	72.3
Major recreation projects with Land and Water Conservation Fund expenditures:	
Ottawa NF, Michigan, includes Sylvania purchase	$5,835,712
Clark and Mark Twain NF, Missouri	1,580,474
NF's in Georgia	1,552,186
Ouachita NF, Arkansas and Oklahoma	1,528,386
Tonto NF, Arizona	1,453,080
Shawnee NF, Illinois	1,293,276
Jefferson NF, Virginia and West Virginia (includes Mount Rogers NRA)	1,289,102
Hoosier NF, Indiana	1,216,983
George Washington, NF, Virginia	1,042,776
Hiawatha NF, Michigan	957,419
Santa Fe NF, New Mexico	734,734
Allegheny NF, Pennsylvania	626,628
Subtotal	19,110,756
For acquisition of recreation lands in other units of the national forest system	[1] 10,744,244
Total	[1] 29,855,000

[1] Preliminary.

[2] The Forest Service reported receiving only $37,812,153 prior to Dec. 31, 1967. The remaining $3,500,400 was either in process of transfer or delayed for other reasons.

Bureau of Sport Fisheries and Wildlife

Total appropriated through June 30, 1968	$2,047,914
Total funds available through Dec. 31, 1967	1,156,629
Total obligated through Dec. 31, 1967	[1] 922,000
Percent of funds available obligated Dec. 31, 1967	79.7
Rare and endangered species project, key deer of Florida	[1] $822,963
Recreation acquisition	99,037
Total	922,000

[1] Preliminary.

The CHAIRMAN. Mr. Secretary, I want to thank you for the fine statement and the support which the Department has given to the land and water conservation fund. I think all of us who have been following these various programs in connection with needs for new parks and recreation areas have known right along that we need to put the program on a sound financial footing.

I do think that the pending measure really gives some meaning to a long-range recreation program. We can authorize these projects but if we are not able to fund them we are doing a disservice in many instances in which, as you pointed out, the land values skyrocket. So there is that much less available for recreation than would be available otherwise.

I wonder if you could supply for the record—maybe Dr. Crafts can do this—the administrative costs in connection with the collection of user fees. I note that the user fees collected in 1965 was $1.3 million, $5 million in 1966—these are fiscal years—and in fiscal year 1967 it was $5.6 million. It is estimated to be $7 million in 1968, the current fiscal year. It runs 3 or 4 percent of the total amount going into the fund.

I think it would be helpful to the committee to get some indication as to the cost of administering the program. If you have that available now, fine. If you don't, we can get that later.

Dr. Crafts?

Dr. CRAFTS. The best estimate we have, Senator Jackson, is that the cost of the fee collection runs about 20 percent of the fees that are collected.

The CHAIRMAN. One-fifth off the figures I just recited would give you a net?

Dr. CRAFTS. That is correct.

The CHAIRMAN. That is very helpful.

When the Chair is referring to the figures, he refers to user fees collected by all Federal agencies.

Dr. CRAFTS. Yes; that is the figure I gave you. It varies somewhat by agencies.

The CHAIRMAN. Right.

We have a breakdown by agencies. I gave the totals rather than the individual department collections. But I think this information will be most helpful. If you wish to supplement it in any way in connection with the hearing, we would appreciate having it.

(The matter referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF OUTDOOR RECREATION,
Washington, D.C., February 27, 1968.

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

DEAR SENATOR JACKSON: We are pleased to respond to your letter of February 7, 1968, pertaining to the relative benefits of fee collections at Corps of Engineers' projects.

We have been advised that a similar request was addressed to the Chief of Engineers and that he has provided information on the costs of collection and fees collected at Corps' projects.

The revenue collected by the Corps is not, however, a complete indication of the revenue generated by their designated recreation areas. The $7.00 annual Passport may be purchased from one agency and used in areas managed by other agencies. In addition, a substantial proportion of the total sales is by mail or some other source not associated with any fee areas. While the total amount of such sales is not known, direct sales by the Bureau of Outdoor Recreation, which manages no recreation areas, and sales by non-Federal interests reporting to this Bureau totaled more than $700,000 during calendar year 1967.

Survey data collected in August of 1967 by Arthur D. Little, Inc., indicate that 66 percent of the people using the Golden Eagle Passport at Corps' areas acquired the Passport at some location other than the area where they were using it at the time of interview. For calendar year 1967, the fee revenue which is thus at least partially attributable to Corps of Engineers' areas is estimated at about $800,000.

Although the Corps experience seems to indicate an adverse collection cost versus revenue ratio, personnel engaged in fee collection produce indirect benefits not subject to precise evaluation. These benefits and the revenue from the Golden Eagle Passport indicate that the total benefits derived from fee collection exceed the costs of collection at Corps' projects.

Some of the indirect benefits creditable to the fee program are discussed in the following paragraphs. These include:

1. Rangers' performance of other duties besides fee collection;
2. Creation of a favorable economic climate for State, and private collection of recreation fees; and
3. Reduced crime and vandalism.

In some instances, the Corps of Engineers rangers engaged in fee collection are the only Corps personnel making regular patrols through the designated recreation areas. These rangers may enforce rules relating to the use of recreation facilities, direct traffic, keep an area clean and respectable, answer questions, perform minor on-the-spot facility repairs, and perform other assorted duties in addition to the primary function of fee collection.

Collecting fees at Corps of Engineers' projects and other Federal recreation areas helps to create a favorable economic climate for State and private recreation fee systems. The maintenance of a favorable economic climate is important at new Corps of Engineers' projects subject to the cost-sharing provisions of the Federal Water Project Recreation Act (P.L. 89–72, Stat. 213). Pursuant to this Act, States and other non-Federal public agencies are encouraged to accept repayment responsibility for one-half of the separable costs of public outdoor recreation developments at Federal water resources projects. These agencies commonly obtain such funds for the reimbursement of Federal recreation development expenditures through the collection of recreation fees. The retention of Federal fees at Corps' projects will deter shifts in public use which might restrict the ability of non-Federal interests to collect sufficient fee revenue to cover required reimbursements.

An additional benefit indicated by the experience of the Corps of Engineers and other agencies collecting Federal recreation fees is that incidence of crime and vandalism is less in designated areas than in nondesignated areas. The presence or anticipated presence of a ranger is believed to be a strong deterrent against vandalism and other crime. However, available information is not adequate for estimating the specific values of visitor protection and reduced destruction and theft of government property incidental to operation of the Federal recreation fee system.

We trust the information provided in this letter will meet your needs for information pertaining to the relative benefits of fee collections at Corps' projects. Your continued concern for the well-being of the Land and Water Conservation Fund is appreciated.

Sincerely yours,

EDWARD C. CRAFTS, *Director.*

The CHAIRMAN. Senator Kuchel.

Senator KUCHEL. Mr. Secretary, I, too, congratulate you on your statement.

I am the coauthor of the bill before us, S. 1401. I do have some questions I want to ask concerning it.

Mr. Secretary, first of all, raising a problem that we do not deal with in S. 1401, I refer to an editorial appearing in the Santa Barbara News-Press on December 27, 1967, which was sent to me by the executive editor of that paper, Mr. Paul Veblen. The editorial says in part:

It is reasonable to ask that the Federal Government, which expects to receive some $300 million in bonus money from companies bidding for the 110 leases to be offered for sale on February 6, and additional millions in royalties in future years, set aside a percentage of this income as a pollution insurance fund to provide compensation for any damages resulting from the development of such leases.

It seems to me that this is a splendid idea. I recognize that your Department and you perhaps have not had any opportunity to study the effect of the creation of such a fund in the legislation we have before us.

I want to take the position that it is in the public interest to set aside an appropriate sum from the expanded land and water conservation fund to be used for just such a purpose; that is to say to permit you to take appropriate steps to prevent a tragedy along the beaches in the given area and to compensate landowners for damages which might occur.

Could you supply to the committee the views of your Department and yourself on such a recommendation?

Secretary UDALL. I will be glad to supply this to the committee.

I would like to do it in writing because you are suggesting a major change.

I would like to say this, however: We are very much concerned about this problem. We have a piece of legislation pending addressed to it that grew out of the *Torrey Canyon* disaster last year. In fact, Senator Muskie and the Public Works Committee have already enacted a piece of legislation and I would like to call your attention to it because this revealed we were not prepared to deal with disasters like the *Torrey Canyon* accident and thing of that kind where great damage can be done to beaches, to marine life, to the environment.

Among the things proposed in this legislation is not only research but to give us a special fund where if anything like this happens we can move in with the very best technology that is available on an emergency basis and correct the situation as well as possible.

I am aware that the Santa Barbara people and many others were very concerned about this oil leasing program. I put my very finest marine scientist on it and we are going to have a lot of precautions taken. The oil industry has shown that it can operate with great care. They are going to have to do this even more than they have in the past so that we can have oil development and at the same time protect our other vital resources.

Senator KUCHEL. I am familiar with the Muskie bill. I rather imagined that the public interest might well be served by our dealing with that problem in this legislation in a fashion that would supplement the legislation which has already passed the Senate. For example, the Muskie legislation.

I previously placed the entire text of the editorial in the record.

(The editorial referred to appears on p. 35.)

I want to say, Mr. Chairman, that the theory which is espoused by the Secretary and which is reflected in this bill is precisely that which, as the Secretary knows, was used by the government of California for many, many years during which the bulk of the tideland oil revenues in my State, which accumulate under State law, were earmarked for the acquisition of parks. This is one reason why we have an excellent system of State beaches and parks in California.

We observe that it is suggested in the next decade the fund presently would be deficient on the order of $2.7 billion. We observe also the feelings of the administration that some ceiling should be put on the earmarking of moneys otherwise going into the Treasury as miscellaneous receipts, and also the provisions of existing law that, where funds that accumulate in the land and water conservation fund are not subsequently appropriated within 2 years, they reenter the general fund of the Treasury as miscellaneous receipts.

I am not so sure I approve that kind of provision in our bill. First of all, the $200 million annual figure would, of course, at the end of 10 years represent only in round figures about two-thirds of what apparently would be the deficiency if no action were taken by the Congress at all.

I will say very frankly, Mr. Secretary, and I know you agree with me on this, that I have in the back of my mind an earnest and sincere desire to see the Redwood Park legislation enacted into law and then appropriate steps undertaken to acquire the properties which we wish to acquire as soon as possible. So, I shall, at the proper time when we consider this bill, raise the question of the wisdom of recommendations for a ceiling which the administration has sent to us.

I like very much the idea of giving to the head of an agency limited obligational authority by which he might contract in advance of the appropriation process to acquire park property. I think we ought to develop that, however, while we have a fair number of Senators here. Under the $30 million authorization, Mr. Secretary, let us assume that you would feel the public interest might indicate that $15 or $20 millions of the moneys be used at a given moment to contract with the XYZ Co. to acquire certain property.

Let us assume we get into a hassle in the appropriations process where all the moneys which you in good faith, and with the approval of the committee, wish to obligate were not made available to you, what would happen? Would the contract simply lapse?

Secretary UDALL. Senator, you serve on the Appropriations Committee and you know how we function.

I think we are going to have a classic case if we get, as we must, a redwood bill before this Congress quits. Here we are going to have a park created with boundaries. There will be important forest products industries, companies that are affected. We will want to and they

will want to, I feel, sit down and work out contracts, maybe even a contract for payment over a period of time. But if we can move in and do that immediately, we may find that we can save very substantial sums of money because it is in their interest and ours to act as quickly as possible.

Senator KUCHEL. I quite agree with you.

I am wondering, however, whether you and the Department would be averse to our liberalizing the language of the bill on this subject by perhaps adding to fiscal years 1968 and 1969—maybe 3 more, for example—so that you are talking about half the next decade, something like that, where you would have a little more authority, a little more flexibility.

Secretary UDALL. I hear signs of approval from Dr. Crafts here. It must mean that it would be a good move.

Senator KUCHEL. Now, without trying to upset our Swedish friend from New Mexico, it is true that we have had great trouble with Point Reyes in California. We authorized the acquisition of this magnificent park in good faith, setting a price tag on it. That price tag was imprecise.

The CHAIRMAN. That is a generous way to cover it.

Senator KUCHEL. We finally were able to wangle an additional authorization, a rather puny amount, and it is true there is going to be a problem there.

I assume you envision your authority to purchase and to lease back with respect to the Point Reyes situation to be an admirable technique by which a park could be created but by which some of the pastoral functions in the area would continue and the Government would be out little or no money.

Am I right on that?

Secretary UDALL. You are absolutely right.

Let me discuss this because it illuminates the whole problem.

As the members of the committee will remember on Point Reyes, and in some ways it is a classic case, near a large urban center, good prospects for development and so on. You will remember some of the dairy farmers and others who had ranches wanted to be left out of the park. Then we finally at the end put them in with the understanding that we would only acquire, as I recall it, their lands if they wanted to sell.

What happened, at least in my judgment—we may get into controversy here with the Marin County people—these ranches were not zoned at all; there was no zoning whatsoever. So, lo and behold, the park was established and some of the farmers and ranchers, at least, suddenly decided they did not want to do what they said they had wanted to do because they said leave us alone, we want to remain part of the pastoral scene. They suddenly decided they wanted to subdivide their land since the county had not zoned it—and I think the county owes us some help on this—and the values skyrocketed. Nothing has been done. They have not subdivided. They have not sold.

If the Marin County people would cooperate with us, we might be able to work out with a lease-back arrangement—something that would permit those who wish to remain doing what they are doing because they don't detract from the park, they actually add to the scene. At the same time we would not have to pay some of these millions of dollars that some have talked about. It would save very substantially in enlarging the park to its full boundaries which I would like to see us ultimately do and the Senator knows that, I am sure.

Senator KUCHEL. I do, indeed. I think that is important because, regardless of the fact that the appraisal of the property in the original instance was not sound and regardless of the fact that there was unhappily an intervening period between authorization and the time any money was available which left the land speculator to come in and build houses and skyrocket values, the fact of the matter remains it is the people out there who will be short-changed if we don't change it.

I respectfully call attention to my fellow Senator from New Mexico, there are millions of people in the San Francisco area who would use expanded facilities. I just seek his counsel and guidance when we are going to be dealing with that particular subject.

In fairness to the people of Marin County I believe that the record should show that they are at least as interested in preserving Point Reyes as is the Department. I am informed that the county counsel advised them that creation of the national seashore deprived the county of authority to zone within its boundaries. I do know that they have taken other steps to impede real estate development on the peninsula. Purchase and sell-back may or may not be the answer. What is clear is that the problem must be solved.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Anderson.

Senator ANDERSON. I am very happy, Mr. Secretary, with your testimony.

I am very glad to say to my friend from California we are all entitled to our thoughts on the situation.

The CHAIRMAN. Senator Allott.

Senator ALLOTT. I have just one or two questions, Mr. Secretary.

I have in my hand here a booklet entitled "Recreation Land Price Escalation," put out by the Department of the Interior. It is covered by a letter from you on January 19, 1967, about a year ago. In that, on page 6, paragraph 2, the recommendations of the Department are to deposit into the fund the receipts from public lands received pursuant to the mineral leasing laws except receipts from lands in naval petroleum reserves and the Outer Continental Shelf, national forests and national grasslands.

You have now modified this to include, as I understand your testimony, only the outer shelf.

Secretary UDALL. That is correct. That was our position a year ago. We shifted to the outer shelf as a better solution.

Senator ALLOTT. You included the outer shelf but you dropped the others?

Secretary UDALL. That is right.

Senator UDALL. May I inquire as to the reasons for dropping the others, particularly the mineral leasing?

Dr. CRAFTS. Frankly, Senator Allott, the reason we dropped it goes back to the Secretary's testimony when he pointed out that consideration was given to three different levels or alternatives, the size at which this fund should level off. One level was $200 million a year; another level was $300 million a year; and the third level and the one that we are talking about in this report, averaged about $400 million for each of the first 5 years and something less in the second 5 years.

The total needs as we saw them at that time showed the deficit of $2.7 billion. We thought to meet that deficit it was necessary to draw on the income from the mineral leasing laws. Since the administration subsequently adopted the lower level of $200 million a year, it was unnecessary to draw on income from the mineral leasing laws. There is more than adequate income from the Outer Continental Shelf receipts.

Senator ALLOTT. Now, Congressman Edmondson, in his statement on December 14, 1967, said that the National Park Service estimates that it cost $701,315 in 1966 to collect $6,455,943. Are those figures accurate, to the best of your knowledge?

Mr. HARTZOG. They are accurate, to the best of our knowledge. Our cost collections run about 11 percent.

Senator ALLOTT. Do we have in the record here—the chairman handed me a breakdown by departments which says receipts by source and department.

May I ask, Mr. Chairman, if this is in the record?

The CHAIRMAN. It is not in the record at this point.

Senator ALLOTT. May I ask that it be put in the record so that we will have a picture of the receipts of each of the departments?

The CHAIRMAN. Without objection, it will be so ordered.

(The document referred to follows:)

REVENUE TO THE LAND AND WATER CONSERVATON FUND, BY SOURCE AND AGENCY, FISCAL YEARS, 1965-68

[In thousands of dollars]

Source of revenues	Fiscal year 1965		Fiscal year 1966		Fiscal year 1967		Fiscal year 1968 [1]		Fiscal years 1965 through 1968 [1]	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Annual permit:										
Department of the Interior	$489	1.7	$1,742	1.6	$2,236	2.4	$1,536	3.4	$6,003	2.2
National Park Service	441	1.5	1.450	1.3	1,533	1.6	1,118	2.5	4,542	1.6
Bureau of Outdoor Recreation					574	.6	360	.8	934	.4
Bureau of Sport Fisheries and Wildlife	(2)	(2)	(2)	(2)	79	.1	35	.1	114	----------
Bureau of Land Management					41	.1	15	----------	56	----------
Bureau of Reclamation					9	----------	4	----------	13	----------
Other Interior	48	.2	292	.3	----------	----------	4	----------	244	.2
Department or Agriculture	143	.5	1,027	.9	1,354	1.4	911	2.0	3,435	1.2
Department of Commerce	(3)	----------	(3)	----------	(3)	----------	(3)	----------	(3)	----------
Department of Health, Education, and Welfare										
Department of the Army	2	----------	50	.1	205	.2	106	.2	363	.1
Tennessee Valley Authority	----------	----------	----------	----------	1	----------	----------	----------	1	----------
Subtotal, annual permit	634	2.2	2.819	2.6	3,796	4.0	2,553	5.6	9,802	5.3
Other fees:										
Department of the Interior	1,322	4.7	4,964	4.5	5,120	5.4	3,422	7.5	14,828	5.3
National Park Service	1,322	4.7	4,922	4.5	5,023	5.3	3,359	7.4	14,626	5.2
Bureau of Sport Fisheries and Wildlife					88	.1	55	.1		
Bureau of Land Management	(2)	(2)	[2] 42	(2)	1	----------	5	----------	202	.1
Bureau of Reclamation					8	----------	3	----------		
Department of Agriculture	----------	----------	9	----------	323	.3	429	1.0	761	.3
Department of the Army	----------	----------	4	----------	145	.2	238	.5	387	.2
Tennessee Valley Authority	3	----------	7	----------	21	----------	39	.1	70	----------
Subtotal, other fees	1,325	4.7	4,984	4.5	5,609	5.9	4,128	9.1	16,046	5.8
Total fees	1,959	6.9	7,803	7.1	9,405	9.9	6,681	14.7	25,848	9.3
Motorboat fuel tax	4,400	15.5	27,608	25.2	31,348	33.1	22,927	50.6	86,283	31.0
Surplus real property	22,039	77.6	74,296	67.7	54,097	57.0	15,748	34.7	166,180	59.7
Total	28,398	100.0	109,707	100.0	94,850	100.0	45,356	100.0	278,311	100.0

[1] Data for fiscal year 1968 through Nov. 31, 1968.

[2] Data for Interior Bureaus not available for fisca, years 1965 and 1966, except for National Park Service.

[3] Revenue from annual permit less than $500 annually.

Senator ALLOTT. Now, in answering the question of the chairman, Mr. Secretary, what were the overall figures, and you were testifying to receipts overall in the Federal Government, were you not?

Secretary UDALL. We were referring to the overall receipts from all agencies.

Senator ALLOTT. That would be $5.6 million in 1967?

Dr. CRAFTS. Senator Allott, in 1967, if you are looking at the table that is attached to the Secretary's testimony, the last sheet, under the line "Annual permit for 1967", shows $3.8 million. This is the income from the sale of the $7 annual permit.

In addition, there is $5.6 million collected from user and other entrance admission fees other than the annual permit. So, the total income in 1967 for recreation, entrance and admission fees is the sum of those two figures, $9.4 million.

Senator ALLOTT. Now, you have not included in those figures, of course, the motorboat fuel tax.

Dr. CRAFTS. No. The motorboat fuel tax is the next line, $31.3 million in 1967.

Senator ALLOTT. What would you say totally within the Department of the Interior—and I will ask the Engineers the same question—what would you say from your annual permit and other admission and user fees, which you point out is $9.4 million, is the percentage of that that is actually utilized in connection with the Department of the Interior only? Would it be around 10 percent?

Dr. CRAFTS. I think that the Park Service for all practical purposes dominates here as far as the Department of the Interior goes because the collections from the Bureau of Land Management and Fish and Wildlife are so minor. The Park Service figure, I think Mr. Hartzog gave 11 percent.

Senator ALLOTT. Now, one of the recommendations, I understand, Mr. Secretary, and I am stealing a little bit out of the statement of the Representative of Colorado, who is here, is that you reduce the sharing to a 50–50 basis between the States and the Federal Government.

In his statement, he very well points out that that the States had to enact legislation, most of them, in order to avail themselves of the funds under the Land and Water Conservation Fund Act and that in effect this leaves the violation of the understanding or breach of the understanding contained in that act which gave 60 percent to the States and 40 percent to the Federal Government.

What is your reason, except to get more money for the Federal Government, to reduce this to 50–50?

Secretary UDALL. I would say the one overriding reason is that we have been falling behind at the Federal level. The States are partners in this program, we are delighted with the good running start they have gotten. They have many wonderful projects in a lot of the States that have been made possible by this act.

The 60–40 division is not mandatory by law. In fact Congress gave us flexibility under the original act. Because of the fact that we have been falling behind at the Federal level, because we have the prospect of the Redwoods, we feel we ought to shift to 50–50, at least for a period down the road.

My own feeling is that here we are, it has been 3½ years since the act passed, we are back with you reviewing it and changing it. My anticipation will be that every 3 or 4 years we will have to come back and see how is it working and what is needed. It seems to us in the immediate period ahead we will need more money on the Federal side in order to catch up and to do the big jobs and projects which Congress has authorized.

Senator ALLOTT. We had plenty of discussions with Mr. Beatty on the division of those funds between the Federal Government and State government, and you are quite correct that it was not a mandatory division. Unfortunately, I think it should have been.

May I inquire as to what has been the actual division based upon your experience so far?

Dr. CRAFTS. It has been almost exactly 60–40. I think it has been 61–39.

Senator ALLOTT. In general, you have adhered to what was I am sure the intent of Congress at that time even though the act did not strictly require you to adhere to that?

Dr. CRAFTS. That is correct.

Senator ALLOTT. I think that is all I have, Mr. Chairman.

The CHAIRMAN. Senator Church.

Senator CHURCH. Thank you, Mr. Chairman.

First of all, I want to commend you and Senator Kuchel for including this legislation which I think follows along the original pattern of the Land and Water Conservation Fund Act and provides for the necessary expansion of that fund to meet the increasing outdoor recreation needs of the country.

I have, Mr. Chairman, prepared a short statement in general support of the legislation. I would like, with your permission, to include it at an appropriate place in the record.

The CHAIRMAN. Without objection, it will follow Senator Kuchel's statement.

Senator CHURCH. I have one question which I would like to ask. That has to do with your recommendation, Mr. Secretary, that the additional money that will be raised should be split 50–50 between the Federal Government and the State government. This departs from the 60–40 guideline in the original fund.

If there are many States like mine that now are in a position to implement a recreational program and have the State money available, Isn't it important that we continue to adhere to the original formula?

I question seriously the advisability of departing now from the 60–40 formula since we have established it and we have adhered to it up to now.

Secretary UDALL. Senator, I certainly understand that many of the States have been aggressive, and I agree with you that this has been one of the finest things out of the program. I call the attention of the committee to the map that we have here. It looks a little bit like smallpox but shows what has been done in 3 years with Federal, local, and State projects with a few hundred million dollars. We could change the whole face of the land in the future if we should continue this for another decade or two.

I certainly welcome the strong State leadership which has been forthcoming. We should understand if we double the fund there is

twice as much money available under the formula presumably for the States. I would like Dr. Crafts to comment on this. It may very well be that this could be balanced out so that we do not penalize the States that have vigorous programs. Maybe if the States that have weak programs, if their money lapsed quicker so that we would in effect be penalizing them for getting into action and using that money on the Federal side that the committee might consider something like this but I can see that there is keen interest in this and I am sure the States are going to speak up loud and clear as to their own wishes and we don't want to get into a big argument with them. We have our problems and they have their problems, too.

Dr. CRAFTS. I might just add a couple of remarks, Senator.

Quite a number of the States are in the same situation as Idaho where their obligations are up to their allocations and they have more money, State money, than there is Federal money to match. On the other hand, there are quite a number of States that are not in that situation. Under the terms of the present law, the apportionment to the State is for a 3-year period after which time the unspent portion reverts to the Secretary for reallocation to the States. It can't be allocated to a Federal purpose.

This 3-year period is really going to occur significantly for the first time this coming July. While the States are rapidly increasing their obligations at the present time, I think it quite likely that there may be some monies to reallocate from previous appropriated monies on the first of July to those States which are able to spend more than they have previously received. This could be done within the framework of the 50–50.

Now, the 50–50 is purely a judgment situation. Under the ceiling which is being recommended, $200 million annually, there simply is not enough money, frankly, to meet the State and local needs and the Federal needs. The escalation in real estate is occurring in State and county purchases just as it is in Federal purchases.

If there were not so many recent Federal authorizations or if we were further along the road in completing the acquisition among those Federal authorizations, I think we would not have made this proposal to give the Federal a little larger share. Of course, the States, I think without exception, object to this.

I would point out to you, however, what the effect would be over the 5-year period. Under the 50–50 split is compared to the present ratio the States would receive an increase of some $221 million. Under the 60–40 split as compared to the present guidelines the States would receive an increase of $321 million. Therefore, the difference between the 50–50 split and the 60–40 split amounts to about $100 million, or about $2 million per State spread over 5 years.

Senator CHURCH. The only reason I am a little skeptical about changing the formula is that if we change it in the direction of enlarging the Federal share on the grounds that there is not enough money anyhow to take care of our increasing recreational need, one could use that argument to keep all the money for Federal recreational needs.

I think we started the program for the purpose of enlarging the State activity. This was the idea, if the States could get matching money they would greatly enlarge the totality of the recreation program for the people of the country. This has been successful.

So, I am wary of now beginning to move this formula back in the direction of the Federal program. Once we start moving in that direction we may find that the Federal share will grow and grow, and the State share will begin to diminish. This would defeat the real objective of the program and I think that would be very unfortunate.

I don't want to overstate this, but this is the basis of my concern for tampering with the formula.

Secretary UDALL. It is a matter of striking the balance. Of course, the committee will have to exercise its judgment on this issue.

The CHAIRMAN. The first thing we will have to decide is how much money will be made available in the fund. Once we have made that decision, then we can work out, I hope and trust, a logical split, because we will better know how much we can make available to the State and how much to the Federal Government.

This is a matter which has to be resolved, because the official departmental position is to limit the overall fund to an input of $200 million. Now, the pending measure, of course, goes well beyond that. It would be well over $400 million or more than double.

I think the point Senator Church has raised is an important one which we will have to pursue in relation to the decision that we make ultimately in this committee as to the total amount that we would want to put into the fund each year from the various sources authorized by the pending measure.

Senator Hatfield.

Senator HATFIELD. Thank you, Mr. Chairman.

Mr. Secretary, I would like to compliment you on your testimony as the other committee members have done. I think this is the first official opportunity that I, as one of the committee, have had to publicly commend you on the restoration of Ford's theater. As a member of the subcommittee which was involved with you in the area of preservation of historical sites, I think this is a remarkable and outstanding achievement.

I especially would like to commend you on not just restoring an empty building but in developing a performing theater in conjunction with the restoration.

From your testimony, I assume that the evidence which you have presented this committee indicates that the need is far greater than that which you are recommending, that you would not disagree with our chairman in his analysis but rather it is a matter of priority at this time and the availability of funds. Is this correct?

Secretary UDALL. This is a pretty good way of stating it, Senator.

Senator HATFIELD. Could I assume that if we had some of that $25 billion that the President is now recommending for Vietnam and for the war, to spend on such matters as this, that it would be certainly to your happiness and joy, too?

Secretary UDALL. Well, we are trying to do the best we can in our sector, Senator.

Senator HATFIELD. I understand that. The point is that it is primarily because of the demands of such things as the war that makes it impossible for you to suggest a greater amount for this purpose?

Secretary UDALL. This is the amount that we were able to get in a very stringent budget year and I think we are fortunate to get this. I would prefer to put it that way.

I would like to say to the committee, too, that I think we are all fortunate in that conservation has a very great friend in the Bureau of the Budget, the Deputy Director Sam Hughes. I would like to pay my compliments to him.

Senator HATFIELD. Am I not clear that you are speaking for the administration?

Secretary UDALL. Of course.

Senator HATFIELD. I have before me the report of Deputy Director of the Budget from the Executive Office of the President indicating his view on this and it is in reference to what your report has already stated.

Secretary UDALL. That is correct.

Senator HATFIELD. I have before me the report of the Secretary of Agriculture who also indicates he is confirming your recommendations as given in your report.

Secretary UDALL. That is correct.

Senator HATFIELD. So, in a sense, you are speaking for the administration.

Secretary UDALL. That is correct.

Senator HATFIELD. I also have in your testimony the question that we might be under restraint here of budgets that are likely to preclude, for the present, appropriation requests, at the $200 million level. That is on page 5 of your report to the committee. Is that correct?

Secretary UDALL. Yes.

Senator HATFIELD. What are the principal constraints that might preclude this from happening?

Secretary UDALL. Well, the constraints, Senator, you are right, is the overall budgetary situation and the overall national priorities.

Senator HATFIELD. Which includes the war?

Secretary UDALL. Yes; I would think so.

Senator HATFIELD Now, if we did not have this war and other such restraints, if we were not involved in this fruitless pursuit in Vietnam, do I understand you feel that we could adequately and appropriately spend the amounts of money as originally proposed by our chairman in his bill?

Secretary UDALL. Senator, I do not agree with you that it is fruitless. I think that this is where the argument lies. I think this Nation must make up its budgets and its priorities in terms of its international commitments, its domestic priorities. I consider it fortunate in a stringent year that this is one of the few areas in my Department where we have a good program going and we can get additional money. I take some satisfaction in that, particularly with the type of international picture we have today.

Senator HATFIELD. If we were not spending such extraordinary amounts of money there we could more adequately, you feel, take care of this need as represented by this particular bill? In other words, you could adequately and efficiently and effectively spend the money recommended by our chairman in his original bill before you recommended the cut?

Secretary UDALL. I think that there is no question in my mind that we could spend more and spend it effectively.

Senator HATFIELD. So the answer to my question is "Yes."

Secretary UDALL. Yes, and if you want me to look into the crystal ball as to Vietnam, there are a lot of things that I am sure all of us

in the Department could do that would be good for the country. We always face the situation.

Senator HATFIELD. The question I asked is, Could you use effectively and efficiently this amount of money. I believe your response to be yes.

Secretary UDALL. Yes; I think so.

Senator HATFIELD. Mr. Secretary, let me ask you this: If we did not have this war and other such restraints in our budget and additional money was therefore available, what would you think about the formula for the acquisition of greater amounts of money? On page 3, we have the basic formula outlined by our chairman in his bill. Could you give us a little indication as to where you feel the additional money might come from if not according to this formula? I am speaking of the deletions you recommended; that is, the natural forest receipts and the mineral receipts and so forth.

Secretary UDALL. Senator, you see, the land and water conservation fund is an unearmarked money-type fund. We originally looked at several sources but since we are talking about an increase in the range of $100 million at this point and since the Outer Continental Shelf revenues are forecast from here on at about a half billion dollars, we felt it was clearer and simpler to earmark the Continental Shelf revenues for this conservation fund rather than take mineral leasing revenues that now go into the general Treasury. I think it is easier to do it that way.

Senator HATFIELD. If you want to double the amount, I understand you would still recommend it be taken from a single source rather than from a multiple source.

Secretary UDALL. I would think so.

Senator HATFIELD. Would you under any circumstances consider earmarking portions of the national forest receipts for this purpose?

Secretary UDALL. This could be done. It is another way of doing it. Those unearmarked receipts now go into the general treasury.

Senator HATFIELD. Then if your Department's commitments or programs required these additional funds on other contingencies, like the war, you would consider under some circumstances the use of unearmarked national forest receipts?

Secretary UDALL. I think if the committee chose to do it that way, this is another way to do it.

Senator HATFIELD. What would be your recommendation to the committee about such funds?

Secretary UDALL. My recommendation is to do it with one stroke from the Continental Shelf revenues. If the committee wants to go above or below, I think we could tie it to the Continental Shelf revenues and be very certain that the amount of money would be there.

Senator HATFIELD. Under the best of circumstances where we would possibly go above that which we are not now discussing in terms of total amount of dollars, would you then consider the national forest receipts as some future possible source for such funds?

Secretary UDALL. Personally, I would hope we don't have to look to the national forest receipts and we can look to the Continental Shelf. To me, it is a sound way of taking money we receive for natural resources that is depleting and plowing it back into land acquisition which builds up the national estate. I like that as a philosophy.

Senator HATFIELD. But it is not on the basis of any of the qualms you have about using such forest receipts for recreational purposes?

Secretary UDALL. No; we recommended it a year ago. We still think this is another way to do it. Probably not as preferable.

Senator HATFIELD. Do you think there might be other priorities on such national forest receipts than those which would be included in this kind of program?

Secretary UDALL. No. I know of none but there might be a desire at some time in the future to use them. I am not aware of any.

Senator HATFIELD. Do you know of any other priorities that the national forest receipts could be used for other than for this kind of program?

Secretary UDALL. I can't think of any.

Senator HATFIELD. In other words, this type of program would have the priority?

Secretary UDALL. I think again you have logic there.

Senator HATFIELD. The point, Mr. Secretary, that I think is very pertinent to this that I am trying to develop with you is that, as we have been called upon in this bill to consider the whole question of user fees, I think we are also called upon in this bill to consider the whole proposition of priorities, receipts being used for recreational development and economic development, jobs and commerical resources. I don't think it is an either/or. I think it is a question of balance.

As you and I have discussed some times before, you and I disagree as to what is the best balance at a particular time under existing circumstances. But let me just for the record indicate to you that from the Federal Forest Service we have an estimate of some $10 billion that they feel will be necessary in the next 28 years to develop our national forests in terms of access roads, in terms of control of disease, in terms of the needs of thinning, and other sound conservation practices which are not unrelated in all instances to recreational development because many times there is a very good and close relationship.

In my State of Oregon we have the need in the next 28 years of $1,129,000,000 for this development because today all the access roads in our State are only 20 percent up to standard. Eighty percent of them are in need of reconstruction. We have 23,767 nonexistent access roads which could and should be undertaken and constructed.

Consequently, when you place priorities of using national forest receipts for other than the development of our forest resources I think it is not a good priority and I think that it is not keeping the balance. That is why I wanted to discuss this with you, because eventually we are going to come head-on to this again. As you know, we have been holding public hearings in the Small Business Committee of the Senate on the question of log exports. As eloquently brought out in those hearings, we are suffering a very deep economic problem now in the Pacific Northwest, particularly in my State, because of the undeveloped program of the Forest Service in access roads and other things could possibly increase the allowable cut.

I only inject that at this point because it does seem to me that we are talking about the same subject in terms of not only recreation but industrial and economic development, as well.

I appreciate your frankness in saying that you do feel the priority of this is in recreation. I don't think it should be emphasized as either/or, but I think a carefully coordinated program where both could benefit.

I am hopeful that the international picture will improve so that we can increase these funds and make funds available to you and your specific program. At the same time, I am hopeful we both can mutually study this proposition that might ultimately cause a conflict between priorities.

The CHAIRMAN. Thank you, Senator Hatfield.

Senator McGovern.

Senator MCGOVERN. Mr. Chairman, I will be very brief.

I just want to take this opportunity to express my appreciation to Secretary Udall and Dr. Crafts and Mr. Hartzog and their associates and also the senior members of this committee who have made this program possible. I think it is one of the finest single developments that has ever come into our State.

We have about 62 projects in operation now, 38 of them local projects and the rest State projects. I think something over $2 million has been distributed and another $400,000 is now in the process of being allocated. It has been of tremendous assistance to South Dakota.

There is one point I am curious about. I believe only about $9 million of the total funds available come through user fees. In view of the rather small amount that represents in terms of the over-all funds, I am wondering why the Secretary feels as strongly as he apparently does about retaining that source of revenue.

Secretary UDALL. That source of revenue has been about 9 percent. It is about a third of what we hoped for, just to put this in perspective for you, Senator. As you know, some of the national park areas, the larger areas, had user fees prior to the time legislation was enacted.

I think the philosophy of the Congress when this was enacted into law 3½ years ago was that the American people would accept and should accept the idea that in these prime outdoor recreation lands that a modest fee is reasonable. Most of the State park systems in the country, particularly the larger and better ones, have charged fees for years that are substantially higher than these rather modest fees that we charge.

I can say to you, too, that the idea of people having to make a modest payment, I think, give them a little different attitude sometimes with regard to the fact that it does cost money to acquire and to develop recreation areas and maybe like any patron they take a little special care and interest in the result.

But this is the thing we discussed 4 years ago when the legislation was framed and I think our experience has been fairly good although we are disappointed in the extent of revenues, I must confess.

Senator MCGOVERN. Thank you, Mr. Chairman.

Senator ALLOTT. Mr. Chairman.

The CHAIRMAN. Senator Allott.

Senator ALLOTT. Could I just go into one more point?

At the bottom of page 8, where you refer to the advance contract authority, it is not clear to me in your answer to Senator Kuchel as to how you would handle this with the committee?

My concern is one of bypassing the Appropriations Committees, which is something that this committee will have to consider and work out if this is given. What was your thinking on how this would be handled?

Dr. CRAFTS. Senator Allott, this is, in a sense, what it amounts to. It is a commitment on the Appropriations Committees to appropriate the money obligated under this advance contract authority. This, of course, is generally looked on with disfavor by the Appropriations Committee, by the Congress and by the Bureau of the Budget. There are a few exceptions that have been made.

This is one reason why the amounts proposed of $30 million per year for only 2 years, is so limited. The justification for departure from the normal procedure here is an effort to provide for only 2 years one more tool to move in on areas where there is a particular problem of escalating prices.

If this legislation is passed as proposed to be amended, this would be a contract of the United States which in due course would have to be honored. I am sure that there will be varying views about this by members of the Appropriations Committees.

Secretary UDALL. Senator, if I may add one other thing, I am told that authority similar to this is contained in the Federal Highway Act. One of our feelings all along, because our land acquisition problems are not different in any degree from the highway program, that if an authority of that kind is useful for them and if it has been tested and tried that it might be equally useful for us, too.

Senator ALLOTT. I think it could be worked out with some refinement. I am not certain what the reaction of the Appropriations Committees particularly the Appropriations Committee in the House, might be to this. We are all aware of the problem, we are all concerned about it, and we are all anxious to work something out. At a later time we can discuss the specifics. But I can see that it is going to take more work before it will be acceptable.

Thank you.

The CHAIRMAN. Thank you, Secretary Udall and Mr. Hartzog and Dr. Crafts. Your testimony has been very helpful. We are in your debt for the tremendous job you have done in connection with this land and water conservation fund program.

I do think what we have discussed here today is a prudent answer to a very difficult problem and we certainly will see to it that the Senate acts speedily on the recommendations that have been made. I am hopeful that we can get a bill out very shortly.

Thank you very much.

Secretary UDALL. Thank you, Mr. Chairman.

The CHAIRMAN. The Chair will endeavor to hear from the Corps of Engineers and the Chief of the Forest Service before adjourning. Then we will resume at 2 o'clock.

Our next witness is Brig. Gen. Charles C. Noble, Deputy Director of Civil Works, Chief of Engineers, U.S. Army, accompanied by Col. James B. Meanor, Jr., Executive Director of Civil Works, Chief of the Corps of Engineers; Harry O'Neill, Chief of Management and Disposal Division, Directorate of Real Estate; and Mark S. Gurnee, Chief of Civil Works Operations Division.

STATEMENT OF BRIG. GEN. CHARLES C. NOBLE, DEPUTY DIRECTOR OF CIVIL WORKS, CHIEF OF ENGINEERS, U.S. ARMY; ACCOMPANIED BY COL. JAMES B. MEANOR, JR., EXECUTIVE DIRECTOR, CIVIL WORKS, CHIEF OF ENGINEERS; HARRY O'NEILL, CHIEF, MANAGEMENT AND DISPOSAL DIVISION, DIRECTORATE OF REAL ESTATE; AND MARK S. GURNEE, CHIEF OF CIVIL WORKS, OPERATIONS DIVISION

General NOBLE. Yes, sir. Colonel Meanor is prepared to deliver our statement at this time.

The CHAIRMAN. All right, Colonel Meanor.

Colonel MEANOR. Yes, sir.

Mr. Chairman and members of the committee, I am Col. James B. Meanor, Jr., Executive Director of Civil Works, Office of Chief of Engineers, Department of the Army. I am accompanied by Mr. Harry O'Neill, Chief, Management and Disposal Division, Directorate of Real Estate, and Mr. Mark S. Gurnee, Chief of the Civil Works Operations Division.

I appreciate the opportunity to appear before this committee to discuss the use of Federal lands and facilities by the public at projects authorized by the Congress and constructed by the corps. The appendixes to my statement contain illustrations to which I will refer from time to time.

The bill, S. 2828, would except from the provisions of the Land and Water Conservation Fund Act of 1965 facilities administered by the Corps of Engineers by prohibiting the charging of a fee for entrance, admission, or access or for the use of minimum recreational facilities. The exception is assumed not to apply to fees or charges collected by States or local interests in the administration of project areas which have been leased to them, nor to national recreation areas where the authorizing legislation might well cover the specific application, nor to the collection of user fees as defined in Public Law 88–578.

It is recommended that the bill, if enacted, be clarified on these points.

The bill would also prohibit the Secretary of the Army from collecting or receiving any fee or charge for the issuance of any permit or license for any boat mooring or docking facility, duckblind, ski jump float, swimming or diving platform or raft or any other similar floating facility, but would not prohibit the Secretary from requiring a permit or license for any such floating facilities.

It is also assumed that this prohibition would apply to fixed as well as floating facilities of the type specified in the bill located on Federal project lands, recognizing that the charges to be imposed under corps of regulations are for the exclusive private use of the underlying lands, and not for the use of the waters.

There is a substantial difference in the problems relating to these two separate parts of S. 2828. Accordingly, I would like to divide my statement into two parts; namely, (a) entrance fees under the Land and Water Conservation Fund Act and (b) charging for special privileges granted on Government land and water to private interests.

ENTRANCE FEES

The Congress enacted the Land and Water Conservation Fund Act of 1965 (Public Law 88–578) approved September 3, 1964. The purpose of the act was to improve outdoor recreation resources by providing funds for, and authorizing Federal assistance to, the States in planning, acquisition, and development of needed land and water areas and facilities, as well as providing funds for the Federal acquisition and development of certain lands and other areas.

The ordinance for the government of the territory of the United States northwest of the Ohio River enacted in 1787 provided:

> The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other states that may be admitted into the Confederacy, without any tax, import or duty therefor.

This remains the national policy today and fees for the use of federally developed and operated recreation facilities do not violate this policy.

During the period 1944 to 1965 access to and use of the reservoirs and attendant facilities under the jurisdiction of the Department of the Army was granted to the public without charge by the authority of section 4 of the Flood Control Act of 1944, as amended, which provided:

> The water areas of all such projects shall be open to pubic use generally, without charge for boating, swimming, bathing, fishing and other recreation purposes.

The Land and Water Conservation Fund Act of 1965 specifically modified this authority by deleting the words "without charge," which had the effect of eliminating any contention that this language excluded Corps of Engineers projects from the entrance fee provisions of the act.

This act was supplemented by Executive Order 11200, which authorized the Federal agency heads to impose entrance and user charges beginning April 1, 1965.

The President delegated to the Secretary of the Interior the responsibility for establishing a recreation user fee schedule and to fix specific charges at each designated area.

Regulations for this purpose have been promulgated by the Secretary under title 43, subtitle A, part 18, Recreation Fees, C.F.R., which provides:

> Fees shall be charged if the following conditions are found to exist concurrently:
> (1) The area is administered by any of the eight agencies specified in 18.1 hereof;
> (2) the area is administered primarily for scenic, scientific, historical, cultural or recreational purposes;
> (3) the area has recreation facilities or services provided at Federal expense; and
> (4) the nature of the area is such that fee collection is administratively and economically practical.

An "area," as covered by this Executive order and as applicable to Corps of Engineers projects, has been assumed to be a location adjacent to the water where sufficient lands are available for concentrated public use. Such areas are normally spaced around a reservoir with fre-

quency and size, depending on terrain, access, anticipated use, and other planning principles.

The relationship between a project and an individual public-use area are shown by illustrations 1 and 2 of the attached appendix A. The project is W. Kerr Scott Reservoir, Yadkin River, N.C.

Approximately 1 million people live within 50 miles of this reservoir. Within 75 miles are large urban areas, including Charlotte, Asheville, Winston-Salem, High Point, and Greensboro.

Illustration 1 is an aerial view of the reservoir.

Illustration 2, the general development plan for the reservoir, shows the relationship between a reservoir project and individual public-use areas around the reservoir. Public-use areas are shown in solid black.

The current detailed criteria for designation of public-use areas at which entrance fees would be charged at the Corps of Engineers projects and approved by the Bureau of Outdoor Recreation for the Secretary of the Interior are—

A. Federal expenditure of at least $25,000 for recreation facilities—exclusive of roads—with minimum facilities provided to include the following: picnic tables, fireplaces, trash collection, paved boat launching ramp, parking area, potable water, sanitary facilities, and camping area.

B. At least 25 acres of usable land above the conservation pool.

C. Attendance of at least 50,000 visits per year.

D. Potential for further sophisticated development.

Consideration is also given to such factors as to whether there are other public-use areas on the same project with minimum recreation facilities where no fee is charged.

There will be at least one such no-charge area at each project. There are also overlook areas, with parking and display boards, where visitors may view the project without charge.

These criteria have been the basis of selection of areas at which entrance fees were charged at corps projects both in 1966 and 1967.

The corps regulations pertaining to fees for the current season are enunciated in EC1130–2–38, a copy of which I offer for the record.

The entrance fees charged at corps projects in 1966 and 1967 are the minimum on the schedule promulgated by the Secretary of the Interior. The entrance fees for 1967 are 50 cents for 1-day use by an individual, at one project; $1 per day for 1-day use by the occupants of a single vehicle at one project only; $3 good for a single vehicle for 6 months at one project only; and $7 for a single vehicle for a permit good all year at any Federal recreation area.

The Corps of Engineers administers 235 reservoir projects of all types and several navigation projects along the Nation's rivers at which there are approximately 3,000 points where the shores may be reached, not including lands leased to others.

Many of these access points are small and have little or no Federal improvements but are nevertheless used by fisherman and others desiring access to the waters of the reservoir. About one-third of them have been provided with a least some of the minimum facilities mentioned previously.

For the current recreation year, April 1, 1967, to March 31, 1968, 168 public-use areas at 65 projects have been designated by the Secre-

tary of the Army for collection of entrance fees. These projects are shown as gray dots on illustration 3, page 3 of appendix A.

These areas typically contain an access road with minor circulation roads, parking areas, boat launching ramps, potable water, toilets, and camping and picknicking facilities.

Illustration 4 shows an individual project with designated fee areas. This project, Canyon Reservoir on the Guadalupe River in Texas, is located about halfway between San Antonio and Austin. There are seven recreation areas at Canyon Reservoir which are shown in solid black. The three areas circled in black are designated as fee areas.

Illustrations 5, 6, and 7 on page 5 of appendix A show maps of typical public-access areas with multiple road entrances. Public roads, shown on the map by wide black lines, provide access to these areas.

Entrance is gained from these roads at separate points as shown by the black arrows. The interior circulation roads connect to parking areas, boat ramps, picnic facilities and campgrounds.

Illustrations 8 through 13, pages 6, 7, and 8 of appendix A show a typical parking area at a public-use area, a concrete-surfaced boat launching ramp, picnic facilities, family campsite, a small concession lease site at a public-use area, and a public beach and bathhouse.

During 1966 the Corps of Engineers collected $105,000 in entrance fees which was deposited in the land and water conservation fund. However, we did not keep cost of collection figures except at a few areas where special studies were conducted.

Collections were accomplished by regular operating personnel in addition to other normally assigned duties. The collections for the period April 1, 1967, to August 31, 1967, have approximated $600,000. This does not include admissions granted by Golden Eagle passport, the sale of which may have been made by others and the proceeds not credited to the Corps.

We have administered the program in 1967 largely through roving Rangers who check the areas periodically. Our gross costs for the same period were roughly equal to the amount collected. These costs are comprised of the actual salary and operating expenses of extra Rangers hired primarily to police the collection of fees.

The cost of these Rangers, because of their presence and because they perform other incidental duties, should be allocated only in part against fee collection. Consequently, we feel our collections are exceeding costs. However, the current method of collection is not capable of precise analysis.

There have been a number of problem in collecting fees, a situation which may be more apparent when I tell you that our reservoir projects have a total shoreline of over 30,000.

Whitnew Reservoir project, Brazos, River, Tex., located about 30 miles northwest of Waco, is typical. Illustration 14 on page 9 of appendix A is a map of Whitney Reservoir.

With a shoreline of 135 miles, it has 19 public-use areas shown in black, of which eight, shown with names outlined in black, are designated as fee areas.

Attendance in 1966 at these eight fee areas totaled 811,000. To man entrance booths at the Whitney Point project would require 26 employees. By using the roving-ranger system, we try to cover these areas during peak use periods with four men.

With the project office located 20 miles from the most remote area and an average distance of 6 miles between areas, the administrative problems are evident. It is not practicable to assure payment by all visitors because complete coverage by rangers at all times cannot be economically justified.

Persons who do not pay when contacted by a Ranger, or who do not have in their possession a satisfactory permit, are issued a notice of violation. If after 20 days they have not furnished the number of their permit or made the necessary payment, the violation is turned over to the U.S. Attorney for prosecution.

Approximately 30,000 notices of violation were issued at corps fee areas up to September 30, 1967. Sufficient time has not elapsed to determine the effectiveness of the followup action by the U.S. attorneys. We have found that many of them are not able to schedule these actions in already busy calendars. Working through the Bureau of Outdoor Recreation we intend to take steps to improve these enforcement procedures with the Department of Justice.

The Land and Water Conservation Fund Act provides for entrance, admission, and user fees. At corps projects the only fee now imposed is the entrance fee. Admission fees have been interpreted to mean fees imposed to view performances or exhibits which are not pertinent to corps projects.

User fees have thus far been interpreted by the Army Engineers to be applicable to personal services or supplies and utilities which are provided at corps projects only by concessionaires or lessees who are permitted to charge therefor within the limits specified by the regulations of the Secretary of the Interior.

There have been objections raised to the imposition of entrance fees. Most of the complaints have been that the fee constitutes a tax, a dual charge for facilities provided at taxpayer expense, a discrimination against the poor, a violation of the traditional concept of free use of Federal waters, or a charge for the bounties of nature.

Complaints have also been raised by nonprofit organizations who have regularly used or wish to use a fee area for a group assembly of civic value, such as church groups and Rotary Clubs.

It should also be noted that there has been comment in favor of the charge as providing a "desirable" measure of exclusiveness, in reducing vandalism, and in improved management.

If the entrance fee provisions of the Land and Water Conservation Fund Act are rescinded, as proposed in S. 2828 or other similar bills, it would place the Corps of Engineers in a position where it would be the only Federal agency excepted from the provisions of the act; it will have the effect of discouraging participation by States and other public agencies which usually rely on fees to meet part of their expenses and which would suffer competitively with free Federal areas; it would decrease income to the land and water conservation fund with resultant diminution of the desirable objectives of that fund; and it would be at variance with the congressionally accepted concept that services rendered to special beneficiaries should be self-sustaining to the fullest extent possible.

The Land and Water Conservation Fund—P.L. 88–578—provides for an integrated, coordinated program which involves every Federal agency with any significant responsibilities in the field of recreation.

Its general purpose—the improvement of outdoor recreational possibilities for all Americans—is beyond criticism. That purpose can only be realized through careful planning and through the expenditure of money. The Congress provided for both when it passed the act.

We seek to implement the fee provisions of the Land and Water Conservation Fund Act fairly and equitably under the general guidance of the Secretary of the Interior, recognizing that there may be some imperfections in our methods and recognizing further that there are practical, but as yet not clearly definable, limits in the application of the fee concepts to corps projects.

As we gain experience under the act, the definition of limits will become apparent, and we feel that the problems associated with implementation will be reduced. We are unaware of any policy considerations affecting the imposition of fees at Corps of Engineers reservoir projects which were not present when the Congress enacted the Land and Water Conservation Fund Act. Consequently, we oppose enactment of any legislation which excepts the Army from the application of a national policy and program.

We also understand that legislation is being introduced in both Houses, which, if approved, would substantially supplement the income to the land and water conservation fund.

CHARGES FOR PRIVATE FACILITIES

I will now turn to the second part of S. 2828, which proposes to prohibit the imposition of charges for a private boat mooring or docking facility, duck blind, ski jump, swimming platform or raft, or any other similar floating facility at corps projects.

Insofar as this prohibition is concerned, it should be noted that the above-mentioned charges are not to be assessed under the Land and Water Conservation Fund Act, but rather pursuant to other authority.

I testified last week on this subject, as contained in S. 2236, before the Subcommittee on Flood Control—Rivers and Harbors of the Senate Public Works Committee.

Prior to the construction of flood control and multipurpose reservoirs, the Districts of the Corps of Engineers had been issuing permits for the same types of facilities covered by the proposed bill as a means of protecting navigation.

As Federal ownership of land was not involved, there was no basis for charging for a use of the land. When for reasons other than navigation the need arose to control similar facilities at Corps reservoirs where lands are federally owned, similar permits were issued in the North Pacific Division and in the Savannah and Mobile Districts of the South Atlantic Division, as leases for the private use of the land, for which a charge was made.

However, the great majority of our districts issued these permits without charge, following the example of navigation permits even though the fact of proprietorship was different.

Some attempt was made to justify the free permits on the basis that they did not grant exclusive private use of the land which then theoretically remained available for general public use.

While the public use of our reservoirs remained relatively low in density, this practice presented few problems. In recent years, how-

ever, public use has grown tremendously, and the original open and primitive docks have in many instances been converted to enclosed boathouses, some with living quarters, which patently contradict any concept of being nonexclusive and available for public use.

The intent of Congress as expressed in the act of August 31, 1951 (5 U.S.C. 140), is that a charge should be made for any benefit, permit or use granted by any Federal agency and that such charge should be fair and equitable, taking into consideration direct and indirect costs to the Government, value to the recipient, public policy or interest served and other pertinent facts.

In addition, the Bureau of the Budget, in its Circular A–25, dated September 23, 1959, prescribed that fair market value should be realized where the exclusive use of Government property is involved.

In order to be consistent with the general policy of obtaining adequate compensation for the grant of a valuable right and to recoup from the beneficial user a portion of the administrative cost involved in granting and administering these permits, the Corps proposes to impose charges on all structures located on Government land, floating or fixed, which are intended for exclusive private use.

A copy of the directive proposing this action, EC 1130–2–25, is submitted for the record.

The principal type of user affected, the resident adjacent to a reservoir, has no vested right in the shoreside lands, but is entitled to use the shore to the same extent as, and to no greater extent than, other members of the public. There is no reason why these individuals should be permitted to build, free of charge, docks, boathouses, and other facilities for their own private benefit and exclusive use, on or over Government land when other members of the public must pay for similar privileges at commercial areas or as members of yacht and boat clubs.

Users of reservoir areas who do not own such permittee facilities have the alternative of paying concessionaires for comparable use. Operators of concessions in turn pay rental to the Federal Government. Yacht and boat clubs are also required to pay rental to the Federal Government for their entire installation including facilities for the storage of boats.

Other commercial users of shoreside facilities at our projects have historically paid for such use. These include docks and piers for the loading and unloading of grain, coal and other types of fuel, raw and finished products, et cetera, which require the use of Government-owned land, including the land under the dock or pier.

An illustration of such use is shown in illustration 1, page 1, of appendix B. This shows the Bi-State Development Agency dock at Granite City, Ill., on the Chain of Rocks Canal, Mississippi River. The Department of the Army grant for the use of this project land requires a rental payment of over a thousand dollars per year.

The amount of the proposed charge was established at $10 for the first 200 square feet of land used, plus 7½ cents for each additional square foot. The base fee was established at $10 so that the charge would not be prohibitive for small swimming and diving rafts and small boat owners. And the 7½ cents for each square foot in excess of 200 square feet was established to inhibit construction of large shoreside facilities.

It is hoped that it would have the effect of reducing the size of the larger shoreside facilities which are tending to monopolize parts of projects to the detriment of public use and which are esthetically objectionable. We feel that the proposed charges compare favorably with charges made by concessionaires and other operators of water impoundments.

Illustrations 2 through 10 of appendix B show the various types of private facilities for which charges are proposed.

A simple fixed private boat landing at Jim Woodruff Dam (Lake Seminole), Apalachicola River, Georgia and Florida, is shown by illustration 2. The annual rental would be $10.

A more substantial but simple private floating swimming dock and boat landing at the Philpott Reservoir, Smith River, Virginia, is shown by illustration 3. Annual rental here will also be $10.

The annual rental for the private, covered floating boathouse, illustration 4, at Wappapello Reservoir, St. Francis River, Mo., would be $18. This is a typical boathouse for storing run-about cruisers.

Illustration 5 shows a private, partly enclosed floating boathouse at the Allatoona Reservoir, Etowah River, Ga. These more substantial structures generally house the larger cruisers and include space for storage of boating gear and accessories. Annual rental would be $30.

The annual fee for large boathouses such as shown in illustration 6, located at Lewisville Reservoir on the Trinity River in Texas, would be approximately $100.

Illustration 7 shows a concession installation in background, for which charge is made, and a private boathouse in foreground, for which a charge is not now made.

Illustration 8 shows a cottage at Lake Allatoona, Ga., for which a land-rental charge of about $50 per year is collected.

A floating cottage, for which no rental charge is now made, is shown in Illustration 9. The proposed rental charge for such a facility would be about $30 per year.

Illustration 10 shows the ultimate in floating cottages at Lake Allatoona, Ga.

I would like to call the attention of the committee to the fact that, under the act of August 18, 1941, as amended (33 U.S.C. 701c–3), 75 percent of all moneys received through these charges shall be paid to the States in which located, for use on public schools and roads.

The charge is limited to the use of Government-owned land. It is comparable to a lease of real property for exclusive use and is not comparable to a property tax on private real or personal property.

Approximately 40 percent of all leases, principally floats and walks, would have a charge of $10 per annum; 48 percent, principally single-stall boathouses, would have a fee ranging between $10 and $50 per annum; 9 percent, principally double-stall boathouses, would have a fee ranging between $50 and $100 per annum; 3 percent, principally community docks and multi-stall bathhouses, would have an annual fee of more than $100. We are of the opinion that these charges are reasonable.

The average standard charges made by commercial concession lessees for the mooring and docking of a boat, where the lessee provides the dock and all services, is $15 per month and $157 per annum. By comparison, even after taking into consideration that an individual bears

the cost of the structure (dock, boathouse, et cetera), the charge being imposed by the Government is lower. Charges at non-Federal lakes generally compare with charges made by commercial concession lessees at corps reservoirs.

Generally, other Federal agencies discourage permits for private boat docks. Where they are permitted (by the Bureau of Land Management and the Forest Service), a charge of not less than $5 per year is imposed.

The objections we have received, both from individuals and the Congress, have been based on one or more of the following:

That they are being charged where the use was formerly free;

That they have been led into sizable investments without being informed of future charges;

That the charge violates the principle established in 1787 for the Government of the Northwest Territories and confirmed by the First Congress that navigable waters should be forever free to the citizens without tax, import, or duty therefor;

That as taxpayers they have already paid for the project, a further charge constituting duplicate taxation;

That the charge is excessive; or

That comparable charges are not made for other users of the lake.

The original date of effectiveness of the directive, January 1, 1968, was established to give all lessees or prospective lessees adequate advance advice. It does not appear proper to accept the argument that past free private use of public lands is a sound basis for such continued use.

The proposed charge is for the use of the land underlying the fixed or floating structure and is analogous to the rent paid for a cottage site under a lease, on which the lessee constructs his cottage or cabin. It is not a charge for the use of the water but for a use which precludes the use of that water area by the general public. Nor are these charges taxes, any more than are charges for grazing or timber harvesting on Federal lands.

I have already noted that the charges imposed are modest compared with alternatives and that like users of the lake actually must pay more for like privileges.

At the request of the chairman of the Senate Committee on Public Works and several congressional representatives, we have postponed the imposition of these charges for 1 year, to January 1, 1969, to allow time for consideration by the Congress.

We are currently restudying the coverage and reviewing the dollar amount of these charges to include the practicability and equity of charging a rental for duck blinds, ski jump floats, swimming and diving rafts, and other similar floating facilities. As soon as our review is completed, we will advise the Public Works Committees of the Congress of our findings.

In summary, the imposition of rental fees for the exclusive private use of Government land to be occupied by docks and similar facilities has been instituted to correct inequities, to conform with stated congressional and administrative policies and the practices of other Government agencies, and to improve the administrative control of Federal lands. We believe that reasonable and equitable charges are appropriate.

On January 29, 1968, the Secretary of the Army advised the chairman of the full committee that the Department of the Army was opposed to the enactment of this bill.

I appreciate the opportunity afforded by the committee to express the views of the Department of the Army on this important matter.

The CHAIRMAN. Thank you, Colonel. We will print your appendixes at this point in the record. The illustrations will be in the files of the committee.

(The documents referred to follow:)

[Circular No. 1130-2-38]

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., April 17, 1967.

EXPIRES 31 MARCH 1968 UNLESS SOONER SUPERSEDED OR RESCINDED PROJECT OPERATIONS

Designated areas and admission fees, 1 April 1967 to 31 March 1968—civil works projects

1. *Purpose and Scope.* To implement the Secretary of the Army's determination of "Designated Recreation Areas" under Land and Water Conservation Fund Act of 1965 and to prescribe procedures for such implementation during the period 1 April 1967 to 31 March 1968.

2. *Reference.*

a. Federal Register 10 Jan 1967, Title 43, Substitle A, Part 18, Recreation Fees.

b. Land and Water Conservation Fund Act of 1965.

c. Executive Order 11200 dated 26 February 1965.

d. BOR information pamphlets to accompany Gold Permits.

3. *Designated Areas.* Each of the access areas listed on Appendix I.

4. *Period of Applicability.* Entrance charges at the designated Corps areas listed will be in effect until 31 March 1968, except that each District Engineer is hereby delegated authority to determine the period of applicability for any access area for which the extent of use warrants. Such determinations should be made for those months for which attendance approximates that of the summer months, and for which the activity can be staffed. The Division Engineer and OCE should be advised by letter of these determinations.

5. *Notice to the Public.* OCE will supply District Engineers two types of metal signs to be posted promptly on receipt at each access area shown on Appendix I. The U.S. fee area sign will be displayed to give advance warning of an entrance fee area. The 2nd sign will be posted near the entrance to the fee area. This sign indicates the type of permits required, annual, 6 month or daily as indicated in the Secretary of the Army's determination. The words from and to under the 6 month permit should be obliterated. This permit is good for 6 months from date of issue but not beyond 31 March 68. District Engineers will post a third sign indicating where permits may be purchased. This sign should also say, "the entrance fee is not applicable to those going to the leased concession site solely to utilize the services and facilities," where pertinent.

6. *Types of Permit.* As set forth in Appendix I.

The Annual Gold Permit will be honored for admission to all Federal Designated Areas. Both short term permits are good for all designated access areas of a single project. These permits when used for admission by vehicle must be displayed inside the vehicle in full view, preferably on the sun visor or dashboard on the left side of the car.

7. *Sale of Permits.* All types of permits will be available for sale at District office, Project offices of projects listed in Appendix I and by uniformed rangers in the course of their performance of general duties. Additional permits will be requisitioned in accordance with ER 310-1-100. An initial supply is being furnished directly to each District Engineer. Only annual permits are supplied to Districts having no fee areas.

The $3.00, $1.00 and $0.50 permits will all be stamped for the project at which it will be used. The $3.00 permit will indicate the date of issue. The daily permit will be dated for the day it is to be used.

8. *Ranger Deportment.* Rangers will endeavor to present a personable appearance whenever contacting the public. If other work dictates otherwise, he will dispense with such contacts until properly attired. During that portion of 1967 in which entrance fees are in effect, he will devote his time to admission fees without neglect of fire control, safety, and protection of government property and other assigned duties of high priority. He will endeavor to be courteous to the public at all times and avoid incidents critical of the Corps. Temporary Rangers employed primarily for fee collection will perform duties as assigned.

9. *Persons not requiring permit.* Persons under 16 years of age and individuals engaged in construction, sales or purely educational purposes are not required to have permits for entrance to the designated areas. The Questions and Answers folder furnished with the annual permit indicates other specific exemptions. All persons present on official business are not required to have a permit.

10. *Funds and Personnel.* On the assumption that the funds requested in the 1968 FY budget will be allowed and a 1967 FY allotment will be made for carrying out the fee collection program, District Engineers will proceed promptly with the hiring and uniforming of necessary personnel and giving them training in the collection program. To help the Corps answer subsequent questions on the cost of collections versus the amount collected, District Engineers will initiate workable procedures for ascertaining the cost of collection to the amount collected for each fee area.

11. *Enforcement.*

There is inclosed a "Notice of Violation", Appendix II, which should be reproduced in quantity for each Ranger's use when he finds a vehicle without a valid permit within a designated area and outside of the leased concession site. This admonition should be left in the vehicle or under the windshield wiper along with an envelope addressed to the Reservoir Manager. If payment is not received within 20 days of issue of Notice, or satisfactory explanation furnished for non-requirement (see Paragraph 9 above), prosecution will be recommended to the U.S. Attorney having jurisdiction.

The Corps does not have residual authority for arrest or issuance of warrants. District Engineers should take up with the U.S. Attorneys concerned with each project the procedure for enforcement of the penalty clauses of the Land and Water Conservation Fund Act. If no U.S. Commissioner has been appointed, the U.S. Attorney may be requested to initiate action for appointment of a U.S. Commissioner before whom complaints may be filed.

For the Chief of Engineers:

H. G. Woodbury, Jr.,
Brigadier General, USA,
Director of Civil Works.

Append:
1. Determination of S/A.
2. Notice of Violation.

Appendix I—Determination of the Secretary

I hereby rescind my determination of 8 June 1966 and make the following determination. The public access areas listed by State, Project and River are hereby determined as "Designated Areas" pursuant to Section 3 of Executive Order 11200. The Chief of Engineers is hereby delegated and may redelegate authority to establish the period of applicability of the fees to specific projects or to access sites therein as appropriate to climate, recreation season and staffing at each project or sites therein. At "Designated Areas" the entrance or admission fees are established at the minimum rates prescribed and as defined in Title 43, Code of Federal Regulations, subtitle A, part 18, effective 1 April 1967. These rates are: (a) $7.00 for annual "Federal Recreation Area Entrance Permit" good for private non-commercial vehicle, including all occupants; (b) $3.00 short term permit good for private vehicle including all occupants for a period not to exceed 6 months, valid at one project only; (c) $1.00—short term permit good for private non-commercial vehicle and all occupants for one day at one project only; (d) $0.50—short term permit for individual entering by means of other than private, non-commercial vehicle per day at one project only.

State	Project and designated areas	River
Arkansas	Beaver Reservoir access areas	White River.
	Hickory Creek, Prairie Creek, Rocky Branch, Blue Springs, War Eagle, and Horseshoe Bend.	
	Blakely Mountain Dam (Lake Ouachita) access areas	Ouachita River.
	Denby Point, Thompkins Bend, Joplin, Crystal Springs, and Brady Mountain.	
	Blue Mountain Reservoir access areas	Petit Jean River.
	Outlet.	
	Bull Shoals Reservoir access areas (also see Missouri)	White River.
	Lake View and Lead Hill.	
	Dardanelle lock and dam access areas	Arkansas River.
	Spadra.	
	Greers Ferry Reservoir access areas	Little Red River.
	Choctaw, dam site (where posted), Heber Springs, Shiloh, Sugar Loaf, and Narrows.	
	Narrows Dam (Lake Greeson) access areas	Little Missouri.
	Dam site (where posted), Kirby Landing, and Self Creek.	
	Nimrod Reservoir access areas	Furche La Fave River.
	Quarry Cove and River Road.	
	Norfolk Reservoir access areas	North Fork River.
	Bidwell Point, Cranfield, and Henderson.	
California	Black Butte Reservoir access areas	Stony Creek.
	Buckhorn, and Orlando Buttes.	
	Coyote Valley Reservoir (L. Mendocino) access areas	East Fork Russian River.
	Area No. 5 and area No. 3.	
	Isabella Reservoir access areas	Kern River.
	Tillie Creek-Live Oak, and Pioneer.	
	New Hogan Reservoir access areas	Calaveras River.
	North Shore.	
	Pine Flat Reservoir access areas	Kings River.
	Island Park.	
	Success Reservoir access areas	Tule River.
	Recreation area Nos. 3 and 4.	
	Terminus Reservoir access areas	Kaweah River.
	Recreation area No. 4.	
Georgia	Buford Dam (Lake Sidney Lanier) access areas	Chattahoochee River.
	Big Creek.	
Kansas	Council Grove Reservoir access areas	Grand (Neosho) River.
	Richey Cove and Neosho Park.	
	Pomona Reservoir access areas	Hundred and Ten Mile Creek.
	Wolf Creek.	
Kentucky	Nolin River Reservoir access areas	Nolin River.
	Moutardier.	
	Rough River Reservoir access areas	Rough River.
	North Fork and Laurel Branch.	
Mississippi	Arkabutla Reservoir access areas	Coldwater River.
	North Abutment.	
	Enid Reservoir access areas	Yocona River.
	Wallace Creek.	
	Grenada Reservoir access areas	Yalobusha River.
	Outlet Channel.	
	Sardis Reservoir access areas	Little Tallahatchie River.
	Lower Lake (where posted).	
Missouri	Bull Shoals Reservoir access areas (also see Arkansas)	White River.
	Beaver Creek, Pontiac, and Theodosia.	
	Clearwater Reservoir access areas	Black River.
	Piedmont Park and River Road.	
	Pomme de Terre Reservoir access areas	Pomme de Terre River.
	Dam site (where posted), Hermitage, Nemo, and Wheatland.[1]	
	Table Rock Reservoir access areas	White River.
	Campbell Point, Cape Fair, Big M, Eagle Rock, Highway 13, Indian Point, and Viola.	
	Wappapello Reservoir access areas	St. Francis River.
	Redman Creek and Peoples Creek.	
Montana	Fort Peck Reservoir access areas	Missouri River.
	Dam site (where posted).	
Nebraska	Harlan County Reservoir access areas	Republican River.
	Gremlin Cove, Patterson Harbor, and Hunters Cove.	
North Carolina	John H. Kerr Dam and Reservoir access areas (also see Virginia)	Roanoke River.
	Hibernia.	
	W. Kerr Scott Reservoir access areas	Yadkin River.
	Bandits Roost and Warrior Creek Park.	
North Dakota	Garrison Reservoir access areas	Missouri River.
	Dam site (where posted).	
Oklahoma	Canton Reservoir access areas	North Canadian River.
	Big Bend and Canadian.	
	Denison Dam (Lake Texoma) access areas (also see Texas)	Red River.
	Burns Run, Willow Springs resort, Bridgeview camp, Little Glasses resort, Soldier Creek, Johnson Creek, Alberta Creek, and Roads End.	
	Eufaula Reservoir access areas	Canadian River.
	Dam site (where posted), Brooken Cove, Highway 9 landing, Crowder Point, Belle Starr Park, and Porum Landing.	
	Keystone Reservoir access areas	Arkansas River.
	Salt Creek and Cowskin Bay.	

See footnote at end of table.

State	Project and designated areas	River
Oklahoma	Fort Gibson Reservoir access areas	Grand River.
	Rocky Point, Choteau Bend, and Taylor Ferry.	
	Hulah Reservoir access areas	Caney River.
	Hulah Cove.	
	Tinkiller Ferry Reservoir access areas	Illinois River.
	Snake Creek Cove, Cookson Bend, and Pettit Bay.	
South Carolina	Clark Hill Reservoir access areas	Savannah River.
	Modoc and Parksville wayside.	
	Hartwell Reservoir access areas	Do.
	Twin Lakes.	
South Dakota	Big Bend Reservoir access areas	Missouri River.
	Dam site (where posted).[1]	
	Fort Randall Reservoir access areas	Do.
	Randall Creek Park and American Creek.	
	Gavins Point Dam (Lewis and Clark Lake) access areas	Do.
	Dam site (where posted).	
	Oahe Reservoir access areas	Do.
	Dam site (where posted).	
Tennessee	Dale Hollow Reservoir access areas	Obey River.
	Obey River and Pleasant Grove.	
Texas	Bardwell Reservoir access areas	Waxahachie Creek.
	Waxahachie Creek.	
	Belton Reservoir access areas	Leon River.
	Live Oak Ridge, Rogers, and Westcliff.	
	Benbrook Reservoir access areas	Clear Fork of Trinity River.
	Mustang.	
	Canyon Reservoir access areas	Guadalupe River.
	Jacobs Creek, Canyon, and Cranes Mill.	
	Dam B Reservoir access areas	Neches River.
	Sandy Creek and Magnolia Ridge.	
	Denison Dam (Lake Texoma) access areas (also see Oklahoma.)	Red River.
	Grandpappy Point, Juniper Point, Cedar Bayou, and Cedar Mills.	
	Ferrells Bridge (Lake O' the Pines) access areas	Cypress Creek.
	East abutment, west abutment, Lakeside Hurricane Creek, Alley Creek, Railroad Landing, Pine Hill, Copeland Creek, and Brushy Creek.	
	Grapevine Reservoir access areas	Denton Creek.
	Murrell, Meadowmer, Oak Grove, and Marshall Creek.	
	Hords Creek Reservoir access areas	Hords Creek.
	Lakeside.	
	Lavon Reservoir access areas	East Fork of Trinity River.
	Avalon, Lavonia, East Fork, Little Ridge, and Clear Lake.	
	Lewisville Dam access areas	Elm Fork of Trinity River.
	Westlake, Oakland, Arrowhead, and Copperas Branch.	
	Navarro Mills Reservoir access areas	Richland Creek.
	Oak Park.	
	Proctor Reservoir access areas	Leon River.
	Copperas Creek and Sowell Creek.	
	Sam Rayburn Reservoir access areas	Angelina River.
	Twin Dikes, Mill Creek, and Powell.	
	Texarkana Reservoir access areas	Sulphur River.
	South abutment and north abutment and Clear Springs combined.	
	Waco Reservoir access areas	Bosque River.
	Speegleville and Airport.	
	Whitney Reservoir access areas	Brazos River.
	Lofers Bend, McCown Valley, Cedar Creek, Old Fort, Morgan Lakeside, Cedron Creek, Walling Bend, and Soldiers Bluff.	
Virginia	John H. Kerr Dam and Reservoir access areas (also see North Carolina).	Roanoke River.
	North Bend Park.	
	Philpott Reservoir access areas	Smith River.
	Salthouse Branch.	

[1] To be posted as a charge area at such time as facilities under construction have been completed.

APRIL 17, 1967.

APPENDIX 2—NOTICE OF VIOLATION, U.S. ARMY CORPS OF ENGINEERS

Area: _____

Date: _____ Time of day: _____

License Plate No: _____

Name: _____

Address: _____

A Federal recreation area entrance permit is required for use of this area under the Land and Water Conservation Fund Act of 1965. Your permit has not been displayed (on driver's side dashboard or sun visor clearly visible from the outside) according to posted instructions.

1. If you have a valid Federal recreation area entrance permit for this area, please display properly. Record its serial number here _____, place this notice in the attached envelope and mail.

2. If you have not had an opportunity to purchase a permit, the attached envelope is provided for your convenience. At the end of day remove from car, place this notice and $1 in cash, check or money order in this envelope, and mail.

If notice and remittance or evidence of permit is not received within 10 days, a complaint will be filed with the United States Commissioner and a warrant may be issued for your arrest.

_____
(Ranger)

[Circular No. 1130–2–25 (as amended)]

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., November 17, 1966.

EFFECTIVE UNTIL 30 SEPTEMBER 1967 UNLESS SOONER SUSPENDED OR RESCINDED

PROJECT OPERATIONS

Grants for Private Floating Facilities at Water Resource Development Projects

1. *Purpose and Scope.* The purpose of this circular is to provide information and instructions concerning policies and procedures applicable to granting of permits to individuals and organizations to construct or place private floating facilities at water resource development projects. It is applicable to Division and District Engineers having real estate responsibilities for civil work projects and responsibilities for administration of civil works projects.

2. *General.* a. The Act of Congress approved 31 August 1951 (65 Stat. 290; 5 U.S.C. 140) expresses the intent of Congress that Federal agencies establish fair and equitable fees and charges for privileges granted, taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served and other pertinent facts.

b. No fees or charges have been made for permits granted to individuals and organizations for private boat mooring facilities, duck blinds, ski-jump floats, swimming or diving platforms or rafts, and similar facilities at water resource development facilities. Since these permits confer valuable rights and privileges upon the permittees, it has been determined that adequate compensation will be charged for such permits. This change in policy is consistent with our general policy of obtaining adequate compensation for the grant of a valuable right and will recoup from the beneficial user a portion of the administrative cost involved in granting and administering the permit consistent with the intent of the Act of 31 August 1951 and Bureau of the Budget Circular No. A–25 dated 23 September 1959.

c. Pending the publication of an Engineer Regulation, the following policies and provisions will apply to the granting of permits to individuals and organizations for private boat mooring facilities, duck blinds, ski-jump floats, swimming or diving platforms or rafts, and similar facilities at water resource development projects:

(1) *General.* No individual or organization will be allowed to place or construct any private boat mooring facility (boathouse, buoy, dock or pier), duck blind, ski-jump float, swimming or diving platform or raft, or any similar facility upon the water area, above Government-owned land at any water resource development project until an application has been filed and approved and an appropriate permit issued.

(2) *Policy.* (a) The granting of permits for these purposes will be held to a minimum consistent with the circumstances at each project. Permits will not be granted for use of water areas within or immediately adjacent to lands being utilized or reserved in an approved master plan for Priorities 1, 2 or 3 purposes.[1] Applicants for the use of areas reasonably near a commercial concession will be encouraged to utilize the concession facilities.[1] The designation

[1] TT377 Dec. 8, 1966.

of Priority One lands is limited for this purpose to areas designated for concentrated public use, and not to the peripheral shore line. (b) The use of boat mooring facilities will be limited to the mooring of boats and storage of gear. The installation of sleeping accommodations, cooking facilities, heating facilities, toilet and shower facilities, refrigeration, television and other items conducive to human habitation in the facilities is prohibited.

(3) *Application.* The application for a permit may be in any form approved by the Division or District Engineer.

(4) *Consideration.* Compensation will be determined on the basis of the area occupied. The total area that the permittee obtains exclusive use over, including any walkway approach to the facility, will be determined to be the area occupied. The annual rate to be reserved is $10.00 plus seven and one-half cents (7½¢) for each square foot of the area occupied in excess of 200 square feet. When appropriate, permittees should be required to pay compensation, in advance, for the term of the permit to reduce administration costs.

(5) *Term.* The permit may be granted for a term equal to the estimated life of the facility or five years, whichever is less.

(6) *Form.* ENG Form 3943 will be used for these purposes.

(7) *Execution.* District Engineers or their authorized representatives are authorized to execute permits for these purposes. Generally, the authority to execute the permits should be delegated to appropriate Reservoir Managers.

(8) *Revocation.* District Engineers are authorized to revoke any permit granted for these purposes.

(9) *Compliance Inspections.* Periodic inspections will be performed by project personnel to assure compliance with the provisions of the permit. Special attention should be given to enforcing the prohibitions stated in subparagraph 2c(2)(b).

d. This change in policy and procedure will become effective 1 January 1968. The objective is to give each permittee at least six months notice of the change. All existing permits for these purposes will be revoked effective 31 December 1967. Permittees must remove their facilities, or obtain a new permit for the facilities to remain in place, prior to 1 January 1968.[2]

e. It has been noted that some owners of boathouses are utilizing the facilities for human habitation. This use is in conflict with the Code of Federal Regulations, Title 36, Chapter III and must be discontinued. Owners of boathouses who are using them for human habitation will be requested to take one of the following courses of action by 1 January 1968:

(1) Remove all living accommodation facilities (see par. 2c(2)(b) above) from the structure and use it solely as a boathouse for the mooring of a boat or boats and the storage of related gear.

(2) Convert the structure to a self-propelled houseboat and discontinue its use for human habitation when at a fixed or permanent mooring point. (This alternative will not be given on projects where houseboats are not allowed.)

(3) Remove the structure from the reservoir.

A new permit, under the policies and procedures herein prescribed, will not be granted to any such owner until he has complied with the request. Owners of facilities requiring permits should be notified no later than 1 January 1967 that they must comply or remove their facilities. Those not complying by 1 Jan. 1968 should be notified that on 1 April 1968 the facility will be considered abandoned personnel property under the appropriate section of Title 36, Chapter III, Code of Federal Regulations, and will be impounded, sold or destroyed as provided therein.

f. A public relations program at the project level should be carried out to bring to the public's attention the postive aspects of this permit system in preserving the quality of the project's resources. The project manager or his designated representative should endeavor to meet with civic minded organizations, who are interested in the orderly development and preservation of the project's resources, and the various news media serving the patrons of the project.

W. P. LEBER,
Brigadier General, USA, Director of Civil Works
(For the Chief of Engineers).

---

[2] TT399 Mar. 31, 1967.

APPENDIX I—DEPARTMENT OF THE ARMY, PERMIT FOR PRIVATE FLOATING FACILITY

In _____ project.

No.

The Secretary of the Army hereby grants to _____ a permit for a period commencing on _____, and ending on _____, to construct or place a _____ upon the land and/or waters of _____ project at the location shown in red on Exhibit A, numbered _____ dated _____ 19____, attached hereto and made a part hereof.

This permit is granted subject to the following conditions:

1. The permittee shall pay to the United States compensation in the amount of _____ dollars ($_____). Payments shall be forwarded to _____.

2. Detailed plans and specifications of the facility authorized to be constructed or placed upon the said land and/or water by this permit, hereinafter referred to as "the facility", shall be submitted by the permittee to the District Engineer, U.S. Army Engineer District. _____ or to a representative designated by him, hereinafter referred to as "the officer", for approval. No work shall be commenced under this permit until the written approval of the officer is received by the permittee. No additions or modifications shall be made to the facility without the prior written approval of the officer.

3. The permittee shall abide by all existing and future Federal, state and local laws and regulations concerning construction, use and maintenance of the facility and use of the project area.

4. The permittee, if the facility is for boat mooring purposes, shall limit its use to the mooring of a boat or boats and the storage of gear. He shall not install any sleeping accommodations, cooking or heating equipment, toilet or shower equipment, refrigeration, television or other items conductive to human habitation in the facility. He shall not use, nor allow others to use, any boat moored at the facility for purposes of human habitation.

5. The exercise of the privileges hereby granted shall be without cost or expense to the United States, under the general supervision and subject to the approval of the officer, and subject also to such regulations as may be prescribed by him from time to time.

6. Any property of the United States, including trees and other vegetation, damaged or destroyed by the permittee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the permittee to the satisfaction of the officer, or in lieu of such repair or replacement the permittee shall, if so required by the officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damage to or destruction of Government property.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the permittee, or for injuries to the person of the permittee, or for damages to the property or injuries to the person of the permittee's officers, agents, servants, or employees or others who may be on said project area at their invitation or the invitation of any one of them, arising from governmental activities on the said project area, and the permittee shall hold the United States harmless from any and all such claims.

8. The said District Engineer may revoke this permit at any time he determines that the area occupied by the facility is required for project purposes, including public recreational purposes, fish and wildlife management purposes, or for use by another Federal agency, or in the event the permittee violates any of the conditions of this permit and continues and persists therein for a period of 10 days after notice thereof in writing by the officer.

9. The permittee may relinquish this permit at any time by giving 10 days prior written notice to the officer.

10. On or before the date of expiration of this permit, or its relinquishment by the permittee, the permittee shall remove the facility and other property of the permittee from the said project area, and restore the project area to a condition satisfactory to the officer, damages beyond the control of the permittee excepted. If, however, this permit is revoked, the permittee shall remove

the facility and said property therefrom, and restore the project area as aforesaid within such time as the said District Engineer may designate. In either event, if the permittee shall fail or neglect to remove said property and so restore the project area, then, at the option of the said District Engineer, said property either shall become the property of the United States without compensation therefor, or the said District Engineer may cause the property to be removed and the project area to be so restored at the expense of the permittee, and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work.

11. It is to be understood that this permit is effective only insofar as the rights of the United States in the property involved are concerned, and that the permittee shall obtain such permission as may be necessary on account of any other existing rights.

This Permit is not subject to Title 10, United States Code, Section 2662.

In witness whereof, I have hereunto set my hand by authority of the Secretary of the Army this _____ day of _____ 19 __.

I/We have read the above permit and understand all of the conditions thereof and hereby accept and agree to abide by all of the conditions of the permit this _____ day of _____ 19 __.

Priority:

COFENGRS, DA, Wash, D.C.
DIVENGR, Missouri River, Omaha, Nebr.
DIVENGR, Nolant, NYK.
DIVENGR, New Eng, Waltham, Mass.
DIVENGR, NoCnt, Chcgo, Ill.
DIVENGR, NoPac, Portland, Ore.
DIVENGR, Ohio River, Cin, Ohio.
DIVENGR, SolAnt, Atla, Ga.
DIVENGR, SoPac, SFran, Calif.
DIVENGR, SoWest Div, Dal, Tex.
DIVENGR, Lower Miss Valley, Vicksburg, Miss.

From: ENGCW–O/ENGRE–MI 644

Ref: EC 1130–2–25, Grants for Private Floating Facilities at Water Resource Development Projects and supplementary instructions.

Pending outcome of Congressional considerations to legislative proposals to prohibit collection of fees by above referenced EC, collection of fees for private facilities at Corps-operated reservoirs is postponed for one year, until 1 January 1969. Advance press notice is being furnished Congressmen on Tuesday, 7 November with release on Wednesday, 8 November. Correspondence with interested parties should be delayed until announcement is received in your office.

JAMES B. MEANOR, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[Circular No. 1130–2–48]

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., November 29, 1967.

EXPIRES 31 DECEMBER 1968 UNLESS SOONER SUPERSEDED OR RESCINDED PROJECT OPERATIONS

Grants for private floating facilities at water resource development projects

1. *Purpose.* The charges prescribed in Circular No. 1130–2–25 dated 17 November 1966 have been suspended until 1 January 1969. This circular is to authorize the issance of new permits for a period extending to 31 December 1968 with certain conditions.

2. *Scope.* Where necessary, District Engineers are authorized to issue new revocable permits without charge for private and comparable facilities on Federal land where same is not detrimental to the public enjoyment of the project or its natural resources (Para 3b ER 1165–2–2). Each permit will contain a statement that this permit will be terminated when the charges now held in abeyance are imposed and that the facilities may not be utilized for other than the purpose indicated.

For the Chief of Engineers:

JAMES B. MEANOR, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

Airmail:
COFENGRS, DA, Wash., D.C.
DIVENGR, Missouri River, Omaha, Nebr.
DIVENGR, NolAnt, NYK.
DIVENGR, New Eng, Waltham, Mass.
DIVENGR, NoCent, Chgo, Ill.
DIVENGR, NoPac, Portland, Ore.
DIVENGR, Ohio River, Cin, Ohio.
DIVENGR, SolAnt, Atla, Ga.
DIVENGR, SoPac, SFran, Calif.
DIVENGR, SoWest Div, Dal, Tex.
DIVENGR, Lower Miss Valley, Vicksburg, Miss.
From: EnGcw–OM 701.
Ref: OCE teletype 26 Nov. 67 regarding delayed application of Circular 1130–2–25 17 Nov 66.

You are authorized to issue new revocable permits for a period extending to 31 Dec. 1968 without charge for private and comparable facilities on Federal land where same is not detrimental to the public enjoyment of the project or its natural resources (Para 3b ER 1165–2–2). Each permit will contain a statement that this permit will be terminated when the charges now held in abeyance are imposed and that the facilities may not be utilized for other than the purpose indicated.

JAMES B. MEANOR, Jr.,
Colonel, Corps of Engineers, Executive Director of Civil Works.

The CHAIRMAN. Colonel, it seems to me that there is an obvious distinction here, of course, between user fees which the Government might charge for the use of a given facility and the permit fee that a private citizen, who has built a mooring facility or some other kind of facility that is available for his own private use as distinguished from the public, and I gather you make that distinction in your statement.

Colonel MEANOR. Yes, sir. The distinction is made in my statement and this is our feeling, sir.

The CHAIRMAN. Right. The other point is that when I read S. 2828, and I think you were here when I asked the Senators about it, I find nothing in it that would prohibit a private entrepreneur from charging fees for the use of a mooring facility, as an illustration.

Colonel MEANOR. No, sir.

The CHAIRMAN. Is that your interpretation of it?

Colonel MEANOR. Yes, sir. We do have concessionaires on public lands owned by the Government. They do pay a fee to the Government or rental for the operation of this concession.

Incidentally, where they are normally located, the route to that concession is usually where there is no entrance fee; they go right on down to the concession.

The CHAIRMAN. My point is that if the Government should be prohibited from charging a fee for a mooring facility to tie up a boat, for example, and then someone comes along and installs their own facility and charges a fee for its use, which they could under the provisions of S. 2828, if enacted, it would be most inequitable. If the objective of S. 2828 is to make it possible for a person to use mooring facilities, among others, without charge, then it ought to apply right across the board.

Now, a concessionaire could charge fees for other purposes but I was referring only to the mooring, and some of these things are rather ambiguous. They could be both mooring or docking facility, duck blind, ski jump floats, swimming or diving platforms or rafts, or any

other similar floating facility on any of the waters of any project administered by the Secretary of the Army.

If the Government is prohibited from charging a fee, it seems to me that for those specific uses the private entrepreneur should be prohibited if the objective is to make it possible for all to come in and use such facilities without a fee being charge.

Colonel MEANOR. Sir, may I ask Mr. Mark Gurnee to answer your question?

Mr. GURNEE. We see nothing in this bill as proposed which would permit an entrepreneur to, on his own, charge fees other than when he is a concessionnaire operating under a lease from us.

The CHAIRMAN. It is not prohibited; that is my point. It is not prohibited nor is it authorized.

Mr. GURNEE. That is true, but we could not expect those concessionnaires to provide a service and a facility without charge. That is the business in which they are engaged.

The CHAIRMAN. Suppose on a reservoir the only mooring facility happens to be one privately owned, pursuant to a license or permit from the corps. And the objective of the legislation is to make it possible for citizens to use mooring facilities without being charged because they are poor and they don't have the money. Would it not be inconsistent for the corps to license or permit such private entrepreneur to collect those fees?

Mr. GURNEE. That is true, sir. The private permits to which this bill addresses itself are limited to the private use of the individual. We do not permit that individual under these permits to provide a commercial operation to other third parties.

The CHAIRMAN. I understand that. I am talking now about a concessionaire. This is the point I want to get over. If the objective of the legislation is to make it possible for citizens to utilize mooring facilities without a fee being charged should the Corps then permit a concessionaire to charge fees for such purposes?

General NOBLE. Mr. Chairman, I would think it would depend on what action the Congress took on this bill. As I understand the intent, however, where public funds have been used to provide facilities, it would be the object of this legislation to set up a provision whereby no fees could be charged.

On the other hand, as Mr. Gurnee was trying to point out, if we do permit lessees to build facilities to serve the public, it would not be logical not to permit them to charge for use of these facilities because they would not do it in the absence of any income.

The CHAIRMAN. I raised the question whether or not you should even license them for that purpose or grant a concession if the purpose of the legislation is to make it possible for the poor and so on to utilize whatever might be available as facilities in these Corps projects without paying a fee. That is my point. It is a policy question, it seems to me.

Mr. GURNEE. The only other way we could provide the facility would be to provide them at Federal expense.

The CHAIRMAN. That is right.

Mr. GURNEE. The reason we do not do this is to avoid that Federal expense.

The CHAIRMAN. I understand that. But the burden of the argument this morning was that no fee should be collected on a Corps project which has been set up for recreational purposes. Thus people who can't afford to pay fees would have an opportunity to make full use of it.

Colonel MEANOR. This may lead to a further requirement for clarification. This involves the fact that the Government leases to States certain of its lands for no fee and the States may or may not charge fees for the use of that land. In my statement, this question is raised. We assume it not to apply to fees or charges collected by States on local project areas which have been leased to them. Perhaps the bill needs to be clarified on this point, too.

The CHAIRMAN. Right. We certainly appreciate having your statement.

Senator Allott.

Senator ALLOTT. I am wondering if I can request that you place in the record your experience on an annual basis with the user fees, including the total amount collected and the amount expended to collect these user fees.

Colonel MEANOR. Sir, we have right now for this recreation year, April 1, 1967 to the end of March 1968, some partial figures. I believe the Senator used the figures of approximately $600,000 earlier this morning. We will not have a final wrap-up on this until after the close of the recreation season on March 31. The only figures we do have now are through August 31, 1967.

Senator ALLOTT. Through the 31st of August 1967?

Colonel MEANOR. That is right.

Senator ALLOTT. Why don't you insert those in the record then? I want to be sure we have them. The figures I was using were taken from another statement.

Colonel MEANOR. There is a figure in the statement, sir.

Senator ALLOTT. What page is it on?

Colonel MEANOR. On page 7, sir, where we state at the top of the page the collections for the period April 1, 1967 to August 31, 1967 are approximately $600,000, pointing out that this does not include admissions granted by the Golden Eagle passport.

Senator ALLOTT. You say there are gross costs for the same period. I presume you mean costs of collection were roughly equal to the amount collected. Is that right?

Colonel MEANOR. That is right.

To be more accurate, during this period we expended as gross costs for the hiring of extra rangers and extra administrative costs and so forth, about $648,000. We collected in that same period $594,000.

Senator ALLOTT. So, your cost of collection actually exceeded your collection by $50,000.

Colonel MEANOR. On the bare face of it; yes, sir. I think there are two points that ought to be made. One is that there are certain people who use our facilities who come in and go on the Golden Eagle passports that they have bought elsewhere for which income we have not been credited. They may have been bought from some other projects or some other facility.

Also, these rangers we hired, and we did hire additional rangers in 1967, have other duties to perform besides going around and patroling the areas. They see to the trash pick-up; they see to the safety of the

area, fire safety and so forth. Right now, this is not capable of a precise analysis.

Senator ALLOTT. The figure of $590,000 that you use for collection cost is not truly an accurate figure in that a portion of those services would have to be charged to other duties.

Colonel MEANOR. That is correct, sir.

Senator ALLOTT. Could you say what portion of that should be charged to other duties?

Colonel MEANOR. If I did, sir, it would only be an estimate.

Mr. GURNEE. At the present time, recognizing the impreciseness of these figures, we think that our costs and our income are about equal.

Colonel MEANOR. I do feel that by March 1968 we will have much better figures, at least from the data we have collected, not counting the fact that some admissions were by Golden Eagle passports, which we do not have figures on.

Senator ALLOTT. At the conclusion of this season, would you see that my office is informed of the figures for this season?

Colonel MEANOR. We will, sir.

Senator ALLOTT. Thank you.

(The information requested to August 31, 1967, is as follows:)

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., February 19, 1968.

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

DEAR MR. CHAIRMAN: Reference is made to your recent letter and accompanying inclosure concerning the cost of collection of user fees at Corps of Engineers facilities in relation to the amount of revenues derived from such fees for the Land and Water Conservation Fund.

In 1967 there were 168 access recreational areas at projects of the Army Corps of Engineers where entrance fees were collected. The following costs for the fee collection system were incurred during the period 1 April to 31 August 1967:

Personnel cost	$451,845
Travel, equipment, material, supplies, prosecutions, and miscellaneous costs	145,698
General expense and overhead	62,957
Total	660,500

Collections during the same period totaled $594,000. However, sale of the $7 annual permit at numerous sources and for multiple area use does not permit full accountability from any one agency.

While the above figures show an adverse ratio of fees collected to cost of collection, there are benefits not easily accounted for or otherwise reflected, such as the availability of the roving ranger to advise and assist visitors. In view of these benefits which are difficult to evaluate, it has been concluded that the collections during the period involved do not reflect a complete picture.

While the above period does not cover the entire recreational year, collection by the Corps of Engineers at most charge areas was suspended soon after Labor Day. It is proposed to update the above figures at the end of the recreational year, 31 March 1968. I will be able to furnish you a more complete analysis late in April 1968.

Sincerely yours,

WILLIAM F. CASSIDY,
Lieutenant General, USA,
Chief of Engineers.

The CHAIRMAN. Thank you, gentlemen. We appreciate having your statement.

Mr. Edward P. Cliff, Chief of the Forest Service, Department of Agriculture, is our next witness.

I think, Mr. Cliff, if it is possible for you to highlight your statement we could insert it at the end of your remarks in full. Some of it has already been covered previously. That would be of benefit to the committee.

STATEMENT OF EDWARD P. CLIFF, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. CLIFF. I will be very glad to do that, Senator.

Mr. Chairman and members of the committee: It is a pleasure to be here to express the Department of Agriculture's continued support of the purposes and objectives of the land and water conservation fund. We endorse S. 1401 with the amendments suggested by Secretary of Interior Udall.

We, too, have faced the problem of escalating prices in the purchase of recreational land in the national forest system, using land and water conservation fund money.

We have acquired with moneys from this fund about 134,000 acres. We have options for contracts on additional lands which fully obligate all the money that has been made available to us. We have either purchased or have under option some 206,000 acres.

We have experienced price escalation in the projects where we have been buying land. For example, in the Mount Rogers National Recreation Area, which was established in 1966, we have seen the average value of land almost double. That may be an exception.

Our experience is that prices where we are actively purchasing land have gone up about 10 percent per year. We feel the funds available to meet our needs have not been adequate. Even if the bill before you is passed, the proposed distribution of the funds to the Department of Agriculture would not meet our total needs as originally programed for the next 5 years.

The table showing the projected needs for a 10-year period which appears in the Department of Interior's report on price escalation would indicate that the distribution now proposed for the next 5 years would meet only about half our projected needs for this period.

We appreciate that during a period of budget stringency we cannot go as fast as we would like, and we endorse what Secretary Udall has said about other budgetary needs. This program has to fit into that.

We feel this is a step forward, and we want to let the committee know that the Department of Agriculture supports this measure with the amendments proposed by the Department of the Interior.

The CHAIRMAN. Thank you very much, Mr. Cliff.

I have just one question. What has been your experience on administrative costs in connection with the collection of the user fees?

I notice in fiscal year 1966 on entrance and user fees it amounted to $9.304, $302,000 in 1967, and on December 31, 1968, $428,075.

What has been your experience, generally, as to overhead costs?

Mr. CLIFF. Mr. Chairman, the Forest Service has followed what you might call a game-warden approach, and fee collections are made by all

categories of personnel, ranging from the sale of permits by the secretary in the office as part of her duties to the checking by forest rangers or assistant rangers in the field.

We have not assigned anybody full time to the collection. Therefore, we don't have a very good record of the exact costs.

The CHAIRMAN. Have you had to add new people for this purpose?

Mr. CLIFF. We have not added new people specifically to collect fees. We have added people for overall administration of our growing recreation program, and everybody engaged in this program performs some functions in checking, meeting the people, and perhaps in selling permits.

We don't have precise information, but our estimates are that the costs range from about 15 to 25 percent of the collections.

In fiscal year 1967, we collected nearly $2 million, $1,983,000 to be exact. This year, up to the end of December, we collected a little over a million and half dollars. We are going to designate more areas and the collections should be up some during the next fiscal year.

We have agreed to make an analytical study for the Bureau of Outdoor Recreation, trying to pin down more precisely just how much time of all these different people is being spent on fee collections.

We have used short-cut methods such as the permit vending machines, which are similar to the parking lot vending machines and automatic gates—you put a coin in the slot, and the gate opens. We have tried private sales by entrepreneurs—our concessionaires, under bond. We have tried all these approaches to keep the collection costs down.

The CHAIRMAN. Thank you very much.

Senator Allott?

Senator ALLOTT. I have no questions.

Thank you very much, Mr. Cliff.

The CHAIRMAN. Thank you, Mr. Cliff. We appreciate having your statement. You have been very helpful.

Mr. CLIFF. Thank you, Mr. Chairman.

STATEMENT OF EDWARD P. CLIFF, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the committee, I am pleased to appear before this Committee to express the Department of Agriculture's continued support of the purposes and objectives of the Land and Water Conservation Fund.

It is most appropriate now to consider the adequacy of the Fund. What many may have thought four years ago to be grossly exaggerated predictions of the future demands on the outdoor recreation resources of our Nation and the costs of adequately supplying those demands have, in fact, proven to be conservative estimates.

These are times when we as a Nation must tighten our collective belts. But these are times also when, as we strive to meet the basic needs of our people and the world, we must consider the need for each of us to get some relief from the stresses and strains of working and living in a highly competitive and technical environment. Our great natural resources with their outdoor recreation opportunities can, in large measure, provide that relief and renewal of body and spirit if available when needed.

Accompanying the acquisition and development of additional lands for outdoor recreation enjoyment is the realization of other public benefits of just as great importance—a stimulated rural economy, a new hope among the poverty stricken in certain rural areas, and new ties between rural and urban citizens and cultures. The Department of Agriculture is deeply concerned with and committed to achieving such an end.

Experience has proven the value of the Land and Water Conservation Fund. It has also revealed problems, the full significance and impact of which were not apparent when the Land and Water Conservation Fund Act became law. The program under the Act is helping to make more outdoor recreation opportunities available to all people. An impressive start has been made in acquiring the needed lands, but the need for additional recreation lands continues to outdistance the means of acquiring and developing them.

A major problem encountered in our efforts to provide suitable outdoor recreation opportunities is the rapidly escalating land prices in areas where we need and plan to buy additional lands.

Each action taken at any stage from the initial project proposal to final development of an area for public purposes results in an increase in the sale prices of the lands we need to acquire. This price escalation has been especially acute in and adjacent to designated Federal projects and areas. For example, since the Mt. Rogers National Recreation Area was established in early 1966, the average per acre value of the land needed for the National Recreation Area has almost doubled.

We are faced with the same problems elsewhere, even in the National Forests far removed from newly established National Recreation Areas.

Because we do not have adequate funds to buy all of the needed lands within a short period of time, we find the Federal Government paying increasingly high land prices which, paradoxically, are attributable in many instances to Federal activities and acquisition and development programs in such areas financed wholly or in part with Federal funds.

Since adequate funds are not available to acquire immediately all lands needed in a newly established area, we first try to acquire the key recreation tracts. This, in itself, leads to price escalation on the lands still remaining in private ownership. It also fosters pressures to develop and use the remaining lands for purposes that exploit the benefits of the nearby recreation resource and makes later acquisition on a negotiated basis less likely.

Also, our inability to buy quickly all the land needed in a given area creates problems in our relations with local governments and the owners of the private land within the area concerned. The uncertainty as to when private lands will be acquired may persist for several years.

Another problem that arises because we cannot acquire needed recreation lands quickly is overuse of available resources and facilities. The publicity from establishment or planned development of newly established areas attracts more and more people and frequently results in extreme pressure on the limited land and facilities available. This pressure may cause damage to the resource and the public is confused and frustrated because their recreation experiences may not be what they otherwise would be had acquisition of the needed land and development of the needed facilities been completed. Because such areas frequently coincide with the areas of most critical need, we cannot disperse the use to other areas.

These are the major problems related to the adequacy of the Land and Water Conservation Fund at this time. S. 1401 would help to alleviate these problems in two ways. It would provide the source of increased revenues for supplementing the Fund. It would authorize advance contracting for the acquisition of land, waters, and interests therein for two fiscal years.

The Secretary of the Interior has recommended that S. 1401 be amended (1) to set the level of funding for the Fund at $200 million annually for the next five years; (2) to utilize only receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, to maintain that level; and (3) to repeal the authorization for advance appropriations to the Fund from the Treasury.

The distribution of the increased money in the Fund as indicated by the Department of the Interior in the table attached to its report on S. 1401 would not meet the total needs of the Forest Service as originally programmed for the next five years. However, it would enable us to make substantial progress in acquiring the present backlog of needed recreation lands. Also, we would expect that appropriate adjustments could be made in the distribution of available funds from time to time in accord with the program needs of the respective Departments.

The Department of Agriculture supports the enactment of S. 1401 with the amendments proposed by the Secretary of the Interior.

The CHAIRMAN. The committee will reconvene at 2 o'clock, when we will hear Dr. Ralph A. MacMullan.

(Whereupon, at 12:45 p.m. the committee recessed, to reconvene at 2 p.m. the same day.)

AFTER RECESS

(The committee reconvened at 2:15 p.m., Senator Henry M. Jackson, chairman of the committee, presiding.)

The CHAIRMAN. The committee will come to order. The Chair wishes to point out that we have quite a number of witnesses to be heard this afternoon, and we hope that the witnesses, to the extent possible, can summarize their statements, with the understanding, of course, that the statement itself will be included in full.

Our first witness is Dr. Ralph A. MacMullan, representing the National Association of State Liaison Officers for Outdoor Recreation, also director of the Michigan Department of Conservation.

The Chair would first like to introduce Senator Hart, of Michigan, who is to introduce Dr. MacMullan.

STATEMENT OF HON. PHILIP A. HART, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator HART. Mr. Chairman, members of the committee; thanks very much for permitting me to do this. I will be very brief.

I do welcome the opportunity to introduce to this committee, Dr. Ralph A. MacMullan, the director of our department of conservation. Dr. MacMullan is also the president of the National Association of State Outdoor Recreation Liaison Officers and member of the executive committee of the International Association of Game, Fish, and Conservation Commissioners.

In our part of the country, and I think increasingly across the country, he is known as a sound administrator, a devoted conservationist and an exceedingly able public servant. I think all of us will benefit from the suggestions he may offer.

Finally, Mr. Chairman, I do want to record my wholehearted support for your bill, S. 1401. You have permitted me to be a consponsor of your land and water conservation bill in the 88th Congress. I share your enthusiasm for that approach to the preservation of our great natural resources. I am grateful again for your leadership now. I hope that we will take the next step as you propose in S. 1401.

Unhappily, all of us recognize that the funds that have become available under the Land and Water Conservation Fund Act have been nowhere near enough to meet our most minimal obligations in terms of saving outdoor recreation lands for future generations. I speak very selfishly and parochially now.

When I approached the chairman of the House Interior Committee urging action on the Sleeping Bear Dunes bill that you and your committee twice supported favorably, he asked me, "Where is the money?"

There is the concrete and compelling reason why we need S. 1401. I am not agreeing that we cannot have a Sleeping Bear Dunes Lakeshore without this bill. But I emphasize the fact without this bill the Bear and a great many other areas of great beauty and value cannot be obtained. Without this bill, they may well be lost.

The CHAIRMAN. Thank you for your very fine statement. The Chair wishes to express his appreciation to you for your long and consistent

support of various conservation measures that have come up in the Senate since your election to the U.S. Senate. I appreciate having that.

Dr. MacMullan, we have your statement. You may proceed now in your own way.

STATEMENT OF DR. RALPH A. MacMULLAN, NATIONAL ASSOCIATION OF STATE LIAISON OFFICERS FOR OUTDOOR RECREATION, AND DIRECTOR, MICHIGAN STATE DEPARTMENT OF CONSERVATION; ACCOMPANIED BY A. GENE GAZLAY, ACTING CHAIRMAN, FISHERIES AND WILDLIFE COMMITTEE, GREAT LAKES COMMISSION

Dr. MacMullan. Thank you, Mr. Chairman.

I would like to introduce, also, Gene Gazlay, my executive assistant from the State of Michigan, at my left.

I am Ralph A. MacMullan, and I am testifying here today in three capacities; as director of the Michigan Department of Conservation, as president of the National Association of State Outdoor Recreation Liaison Officers, which, because of the length of the name we call NASORLO, and as chairman of the Legislative Committee of the International Association of Game, Fish, and Conservation Commissioners. Fortunately for me, the views of all three bodies on the subject of this hearing are identical. NASORLO is a relatively new, and therefore not a well-known organization. It was founded just last year. It is composed of the 55 State and territory outdoor recreational liaison officers, and we speak as the unified voice of all of the States and territories on matters pertaining to the State and local aspects of the Land and Water Conservation Fund. It is our purpose to assist, wherever possible, the Bureau of Outdoor Recreation, the Secretary of the Interior, other Federal agencies and the Congress.

NASORLO is a source of information about State and local recreational programs, needs and problems, and reflects these in their proper relationship and perspective to the best of our ability to the Federal recreation programs. The result, we believe, is added strength for the total national outdoor recreation program.

The International Association of Game, Fish, and Conservation Commissioners is long-established and is, I am sure, well known to you. The Michigan Department of Conservation administers a broad spectrum of outdoor recreation programs. Its policymaking board is the Michigan Conservation Commission, for which I am authorized to speak.

NASORLO, the international association, and the Michigan department and commission all strongly and enthusiastically support the objectives of Senate bill 1401, which will provide the land and water conservation fund with financial backing adequate to increase it to levels projected when the Fund Act was approved by Congress in 1964.

Passage of the Land and Water Conservation Fund Act promised to fill a tremendous gap in Federal grant-in-aid programs by providing a significant new source of financing for general outdoor recreation.

It offered great hope that the citizens of this rapidly urbanizing Nation would have open space, beauty and plan areas in amounts sufficient to meet the critical needs of both the present and the future.

The Outdoor Recreation Resources Review Commission nearly 10 years ago had documented the crisis developing in outdoor recreation. During the years since, we have become increasingly aware, sometimes to our discomfiture, of the tremendous social importance of recreation to our public health and well being.

The land and water conservation fund accelerated the outdoor recreation programs of the National Park Service, the Forest Service, and the Bureau of Sports Fisheries and Wildlife. Equally important, and I think perhaps even more important, it stimulated much-needed State and local action programs.

The States and many local units of government tooled up to do the job and are now busy buying and developing recreation land. The Bureau of Outdoor Recreation has been doing an excellent job of organizing this new program and keeping it headed in the right direction.

Unfortunately, as we have heard this morning, actual revenues earmarked for the fund have fallen far short of estimates. The Bureau of Outdoor Recreation had predicted that the fund would provide $120 million annually to the States by 1968. But last year only $54 million was apportioned among State and local units. To put it bluntly, we need more money.

I would not want to imply that the land and water conservation fund has been a failure; far from it. But despite the disappointing level of financing, the fund has many important accomplishments to its credit during the first 3 years of its intended 25 year life. Among these are:

1. The act has brought about closer coordination between Federal, State, and local outdoor recreation programs. The long-range planning requirements of all levels have led to better and clearer delineation of responsibilities and orderly approach to meeting overall needs.

2. The establishment of the formula for sharing Federal funds with the States now and local units of government, and the assignment of a pivotal role to State government, gave the program great vitality and has put cooperative federalism into practice. The program is working, and the States are moving forward in good faith. The fund has become one of the best examples of how Federal/State cooperative programs should function.

3. Under the stimulus of the act and of its progenitor, the Outdoor Recreation Resources Review Commission report, major bond issues for recreation have been passed by 23 States.

The total in excess of $1 billion. More than $200 million is available for State cost sharing in local recreation projects. More than half of these bond issues have been approved since passage of the Land and Water Conservation Fund Act.

State cigarette taxes earmarked for outdoor recreation total another $100 million. Pending bond issue, which have been approved by State legislatures and are awaiting action by voters, total $319 million. Additional State financing proposals are in legislative hoppers.

4. It is important to point out that the fund act has stimulated many local funding programs, too. City, county, township, and regional

governments are planning, developing and selling action programs. Individually and collectively these activities indicate a significant step toward meeting local responsibilities in the total recreation field.

5. During the brief existence of the fund more than 2,400 projects have resulted in the acquisition of 295,000 acres of new State and local park lands and have provided recreation facilities for millions of people. These are in addition to the tremendous impact that the fund has had on Federal programs. Federal recreation agencies have added well over 313,000 acres to their holdings.

6. The fund has helped to reorient the thinking of many conservation agencies and officials and I think this is one of the most important points, and I speak as one of those officials who has had a reorientation. Whereas we have tended to be largely resource oriented in the past, our attention is now focused more and more on the needs of the people and the problems of urban complexes and the core city.

This is good. State recreation plans, with their analyses of total State needs, coordinated with other urban programs, and the ability to provide recreation in the urban areas through the land and water fund, have given us a new sense of responsibility.

The recent riots have clearly indicated that our job in the urban environment has just begun. We need to put more recreation where the people are and as an aside, gentlemen, I come from Michigan, and the problem of riots is very close, as you know, to we Michiganders.

I think it is quite significant that 3 or 4 years ago, there was no State responsibility at the cabinet level for recreation in the State of Michigan. We had recreation programs, State programs, federal, and local, but there was no State agency looking out for this, and in retrospect, and looking back at the difficulties we have had, and the difficulties that we are facing, as a State representative, we now have a responsibility for this, and I think it is a sign of the times.

Moreover, of the total recreation program in this Nation, it can fairly be said that we have just begun. We recognize tremendous needs at the Federal level and lend our support to meeting these needs. But we believe the greater need is still at the State and local levels and we therefore give wholehearted support to S. 1401, which will supply the matching funds necessary to carry on the State and local job.

We also urgently request the retention of the current 60–40 State–Federal division of the fund. The State and local units, must, by necessity, give major emphasis to urban areas as well as rural areas, and have the dual responsibility of providing funds for development projects as well as land acquisition. The designers of the land and water conservation fund Act recognized this broader role of the States.

Now I have said so far, in short, that the land and water program is good, and I will put "good" in capital letters. Now I would like to make four points in support of the need for a higher level of funding.

1. The fund has thus far fallen considerably short of the revenues level originally anticipated. By 1968 the fund was expected to reach $200 million, including the advance appropriation. It is actually operating at less than 50 percent of that level.

2. Price escalation is eating heavily into current funds and projections once considered to be adequate. This problem is well documented and applies to both land acquisition and development, and at State and local as well as Federal levels. In fact land prices in and near urban areas, which are the normal province of local projects, have far outpaced rural prices where Federal activity predominates. More funds are needed to compensate for this adverse economic trend and to accelerate the program before prices rise completely out of reach.

3. Many State and local financing programs were sold to voters on the basis of an accelerating level of Federal support. These agencies are now unable to utilize their funds as effectively as planned, because their money will go only half as far without Federal dollars to match it. Admittedly, the land and water conservation fund was never intended to match all State and local programs. It was intended to stimulate these governments into action and this it has done. Responses to a questionnaire prepared by NASORLO indicate that 90 percent of the States are pending State funds on qualifiable projects in excess of the amounts used to match land and water conservation fund moneys. Nevertheless, additional State and local funds are often hard to come by in the face of low level Federal support.

4. From the same NASORLO questionnaire, the level of current using funds from all Federal and State sources, was shown to be less than $300 million annually. Local expenditures reported from 36 States and interpolated for the rest of them, are estimated at $20 million. Total State and local needs for recreation land and development reported by 36 States and interpolated for the rest, amounts to slightly more than $1 billion annually for 1967, 1968, and 1969 fiscal years. This is for the entire 55 States and territories. However, local needs have in the past been consistently underestimated by the States.

A study made by NASORLO carefully calculated local needs for various categories of local government in New York and Michigan. On the basis of this study, which indicated remarkable consistency between the two States, we most conservatively estimate an annual requirement by local units of government of at least $660 million. Determining such an amount is tricky at best. These two estimates and the administrative estimate all indicate without question that the needs, all combined, are for the $1 billion annually, and I would defend this as a conservative estimate.

We are aware that the administration has recommended that S. 1401 be amended so as to provide an amount sufficient to bring the fund up to $200 million annually. It has also recommended that the fund be divided equally between State and Federal activities. Assuming that 50 percent of the States' share would be made available to local governmental units, the estimated $660 million local need would then be supported by only $50 million of Federal financing—a 7½-percent contribution.

I know of no Federal program which has been as effective a pump primer as has the land and water conservation fund. This committee has the unenviable job of dividing up funds which are always in-

adequate for the many worthwhile needs. Since we feel that the $200 million limit on land and water moneys is inadequate, I have the obligation to offer a possible alternative.

And here I must make a recommendation somewhat at variance with the Interior Department's recommendation. If, rather than the $200 million limit, these moneys built the fund to $350 million per year and if the original 60 percent State, 40 percent Federal distribution ratio were maintained, then the estimated $660 million in local needs would be supported by a Federal allocation of $105 million, a much more realistic and encouraging amount. Frankly, Senators, the administration's proposal to provide $100 million for State and local needs would still leave this program largely inadequate. I am sure that the many people who have worked so hard to establish the principles which culminated in the land and water conservation fund intended it to be a more substantial force in the promotion of our nation's recreational future.

The fund is now entering its fourth year. We can report with enthusiasm that, although the dollar volume of the fund was lower than all of us had hoped, the stimulation it created back home in the cities and counties is heartwarming. As a result of this fund, the people back home are doing things—not only with the land and water money that has come to them but with their own dollars.

In summary the National Association of State Outdoor Recreation Liaison Officers, the International Association of Game, Fish, and Conservation Commissioners, and the Michigan Department of Conservation all strongly support Senate bill 1401. We respectfully recognize and appreciate the consideration that this committee has given to this subject and the most sincere and intense desire you have to assist this most important program by providing adequate funding. All of our hopes for the Nation's future in outdoor recreation depend to a large degree on the ability of the land and water conservation fund to furnish the continued stimulus to keep this Nation's recreation programs moving toward making a better tomorrow.

The CHAIRMAN. Thank you, Dr. MacMullan. I wonder, do you happen to have, or can make available to us, the amounts of money the States and territories were spending for outdoor recreation requirements prior to the enactment of the Land and Water Conservation Fund Act?

I ask this so that we can show the comparison between what was done prior to the act and what is being done now, because I think one of the important points that you have made is that it has stimulated the States to move in this area as never before. I think this would be very helpful for the record. You don't need to present it now. I assume you may not have those figures, but if you could supply that it would be informative.

Dr. MACMULLAN. I believe they are available, Senator. I think that the Bureau of Outdoor Recreation has made an estimate of this, and if it is available, we will see that it gets to you.

(The data referred to follows:)

State and local expenditures for parks and outdoor recreation

Year:	Amount
1960	[1] $956,600,000
1962	[2] 1,112,030,765
1964	[3] 1,269,300,000
1965	[4] 1,411,300,000
1966	[5] 1,539,400,000

[1] Combines State expenditure total from Outdoor Recreation Resources Review Commission Report No. 25, table B, p. 6, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[2] Combines State expenditure total from State Outdoor Recreation Statistics, 1962, Bureau of Outdoor Recreation, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[3] Combines State expenditure total from Outdoor Recreation Supply Inventory (forms BOR 8–73 and BOR 8–79), Bureau of Outdoor Recreation, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[4] Combines State expenditure total from Outdoor Recreation Supply Inventory (forms BOR 8–73 and BOR 8–79), Bureau of Outdoor Recreation, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[5] Combines State expenditure total (estimated) from State and Local Public Facility Needs and Financing, table 3, p. 531, a study prepared for the Joint Economic Committee, Congress of the United States, December 1966, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

State expenditures for parks and recreation

(Includes operation and maintenance, and capital expenditures)

Year:	Amount
1960	[1] $186,600,000
1962	[2] 226,030,765
1964	[3] 247,300,000
1965	[3] 307,300,000
1966	[4] 352,400,000

[1] Outdoor Recreation Resources Review Commission Report No. 25, table B, p. 6.

[2] State Outdoor Recreation Statistics, 1962, Bureau of Outdoor Recreation.

[3] Bureau of Outdoor Recreation, Outdoor Recreation Supply Inventory (forms BOR 8–73 and BOR 8–79).

[4] State and Local Public Facility Needs and Financing, table 3, p. 531, a study prepared for the Joint Economic Committee, Congress of the United States, December 1966.

Local expenditures for parks and recreation

Year:	Amount
1960	$770,000,000
1962	886,000,000
1964	1,022,000,000
1965	1,104,000,000
1966	1,187,000,000

Source: Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census. (Includes total outlays for parks and recreation.)

The CHAIRMAN. Senator Allott?

Senator ALLOTT. I have no questions.

The CHAIRMAN. Thank you very much, gentlemen. We appreciate having you.

Mr. MACMULLAN. Thank you.

The CHAIRMAN. Our next witness is Harry Figge, chief of land acquisition and development, Fish and Parks Department of the State of Colorado. Mr. Figge, we are delighted to have you with us this afternoon.

Mr. FIGGE. Thank you, sir.

Senator ALLOTT. Mr. Chairman.

The CHAIRMAN. Senator Allott?

Senator ALLOTT. Before he starts, we are very happy to have Mr. Figge with us today. He is chief of the land acquisition and development of the Fish and Parks Department of the State of Colorado, and I have already spoken to him privately. I usurped a part of one short paragraph of his material this morning because I wanted to ask the Secretary about it, and he has also mentioned several other things that I hope he will comment on this afternoon.

The CHAIRMAN. Very fine. Mr. Figge, would you proceed?

STATEMENT OF HARRY J. FIGGE, LAND ACQUISITION AND DEVELOPMENT CHIEF, STATE OF COLORADO GAME, FISH, AND PARKS DEPARTMENT

Mr. FIGGE. Mr. Chairman, I will make this brief, but I do appreciate the opportunity of reading a portion of this into the record. I do represent Harry R. Woodward, who is director of the Colorado Game, Fish, and Parks Department, and is the designated State liaison officer administering land and water conservation funds in Colorado.

Mr. Woodward also is a member of the executive board of the National Association of State Outdoor Recreation Liaison Officers.

I want to point out at the beginning that in the figures that I give for the amount of land and water conservation funds appropriated in Colorado there is an apparent discrepancy that I have not resolved. I showed a figure of $2,066,850. I find that there is an indication of $2,900,000 that has already been appropriated.

The CHAIRMAN. You can submit a letter to the committee on that when you have resolved the discrepancy.

Mr. FIGGE. There has been a lot of evidence presented that there has not been enough money appropriated to the land and water conservation fund. In order to accomplish the purposes envisioned in the passage of this act, it is evident that there is a need for a substantial increase in land and water funds. A tremendous interest has been generated by political subdivisions to acquire and establish outdoor recreation areas, since the Land and Water Conservation Fund Act of 1965 was passed. Political subdivisions that were faulting the State for taking land off the tax rolls for recreation now are in the job themselves, because of the land and water funds.

We do concur in Secretary Udall's recommendation in his letter of January 4, 1968, to the Honorable Henry M. Jackson, chairman of the Committee on Interior and Insular Affairs, wherein he recommends that the level of financing of the land and water conservation fund be increased. We would recommend, however, a higher ceiling than the $200 million per year which he recommends because of the urgency to acquire and develop areas before it is too late.

We have not set a limit, believing that the committee would have better information to set a limit. I appear here today to support S. 1401, provided that the original concept of the land and water conservation fund be maintained. This concept was that not more than 40 percent of the land and water conservation funds be used for Fed-

eral expenditures and 60 percent be allocated for State projects. We are fearful and highly chagrined that the administration has apparently forgotten the original provisions and are attempting to reverse the trend so that the Federal grant will eventually get the lion's share of the fund.

We vigorously oppose, therefore, Secretary Udall's recommendation in the same letter to the Honorable Henry M. Jackson which states:

> In addition the administration believes appropriations from the Land and Water Conservation Fund should be divided equally between eligible Federal agencies and the several States.

Colorado was a strong supporter of the Land and Water Conservation Fund Act during its consideration by Congress. It should be noted that Colorado was responsible for securing the support of a number of other States for the act. This support was obtained on the basis that the act contained the provision that 60 percent of the funds would be allocated to the States. Reduction in the percent of funds granted to the States cannot be justified, and it seems to us that such a change in the basic formula at this time would be a violation of the trust placed by the supporting States in the administration.

We also strongly support and recommend the continuation of the use fee concept as exemplified by the Golden Eagle passport.

But the 50 percent actually doubles the amount of recreation they buy.

This would also go for Senate bill 2828. We also recommend proper enforcement of the provisions requiring that users purchase the Golden Eagle Passport before entering the areas requiring its possession. There has been opposition to the Golden Eagle passport as there has been to all new fees assessed.

It appears that time has now almost eliminated that opposition. With the provisions equitably enforced, the opposition reduced, the income from that source should increase. The use fee concept has an undeniable point in its favor. This is the fact that it is the people who use the area that are the ones who are paying toward this use. In Colorado we have found one extremely important side benefit that was not anticipated when Colorado's use fee was put into effect. Vandalism has been eliminated or appreciably decreased on areas where user fees are required.

Secretary Udall did refer to that point. There is a psychological factor, in that people who make an investment in an area, even if it is only the $7 Golden Eagle Passport, tend to take care of it better than if it is handed to them free.

We also support and encourage the allocation of all revenue obtained under the Outer Continental Shelf Lands Act of 1953, as amended, and also support and encourage the allocation of all revenue obtained under the Mineral Leasing Act of 1920 that is legally possible to appropriate to the land and water conservation fund.

We do thank you, Mr. Chairman, for the opportunity to make this presentation which emphasizes the importance of: (1) increasing the appropriation to the land and water conservation fund; (2) retention of the original concept of 60 percent of the land and water conservation funds allotted to the several States; (3) the continuation of and particularly the enforcement of the provisions of the Golden Eagle pass-

port; and (4) maximum legal appropriations of funds derived from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 to the land and water conservation fund.

The CHAIRMAN. Thank you very much, and you wish to have the bill passed by the Senate of Colorado included in the record?

Mr. FIGGE. As part of the record.

The CHAIRMAN. That will be done. Your prepared text, followed by the bill mentioned, will be included in full.

(The data referred to follows:)

STATEMENT OF HARRY J. FIGGE, LAND ACQUISITION AND DEVELOPMENT CHIEF, COLORADO GAME, FISH, AND PARKS DEPARTMENT

Mr. Chairman, I am Harry J. Figge, Land Acquisition and Development Chief of the State of Colorado Game, Fish and Parks Department. I represent Harry R. Woodward, who is Director of the Colorado Game, Fish and Parks Department and is the designated State Liaison Officer administering Land and Water Conservation Funds in Colorado. Mr. Woodward is also a member of the Executive Board of the National Association of State Outdoor Recreation Liaison Officers.

Colorado Revised Statutes 1963, Chapter 62, Article 14, paragraphs 7–10, was enacted by the Colorado General Assembly to cover the allocation of Land and Water Conservation Funds in the state. A copy of this bill is attached. The statute provides that not more than 75% of the L&W Funds allocated to Colorado be spent for state acquisition and development projects and approximately 25% of the funds be spent for projects requested by political subdivisions of the state. The Colorado Game, Fish and Parks Commission within the scope of the statute has been granting over 50% of the allocated L&W Funds to political subdivisions. This has been desirable because the requests made by political subdivisions has been so much higher than anticipated and L&W Funds considerably less than anticipated. Cities, counties and recreation districts have passed bond issues, assessed mill levies and acquired funds from other sources to match federal funds on a 50–50 basis. The state also has more money than available federal funds to match on the same percentage. During the three year period 1965, 1966 and 1967 that L&W Funds have been available, the total allotment to Colorado has been $2,066,850. Political subdivisions in the state requested $5,173,000 and the state has had $3,559,000 for a total of $8,732,000 available to match with L&W Funds for eligible projects. More than four times as many L&W Fund dollars could have been appropriated. To accomplish the purposes envisioned in the passage of the Land and Water Conservation Fund Act, it is evident that the need for a substantial increase in L&W Funds does exist.

Tremendous interest and incentive to acquire and establish outdoor recreation areas has been generated by the Land and Water Conservation Fund Act of 1965. And, it appears extremely desirable to take advantage of this in providing sufficient funds as soon as possible to acquire sites before development of those sites for other purposes and the escalation of land prices make the projects prohibitive.

We do concur in Secretary Udall's recommendation in his letter of January 4, 1968 to the Honorable Henry M. Jackson, Chairman Committee on Interior and Insular Affairs, wherein he recommends that the level of financing the Land and Water Conservation Fund be increased. We would recommend, however, a higher ceiling than the $200 million per year which he recommends because of the urgency to acquire and develop areas before it is too late.

I appear here today to support S.B. 1401 provided that the original concept of the L&W Conservation Fund be maintained. This concept was that not more than 40% of the L&W Funds be used for federal expenditures and 60% be allocated for state projects. We are fearful and highly chagrined that the administration has apparently forgotten the original provisions and are attempting to reverse the trend so that the federal grant will eventually get the lion's share of the fund. We vigorously oppose, therefore, Secretary Udall's recommendation in the same letter to the Honorable Henry M. Jackson, which states, "In addition the Administration believes appropriations from the Land and Water Conservation Fund should be divided equally between eligible Federal Agencies and the several states".

Colorado was a strong supporter of the Land and Water Conservation Fund Act during its consideration by Congress. It should be noted that Colorado was responsible for securing the support of a number of other states for the Act. This support was obtained on the basis that the Act contained the provision that 60% of the funds would be allocated to the states. Reduction in the percent of funds granted to the states cannot be justified, and it seems to us that such a change in the basic formula at this time would be a violation of the trust placed by the supporting states in the Administration.

We also strongly support and recommend the continuation of the use fee concept as exemplified by the Golden Eagle Passport. We also recommend proper enforcement of the provisions requiring that users purchase the Golden Eagle Passport before entering the areas requiring its possession. There has been opposition to the Golden Eagle Passport as there has been to all new fees assessed. It appears that time has now almost eliminated that opposition. With the provisions equitably enforced, the opposition reduced, the income from that source should increase. The use fee concept has one undeniable point in its favor. This is the fact that it is people who use the area that are the ones who are paying toward its use. In Colorado we have found one extremely important side benefit that was not anticipated when Colorado's use fee was put into effect. Vandalism has been eliminated or appreciably decreased on areas where user fees are required.

We also support and encourage the allocation of all revenue obtained under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended and from the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), that is legally possible to appropriate to the Land and Water Conservation Fund.

We do thank you, Mr. Chairman, for the opportunity to make this presentation which emphasizes the importance of (1) increasing the appropriation to the L&W Conservation Fund; (2) retention of the original concept of 60% of the L&W Funds allotted to the several states; (3) the continuation of and particularly the enforcement of the provisions of the Golden Eagle Passport; and (4) maximum legal appropriation of funds derived from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 to the Land and Water Conservation Fund.

HOUSE BILL No. 1088

An Act relating to the financing of outdoor recreation resources.

(Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.)

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. Article 14 of chapter 62, Colorado Revised Statutes 1963, is hereby amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS, to read:

62–14–7.—Declaration of purpose.—It is hereby found and declared that the tourist industry and outdoor recreation have become a major element of Colorado's economic structure and one of the largest sources of income and pecuniary benefit to the people of this state and that there is an increasing need for outdoor recreational facilities, both for the citizens of Colorado and its visitors. In recognition of these increasing public demands for outdoor recreational opportunities, and to further assure that present and future generations be provided adequate outdoor recreation resources, it is desirable that all levels of government take prompt and coordinated action to the extent practicable, without diminishing or affecting their respective powers and functions, to conserve, develop, and plan outdoor recreation resources. That in order to insure accomplishment of such objectives, within individual areas throughout the state, consideration shall be given of all authorized uses, purposes, and other pertinent factors relating to such individual area. Plans for development of recreational resources shall be confined to certain types of public recreation resources within the individual areas, or in portions thereof, as may be considered necessary by the game, fish, and parks commission.

62–14–8.—Definitions.—(1) "Outdoor recreation" means any activity conducted in an outdoor environment by an individual, such as hiking, camping, boating, fishing, and the like.

(2) "Outdoor recreation resources" means the land and water areas which provide or may in the future provide opportunities for outdoor recreation.

62–14–9.—Designation of agency.—The game, fish, and parks commission, acting through the game, fish, and parks department, is hereby deignated as the state agency authorized to accept and to administer funds provided for the planning and development of the outdoor recreation resources of this state, pursuant to the provisions of the act of Congress entitled "Land and Water Conservation Fund Act of 1965", approved September 3, 1964, and any amendments thereto. In connection with obtaining for the state of Colorado the benefits of any such programs, the commission shall coordinate its activities with and represent the interest of all agencies of the state, and of county, city, and other political subdivisions having interests in the planning, development, and maintenance of outdoor recreation resources within the state.

62–14–10.—Powers of commission.—(1) (a) The commission, unless otherwise especially provided by law, shall have power, and it shall be their duty:

(b) To enter into contracts and agreements with the United States or any appropriate agency thereof.

(c) To keep financial and other records relating thereto.

(d) To furnish appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under the "Land and Water Conservation Fund Act of 1965".

(e) To prepare, maintain, and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources of the state.

(f) To receive and disburse federal monies to carry out the purposes of a comprehensive statewide outdoor recreation plan; provided, that of the allocations not more than seventy-five percent, exclusive of administrative costs, shall be retained for development of the state-operated facilities by the commission. In the event requests on behalf of any county, city, or other political subdivision do not fully utilize the federal-aid funds available, then the state may use such funds.

(g) To undertake projects for the development of the state resources for outdoor recreation and such areas acquired or developed pursuant to any program participated in by this state under authority of this act shall be publicly maintained and operated for outdoor recreation purposes by the commission.

(h) To enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds, exclusive of administrative costs, on behalf of any county, city, or other political subdivision; provided, that such county, city, or other political subdivision gives necessary assurances to said commission that it has available sufficient funds to meet its share of the cost of the project and that the acquired or developed areas will be operated and maintained in perpetuity at its expense for public outdoor recreation use. Funds distributed to city, county, or other political subdivision pursuant to this section and not utilized shall, pursuant to rules and regulations adopted by the commission, revert to the commission to be used by the commission.

Section 2.—Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

ALLEN DINES, *Speaker of the House of Representatives.*
ROBERT L. KNOUS, *President of the Senate.*
EVELYN T. DAVIDSON, *Chief Clerk of the House of Representatives.*
MILDRED H. CRESSWELL, *Secretary of the Senate.*

Approved 10:16, p.m., April 30, 1965.

JOHN A. LOVE,
Governor of the State of Colorado.

The CHAIRMAN. Our next witness is Mr. John Greenslit, State liaison officer, North Dakota State Outdoor Recreation Agency. He is accompanied by Mr. Milo Hoisveen, State engineer and executive officer, North Dakota State Outdoor Recreation Agency. Gentlemen, we are pleased to have you.

STATEMENT OF JOHN GREENSLIT, STATE LIAISON OFFICER, NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY; ACCOMPANIED BY MILO HOISVEEN, STATE ENGINEER AND EXECUTIVE OFFICER, NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

Mr. GREENSLIT. Thank you, Mr. Chairman and gentlemen of the committee. I would like to reiterate the approval of the S. 1401 concept as mentioned, and also enter favorable testimony on Senate bill 2828 in favor of retention of the user fees by the Corps of Engineers. The program in North Dakota has been efficient. It has been acceptable and it has been a user fee charge, rather than an entrance fee charge.

I appreciate this opportunity to appear before you today on Senate bill 1401. The land and water conservation fund has provided Federal grants of $2.3 million for outdoor recreation projects in North Dakota. We have obligated virtually all our apportionments and have proposals waiting now for release of the fiscal 1969 moneys.

Apportionments from the fund are certified to the States after the beginning of each fiscal year based on estimated receipts. So far the actual receipts have never measured up to the anticipations. Near the close of the fiscal year we find our apportionment is cut. It is very difficult to program projects on these fluctuating funds. When Congress passed the Conservation Fund Act it was anticipated that North Dakota would receive about $1.3 million each year. We receive less than half that amount. Even at the reduced rate the fund has become very important to our State. We have been able to undertake a program that to date has provided about $4.6 million in new outdoor opportunities. This is only the beginning. Demand in North Dakota is now estimated at $50 million ahead of the supply and is continuing to grow at a fantastic rate. The cost of acquiring land and constructing facilities is also in an upward spiral. In many areas of our State, land must be purchased to provide a place for outdoor recreation. Every day of delay finds the price a little higher.

We have several areas that are outstanding for their scenic beauty or historic importance. These areas are rapidly becoming desecrated by man and their values will be forever lost. Our forests are being cleared at an alarming rate. We must act soon to place these types of areas into public ownership to save them for the future. Many can be saved and at the same time used for outdoor recreation.

Tourism is our fourth leading industry. If we can develop adequate attractions to entice more people to visit North Dakota it will be a great boon to our economy. Outdoor recreation is the key that can find tourism ranking second only to agriculture in North Dakota.

North Dakota has been a leader in the outdoor recreation program. Many States have patterned projects and policy after ours. We are proud of our State for the extreme interest that all of her people share in the outdoor recreation program.

The outdoor recreation needs of our people have been too long neglected. Adequate funding in the land and water conservation fund can assure that these needs will no longer be ignored.

North Dakota, and all the rest of the Nation, will benefit through increased and stabilized revenue for the land and water conservation

fund. I urge you to give favorable consideration to Senate bill 1401.

I would also like to file a favorable statement on Senate bill 1401 from Gov. William L. Guy, and also from the North Dakota Water Users Association.

The CHAIRMAN. That will be included at this point, Mr. Greenslit.

I also have a letter from the Governor submitting a resolution of the State Outdoor Recreation Agency. That will also be included.

(The documents referred to follow:)

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
Bismarck, February 5, 1968.

Re S. 1401.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate of the United States,
Senate Office Building,
Washington, D.C.

I am pleased to have this opportunity to convey to you, on behalf of the State of North Dakota, our support for S. 1401 now before your committee.

When Congress created the Land and Water Conservation Fund indications were that North Dakota should by now be receiving $1½ million each year for outdoor recreation acquisition and development. We are apportioned less than half that amount.

Through our state outdoor recreation plan we have discovered that our outdoor recreation program is more than $50 million behind the needs of our people.

The demand for outdoor recreation is increasing at fantastic rates. Our financial resources have remained almost static.

Just as demand for outdoor recreation increases, the cost of providing necessary areas and facilities also grows. Land prices are skyrocketing in our predominately rural state just as they have in metropolitan areas of the nation.

Within North Dakota there are many places where land should be purchased soon to provide our people with a place to enjoy the out-of-doors. Many more tracts should be bought so their historic or scenic values can be saved for our future generations.

The Land and Water Conservation Fund Act has been important to North Dakota. We have purchased land to expand the state park that was the starting point of Custer's last march. Had we not acted on this acquisition the land would have been used for a housing development. Land has been bought to form new recreation reservoirs in several locations, with a full range of land and water oriented activities. The 5,000 acres of forest land we were able to buy with a matching grant from the Fund provides recreation for today and will save these woodlands for our tomorrows.

We share the federal grants with small and large communities across the state. They are anxious to use this program to provide their people with opportunities they would not otherwise have. In the next few days we expect to receive a proposal that would reserve for recreation and open space several tracts in one of our largest cities.

North Dakota has consistently been one of the leading States in the outdoor recreation program. We have obligated all of our apportionments and have projects waiting for release of the Fiscal 1969 funds. Many states have patterned projects and comprehensive planning innovations after those which have originated in North Dakota.

The Fund has done much for North Dakota, but much more remains to be done. Increased revenues will benefit us and the rest of the nation. I urge you to do everything in your power to assure that S. 1401 will be enacted into law.

WILLIAM L. GUY,
Governor.

NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY,
Bismarck, N. Dak., January 30, 1968.

Hon. HENRY M. JACKSON,
U.S. Senator,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The North Dakota State Outdoor Recreation Agency on January 26, 1968 adopted a resolution in support of S. 1401. If enacted, S. 1401 will amend the Land and Water Conservation Fund Act of 1965 to provide increased revenue through additional sources.

A copy of the Agency's resolution is enclosed.

The principal purpose of the bill is to help overcome the problem of rapidly increasing cost of land for public park and recreation areas. This bill can permit early action to save many outstanding areas for our future generations.

S. 1401 will benefit North Dakota and the nation. I urge your support.

Sincerely,

WILLIAM L. GUY,
Governor and Chairman.

RESOLUTION OF THE NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

Whereas, S. 1401 is presently being considered by the 90th Congress; and

Whereas, if enacted, this bill will provide that from July 1, 1967 to June 30, 1972 all receipts which are currently deposited in miscellaneous receipts of the U.S. Treasury and which are collected from mineral leasing of public lands and Outer Continental Shelf Lands and all such receipts collected by the Department of Agriculture from national forests and national grasslands shall be deposited in the Land and Water Conservation Fund; and

Whereas, deposits of such receipts will total between $180 million and $480 million annually; and

Whereas, in view of the ever-increasing demands for public outdoor recreation projects and the resulting increase in land costs, this additional revenue to the Land and Water Conservation Fund will allow the acquisition of lands required for outdoor recreation projects before the costs of such lands increase even more and become economically infeasible for development.

Now, therefore, be it resolved by the North Dakota State Outdoor Recreation Agency in meeting this twenty sixth day of January, 1968, that the United States Congress is respectfully urged to enact S. 1401 at the earliest possible date.

Be it further resolved, that the Governor of North Dakota be requested to forward copies of this resolution to the Secretary of the Interior, to U.S. Senator Henry M. Jackson, and to all members of North Dakota's Congressional Delegation.

WILLIAM L. GUY,
Governor and Chairman.

Attest:

MILO W. HOISVEEN,
Executive Officer.

STATEMENT OF OSCAR N. BERG, EXECUTIVE VICE PRESIDENT, NORTH DAKOTA WATER USERS ASSOCIATION

I am Oscar N. Berg, Minot, North Dakota and serve as Executive Vice President of the North Dakota Water Users Association This is a voluntary, non-profit organization, with a membership of 3,000 farmers, business and professional people, interested in all phases of soil and water resources development.

We, as a group, support S. 1401, which provides that from July 1, 1967 to June 30, 1972, all receipts which are currently deposited in miscellaneous receipts of the U.S. Treasury and which are collected from mineral leasing of public lands and Outer Continental Shelf Lands and all such receipts collected by the Department of Agriculture from national forest and national grasslands, shall be deposited in the Land and Water Conservation Fund. These deposits will total between $180 million and $480 million annually and this will enable the acquisition of lands for outdoor recreation projects before values increase wherein it becomes economically unfeasible and uneconomic for acquisition and development.

The North Dakota Water Users Association, in view of our rapidly increasing population and the resultant demand for recreational development in both urban

and rural areas, believe that this is a national investment that will contribute to the present and future generations in social and cultural values.

We respectfully urge that this legislation be enacted at the earliest date because of the urgency in meeting the financial demands for outdoor recreation development in all areas of the United States. This legislation, we believe, is in the national interest!

The CHAIRMAN. Mr. Greenslit, I would like to ask you just one question. Are you giving priority in your State program to land acquisition?

Mr. GREENSLIT. Our No. 1 priority, sir, is land acquisition.

The CHAIRMAN. Of course you have to have a certain amount of development with it, but you are giving first priority to land acquisition?

Mr. GREENSLIT. That is right.

The CHAIRMAN. Very good.

I have no further questions. I want to thank you gentlemen very much. Mr. Hoisveen, do you wish to be heard?

Mr. HOISVEEN. Yes, sir; I do.

The CHAIRMAN. A formal statement?

Mr. HOISVEEN. Yes, sir; I do.

The CHAIRMAN. All right.

STATEMENT OF MILO W. HOISVEEN, STATE ENGINEER AND EXECUTIVE OFFICER, NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

Mr. HOISVEEN. I am Milo Hoisveen, State engineer and executive director of the North Dakota State Outdoor Recreation Agency. It has been my privilege to appear before a number of your committee members on several occasions. However, this is my first opportunity to appear before you in behalf of outdoor recreation as handled by the newly created Bureau of Outdoor Recreation.

My association in the field of waterbased outdoor recreation dates back to 1931 when I made a number of surveys in connection with lake improvement for recreation purposes. Oddly enough the opportunity to develop some of these areas did not present itself until funds became available under the Bureau of Outdoor Recreation grants and aid program. This program, besides enhancing the construction of a multitude of local outdoor recreation projects, has been most helpful in developing water-based recreation at both the State and local level.

We believe that we in North Dakota pioneered the water-oriented dam construction projects with the Bureau of Outdoor Recreation. In most instances the water-based outdoor recreation projects are multiple purpose in scope and involve as many as five State and local agencies cooperating with the Bureau of Outdoor Recreation. These are usually multipurpose projects and may include swimming, boating, fishing, wildlife, and a municipal water supply. Formulas are developed relative to an equitable distribution of costs. Through this system we are able to assure the Bureau of Outdoor Recreation that none of their funds are used to facilitate features of reservoirs used for purposes other than recreation. I can say that it did take a great deal of negotiating to convince the Bureau of Outdoor Recreation that their funds would not be used to implement other programs. I am glad to

report their concern, as this, of course, is the way it should be. It is most interesting and gratifying to view the enthusiasm with which the citizenry of North Dakota has received and participated in the Bureau of Outdoor Recreation program. Small communities which had little to offer their youth in the way of outdoor recreation have found it possible to budget funds whereby they can and will develop and maintain such projects. Added Federal funds are required to match the acute demand for State and local projects.

The amount in grants received by North Dakota is not as great as many of our States because of our rather sparse population but it has been significant and greatly appreciated. It has stimulated youth programs, enhanced almost all forms of recreation, aided in attracting tourists and provided vacation areas for citizens who cannot afford out-of-State vacations.

As executive director of the State outdoor recreation, which is comprised of 12 interested State agencies, I urge that you recommend S. 1401 for prompt passage.

In accordance with the telephone conversation held last night, the North Dakota Association of Water Management Districts requested me to indicate their endorsement of S. 1401. The districts are 43 in number, and 33 are countywide in scope.

Thank you.

The CHAIRMAN. Thank you, Mr. Hoisveen. We appreciate having your statement, as well as Mr. Greenslit's. It is very helpful.

The Chair wishes to announce that it has received a letter from Senator Eastland which he asks be included in the record, strongly endorsing the pending measure, S. 1401.

(The letter referred to follows:)

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., January 30, 1968.

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

DEAR SENATOR JACKSON: I want to commend you on the introduction of S. 1401 to amend the Land and Water Conservation Fund Act of 1965 and for setting hearings to bring this legislation to the attention of the Congress.

Certainly the establishment of the Land and Water Conservation Fund was a step forward in meeting the increasing needs for outdoor recreation. However, as in most legislation, it is impossible to visualize the degree of utilization of the authorizations contained therein and the tremendous response on the part of the people using these facilities has been such that additional financing is necessary to meet present and future requirements.

The fact that the Federal Government under this Act is assisting the states in providing facilities for outdoor recreation could, in many instances, cause land speculators to purchase potential sites in the hope of exorbitant profits. The provision in your bill that would make available immediate financing for the purchase of future recreational areas is certainly in the taxpayers' interest in holding costs to an absolute minimum.

An additional benefit of the legislation would be that long-range planning for the development of recreational facilities in areas of greatest need can be approached with certainty on the part of those responsible for providing such facilities within the states. The Land and Water Conservation Fund is indefinite as to the amount of financing that will be available in any given year because of the fluctuation of the sales of federal land allocated to this purpose. Your bill will insure a specific amount so that these planners can proceed with the knowledge that a sufficient amount of money will be available during the limited period of the bill's application. The source of these funds from offshore oil is one of the best investments that can be made in the interest of all the

people. Certainly the offshore oil from those areas clearly under federal control belongs to all of the citizens of the United States and the use of these funds as you have proposed in the legislation would provide for a proper distribution of these resources to the inland states that would otherwise not benefit from the offshore resources.

Please make this letter a part of the hearings, and I urge you to expedite consideration of this legislation upon the completion of the hearings so that order can be brought to our outdoor recreational program.

I offer my full support toward the early enactment of this vitally important and beneficial measure.

With personal regards,

Sincerely,

JAMES O. EASTLAND,
U.S. Senator.

The CHAIRMAN. Also we have received a statement from Maurice K. Goddard, secretary of forests and waters, Commonwealth of Pennsylvania, which we will include in the record at this point.

This statement was sent over by Senator Scott, of Pennsylvania, who strongly supports this legislation. He is also a cosponsor of S. 1401.

(The statement referred to follows:)

STATEMENT OF MAURICE K. GODDARD, SECRETARY OF FORESTS AND WATERS, COMMONWEALTH OF PENNSYLVANIA

Mr. Chairman, and Members of the Committee, my name is Maurice K. Goddard. I am Secretary of Pennsylvania's Department of Forests and Waters, and among other functions, I am responsible to the Governor for the administration of the Pennsylvania State Park System. I welcome the opportunity to express my views on Senate 1401, purpose of which is to amend Title I of the Land and Water Conservation Act of 1965, thereby authorizing deposits to the Land and Water Conservation Fund from outer continental shelf oil receipts, for recreational uses.

The history of Pennsylvania's Outdoor Recreation Programs may be briefly outlined to emphasize the established Federal-State-Local partnerships, and to point to consequential aggressive action, in outdoor recreation.

In response to obvious public demand, our General Assembly has provided General Fund capital development moneys for State park purposes on an expanding basis since the early 1950's, even though the dollar competition among State agencies and other programs remains acute.

To augment the General Fund appropriations, the General Assembly also provided a special fund, the Oil and Gas Lease Fund, some twelve years ago, which set aside revenues (received from oil and gas lease rents and royalties on State Forest lands), for the acquisition and development of new State park lands. Some $16.5 million dollars have been expended to date from that special fund.

Through our General State Authority (a bond sale program), financial capacity for the development of State park lands, was increased to a point where $19 million dollars was authorized for the 1965-67 Biennium.

The increasing need for an intensive and extensive land acquisition program was recognized, and in 1964, enabling legislation was authorized, which provided $70 million dollars for State and local governments to acquire lands for recreation, conservation and historical purposes.

I am happy to inform you that on January 19, 1968, significant enabling legislation was signed by Governor Raymond P. Shafer to provide funding capacity for the acquisition and development of State and local outdoor recreation areas, in the amount of $200 million dollars. The Act also provides $200 million dollars for reclaiming abandoned strip mine areas, the elmination of acid mine drainage, the problems arising from subsidence, underground mine fires and $100 million dollars for financial assistance to communities to assist in construction of sewage treatment facilities.

I believe that these major programs dynamically illustrate the Commonwealth's accelerated responses to the amplified awareness and needs of a growing population.

But, even in light of our aggressive programs, we look to similar responsiveness and continuity from the Federal Government. State and local governments cannot satisfy the demand and need alone.

The intent of the Land and Water Conservation Fund Act of 1965, and the achieved coordinated Federal-State-Local effort cannot be permitted to regress. Our State programs are tenaciously integrated with authorized and proposed Federal projects and help.

I respectively submit that the Congressional cut-back, ordered on December 18, 1967, has occasioned the reduction of grants for recreation land acquisition and development in the amount of $4.9 million, according to a Department of the Interior news release dated January 24, 1968. Now, this is not the kind of astronomical amount that we are generally conditioned to reading, but it is an important amount when the three "partners" are beginning to realize and see their plans surmount the tremendous task before us, the task of providing satisfactory, public outdoor recreational opportunities at all levels of political subdivisions.

I respectively refer to the Commonwealth's Oil and Gas Lease Fund, cited above, without which our State Park development program could not have received timely and effective acceleration. I liken that program and our two bond issues to the provisions of S. 1401, now before you. Passage of S. 1401, will generate immediate opportunity to acquire park and recreational lands before escalating prices makes it prohibitive to do so. The spiralling land costs are detrimentally effecting the entire program of acquisition and development, and the resolve to meet the needs of people is jeopardized.

I strongly recommend the enactment of S. 1401, with the considered amendments recommended by the Department of the Interior.

The CHAIRMAN. Senator Symington has sent over a statement of Howard McIlrath, president of the Central Crossing Association of Table Rock Lake, Mo. That statement will be included at this point.

(The statement referred to follows:)

STATEMENT BY HOWARD MCILRATH, PRESIDENT OF THE CENTRAL CROSSING ASSOCIATION OF TABLE ROCK LAKE, MO.

Mr. Chairman and Members of the Committee, I am Howard McIlrath from Shell Knob, Missouri. I have the honor and responsibility of serving the Central Crossing Association of Table Rock Lake as its President. This 8-year-old organization consists of those attempting to make a living, on or near the lake shores, together with other permanent residents who are retired, or not actively engaged in their own businesses, and sponsor members who are merchants and businesses in the area surrounding the lake, mostly within a 50-mile radius of our section of the lake area.

The Golden Eagle Access Program. Federal Impoundments differ greatly from National Parks and many National Forests. There are many more points of access at impoundments and this presents an impractical enforcement situation, at least an expensive enforcement situation. This condition could also lead to vigorous enforcement at one location and none, or almost none, at another location. This, when coupled with the vigorous opposition to payment of any fee to be allowed to have access to public property and especially to an area designated a public use area, in connection with a Federal Impoundment created with tax dollars, appropriated by Congress, with at least some consideration for the recreation opportunities it would provide, has established a very deep resentment against such fees. We have always maintained that since the receipts from this program do not go to the Corps of Engineers and a greatly enlarged personnel is required for anything more than a token enforcement, that the program is unwise from a practical standpoint. When we add the costs of motor vehicle equipment, uniforms, training and administration, this impractical situation becomes even more evident. Although we have been unable to get cost versus receipts figures, Representative Edmondson from Oklahoma has presented evidence to the House Flood Control Subcommittee to show that the total elimination of the Golden Eagle Access Fee program at Impoundments would reduce the grants under the Land and Water Conservation fund by only Two-Tenths (2/10) of one percent. We most vigorously oppose this program, at Federal Impoundments, in behalf of the almost 28,000 signers of the petitions which we submitted last September to the House Public Works Committee.

The CHAIRMAN. Mr. Joseph Jaeger, Jr., chairman of the Missouri State Inter-Agency Council for Outdoor Recreation, has submitted a statement for inclusion in the hearing record. It will be printed at this point.

(The statement referred to follows:)

STATEMENT OF JOSEPH JAEGER, JR., CHAIRMAN OF THE MISSOURI STATE INTER-AGENCY COUNCIL FOR OUTDOOR RECREATION

The land and water conservation fund program has been received with great enthusiasm in Missouri and has served to accelerate action for outdoor recreation in many extremely worthwhile ways.

Our state ranks third, among all the states and U.S. territories, in terms of the total number of approved grant-in-aid projects; our Inter-Agency Council has allocated the State's share of the fund to 107 projects; and well over half of these projects are being carried out by Missouri's political subdivisions, cities and counties. Our state allocation from the fund has been so broadly shared that each of the fourteen recreation planning regions of Missouri has received assistance for acquisition or development of outdoor recreation projects.

Grants-in-aid from the fund have served to accelerate outdoor recreation action in inspiring ways:

City officials have named new park boards to organize, plan, and complete local projects to buy land for parks and develop facilities.

Voters have approved local general obligation bonds to finance these projects. In our state, successful bond elections are an indication of overwhelming citizen approval because of the State Constitution's requirement for a two-thirds majority on general obligation bonds. Voters in the past two years have approved bonds far in excess of the amount available in Missouri's annual share of the land and water conservation fund.

Some projects have been financed locally by substantial donations of cash or land where interest was created through the possibility of a grant-in-aid from the fund. Matching money for a new State park was raised by local donation. The amount of money available from private trusts and estates or other donors far exceeds the money which has been available from the land and water conservation fund. But grants-in-aid for part of costs do direct these gifts toward needed outdoor recreation projects.

Appropriations from Missouri general tax revenue for State parks were larger last year than ever before, and the possibility of grants-in-aid from the fund has encouraged this appropriation.

Our Legislature has acted to create a thirteen member Inter-Agency Council for Outdoor Recreation to be the central focus for outdoor recreation in the State. The Governor and the Legislature have appropriated money to develop a state plan for outdoor recreation and to administer this federal aid program. (Missouri's plan has been accepted by the Bureau of Outdoor Recreation, making our state eligible for funds to December, 1970. We are now planning an improved, up-dated version of the plan.)

All of this effort has meant the planned outdoor recreation expenditure of more than eight million dollars of federal and local money. It has also meant an increase in the recognition of immediate needs.

Unfortunately, this fine program seems to be running out of gas. Actual allocations of cash to Missouri from the fund in the last two fiscal years have fallen short of the apportionment which we were told might be available. Our council is faced with a backlog of $400,000 in requests for funds for projects now ready for immediate action. In addition, we have almost one million dollars in federal assistance requests pending. We have reached the point where we are advising applicants that they should not expect approval of requests earlier than eighteen months after they submit applications. When land acquisition is being planned in fast growing urban areas, this is too long to wait. Subdividers and land developers can move much faster than those who would save land for parks.

Our past record is proof of the need for an increase in the amount of money in Missouri's share of the land and water conservation fund. In addition to more money, there is also a need for a more reliable source of receipts to the fund. This would allow more deliberate planning for allocation of the State's share. We believe the receipts named in S. 4501 will meet this need and urge the committee to approve this change in the fund act.

The CHAIRMAN. Gov. David F. Cargo, of New Mexico, has a letter for insertion in the hearing record.

(The letter referred to follows:)

STATE OF NEW MEXICO,
Sante Fe, January 31, 1968.

Senator CLINTON P. ANDERSON,
New Senate Office Building,
Washington, D.C.,

DEAR SENATOR ANDERSON: I am pleased to advise you that I strongly support the aims of S. 1401. The Land and Water Conservation Fund program has been a great incentive to the municipalities of New Mexico to acquire and develop outdoor recreation areas. Many municipalities would be unable to meet the needs for such facilities without the assistance of this program.

To date the requests for matching funds for both state and local projects have greatly exceeded the amount apportioned to New Mexico. At the present time we have eight continuing projects and worthy new project proposals that call for a state apportionment of over $1 million for the 1969 fiscal year. The state's apportionment for the fiscal year 1968 was only $782,196 including the amount apportioned on the basis of out-of-state visitor use.

Sincerely,

DAVID F. CARGO,
Governor.

The CHAIRMAN. I have a telegram here from Governor Tiemann of Nebraska.

(The telegram referred to follows:)

LINCOLN, NEBR., *February 2, 1968.*

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.:

Nebraska favors the early enactment of S. 1401 and I urge your favorable consideration. This program is most valuable to our citizens but inadequately financed at present.

NORBERT T. TIEMANN,
Governor of Nebraska.

The CHAIRMAN. Also the Governor of Hawaii, the Honorable John A. Burns, has sent his support for this legislation.

(The letter referred to follows:)

STATE OF HAWAII,
Honolulu, February 2, 1968.

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

DEAR SENATOR JACKSON: We are very pleased to learn of your timely introduction of S. 1401, which would amend the Land and Water Conservation Act of 1965 by adding revenues from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Acts of 1953.

We are in full accord with the principles embodied in the legislation. It is a significant step towards solving the problem of escalating land prices in areas which must be acquired as part of the National Park and outdoor recreation system and assisting the States in their outdoor recreation programs.

We are deeply concerned with the implementation of the Land and Water Conservation Fund Act and we feel it should be augmented by additional revenues from new sources to meet the heavy public land and water acquisition needs. Although the Fund is assisting substantially in stimulating State and local governments to appropriate matching moneys for developing outdoor recreation facilities in Hawaii as in the rest of the nation, it is yet inadequate for financing acquisition needs. The proposed amendment, in our opinion, will be definitely beneficial to the people of the United States.

We hereby indicate our full support for the S. 1401.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

The CHAIRMAN. The government of the District of Columbia, represented by Joseph H. Cole, superintendent of recreation, have sent us their endorsement of this legislation.

(The letter referred to follows:)

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
RECREATION DEPARTMENT,
Washington, D.C., February 1, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We understand hearings are scheduled on S–1401 to amend the Land and Water Conservation Act by providing a broader base for funding the Bureau of Outdoor Recreation grant-in-aid program. We would appreciate this letter becoming a part of the Hearing record in support of this Bill.

The District of Columbia has been enabled to develop and enlarge its recreation facilities considerably through assistance received from the Land and Water Fund in Bureau of Outdoor Recreation grants-in-aid.

In the summer of 1967 we were, as a result of this aid, enabled to construct and put in operation two large size and fifteen smaller sized outdoor swimming pools.

We have completed one playground and hope to develop others with the assistance from this source.

There are many projects which are needed and could be acquired and developed in the Nation's Capital and in the fifty states and their political subdivisions with BOR help. Many of these projects may not come about unless the pending Bill is passed into law .

We wish to add two comments which we believe would strengthen the bill:

1. We believe a substantial ceiling increase, rather than the $200 million recommended by the Administration, is justified in order to meet more rapidly and adequately the nationwide needs at all political levels in the face of urbanization, disappearing quality recreation lands and price escalation.

2. We believe the bill should also guarantee a 60–40 formula for state-federal division of the funds rather than the 50–50 split which is desired by the Administration. Neither formula is presently embodied in the Bill.

With these comments please accept our endorsement of this Bill and our hopes for its passage.

Very truly yours,

JOSEPH H. COLE,
Superintendent of Recreation.

The CHAIRMAN. The Chair also has received a letter from Mr. Laurance Rockefeller supporting the pending measure, S. 1401.

(The letter referred to follows:)

NEW YORK, N.Y., *January 26, 1968.*

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: I want to express my strong support for S. 1401 which you and others have introduced. This legislation to provide more revenues for the Land and Water Conservation Fund and greater efficiency in acquisition of park and recreation land by federal agencies is urgently needed.

As chairman of the New York State Council of Parks, I have noted with some disappointment that grants-in-aid from the Land and Water Conservation Fund have been running below original estimates and are likely to continue to do so in the future unless action is taken. Our new "Next Step" program, a $400 million 10 year undertaking, was predicated on the level of federal revenues anticipated from the fund. Your measure will enable the federal government to participate as a partner in this venture to the extent we had anticipated.

The President's Citizens Advisory Committee on Recreation and Natural Beauty has been concerned with the land price escalation problem nationally. We believe that the provisions of S. 1404 are responsive to the problems. Clearly, additional funds are needed, and the outer continental shelf revenues are a logical source. The advance contract authority can be an effective tool when used boldly as some of the states have done.

I would like to offer one suggestion in regard to the authority for sale and leaseback of national park land to be granted to the Secretary of the Interior. I understand that this is intended primarily as a negotiating and acquisition tool in special circumstances. However, I would hope the legislative record would be clear that this was the intent and that no broad authority would be enacted to give some future administrator carte blanche in disposing of park land. Certainly, this authority should be limited to national recreation areas and not extended to national parks. As you know, the inholding problem is still a major one in many national parks and it would be a mistake to enact authority which might create problems in the future.

With this one reservation, I believe S. 1401 is a statesmanlike approach to a very major problem. All of us interested in parks and recreation are again in your debt for moving with dispatch, imagination and wisdom to meet the challenges of preserving and enhancing our national heritage.

Sincerely,

LAURANCE S. ROCKEFELLER.

The CHAIRMAN. The next witness is Mr. William Penn Mott, director of parks and recreation, State of California.

Mr. Mott, pleased to have you with us this afternoon.

STATEMENT OF WILLIAM PENN MOTT, JR., DIRECTOR OF PARKS AND RECREATION, STATE OF CALIFORNIA

Mr. MOTT. Mr. Chairman, it is my understanding that there is before your committee two bills pertaining to the Land and Water Conservation Fund Act program, Senate bill 1401, introduced by Senator Henry M. Jackson, and Senate bill S. 531, introduced by Senator Thomas H. Kuchel.

I wish to speak in support of the concept which these two bills present, namely providing additional funds for the Land and Water Conservation Fund Act program. July 1, 1967, marked the third year in which applications have been accepted in California for consideration under the Land and Water Conservation Fund Act program. During this period in which $11 million was available as California's share of this fund, we received applications for in excess of $70 million worth of projects. In other words, the demand for funds exceeded the money available by more than 600 percent.

This demand for funds for land acquisition and capital improvement to meet the recreation demands in California is directly related to the rapid growth being experienced by the State. The California State Department of Finance estimated that the population of California as of January 1, 1968, was 19,774,000, an increase of more than 2 percent over the January 1, 1967, figure of 19,380,000. California's population has increased more than 4 percent during the period of its participation in the Land and Water Conservation Fund Act program; however, during this same period our annual apportionment has actually decreased. Based upon an average increase in population of 2 percent a year, it is estimated that California's population will increase more than 20 percent in the next 10 years.

We find that even at the present time, our population is continuing to increase at the rate of approximately 1,000 people per month. With this growth rate, which is one of the fastest in the Nation, we are confident that the demand for land and water conservation funds will continue to outstrip the supply of these funds. Statistics gathered in California indicate that the local cities, counties, and special districts are capable of matching funds from the land and water conservation

fund to at least four times the amount now being received by California from the fund, which is approximately $3½ million.

California is proud of its record in the distribution of these funds. Of the $11 million received, we have distributed this money to 57 separate projects; $6,400,000, or 59 percent, has been obligated to 25 acquisition projects, 4 of them State and 21 local; $4,500,000, or 40 percent, has been for 31 development projects, 7 State projects and 24 local; and $100,000, or 1 percent, has been obligated for one planning project. It should be noted that the percentage distribution of acquisition projects over development projects is consistent with that suggested by the Bureau of Outdoor Recreation.

Of the 57 funded projects, 43 are local projects sponsored by 33 separate local jurisdictions; 15 counties, 15 cities and 3 recreation and park districts represent the local jurisdictions. These are distributed quite evenly throughout the entire State. Twelve State projects have been funded. Six of these projects are the responsibility of the Department of Parks and Recreation and six of them are the responsibility of the Fish and Wildlife Conservation Board.

Of the $11 million received in California, $3,200,000 has been requested or paid out by the end of the current fiscal year, June 30, 1968, and before the end of this fiscal year, an additional $2 million will be either requested from the Federal Government or disbursed to participants. California has received, in addition to the $11 million, approval for $3,500,000 from the Secretary's special contingency fund; $2 million of this has been received and disbursed for the acquisition of the Pepperwood Grove project in the Humboldt Redwoods State Park. The additional $1,500,000 will be received by the end of the current fiscal year. This will complete the contingency fund project.

The Department held during the month of January 1968, four public hearings to discuss the rules and regulations for the disbursement of Federal funds to State agencies and local jurisdictions. Although land acquisition remains critical, particularly for the larger metropolitan areas, the rural areas of the State feel that there must be greater emphasis placed on development in order for them to continue with land acquisition. There appears to be considerable feeling in the rural and suburban areas that allowing open space to remain undeveloped may prohibit further acquisition or make it impossible to hold open space for park and recreation purposes.

The department of parks and recreation for the State of California now owns, operates, and maintains in excess of 800,000 acres of land comprised of 200 units which make up the State park system. Although there are critical needs for land acquisition, such as the beaches, rounding out existing State parks, and eliminating inholdings within State parks, and the acquisition of State parks which will serve the major metropolitan areas, the greater emphasis should be placed on developing existing State parks.

Mr. Chairman, the above information should provide your committee with ample evidence that additional funds are desperately needed during the next several years to meet, in California, the demand for funds from the land and water conservation fund and it is for this reason that I strongly recommend your approving either Senate bill 1401 or S. 531.

Thank you.

The CHAIRMAN. Thank you, Mr. Mott, for a very fine statement. I think what you have said dramatizes quite vividly the need for additional funds to assist the States.

I might mention that Senator Kuchel is a cosponsor on S. 1401. He regrets that he is not able to be here this afternoon. He was here this morning, as you know, and he is tied up in another meeting.

Mr. MOTT. Yes, sir.

The CHAIRMAN. Again I want to thank you for a very fine statement.

Mr. MOTT. Thank you very much.

The CHAIRMAN. Dr. Spencer Smith, Citizens Committee on Natural Resources. Dr. Smith, it is always a pleasure to welcome you back to the committee, and we look forward to your statement.

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

Dr. SMITH. Thank you very much, Mr. Chairman.

Some of my statement is repetitious, and I shall avoid reading it anew, and simply highlight some of the aspects of it, commenting on one or two things.

There has been some discussion as to whether the fund has failed. I don't think the land and water conservation fund has failed, but I think there is general agreement that it has not come up to the level of attainment that most people thought that it would.

First, in not attaining the amount that had been anticipated because of the failure of user fees to come up to the levels that were generally estimated; second, the appreciation of land values, though everyone thought that land values would increase, no one suggested or even thought, not even the wisest, at the time the original act was being formulated, that they would rise as fast as they did; and third, the rapid increase in land values coupled with the delay between the time of authorization and the time of purchase is one of the reasons that the authorizations have been so inadequate to meet the Federal obligation.

I would also add another reason, the total dependence on the fund for financing only inholdings and certain special lands contiguous to already established areas, but also to require that the Federal Government be responsible totally for all purchases, in land acquisitions.

I should like to point out that the States, under the statute, were allowed to receive money on a matching basis for three primary purposes. First, for the planning and staffing that was necessary; second, for recreational development; and third, for land acquisition.

Now, it has been pointed out that, in many instances, the substantive amounts going to certain States were for land acquisition. I think it would be helpful, however, if the committee had before it what the total experience under the grants to the States have been, in terms of whether they have used 40, 50, or 60, or whatever percentage it was for land acquisition.

It occurred to me that, since the Federal Government under the statutes, is limited solely to land acquisition, that this has been one of the reasons causing the lapse of time between authorization and financing. The Secretary made the recommendation that this be 50–50 in order to alleviate this situation.

I assure the committee we are going to have to explore this. I think this may very well be incidental to the most significant aspect and the thing that is overriding in my judgment, which is the recommended $200 million ceiling.

In the Secretary's report, the Secretary indicates that in their estimates of what will be required, I think it is $3.6 billion over the next year, that we are going to have to find from other sources some $540 million.

Now, I am not aware as to any specific recommendations as to where we are going to find this $540 million. Apparently certain activities would simply be delayed, or we will go the general appropriations route, although the Secretary this morning seemed to exclude the latter by saying he preferred to go the route of financing these from the fund. If this is true, it seems to me inadvisable to place a ceiling of $200 million thereon.

Also, though the situation in the news may not be the best at the present time, we would be writing into the statute itself a $200 million limitation, a specific figure, for a period of 5 years. It would seem to me more appropriate to pass S. 1401 as originally introduced, taking the additional revenues from the Outer Shelf, from mineral leasing, and from the miscellaneous forest receipts that are unearmarked, and put them into the fund.

The Appropriations Committee would then, due to the nature of conditions at any one time, appropriate therefrom. There is no mandatory situation imposed upon the Appropriations Committee to appropriate the total amount of the fund, and heretofore, we have not had any ceiling thereon.

Appropriations have simply been relative to the revenues that accrued to the fund from sources already there. I would prefer this, and our organization certainly is strongly against putting a $200 million ceiling, thinking of the best of all possible worlds, if the Vietnam crisis and the North Korean crisis and some other crises subsided within the next few months, we would be in a far better posture to accelerate our activities here, and meet some of our needs, if we didn't have this limitation.

If a ceiling is written in, it means we have to come back to the entire legislative process again, and reauthorize the new figure, or at least have the ceiling removed. An objection has been made that this procedure allocates a tremendous amount of money into the fund that would be encumbered, and could not be used for any other purposes.

The act itself specifies that if this is not appropriate, over a period of time—I think the stipulation is 3 years—the amount is returned to the miscellaneous receipts of the Treasury.

If there is a continuing period of time where the amount of money accruing to the fund is in excess of what the Appropriations Committee deems advisable to appropriate, it would still go back to the Treasury, and it is not locked up, or put in a posture where it can't be utilized for the general purposes of the Treasury.

These, I think, are the salient points.

The other problem that I wanted to call to your attention, which has been partially explored during these hearings, is the fact that the items that are listed in S. 2828 are not provided at Government expense at the present time. These kinds of services, by and large, are provided by

concessionaires on the Corps of Engineers lakes and reservoirs. The money so received goes to the concessionaires, as a result of the fee, and the concessionaire's fees go to the Corps of Engineers. Concessionaire fees do not go to the land and water conservation fund.

I assume that under the statute as written and as discussed at great length on the floor—and the Senator is far better able than I to recall this, I am sure—was that the fees were to be charged in the instances where the Government made a special investment in a particular area for purposes of recreation, and at that particular point, a user fee would be charged for those facilities.

The CHAIRMAN. That is correct. It related directly to quid pro quo, as the basis for charging the fee. In other words, it was felt that it would help to finance additional improvements in the recreation areas by charging a user fee, which in turn would help to amortize the cost of that investment.

With this kind of a policy, it was the intent, at least, of the Congress to obtain more investments on the part of the Federal Government in developing facilities for recreational purposes.

Dr. SMITH. Well, this is why I was never completely oriented to S. 2828, because it appeared to me that the services that they were highlighting were not the services in which the Federal Government had made an investment or for which fees were charged. Receipts were accruing to particular concessionnaires who were there on the basis of a permit. In other words, the Government was not involved at all, except in the fashion of the money they received from the permit. Therefore, it was somewhat diffcult for me to understand how we were going to cut out all the fees when we didn't have control over the establishment of them originally, and that is why I appreciated very much the Chair's colloquy this morning with other witnesses on this point.

Mr. Chairman, this is, in substance, our comments: We certainly do support S. 1401. We understand that another measure is to be considered later, and apparently, it hasn't been discussed very much. This is S. 1826. We would just comment upon this that this is an interesting observation——

The CHAIRMAN. We will take that up later, but I think it is appropriate for you to speak to it. You go ahead and comment on it.

Dr. SMITH. I was just going to say that there seems to be viable compromise on this measure, if we would use the total amount of receipts from the Outer Shelf in the land and water conservation fund for a period of 5 years, and at the end of that time, remove this allocation from the land and water conservation fund, and allow all 50 States to share equally in it, or something of that nature. But I would hope that this would not contravene the present posture of the land and water conservation fund in looking toward the receipts from the Outer Shelf as a source of revenue.

The CHAIRMAN. Thank you, Dr. Smith. Your entire statement will be included in the record in addition, of course, to your supplemental remarks.

As always, we appreciate having the benefit of your counsel and advice.

Mr. SMITH. Thank you.

(The statement referred to follows:)

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

Mr. Chairman, Members of the Committee, I am Dr. Spencer M. Smith, Jr., Secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C. It is may pleasure to represent a distinguished and outstanding group of conservationists who compose our Board of Directors. As always, it is an equal pleasure to present our views before this distinguished Committee regarding natural resource problems.

Subsequent to extended discussions with members of this body and members of the Executive Branch of the Government, the distinguished Chairman of this Committee, for himself and on behalf of many of his colleagues, introduced S. 859 on February 19, 1963. After extensive hearings before this Committee and its counterpart in the House of Representatives, Public Law 88–578 was signed on September 3, 1964, creating the Land and Water Conservation Fund Act of 1965.

It is not our purpose at this juncture to review either the procedural or substantive history of the passage of this landmark legislation. It is sufficient for our purposes at present to indicate that it has functioned well within the context that it was required to operate. The total revenue received by the Fund was not equal to the amount anticipated, primarily because the amounts received from user fees were below the estimates. It did achieve, however, an effective base for facilitating the acquisition and development of recreation resources.

The purposes of the act at the very outset were to effect a working relationship between the Federal Government and the States in order to meet the significant increase in demand for recreation areas. While the use of funds allocated to the Federal agencies were to be used exclusively for purposes of land acquisition, the funds allocated to the state programs were for land acquisition, development, and planning. The act was first operational in 1965 and it required some time for the states to fund their part of the effort, achieve an administrative structure and provide for implementation of their program necessary to fulfill the regulations of the statute in providing a state recreation plan. With only a few years of experience under the act and at the risk of being dogmatic, it would appear that the recreation posture in most states has been improved significantly. Often the information emannating from various organizations would appear to contradict such an observation. It should be pointed out, however, that in implementing the act, the focus of attention in analyzing recreation needs and means to meet such needs have delineated the details of the recreation problem which was not in such perspective previously. Spokesmen from the Department and the States, however, are better able to analyze in sufficient detail the strides that have been made on behalf of the states.

Often the success of the program is questioned on the basis of those land acquisition programs of the Federal Government that have been authorized and not funded. It would appear that a number of reasons are responsible for such a result. First, the Fund never attained the total amount that was anticipated. Second, the appreciation of land values, especially in uses for recreation, advanced at a rate not anticipated by the wisest of experts at the time the original act was being formulated. Third, the rapid rate of increase in land values coupled with the delay between the time of authorization and the time of purchase, found authorizations inadequate. Fourth, the total dependence on the Fund for financing all Federal land acquisition for purposes of recreation by the Federal agencies was not adequate.

All of these circumstances have caused a significant backlog in the Federal agencies of areas and programs authorized but not yet funded. In the National Parks system alone, programs authorized, with a ceiling but not funded, total $89 million. If this funding is to take place presently, one would have to add $101 million, or consider a total of $190 million, in order to carry out the purposes of the authorizations. Also, areas authorized with no ceiling for the National Park system are estimated presently to require $128 million if the terms of the authorizations are implemented. Thus, the total projects now authorized for the National Park System would require $318 million to achieve full implementation.

In addition, the Administration has programs now pending before the Congress which would total $160 million. This amount includes only $60 million for the Redwood National Park. If one completes the authorizations with and without ceilings in addition to those now pending, approximately $478 million would be required for the Park Service alone.

The Forest Service operates under a different program requirement than that of the Park Service. Additions to Forest Service land are authorized under the Weeks Act. If their recommendations for purchase are approved by the Forest Reservations Commission, they have completed the requirements of authorization and require appropriations for purchase. The Forest Service has estimated, however, that in a 10-year period the acquisition of lands primarily for recreation would approximate $310 million.

The Bureau of Sports, Fisheries and Wildlife shares in the Fund only by acquiring land for endangered species or to meet special recreation needs. Their general estimate for a projected period of 5 years approximate $15 million.

To provide for a means of meeting this significant demand for outdoor recreation resources the Chairman of this Committee has introduced S. 1401 for himself, Mr. Anderson, Mr. Kuchel, and Mr. Nelsen, to amend Title I of the Land and Water Conservation Fund of 1965 for the purpose of augmenting the revenues accruing to the Fund.

At the present time the Fund receives revenue from three sources: (1) proceeds from fees received by the Federal agencies at installations they administer; (2) all proceeds from the disposal of surplus real property and related property under the Federal Property and Related Services Act of 1949; (3) the refundable portion of the fuel and special gasoline used in motorboats; (4) advance appropriations, beginning with the third full fiscal year to average not more than $60 million for each fiscal year.

S. 1401 would increase these revenues by adding: (1) the unearmarked monies now deposited in the miscellaneous receipts of the Treasury under the Mineral Leasing Act of 1920; (2) the unearmarked receipts from the National Forests which are now deposited in the miscellaneous receipts of the Treasury; (3) the receipts from the Outer Continental Shelf Lands Act of 1953. These additions would accrue to the Fund for a specific period extending from July 1, 1968 and concluding on June 30, 1973.

The annual receipts from these sources of revenue would approximate between $16 and $19 million from the Mineral Leasing Act, approximately $450 million from the Outer Continental Shelf, and approximately $88 million from the National Forests receipts. The Department of the Interior has indicated in its report that according to their studies the total local and state needs for the next 10 years are estimated to be about $3.6 billion. The same report suggests that the Land and Water Conservation Fund be established at a ceiling of $200 million annually for the next 5 years. They conclude that if their recommendations are agreed to by the Congress that some $540 million would need to be found from additional sources.

It would appear, Mr. Chairman, that we are almost back where we started in our attempts to relieve the backlog. We would prefer S. 1401 without the ceiling limitation of $200 million annually. If the limit becomes incorporated into the Statute and budgetary restrictions are eased over the next few years, in order to raise this ceiling another amendment would be required. It appears to us that it would be more prudent to continue with the original concept of the Fund. As the Land and Water Conservation Fund Act of 1965 stands at present, all monies must be appropriated from the Fund by the usual appropriations procedure. If the Appropriations Committees determine that it is not in keeping with the total public interest to appropriate all the revenues accruing to the Fund in a particular year and the Congress agrees with this decision, no undue hardship has resulted. Also, under the stipulation of the Statute, if all monies are not appropriated within a two-year period they are returned to the Treasury.

In Short, S. 1401 takes into account the significant need not yet met and does not seek to make the restriction of funds in any given year a basic part of the Statute. It would appear to us that S. 1401, as introduced, provides a more flexible vehicle for meeting the problem of funding recreation programs.

We should like to call special attention to the addition of Section 8 to Title I of the basic act as provided by S. 1401. This new section would permit $30 million to be authorized to be appropriated by contract authorization. Mr. Chairman, this has not been a popular procedure with the Congress. While there has been precedent in the case of the Open Spaces provisions of the Housing

and Urban Development Act, and to a degree in the Highway Trust Fund, the procedure is usually accepted only in emergency circumstances. In this case, Mr. Chairman, it appears to us that the emergency clearly is evident. The lapse of time between authorization and appropriation has caused an egregious hardship upon the Federal Government. The details of using this contract authority can be fully circumscribed at the time the authorization is given and the amount of $30 million clearly indicates that it be used for emergency considerations only.

Mr. Chairman, we feel that S. 1401 is a measure that goes to the heart of the recreation resources problem. We wish to commend the Chairman and his colleagues who have labored so long and accomplished so much in behalf of establishing the recreation resources of the people of the United States. We hope that the Committee will find favor with this measure and that the Congress will subsequently enact it into law at an early date.

(Subsequent to the hearing the following additional statement was received:)

WASHINGTON, D.C., *February 20, 1968.*

Senator HENRY M. JACKSON,
Interior and Insular Affairs Committee,
New Senate Office Building, Washington, D.C.:

An amendment to S. 1401 would remove the new sources of revenue for the land and water conservation fund provided in S. 1401. The amendment would substitute for the loss of these new revenue sources authorizations to be appropriated at a level of $200 million from the general fund. We oppose this amendment. The fund was established originally because of the failure in obtaining necessary appropriations from the general fund and the advanced appropriations authorized by the land and water conservation fund from the general fund have not been appropriated. A so-called compromise amendment would allocate 37½ percent of the Outer Continental Shelf leasing revenues to the States which are contiguous to the water areas where leases are established. The remaining 62½ percent of the Outer Continental Shelf lease revenues would be credited to the land and water conservation fund. We oppose this compromise amendment since it would unnecessarily ally land and water conservation fund revenues with a special privilege to a few States and if accepted make passage of S. 1401 highly questionable.

SPENCER M. SMITH, Jr.
Secretary,
Citizens Committee on Natural Resources.

The CHAIRMAN. Mr. Fred Cutlip, appearing in lieu of Angus Peyton, commissioner of the West Virginia Department of Commerce. Is he here?

STATEMENT OF FRED CUTLIP, RECREATION PLANNER, WEST VIRGINIA DEPARTMENT OF COMMERCE

Mr. CUTLIP. My name is Fred Cutlip, West Virginia Department of Commerce, recreation planner. Commissioner Peyton is unable to be here today. We have another gentleman scheduled to appear before the committee in a few minutes, Mr. Bradford, who will speak on behalf of the State of West Virginia.

The CHAIRMAN. Fine, thank you very much.

Mr. William E. Towell, executive vice president, the American Forestry Association.

STATEMENT OF WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT, THE AMERICAN FORESTRY ASSOCIATION

Mr. TOWELL. Thank you, Mr. Chairman.

I am William E. Towell, executive vice president of the American Forestry Association, a nationwide conservation orgnization composed of some 55,000 persons, mostly laymen. The object of the association

is the advancement of intelligent management and use of our forests, soils, water, wildlife, and all other natural resources necessary for a quality environment, healthy outdoor recreation, and the well-being of all citizens.

Our interests in the Land and Water Conservation Fund Act date back to the inception of legislation to create this fund and the Bureau of Outdoor Recreation. From both a State administrator's level and from my position with a national conservation organization I have watched many worthwhile outdoor recreation projects become reality because of the fund. Great progress is being made in federal acquisition of recreational lands as well as acquisition and development of recreational facilities by state and local governments. Matching incentives provided by the fund have stimulated increased effort by local governments in financing of recreational projects.

A major weakness in the present fund, however, is that there is not enough money to meet demands of the States and local units of government or to keep pace with authorizations by the Congress for new Federal parks and recreation areas. If the fund is not increased, it would be almost meaningless for the Congress to authorize more new conservation areas unless it also approved appropriations from general revenue sources to finance them. Additional revenues in the land and water fund would be achieved with the passage of S. 1401.

I am aware that there is considerable concern about earmarking of funds even for worthwhile conservation projects and I share this concern, but the existing land and water conservation fund already is from earmarked sources. As a general rule, I feel that earmarked funds should be dedicated to the lands or projects from which they are derived and not diverted to unrelated projects.

We support the administrator's viewpoint that receipts under the Mineral Leasing Act and from national forests' sales and leases should not be diverted into the land and water fund, but rather that a portion of revenues from the Outer Continental Shelf be used to supplement the fund. We also approve the idea of a limit, both in amount and time, as proposed by the Secretary of Interior. A $200 million ceiling for a period of 5 years should aid greatly in catching up on Federal acquisition and be a big boost to the States. At the end of that time a review of needs and backlogs would reveal whether the amount was in need of increase or decrease.

If, however, Congress does not find it desirable to increase the Land and Water Conservation Fund through Outer Continental Shelf revenues, as recommended, then I would urge very strongly that new national parks, seashores, recreation areas or other Federal projects now being financed or backlogged for financing by the fund be authorized for purchase from other revenue sources. The land and water fund has been a valuable conservation tool but it will become a limiting factor on how rapidly the Nation can proceed on conservation and recreation projects unless the fund can be significantly increased.

Other provisions of S. 1401 appear to be very desirable. The advance obligational authority to permit contract for purchase before actual appropriation of funds should help to hold down prices. And, the sell-back and lease-back authority will enable the Federal Government to recoup land acquisition costs on some land transactions to replenish the land and water conservation fund.

One other amendment, in our opinion, would further strengthen the Act, but it is not included in S. 1401. This would be an authorization for Federal agencies to use land and water fund appropriations for recreational development as well as for acquisition. State and local governments have this advantage in use of their portions of the fund.

Thank you, Mr. Chairman, for this opportunity to appear.

The CHAIRMAN. That was a fine statement, Mr. Towell. We appreciate it. The question of using the Federal portion of the fund for development is a difficult one. It would not be such a hard decision if you had the overall funds available to meet the minimal land acquisition requirements.

I felt very strongly at the beginning, when we took up the Land and Water Conservation Fund bill in 1965, that we should have provision, the same as the States, for authority to the Federal agencies for development purposes.

However, the way things have turned out, with land price escalation, and so on, it seems to me that we have a serious problem on priorities.

Mr. TOWELL. Certainly I agree with you that acquisition seems to be a higher priority, but I feel that the Federal Government needs the flexibility either for acquisition or development, too.

The CHAIRMAN. That is right. Thank you for your fine statement.

The next witness is Mr. FitzGerald Bemiss, chairman of the commission of outdoor recreation of Virginia. Mr. Bemiss, we are delighted to have your testimony, and you may proceed now. You can hit the high points, the matters that have not already been covered, and we will include the statement in full, if you wish.

STATEMENT OF FITZGERALD BEMISS, CHAIRMAN, VIRGINIA COMMISSION OF OUTDOOR RECREATION

Mr. BEMISS. Thank you, sir. I think the points that I would like to cover have been pretty well emphasized. I knew they would be, so I kept my statement to about two pages here, and I will even try to summarize those.

I would like to leave with you, if I could, the Virginia plan, which came out of the planning based on the original Outdoor Recreation Resources Review Commission concept, and I would like to leave with you also a little booklet on 18 months progress which we have been able to make in this land and water conservation partnership in the Commonwealth of Virginia.

We feel we have accomplished a great deal. We have begun on the acquisition of seven new State parks. Perhaps the most dramatic one in this area is the Mason Neck Park, which you have heard something about.

We have made substantial grants to regional and local governments to enable them to carry out their part of the plan. We have been able to expand the multiple use concept by supplementing land originally acquired solely for hunting and fishing, and we have initiated a great many plans and studies for better conservation and wise use of our resources.

One of the most encouraging aspects of this, or byproduct, has been the citizen response. One of our parks was given to us as a result of this partnership I refer to.

I tell you these things, Mr. Chairman, not just to brag about what we are doing, but to point out what we have been able to accomplish in partnership with you, because indeed, everything we have done has been done on a 50–50 matching basis with the Federal Government.

As one of the speakers a minute ago pointed out, it is nice to be right, but we were far righter than we wanted to be about what was going to happen to land prices and desirable land. The scary thing is that if we can't get it now—well, many rare and distinguished places will be at exorbitant prices. This puts a great pressure on us to go ahead, and go ahead promptly.

Actually, where Virginia got about $4.3 million in the first period, we now find ourselves up for about $3 million, and rightly or wrongly, this has had the Commonwealth build into its budget a correspondingly lower figure for the next biennial, so we would hope that this addition to the land and water conservation fund would encourage us to move ahead at State level.

I would like to point out, and I was interested that you mentioned this yourself a minute ago, that we have spent over 75 percent of our funds on land acquisition. I wish I could spend every cent of it on land acquisition, but as you know, you have to spend money on a few things to even acquire the land, but this is certainly the top priority with us. We may get some pressure later about not having developed it, but I will face that when I get to it. The problem is to get this land now.

So speaking as one of your partners in the excellent concept of the land and water conservation fund, I would like to urge the passage of your bill, S. 1401. It would perhaps double the amount of money for which Virginia might be eligible, and would be substantial encouragement to the General Assembly of Virginia, now in session, in doing its part of the total load.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Well, thank you for a very helpful statement Mr. Bemiss. The entire statement will be included in the record at this point.

(The statement referred to follows:)

STATEMENT OF FITZGERALD BEMISS, CHAIRMAN OF THE VIRGINIA COMMISSION OF OUTDOOR RECREATION

My name is FitzGerald Bemiss. I am Chairman of the Virginia Commission of Outdoor Recreation. In 1964, as a member of the Senate of Virginia, I was patron of the Act which created the Virginia Outdoor Recreation Study Commission, and subsequently served as Chairman of the Study Commission. The Report of the Study Commission, entitled, "Virginia's Common Wealth" was the basis of the Virginia Outdoors Plan—a comprehensive and continuing program of action to protect and use wisely Virginia's outdoor recreation resources.

The extensive legislation recommended by the Study Commission was enacted by the 1966 General Assembly. On July 1, 1966, the Commission of Outdoor Recreation and the legislative acts supporting it became effective.

In the period of approximately 18 months since that time significant beginnings have been made on the Virginia Outdoors Plan. A booklet published by the Citizens Committee For The Virginia Outdoors Plan, entitled, "18 Months of Progress," tells what has been done in some detail. I shall leave a copy of this booklet with my statement. Major elements of progress on the Virginia Outdoors Plan have been—

1. Seven new State Parks—either acquired or in the first phase of acquisition. These are truly distinguished places, such as Mason Neck, just below Washington on the Potomac; False Cape, a rare strip of Atlantic Coast beach; Smith Mountain Lake near Roanoke; and Chippokes Plantation, a

James River plantation dating from the 17th Century which was given to the State largely because of the Virginia Outdoors Plan.

2. A number of matching grants to local and regional agencies to enable them to carry out their parts of the total Plan. These include some truly excellent local and regional park and open space projects.

3. Development of the multiple use concept on or adjoining lands originally acquired for only hunting and fishing but now available for camping and general outdoor enjoyment.

4. A great variety of studies and plans developed with private individuals in an effort to preserve a river, a historic place, a scenic road, or a suburban open space.

I tell you about these things not simply to brag about what Virginia is doing or trying to do, but to tell you what the Commonwealth of Virginia and the Federal Government together have accomplished and more or less committed themselves to accomplish in the future. Everything we have done we have done in partnership with the Federal Bureau of Outdoor Recreation, and most of what we have paid for, we have paid for on the basis of 50% State money and 50% Federal Land and Water Conservation Funds. This is just as the original ORRRC Report envisioned it and as the original legislation provided.

It is nice to be right, but in our original study we were righter than we cared to be when we predicted the pressure of people, houses, industry, shopping centers, highways, and a great many other things, on the dwindling supply of attractive, accessible lands and waters for recreation. I am sure I don't have to tell you what has happened to land prices almost everywhere, but especially within reach of the urban centers. We expected the supply to shrink and the price on the remainder to rise. But the rate has been far greater than we dreamed. And, of course, this is not a matter solely of statistics and land prices. What really matters is that unless we act now to acquire these places, many now available will soon be unavailable or only available at staggering prices. The people of our Commonwealth, like the people of any other urbanizing and industrializing place, will have lost a highly significant part of their heritage and have lost the great social and economic benefits that might have come from the intelligent preservation and use of these resources.

So, the need is for more money now—not for less money, as the present situation indicates will be the case. For the first biennium of the Virginia Outdoors Plan, the Commonwealth appropriated about $4.3 million and the Federal Land and Water Conservation Fund matched that. We are advised by the Bureau of Outdoor Recreation that in the coming biennium, under present provisions, we can expect $3 million from the Federal Land and Water Conservation Fund. This, unfortunately, has encouraged the State to provide only $3 million in its Budget. So in the second biennium of our life, with greatly increased needs, we are confronted with a decrease in funds of about 25%.

I should like to emphasize that over 75% of the total funds we received went to land acquisition. This is the crucial matter. Whatever funds we get for the next biennium we plan to apply largely to land acquisition. This means that we do not really spend these funds, we invest them. This joint State-Federal investment in these significant places for the lasting common benefit, in my opinion, is the very soundest sort of investment for the Commonwealth and for the Nation. It is an investment not just in real estate, but in the lives of people and the character of our communities.

So, speaking for one of your partners in the excellent concept and program which the Federal Bureau of Outdoor Recreation and the Virginia Commission of Outdoor Recreation were designed to implement, I urge the passage of Senator Jackson's Bill, S. 1401. I understand that if it is passed, it could nearly double the amount of funds for which Virginia might be eligible. If it is passed promptly, it could have substantial effect in encouraging our General Assembly, and perhaps others, to make more adequate provision in the State's Budget.

Thank you very much.

The CHAIRMAN. Mr. Ney C. Landrum, director of the Florida Outdoor Recreational Development Council, is the next witness.

STATEMENT OF NEY C. LANDRUM, DIRECTOR, FLORIDA OUTDOOR RECREATIONAL DEVELOPMENT COUNCIL

Mr. LANDRUM. Thank you, Mr. Chairman.

I am Ney C. Landrum, director of the Florida Outdoor Recreational Development Council—an agency of the government of the State of Florida. The council is composed of the Governor, as chairman, and Florida's six independently elected cabinet officials, serving ex officio. This is the agency primarily responsible for planning, coordinating and financing State-level outdoor recreation programs in Florida. I also serve as the official Florida liaison officer to the Bureau of Outdoor Recreation, and am currently the first vice president of the National Association of State Outdoor Recreation Liaison Officers.

I am here today to speak in favor of S. 1401, and the important purpose this legislation is designed to accomplish.

When the land and water conservation fund program was first established, through enactment of Public Law 88–578, it offered a real hope for meeting one of the day's most pressing social needs: the provision of adequate public recreational opportunity in America's great outdoors. It was hailed by many as one of the most significant accomplishments of the 88th Congress. The States and local governments across the country were heartened indeed by the lower-level emphasis of the program, and—though anticipating a timelag of possibly several years for the myriad wheels of local government to turn—began gearing up to take full advantage of the new opportunities before them.

Much good has resulted from the land and water conservation fund program over the past several years, but still its great promise remains unfulfilled. The problem has not been one of purpose, or scope, or direction—but one of degree. The fund simply has been far too inadequate for even the Federal agency programs which look to it for support, much less for the numerous State and local governments counting on it for substantial assistance.

In order to serve its originally intended purpose with greatest effect and true success, the land and water conservation fund must be characterized by three important factors:

(1) It must be provided with sufficient funds to support dependent programs at suitable levels (adequacy).

(2) It must deal not in anticipated funds which may or may not materialize, but should be funded in advance so that grants to lower-level governments can be guaranteed (dependability).

(3) It must be able to make funds available for approved projects—Federal and non-Federal—with a minimum of delay and red tape (efficiency).

S. 1401 is primarily concerned with the first of these three factors, which is undeniably the most important. Without adequate funding, the noble objectives of the program can never be reached, regardless of the improvement effected in other areas. The following comments, therefore, will be confined to the matter of increasing the sources of revenue for the land and water conservation fund.

Florida is one of the States which stands to benefit most from a substantial acceleration of the land and water conservation fund program. This is so not because any change in the distribution formula would be expected, but rather because outdoor recreation, of all the areas of Federal financial assistance to the States, is of such vital importance to Florida. Outdoor recreation is a virtual mainstay of the Florida economy, and a way of life for the Florida people. This is an area of governmental responsibility which has been too long neglected, but which has received a real impetus in recent years from such encouraging developments as the land and water conservation fund program. To have this program falter now, at such a critical point, would be a serious blow to our efforts at the State level.

As if the very importance of outdoor recreation were not alone sufficient reason for supporting the land and water conservation fund program, Florida's situation is made drastically more urgent by the constant diminution of our natural areas, seashores, and other outdoor recreational resources. We are truly caught in a two-way squeeze between increasing demand and decreasing supply, the likes of which are known in few other places in the country. Whatever Florida is to do in preserving high quality outdoor recreation areas for its posterity must be done in the relatively immediate future.

Florida's rapid, almost rampant, population growth over the past two decades is a matter of record. The often overlooked corollary to this growth is the dynamic and irreversible impact it has on land and water resources. For each new industry and each new resident, a few more acres will be cleared of their natural growth, subdivided, paved and covered with structures. As a secondary effect, much of the surrounding land—although unneeded immediately—is subjected to speculation and priced out of reason. Sometimes the land, in a defensive reaction by owners who have no desire to sell, is fenced, posted, and denied to casual users who have enjoyed it for years. In either case, the problem is essentially the same.

Prior to the establishment of Florida's present outdoor recreation program by the 1963 legislature, the State had acquired some 560,000 acres for State parks, forests, and game management areas. The total monetary investment was only $1.921,000, as much of the land was received by donation or purchased at only token prices. While this may appear to be a substantial amount of land for public recreational use, it unfortunately is not distributed throughout the State in a pattern well suited to meet the public need. Consequently, the emphasis of the current program since 1963 has been placed on the acquisition of new lands at highly desirable locations. Some 5,061 acres have been purchased so far, at a cost of $9,318,000. The city of Miami recently paid $100,000 per acre for a choice site on the Biscayne Bay. That is roughly a five times increase in the amount of capital outlay for only 1 percent of the amount of land, so this is the problem we face.

These figures merely serve to point up, in sobering fashion, the magnitude of the task facing the State of Florida in implementing an adequate outdoor recreation land acquisition program.

Although the States and local governments are confronted with possibly a more serious problem because of the limited availability and high cost of lands they seek in more urbanized areas, we do not argue that the grants-in-aid program of the land and water conservation

fund is of greater urgency than the land acquisition needs of the Federal agencies. On the contrary, we feel that the fund must be augmented for the benefit of the Federal programs as well. As a matter of congressional funding policy, we think the Federal share of the land and water conservation fund should be regarded as a floor rather than a ceiling—that it should be a minimum, to be augmented as necessary by direct appropriations from the General Treasury. Certainly the need for national parks, forests, recreation areas, and wildlife refuges is just as important as—and probably even more urgent than—land reclamation, waterways development, and similar public works programs.

As naive as it may sound, I submit that if the land and water conservation fund can be adequately financed, as proposed by S. 1401, the question of the Federal-non-Federal distribution ratio will become virtually immaterial. Although this ratio is not an issue of this particular legislation, I would, however, like to state that the division of 40 percent Federal—60 percent non-Federal, as currently provided, appears to be an equitable distribution in terms of the overall need.

So that we all—Federal, State, and local—may get on with the job of providing outdoor recreational opportunity for all America, I strongly urge that favorable action be taken on S.1401, and sincerely hope that it will be enacted into law by this session of Congress.

I greatly appreciate the courtesy of this audience and thank you for your consideration.

The CHAIRMAN. A very fine statement, Mr. Landrum. Do you have a 5- or 10-year program of development? What do you anticipate in Florida? As is California, you are somewhat affected by the tremendous growth in population.

Mr. LANDRUM. Yes, we are trying to meet our needs now by projecting to 1975 as a logical target date. It is far enough away to give us a little bit of running room, and yet it is close enough so that we can estimate with some degree of accuracy.

We estimate, Mr. Chairman, it will take roughly a quarter of a billion dollars for us to meet our needs.

The CHAIRMAN. Your program is up substantially since the enactment of the Land and Water Conservation Fund Act.

Mr. LANDRUM. Tremendously.

The CHAIRMAN. It has given real impetus and encouragement to the local municipalities to get in and participate?

Mr. LANDRUM. Very definitely.

The CHAIRMAN. Fine. Thank you very much.

Mr. Carl Bradford, senior recreation planner, planning and research division, West Virginia Department of Commerce, is the next witness.

STATEMENT OF CARL L. BRADFORD, SENIOR RECREATION PLANNER, STATE OF WEST VIRGINIA

Mr. BRADFORD. Thank you, Mr. Chairman.

I am appearing before you today to express the interests of Gov. Hulett C. Smith and Commerce Commissioner Angus E. Peyton in the passage of Senate bill 1401.

West Virginia, a State with an abundance of outdoor recreation resources, has a deep interest in the conservation and orderly development of its outdoor recreation resources and the maximization of the benefits received from their usage; benefits which accrue not only to the residents of our State but also to the visitors from throughout the Nation who enjoy West Virginia's outdoor recreation resources.

West Virginia has, with financial assistance from the land and water conservation fund, been engaged in a planning program designed to analyze the supply of and demand for outdoor recreation opportunities in the State. This planning program has resulted in the formulation of the West Virginia Statewide Outdoor Recreation Plan, which presents a program for meeting the outdoor recreation needs of our residents and a multitude of visitors from the heavily urbanized States surroundnig West Virginia.

The immediate implementation of this program of development of the State's outdoor recreation resources is necessary due to urbanization, disappearing quality recreation lands, and escalation of both acquisition and development costs. Implementation of this program is estimated to require an investment of some $42 billion by the State and its local governmental subdivisions during the next 5 years. Much of the success of this program hinges upon the availability of financial assistance from the land and water conservation fund.

Unfortunately since the inception of the land and water conservation fund, allocations to the States from the fund have fluctuated to such an extent that it has become extremely difficult, if not downright impossible, for the State to plan an orderly program based upon the utilization of fund assistance. For example, the 1967 fiscal year apportionment to West Virginia from the fund showed approximately a 40-percent decrease from the 1966 fiscal year apportionment, resulting in the curtailing of contemplated projects and escalated project costs due to the delay. This fluctuation in fund appropriations must be halted if the fund is to achieve the objectives the Congress envisioned in creating the fund.

It has become evident that the only way in which land and water conservation fund revenues can be stabilized is through an additional revenue source. It is our opinion that Senate bill 1401 would provide this needed stability to fund revenues by authorizing the utilization of revenue under the Outer Continental Shelf Lands Act of 1953, as amended, to augment current revenue sources.

It has also become evident that the land and water conservation fund at its present level of funding is inadequate to provide the States with the financial assistance they need to acquire high quality recreation lands before they are priced and developed out of existence. Urban problems have necessitated the acquisition and development of high cost lands in metropolitan areas in an attempt to improve the quality of the living environment of our urban dwellers. Immediate action is necessary if we are to avoid escalation of our urban problem, and while we realize that the United States presently has a great commitment to assist in improving the world's political environment, we also feel that the United States cannot ignore its commitment to improving its citzens' living environment. For this reason, again we support Senate bill 1401, which would raise the amount of assistance available from the land and water conservation fund. In

fact, we urge you to give every consideration to raising the fund ceiling above the $200 million requested by the administration, which we feel to be inadequate to meet the States' needs during the 5-year period for which it is proposed.

West Virginia is in agreement with the provisions of Senate bill 1401, which would authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the land and water conservation fund for such acquisition; and authorize a lease-back and sell-back to minimize land costs while still achieving management objectives.

In conclusion, West Virginia strongly urges favorable action on Senate bill 1401 and that utmost consideration be given to raising the fund ceiling above the $200 million level recommended by the administration.

The CHAIRMAN. Thank you very much, Mr. Bradford, we appreciate having a report of the situation in West Virginia, and your statement is very helpful. Thank you.

Mr. Robert Martin, executive vice president, Sport Fishing Institute, is scheduled next.

Mr. Stroud is making his statement.

STATEMENT BY RICHARD H. STROUD, EXECUTIVE VICE PRESIDENT, SPORT FISHING INSTITUTE

Mr. STROUD. Mr. Chairman, members of the committee, the Sport Fishing Institute, Washington, D.C., is the only national, nonprofit, privately supported and professionally staffed fish conservation organization. The financial support for our three-phase program of research in fishery biology, fish conservation education, and professional service to action groups, is derived from a large representation of manufacturers of the many items used directly and indirectly by anglers, as well as from a number of concerned groups and individuals.

The Sport Fishing Institute supports the objective of S. 1401 to strengthen the land and water conservation fund, just as we originally supported its creation along with most all other national conservation groups. Nevertheless, we admit to growing concern, increasingly shared by other conservation groups, over what we regard as an unfavorable trend with respect to certain expenditures of fund moneys. These involve projects of questionable propriety, in our view vis-a-vis the original intent, within the boundaries of the so-called standard metropolitan statistical areas of the United States.

The vast majority of supporters of the Land and Water Conservation Fund Act, at the outset, envisioned expenditures from the proposed new fund outside these areas—with the expectation that HHFA (now the new HUD) would handle playground and city park acquisition and development within these areas. The nationwide conservationist support for the act, unfortunately, failed to fill the record with "don'ts"; rather, they were positive as to meeting needs—always in the context of real estate outside the standard metropolitan statistical areas. Their testimony, moreover, was always in the context of the ORRRC findings which the act was essentially designed to implement.

Now, however, we find increasing use of land and water conservation fund moneys to construct swimming pools, tennis courts, playgrounds, etc., in the cities. We protest this use of the fund as being outside the original intent. We do not contest the social need within the inner cities but contend that this should properly be a responsibility of HUD, not of the Interior Department. We urge that the committee take note of this developing problem and move to correct it. Unfortunately, the very limited dollars in the land and water conservation fund—even if augmented by the means being considered here, now, as we urge—will produce a very faint "bang for the buck" in the inner cities. By contrast, and of greater long-range significance to the residents of inner cities, they can produce a very loud "bang for the buck" if expended outside those areas.

Thank you, Mr. Chairman, and your committee, for hearing the views of the Sport Fishing Institute. We trust that an adequate review of the direction of this program will result in a redirection more within the context of the original intent of the act, bolstered by the added revenues as proposed in this amendment.

The CHAIRMAN. Mr. Philip Bergen, Save the Dunes Council, Beverly Shores, Ind., in lieu of Mr. Harold Olin.

STATEMENT OF PHILIP R. BERGEN, SAVE THE DUNES COUNCIL

Mr. BERGEN. Yes, sir.

The CHAIRMAN. Maybe you can give the high points of your statement and just cover those matters that have not been alluded to by other witnesses, and then the entire statement can go into the record.

Mr. BERGEN. Yes, sir. Thank you, Mr. Chairman.

My name is Philip Bergen, and I am a member of the Save the Dunes Council, which is concerned largely with recently established Indiana Dunes National Lakeshore, and I am also chairman of a committee set up by the residents of the town of Beverly Shores, Ind., which is now entirely encompassed by the national lakeshore, to cooperate with and lend active support to the National Park Service, and I speak personally as a retired Federal employee who resides in the area encompassed by the national park, and who has a deep personal feeling for the area.

When Mr. Olin was unable to attend, I was asked by Mr. Merrill D. Ormes, the first vice president of the Save the Dunes Council, to make this presentation.

The text of the presentation is a follows:

Save the Dunes Council congratulates this committee for its initiative in and passage of the original Land and Water Conservation Fund Act. This organization supported that bill strongly for a number of reasons:

1. We felt that it was a strong conservation bill in general.

2. Users of outdoor recreation and park areas should pay fees to cover part of the costs of these facilities.

3. The States needed financial help throughout the country in providing more park land.

4. With Congress passage of several new national park and national seashore bills prior to enactment of the Land and Water Conservation Fund Act and with the need for still more of such areas, there was an

urgent need throughout the country for more money to pay for these Federal areas.

5. Although the original Land and Water Conservation Fund Act was enacted prior to passage of the Indiana Dunes National Lakeshore by several years, we knew that such enactment would encourage the Indiana Dunes bill by providing at least some of the funds for it.

These and many other reasons are still sound and valid. These needs are even more urgent. But time has shown that the funds accruing through the land and water conservation fund are woefully inadequate to do the job.

Save the Dunes Council congratulates you, Senator Jackson, and this committee for its initiative in introducing S. 1401 to provide additional funds for the Land and Water Conservation Fund. We feel that it is highly fitting and appropriate that money deriving from natural resources be put to such a natural use as more parks for the people. With the balance-of-payments problem, we also believe enactment of this bill will assist by the conservation of more of our areas of great natural beauty, encouraging more tourists to vacation in this country.

Save the Dunes Council sincerely thanks this committee for reporting out legislation for the Indiana Dunes National Lakeshore several times—leading to its enactment by Congress and signing by the President in November, 1966. Yet the very same reasons leading to the enactment of the Indiana Dunes National Lakeshore also led to the need for S. 1401 to provide for revenue for the Land and Water Conservation Fund.

Your committee and the Congress authorized $27,900,000 for the Indiana Dunes National Lakeshore. But only $1,500,000 was appropriated for the current fiscal year, due to the shortage of money in the Land and Water Conservation Fund. Each day and each month of delay in the purchase of the rest of the park increases its ultimate cost. Real estate prices are skyrocketing close to every major metropolitan center throughout the country—and the boundaries of the Indiana Dunes National Lakeshore touch the city limits of Gary, with its 180,000 people, and are only 23 miles from Chicago's city limits.

In addition, the enactment of any new national park or national lakeshore escalates land prices in that area due to the anticipated tourist business that will develop. Further, the Indiana Dunes area has been particularly prone to land speculation.

Thus, as you can see, the Indiana Dunes National Lakeshore is a prime example of the cost of delay in providing more money for new areas administered by the National Park Service.

These escalating real estate costs are not the only harm resulting from inadequate funding. The will of the people, as shown through its Congress, is thwarted by not having the Indiana Dunes National Lakeshore available now for their use. The $1,500,000 appropriated did not provide enough money to buy enough land to start the Dunes park. The people must wait. They cannot view the beautiful scenery of the Indiana Dunes National Lakeshore, they cannot hike and picnic there, they cannot swim in Lake Michigan there, and they cannot camp there.

Escalating real estate prices and nonavailability of the park now are perhaps the least harmful effects now of inadequate funding. The greatest danger is the nibbling away at areas within the boundaries of the Indiana Dunes National Lakeshore. Although this committee and

the Congress cut the pie, and determined that only 4 percent of the Dunes area be devoted to park and recreation, threats still continue. The South Shore Railroad says it needs "only 12 acres" for a freight yard within the park boundaries. Local residents acted to rezone, last week, "only 40 acres" from residential to industrial within the park boundaries—with more to come at the next meeting of the local zoning board. Each week of delay results in legislation by bulldozer—additional areas leveled within the park boundaries.

But the National Park Service is powerless to stop these raids against the Dunes. There is no money to negotiate purchases of threatened real estate, let alone to condemn. Congress approval of S. 1401 would do much to make money available quickly to meet such threats.

Another example is the Bailly Homestead, the first homestead in the area, complete with blockhouses to protect against Indian assault. This registered national historical landmark is within the boundaries of the Indiana Dunes National Lakeshore. Vandals threaten the property. There is an urgency in buying this treasure now—but no money. The same with Pinhook Bog, a registered natural landmark. Real estate speculators are threatening to buy it for "development". At least some of the owners are willing to sell to the Park Service. Again, no money to buy.

If it were just a matter of waiting for the money, we could be patient if necessary. Save the Dunes Council was organized in 1952, and the first proposal for a national park there was made in 1916. But these grave threats will not wait. The Indiana Dunes National Lakeshore is "example A" of the need for enactment of S. 1401.

Yet we recognize this is a national problem of national urgency. Last summer I spent a Sunday at Point Reyes National Seashore, Calif. In talking to the chief ranger there, I felt as if I were hearing the same broken record. Located close to San Francisco, they are suffering from the same escalation of real estate prices and the same legislation by bulldozer. Even then land was being leveled within the boundaries of the national seashore in order to build summer cottages.

In my previous job, I was active in the National Conference on State Parks, an organization primarily of directors and superintendents of State and national parks. Again, in many informal sessions we discussed the financial problems of State parks, the need to save areas coming under the bulldozer, and the needs for parks where the people are.

These are different times than when our great national parks and forests, and our State parks were established. We are now primarily an urban society, and city people have continuing needs for the great outdoors nearer their homes than such treasures and Yellowstone and other parks that were created out of the public domain. By turning revenues from Federal natural resources into this fund, as provided in S. 1401, we will be making an investment in mental health, in reducing crime in the streets, in reducing the balance-of-payments problem and in a more beautiful America.

Senator CHURCH. I want to thank you very much, Mr. Bergen, for your testimony.

Mr. BERGEN. Thank you, sir.

Senator CHURCH. Our last scheduled witness today is Mr. William M. Lightsey, the executive director of the Northern Virginia Regional Park Authority. Mr. Lightsey, we are happy to welcome you here today.

STATEMENT OF WILLIAM M. LIGHTSEY, EXECUTIVE DIRECTOR, NORTHERN VIRGINIA REGIONAL PARK AUTHORITY, AND MEMBER, VIRGINIA HOUSE OF DELEGATES, VIRGINIA GENERAL ASSEMBLY

Mr. LIGHTSEY. Thank you, sir. I will skip over some parts of the prepared statement, because it will merely reemphasize statements that have already been made by representatives from other States.

My purpose in being here is to urge the committee's approval of S. 1401. I am director of the Northern Virginia Regional Park Authority, and I am also taking a little time off from other responsibility as a member of the Virginia General House of Delegates of the Virginia General Assembly.

During the 1966 general assembly session, both Senator Bemiss, who spoke earlier this afternoon, and I, worked hard to marshal the legislative support needed to implement the Virginia outdoors plan. This initiated the first comprehensive statewide plan for a program to acquire and preserve the natural resources of Virginia, and to make them available for the use and enjoyment of the citizens of Virginia and of the Nation, and frankly, the success of putting that plan through the Virginia General Assembly probably would not have been achieved had it not been for the Land and Water Conservation Fund Act having been passed in 1965.

Senator CHURCH. Prior to the enactment of this program, did you have in Virginia a sizable outdoor recreation program?

Mr. LIGHTSEY. We had a division of State parks, part of our department of conservation and economic development, which constituted the only effort in this field, and unfortunately, it had lain almost dormant for 30 years.

Senator CHURCH. So the fund actually enabled you to initiate a very new and important program.

Mr. LIGHTSEY. Yes, sir. It was a fortunate coincidence that the 1964 general assembly session authorized a 2-year study by an outdoor recreation commission, headed by Senator Bemiss, and when that commission made its report to the 1966 session of the general assembly, the Land and Water Conservation Fund Act was there for us to lean on, and lean on heavily.

Senator CHURCH. I see.

Mr. LIGHTSEY. I have discussed the provisions of Senate bill 1401 with both our Virginia senators, Senator Harry Byrd and Senator William Spong, and the statements which Senator Bemiss has made here today and the statement that I am making carry their support, and they asked me to so advise.

Members of your commission, I am sure, are also acquainted with Dr. Ira Gabrielson, who happens to be chairman of our Northern Virginia Regional Park Authority, as a resident of Fairfax County, as is also vice chairman of the State commission so we have an interest all the way along the line, and a hard-working interest.

Action is so important today, because at this moment the general assembly is holding hearings on Governor Godwin's proposed budget for the next 2 years. The appropriation of State funds in that budget for the 1968–70 biennial for the Virginia Outdoor Recreation Commission is smaller than the appropriation actually made for the cur-

rent biennial. One major reason for this is that the anticipated funds from the land and water conservation fund is smaller than we had available in 1966–68.

At this point, without going further and repeating some of the things that Senator Bemiss has said—and it is contained in his report—let me narrow the view to our nearby northern Virginia, which is a part of this Metropolitan Washington urban complex, and an area that receives millions of visitors from all over the country.

We, like other urban areas, are in the midst of the disappearing land and increasing population, and we need to move fast if we are going to acquire park lands to meet the needs and desires of our people. The 5-year land acquisition program of our Northern Virginia Regional Park Authority, beginning with this current fiscal year, calls for the acquisition of 7,600 acres of regional parks by 1972.

It contemplates cooperative financing from the land and water conservation fund, 50 percent, State appropriations to the Virginia commission of 30 percent, 20 percent provided by local appropriations of four participating local governments.

The total cost of this land acquisition program would be about $20 million, of which half, it is hoped, would come from the land and water conservation fund in the coming 5 years.

Areas in which the State division of parks and the Northern Virginia Regional Park Authority plan to concentrate their land acquisition efforts are within 30 miles of where we are sitting now.

These are the Mason Neck Peninsula on the Potomac, just below Fort Belvoir, where the Bureau of Sport Fisheries and Wildlife, the Virginia Division of Parks, and Northern Virginia Regional Park Authority plan the acquisition of adjacent areas totaling nearly 5,000 acres for public parks and wildlife refuge. The second area is the shore line of a 20-mile-long, fresh-water Occoquan Reservoir on the boundary between Fairfax and Prince William Counties, where the regional park authority plans to acquire 3,500 acres as an extension of its present 1,800-acre Bull Run Occoquan Regional Park, and the third area is the Palisades of the Potomac in Arlington and Fairfax Counties where the regional park authority hopes to add to its 50-acres Potomac Palisades Regional Park in Arlington, and to acquire additional acreage in Fairfax County.

I realize that I have pinpointed only one small portion of the entire country, but I believe it is a dramatic example of the need to preserve open space in our urbanizing areas before it is too late. Enactment of S. 1401 would greatly help to meet this need, and would provide further stimulation for increased appropriations of State and local funds, thereby multiplying the Federal dollar.

I thank you for this opportunity to be heard.

Senator CHURCH. Thank you very much. We appreciate your testimony.

(The statement referred to follows:)

STATEMENT OF WILLIAM M. LIGHTSEY, ARLINGTON, VA.

Mr. Chairman and Committee Members: I am William M. Lightsey of Arlington, Virginia. I am Director of the Northern Virginia Regional Park Authority. I am also a member of the House of Delegates of the Virginia General Assembly, now meeting in Richmond. During the 1966 General Assembly session, I helped to marshal the legislative support needed to implement the Virginia Outdoors

Plan. This initiated the first comprehensive State-wide program to acquire and preserve the natural resources of Virginia and to make them available for the use and enjoyment of the citizens of Virginia and of the Nation.

I am here to urge your approval of S–1401. The increased level of revenues that would accrue to the Land and Water Conservation Fund under S–1401 is sorely needed, as is the authorization for advance land purchase contracts which S–1401 would provide. Otherwise, the acquisition and preservation of land and water areas to meet the objectives of the Land and Water Conservation Fund Act cannot stay ahead of the rapidly escalating land values and the disappearance of these areas under the press of the population explosion.

Last Friday and this morning, I discussed the provisions of S–1401 with our Virginia Senators Harry Byrd, Jr. and William B. Spong. The statements which State Senator Bemiss and I are making before you today carry their support.

I appreciate this opportunity to tell you how important we in Virginia believe the enactment of S–1401 is to our Commonwealth, and especially important to the urban areas such as Northern Virginia, just across the Potomac. In a few years, three-fourths of Virginia's population will be living in urban areas. This Bill is a needed and timely proposal to strengthen the Land and Water Conservation Fund Act, a first line of defense in the fight to meet the fast growing demands for open space ahead of its disappearance and continued sharply rising cost.

Action now by you and the Congress is crucial to Virginia. In Richmond today the General Assembly is holding hearings on Governor Godwin's proposed budget for the coming two years. The appropriation of State funds to the Virginia Commission of Outdoor Recreation proposed in that budget for 1968–70 is less than that appropriated for the current biennium. This is in large part due to the fact that the level of Federal funds Virginia can expect to receive from the present provisions of the Land and Water Conservation Fund Act is significantly below that anticipated by the Act.

The initial appropriation of State funds for the newly created Virginia Commission of Outdoor Recreation for 1966–68 was $4.3 million, enough to match Virginia's allocation of Federal Land and Water Conservation Funds dollar for dollar. Unless the increased revenues proposed by S–1401 are available, the Virginia allocation is expected to be only $3 million, a reduction of 30%. The enactment of S–1401 would provide an incentive for Virginia to advance rather than retreat in its campaign to acquire and preserve its lands for public use. As this is done, the Federal dollar is doubly effective through the matching State dollar.

Now let me narrow the view to nearby Northern Virginia, a part of the Metropolitan Washington urban complex, and a part of Virginia that receives millions of visitors from all over the country. Like other urban areas of the Commonwealth, Northern Virginia is experiencing a loss of land going into development at an annual rate of 1%. At the same time, the population of the region, which includes the counties of Arlington, Fairfax, Loudoun and Prince William and the cities of Alexandria, Fairfax and Falls Church, is growing at the rate of 5% each year. Furthermore, planners estimate that the value of land in Fairfax County is increasing at an annual rate between 5 and 10%. Many areas of the county have attained a 30% increase over the past three years.

The five-year land acquisition program of the Northern Virginia Regional Park Authority, beginning with the current fiscal year, calls for the acquisition of 7,656 acres for regional parks by 1972. This plan contemplates cooperative financing from the Land and Water Conservation Fund, State appropriations to the Virginia Commission of Outdoor Recreation, and Regional Park Authority funds provided by the four participating local governments, Arlington and Fairfax counties and Falls Church and Fairfax cities. We are presently in the rather unusual position where local funds are available at a level considerably above the indicated availability of State and Federal funds.

Even with the realization of the Regional Park Authority land acquisition plan and the completion of the State Division of Parks' plan to acquire a 1,900 acre State Park on Mason Neck in Fairfax County, an additional 7,700 acres is needed to meet the need of the estimated 1972 population.

Areas in which the State Division of Parks and the Northern Virginia Regional Park Authority plan to concentrate their land acquisition efforts are within thirty miles of this Senate Office Building. There are (1) the Mason Neck peninsula on the Potomac, just below Fort Belvoir, where the Bureau of Sport Fisheries and Wildlife, the Virginia Division of Parks, and the Northern Vir-

ginia Regional Park Authority plan the acquisition of adjacent areas totaling nearly 5,000 acres for public parks and wildlife refuge; (2) the shoreline of the 20-mile long, fresh-water Occoquan Reservoir on the boundary between Fairfax and Prince William counties, where the Regional Park Authority plans to acquire 3,500 acres as an extension of its present 1,800 acre Bull Run-Occoquan Regional Park; and (3) the Palisades of the Potomac in Arlington and Fairfax counties where the Regional Park Authority hopes to add to its 50-acre Potomac Palisades Regional Park in Arlington and acquire additional acreage in Fairfax County.

I fully recognize that I have pinpointed only one small portion of this vast United States, but it is a dramatic example of the need to preserve open space in our urbanizing areas before it is too late.

The enactment of S–1401 would greatly help to meet this need and would further stimulate increased appropriations of State and local funds to multiply the Federal dollar.

Thank you.

Senator CHURCH. Mr. A. Gene Gazlay of the Michigan Department of Conservation.

STATEMENT OF A. GENE GAZLAY, EXECUTIVE ASSISTANT TO THE DIRECTOR, MICHIGAN DEPARTMENT OF CONSERVATION, ON BEHALF OF THE GREAT LAKES COMMISSION

Mr. GAZLAY. Mr. Chairman, ladies and gentlemen, I am A. Gene Gazlay, executive assistant to the director of the Michigan Department of Conservation. I am testifying in behalf of the Great Lakes Commission in support of S. 1401, which would provide additional revenues for the land and water conservation fund.

The Great Lakes Commission is the recommendatory and advisory agency for the eight Great Lakes States on water and related land resources matters, and has a prime interest in conserving and using wisely the resources of the Great Lakes Basin. The commission became operational in 1955 when five of the eight States passed legislation ratifying the Great Lakes compact. Since 1955, the remaining three States have ratified our compact.

At the annual meeting of the Great Lakes Commission, held in Chicago on November 21, 1967, the Great Lakes Commission, on the recommendation of its fisheries and wildlife committee, of which I served as acting chairman, formally adopted a resolution which strongly endorsed S. 1401, which would deposit all revenues from the Mineral Leasing Act of 1920 and the Outer Continental Lands Act of 1953 into the land and water conservation fund.

The Great Lakes Commission's wholehearted endorsement of this legislation results from the knowledge that outdoor recreational opportunities are becoming increasingly important needs as our population increases and becomes more urbanized. It is also our belief that the development and acquisition of these vitally important outdoor recreational resources are not keeping up with the population growth or with the increase in leisure time.

The Great Lakes Commission also strongly supports the proposition that was accepted when the Land and Water Conservation Fund Act was being formulated by the Congress—namely, that the State and local governmental units must play the pivotal role in the development of our outdoor recreational resources. For this reason, we recommend that the division of funds continue to be on a 60-percent State–40-per-

cent Federal basis, including any new funds which may be diverted to the program.

Mr. Chairman, I request permission to have included in the record of this hearing the full text of the Great Lakes Commission resolution of November 21, 1967.

It is a pleasure to appear in support of this legislation, and the Great Lakes Commission appreciates the opportunity to appear before this committee.

(The material referred to follows:)

RESOLUTION OF THE GREAT LAKES COMMISSION

LAND AND WATER CONSERVATION FUND

Whereas, the Land and Water Conservation Fund Act is the most significant State-Federal cooperative program and was founded on the following basic propositions:

1. That opportunities for outdoor recreation are becoming increasingly important as our population becomes more and more urbanized.

2. That our usable outdoor recreation resources are lagging behind the growth in the population of the Nation and in that population's leisure time.

3. That it is important that presently available lands which are suitable for outdoor recreation purposes be preserved or acquired for public use within the very near future before they become either completely unavailable or prohibitively costly.

4. That a major portion of the work to be done in preserving and acquiring such resources and making them available for public use lies with the States and their subdivisions.

5. That it is proper to create a special continuing funds from which appropriations can be made to assist the States in this work and to supplement appropriations presently available to the Federal agencies for this type of activity.

6. That it is proper that a portion of the cost of providing such resources should be borne directly by their users and that it is equally proper that other portions be borne from specified sources; viz., Federal taxes on motorboat fuels and proceeds from the sale of surplus Federal property.

Whereas, there is a growing concern by State and Federal agencies over the escalation in land prices; and

Whereas, the most effective means of controlling land price escalation is to acquire needed lands promptly after authorization; and

Whereas, new and important sources of additional revenue are needed if the Fund is to provide the urgently needed outdoor recreational lands and facilities; and

Whereas, legislation (S. 1401 and other bills) are being considered by the Congress which would deposit into the Fund all receipts from the mineral leasing laws and the outer Continental Shelf Lands laws.

Now, therefore be it resolved that the Great Lakes Commission endorse this legislation which would give new impetus to the Fund; and

Be it further resolved that the division of funds continue to be on a 60% State, 40% Federal basis including any advance appropriation funds; and

Be it further resolved that the Great Lakes Commission oppose all efforts to exempt Corps of Engineer project areas from the entrance fee requirements of the Land and Water Conservation Fund Act.

Approved November 21, 1967.

Senator CHURCH. That completes the list of those witnesses scheduled to testify today. If there is any witness here who would be greatly inconvenienced by waiting over, and who is scheduled to testify tomorrow, and would like to testify now, I would be glad to hear them. It is still 10 minutes of 4, and I will continue the hearing until 4 o'clock to accommodate anybody who is in special need.

STATEMENT OF ROBERT F. NELSON, MANAGING DIRECTOR, VIRGINIA TRAVEL COUNCIL

Mr. NELSON. Mr. Chairman, I thank you, because tomorrow the House has a hearing by a similar committee, and it is a little difficult to be in two places at the same time.

Senator CHURCH. Fine.

Mr. NELSON. My name is Robert F. Nelson, and I am the managing director of the Virginia Travel Council, of Richmond, Va. We are a nonprofit, statewide organization, consisting of 35 segments of private business, serving or otherwise dependent on travel.

I am here at the request of the board of directors of the council to request you as a committee to take every possible action to expedite the passage of S. 1401, a bill to amend title I of the Land and Water Conservation Fund Act of 1965. This action is of paramount importance to the 22,000 businesses that are licensed in Virginia to serve 40 million visitors who come each year. Without the knowledge that at least $4 million of Federal funds may be available for matching purposes, the Virginia General Assembly, now in session, is unlikely to place this sum at the disposal of the Virginia Commission on Outdoor Recreation.

As many of these remarks are repetitious, and to save your time, I simply want to emphasize one or two points. We have had over the years no outdoor recreation policy in the State of Virginia except a policy by the game and fisheries of our State which was made possible by segregated funds, which made a certain amount of money available.

This program has created a program for Virginia that is based on completion in the year 2000, a program which contemplates the expenditure of $2 million a year on fish and wildlife development in the State. That plan has been filed with our commission. It would provide for the construction at this time of 38 new State parks. As was stated earlier, Virginia for 30 years abandoned its State park system, insofar as financing it and maintaining it is concerned, and we need to make up time.

Your funds and your help made it possible for us to start six or seven State parks. I believe it is now seven, one having been given the State, during the last 2 years, instead of the 38 that we need.

The reason we need them is because we have been so long about doing anything. Another thing that I would like to point out is that in Virginia there are 40 establishments of the Armed Forces and in these 40 establishments we have a permanent population of approximately that of the State of Nevada. Many of these people are in our Navy and are quartered out of the 5th Naval District, and are all over the seas, but they and their families require a tremendous amount of recreational attention, which we have not given them, and which we would like to give them, and which we call to your attention.

Thank you.

Senator CHURCH. Thank you very much.

We had a similar experience in my State, with a long dormant State park program that simply had no funding whatever until this land and water conservation fund became available, and that stimulated the legislature to provide matching money, and now we are moving ahead with a very sizable and encouraging program. I think it demonstrates what can be done, with a stimulus of this kind coming from the Federal

Government, and yet the program and the planning and the administration are left to the State to work out.

Mr. NELSON. May I just say one other thing that has not, I believe, been covered, and that is that the land and water resources coming into existence created policies in the National Park Service and the National Forest Service of charging for services that formerly were given away free.

As long as those were given away free, we could not develop private facilities that were comparable and which will always be needed, and the Federal Government cannot supply all of the recreation needs.

Senator CHURCH. Yes, I agree with you. Thank you very much.

Mr. NELSON. Thank you. You are welcome.

(The prepared statement referred to follows:)

STATEMENT OF ROBERT F. NELSON, MANAGING DIRECTOR, VIRGINIA TRAVEL COUNCIL

Mr. Chairman and members of the Committee on Interior and Insular Affairs of the United States Senate, my name is Robert F. Nelson. I am the Managing Director of the Virginia Travel Council, a non-profit, statewide travel organization, consisting of 35 segments of private businesses serving, or otherwise dependent on, travel.

I am here at the request of the Board of the Virginia Travel Council to represent to your committee, and to our members of the Congress, that our membership requests you to take such action as may be required to expedite the passage of Senate bill 1401—a bill "to amend title 1 of the Land and Water Conservation Fund Act of 1965."

As you know, the purpose of Senate Bill 1401 is to increase the funds that will be available under the Land and Water Conservation Fund Act, so that the development of outdoor recreational facilities throughout the nation (by both federal and state agencies) may continue to expand.

This action is of paramount importance to the 22,000 businesses that are licensed in Virginia to serve 40 million visitors who come each year to Virginia. Without the knowledge that at least $4 million of federal funds may be available for matching purposes, the Virginia General Assembly, *now in session*, is unlikely to place this sum at the disposal of our Virginia Commission on Outdoor Recretation. The Commission has made this request in a sincere desire to maintain a program that has inspired all in Virginia by its splendid progress during the past two years.

The Virginia Commission on Outdoor Recreation was established two years ago by our Virginia General Assembly. In coordinated effort with other state and federal agencies, it has launched a plan to build more than thirty State Parks; to expand our hunting and freshwater fishing facilities at a rate of approximately $2 million a year for ten years; to vastly expand the recreational facilities in communities where large concentrations of Armed Forces personnel and their families reside; to create a scenic highway system; and to match other areas of development sparked by the federal program.

Agencies within our state government itself that are responsible for the development of urgently needed recreation programs also cannot continue their programs without substantial recourse to the Land and Water Conservation Fund. An outstanding example is the Mount Rogers National Recreation Area within the Thomas Jefferson National Forest. Another is the, as yet unconfirmed, program to create a similar recreation area of the Massanutten Mountain Range, to include the land between the two branches of the Shenandoah River in the great Valley of Virginia.

While Virginia has been slow to accept new programs in the past, the present program of outdoor recreational development has universal acclaim in Virginia at this time. It has been financed over the past two years by state appropriation, matched with federal funds. Six State Parks are well underway. Many other steps forward have been made by our Virginia Commission on Outdoor Recreation. To halt this program at this time due to a lack of matching funds by either the state or federal government would have disastrous physchological effects. Virginia's program is rolling with great momentum. It is essential that land for parks proposed be acquired promptly to avoid prohibitive costs later.

The Virginia Travel Council respectfully points out that Virginia is the playground for millions of citizens of the District of Columbia, Baltimore, Philadelphia, and the New York areas. Therefore, the program of outdoor recreation expansion we plan will not only be enjoyed by Virginians, but will be vital to the well being of vast populations near us. For this reason, Virginia must build its recreational facilities for a market much greater than that of local patronage alone.

The past two years show that Virginia has made a tremendous leap forward in its recreational development. Virginia's proximity to populations along our Eastern Seaboard indicates that every agency of government must coordinate their activities and concentrate on the development of outdoor recreational facilities where they are most urgently needed.

Your careful consideration of this request is respectfully asked.

Senator CHURCH. It is 7 minutes of 4. We have time enough for one other witness, if someone would care to testify today, rather than wait.

STATEMENT OF ANSON O. COURTER, CHAIRMAN, CONSERVATION COMMITTEE OF THE POTOMAC APPALACHIAN TRAIL CLUB

Mr. COURTER. I don't have my written statement with me. Could I submit that tomorrow?

Senator CHURCH. Certainly.

Mr. COURTER. I have very little to say. I am chairman of the conservation committee of the Potomac Appalachian Trail Club.

Senator CHURCH. Would you give your name, first of all.

Mr. COURTER. Anson O. Courter, C-o-u-r-t-e-r.

Senator CHURCH. Yes.

Mr. COURTER. And the council of the trail club is delighted to commend the sponsors of this bill. We recognize that this bill is not going to create revenues where no revenues existed before. But we believe that the need for acquisition of additional lands for National and State parks, forests, and recreation areas is as great as any need presented with the budget. We also believe that the people, both State and Federal, charged with the responsibility of doing this work are as responsible fiscally as any you will find in the service of the Government.

I think we have only one suggestion. If it should be advisable to include in this bill provisions for the exchange of lands within a unit, we ask that that be done only after a public hearing.

Thank you. I am glad you could give me the opportunity to speak.

Senator CHURCH. It is a pleasure to hear from you, and if you will just submit your written testimony, it will be included in the record.

Mr. COURTER. Thank you.

Senator CHURCH. Is there any other witness who would like to be heard now? If not, the committee will stand adjourned until 10 o'clock tomorrow morning, and the hearing will continue.

(Whereupon, at 3:55 p.m. the committee recessed to reconvene at 10 a.m., Tuesday, February 6, 1968.)

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

TUESDAY, FEBRUARY 6, 1968

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to adjournment, at 10:05 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington); Clinton P. Anderson (New Mexico); Frank Church (Idaho); Quentin N. Burdick (North Dakota); Gordon Allott (Colorado); and Len B. Jordan (Idaho).

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; and Roy M. Whitacre and Porter Ward, professional staff members; and E. Lewis Reid, minority counsel.

The CHAIRMAN. The committee will come to order.

We resume our hearings this morning on S. 1401 and S. 2828. Our first witness is the—it is hard to say this—but he is the senior Senator from Massachusetts, Senator Edward Kennedy, who has a statement he wishes to make at this time.

We are glad to have you, Senator Kennedy, and we appreciate your strong support on these conservation measures.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman, and members of the committee.

I would like to file a complete statement for the record and then outline the statement orally, with your approval.

The CHAIRMAN. Without objection, the entire statement will appear in the record, and you may proceed to hit the high points.

(The statement referred to follows:)

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

This is an important bill. It is important because it comes at a critical time in our efforts to preserve and conserve our lands and waters.

As a nation, we have recognized the need to act vigorously to define and protect those areas in danger of being spoiled or lost forever. This recognition is due in large measure to the leadership of Presidents John Kennedy and Lyndon Johnson, and to the Secretary of the Interior who has served them both—Stewart Udall. It is equally due to the creative and concerned work of the Committee on Interior and Insular Affairs, and particularly to the efforts of its Chairman, Senator Jackson.

LAND PRICE ESCALATION

Last year's Department of the Interior report, "Recreation Land Price Escalation," sets the tone for the bill and the hearing. I know that yesterday, Secretary Udall examined the findings and recommendations of that report in detail before this Committee. The information he discussed reinforces the case—already compelling—for action of the type called for by S. 1401.

The three different major aspects of this bill are all interrelated, and support a single goal: conservation and preservation of recreation lands for all Americans, at the least cost to the government.

Let me summarize the bill's three main provisions:

First, the size of the Land and Water Conservation Fund would be enlarged through deposit in it of rents and royalties from the Outer Continental Shelf Lands Act of 1953, from unearmarked revenues from the Mineral Leasing Act of 1920, and from unearmarked revenues from national forests. These funds are now deposited with the general receipts of the U. S. Treasury, and if deposited to the Land and Water Conservation Fund would add about $180 million a year to it. The Administration—through the Department of the Interior and the Bureau of the Budget—has suggested certain modifications in the bill, changing the dollar amounts while endorsing the principle. To me, it is the principle which is so important, and we must all be pleased that the Administration is supporting the principle behind this part of S. 1401.

Second, Federal department heads would be given advance land purchase contract authority, when participating in Land and Water Conservation Fund activities. Presently, contracts for the purchase of lands to be included in National Park areas can only be signed when the appropriations for it have actually been made. There is, unavoidably, a time lag between authorization of an area and the appropriations for it—and it is during this period that some of the sharpest speculative price escalation occurs. The average time lag is sixteen months, months in which speculators carry out all manner of schemes to drive the land price up artifically. The loser is, of course, the Federal Government, which ends up subsidizing the speculators. This advance contract authority is not unique—the Bureau of Public Roads and the Forest Service presently have it. It is my understanding that various arrangements can be made to preserve the jurisdiction of the Appropriations Committees in this area.

Third. The Secretary is given lease-back and sell-back authority. This is an imaginative provision. Under its terms, the Secretary could lease-back or sell-back property within a unit of the National Park System whenever he is satisfied that the use of the property would hereafter be consistent with the purpose and character of the park. Estimates indicate that a sell-back program could yield from 4 to 7 per cent of the initial cost per year. Income from either of these programs would be returned to the Land and Water Conservation Fund—thus reducing net Federal expenditures.

These three principal provisions of S. 1401 are carefully designed to meet the problems delineated in last year's report on land price escalation. As an example of how they would work in a specific case, let me cite the experience of the Cape Cod National Seashore in Massachusetts.

CAPE COD NATIONAL SEASHORE

Senators John F. Kennedy and Leverett Saltonstall introduced the bill authorizing the Cape Cod National Seashore in 1959. In introducing the bill, Senator Kennedy said:

"Again and again during our preparation of this bill over the past months we have tried to keep in mind the rational core for the establishment of this Park * * * We have tried to set this proposal in the perspective of history and against the knowledge that an enterprise of this sort is precisely the kind of activity which characterizes a free people. We are confident that as a result of the protections which are clearly written into the law and the spirit which we know animated both the authors of the original proposal of this legislation, that it will be possible to establish a great national park in an area which may otherwise be increasingly blighted by the relentless and sweeping advance of commercial development. If a park of this nature is not established on Cape Cod, there is every danger that much of the Cape will become a mere extension of the suburban civilization which typifies so many of our lives. If we act sensibly now, while the opportunity remains, we shall have preserved for America and for our people a priceless

heritage to be enjoyed many times over, not only by this generation but by those which follow."

After becoming President, John Kennedy renewed his call for establishment of the Cape Cod Seashore in his first message to the Congress on Natural Resources, on February 23, 1961. In that message, he said:

"America's health, morale and culture have long benefited from our National Parks and Forests, and our fish and wildlife opportunities. Yet these facilities and resources are not now adequate to meet the needs of a fast-growing, more mobile population—and the millions of visitor days which are now spent in Federally-owned parks, forests, wildlife refuges and water reservoirs will triple well before the end of this century.

"To meet the Federal Government's appropriate share of the responsibility for fulfilling these needs, the following steps are essential:

"(A) To protect our remaining wilderness areas, I urge the Congress to enact a wilderness protection bill along the general lines of S. 174.

"(B) To improve both the quality and quantity of public recreational opportunities, I urge the Congress to enact legislation leading to the establishment of seashore and shoreline areas such as Cape Cod, Padre Island and Point Reyes for the use and enjoyment of the public. Unnecessary delay in acquiring these shores so vital to an adequate public recreation system results in tremendously increased costs.

"(C) For similar reasons, I am instructing the Secretary of the Interior, in cooperation with the Secretary of Agriculture and other appropriate Federal, state and local officials and private leaders to

"formulate a comprehensive Federal recreational lands program;

"conduct a survey to determine where additional national parks, forests and seashore areas should be proposed;

"take steps to insure that land acquired for the construction of Federally-financed reservoirs is sufficient to permit future development for recreational purposes; and

"establish a long-range program for planning and providing adequate open spaces for recreational facilities in urban areas."

I know that it gave President Kennedy great pleasure to sign into the law the bill authorizing the Cape Cod National Seashore on August 7, 1961, just as it gave me great pleasure to join Secretary Udall in dedicating the Seashore in August of 1966.

As authorized, the Seashore was to comprise 44,600 acres. Sixteen million dollars was authorized—and eventually appropriated—for the land acquisition program.

To date, 22,569 acres on Cape Cod have been acquired or are under contract to be acquired for inclusion in the National Seashore. Of the remaining 22,031 acres, in non-Federal ownership, 8,271 are programmed for acquisition. The remaining 13,760 will be acquired by donation or otherwise.

Unfortunately, the original $16 million authorization has been exhausted. Because it has, all land purchasing has come to a halt. The land acquisition project office has been disbanded, and the appraiser, the real estate negotiator, the attorney, the surveyors, and the clerical assistants have all been reassigned elsewhere. The halt in programmed land acquisition is bad enough—but the loss of the personnel familiar with the Cape and experienced in the local laws and regulations is equally unfortunate.

Last year, I introduced a bill—S. 2106—to raise the authorization ceiling for land acquisition at the Cape Cod National Seashore by $12 million, to a total of $28 million. This $12 million would cover the costs of acquiring the remaining 8,271 acres of land.

These figures bear out graphically the information developed by the Department of the Interior on escalating land prices. The first 22,569 acres in the Seashore were covered by the initial $16 million, an average of about $710 an acre. But the next 8,271 acres will cost $12 million, or about $1,450 an acre.

I have discussed this acquisition problem with the Superintendent of the Cape Cod National Seashore, Mr. Stanley Joseph. It is this opinion, and that of his staff, that advance contact authority of the type contained in S. 1401 could have saved the government a great deal of money, and could have speeded up the land acquisition process. I certainly subscribe to this view point.

The Cape Cod Seashore has served as the prototype for new and creative forms of land ownership within the boundaries of national parks, analogous to the lease-back and sale-back provisions of S. 1401. The legislation creating

the Seashore exempted from condemnation improved residential property, which was controlled by local zoning ordinances meeting standards set by the Secretary of the Interior. Improved residential property means single-family housing begun before September 1, 1959 on at least three acres of land. The 1959 date was chosen to correspond to the day the legislation was first introduced by Senator John F. Kennedy.

I would like, Mr. Chairman, to append a somewhat more detailed statement on the Cape Cod National Seashore land holding situation to this statement, for inclusion in the hearing record.

ADDITIONAL NEEDS

Before I conclude, let me point out what many have suggested is an anomaly in S. 1401. The revenues to be added to the Land and Water Conservation Fund would come in part from rents and royalties from mineral leases on the continental shelf. Eighteen months ago, oil companies using explosives in exploring for oil killed millions of fish on the Grand Banks and Georges Banks, off the coast of New England. Since then, the Department of the Interior has coordinated the work of two of its Bureaus, so that licenses for exploration on the continental shelf will not permit use of explosives if fish or other wildlife would be endangered.

It has been suggested that some percentage of the rents and royalties from the continental shelf be applied to fisheries research and vessel construction subsidies. There is a certain unassailable logic in this, as I am sure you will recognize. Further, under the Administration's proposed revision of S. 1401, not all of the rents and royalties would be transferred to the Land and Water Conservation Fund—only an amount necessary to make a total of $200 million a year. It would not, then, be entirely inappropriate or inconsistent to provide that some part of the residue of the receipts from the continental shelf be assigned to the Bureau of Commercial Fisheries, after the requirements of the Land and Water Conservation Fund have been met.

I know the distinguished Chairman of this Committee is as concerned as I am that the funds available to the Bureau of Commercial Fisheries have been so limited by budgetary constraints. For example, no funds are requested for fiscal 1969 for Columbia River fishing facilities, or, for that matter, for any fishery facilities. Use of receipts from the continental shelf could help significantly.

I will discuss this matter with the Chairman of the Senate Commerce Committee Senator Magnuson, to see if there is a way of making the residue of the continental shelf receipts available for fisheries programs. This is, as I have said, entirely consistent with the purposes of S. 1401 as endorsed by the Administration, and would in no way disrupt its operation.

CONCLUSION

At this point, let me reemphasize my support for S. 1401. It represents a thoughtful and measured response to a serious and difficult problem. To illustrate: While the Administration has recommended that the Land and Water Conservation Fund be financed at a level of $200 million annually, budgetary pressures have required an appropriations request for 1969 of only $130 million—$70 million less than the acknowledged need. This $130 million request is composed of $100 million from special fund sources, and $30 million from general fund sources. If S. 1401 were enacted promptly, then the needed $70 million could readily be made available from the continental shelf revenues. Then, the programmed acquisition of park and recreation lands could be made without disruption, at lower cost, and more rapidly.

For these reasons, I hope that S. 1401 is enacted without delay.

In his inaugural address, President Theodore Roosevelt said:

"We have faith that we shall not prove false to the memories of the men of the mighty past. They did their work, and they left us the splended heritage we now enjoy. We in our turn have an assured confidence that we shall be able to leave this heritage unwasted and enlarged to our children and our children's children."

That says very well what is at stake.

We must continue to act, without hesitation and delay, in establishing our park and recreation system. S. 1401 is a firm and determined step in that direction. I am pleased to have the opportunity to support it.

Senator KENNEDY. This is an important bill, and it is important because it comes at a critical time in our efforts to preserve and conserve our lands and waters.

As a nation, we have recognized the need to act vigorously to define and protect those areas in danger of being spoiled or lost forever. This recognition is due in large measure to the leadership of Presidents John Kennedy and Lyndon Johnson, and to the Secretary of the Interior who has served them both—Stewart Udall. It is equally due to the creative and concerned work of the Committee on Interior and Insular Affairs, and particularly to the efforts of its chairman, Senator Jackson.

Let me summarize the bill's three main provisions.

First, the size of the land and water conservation fund would be enlarged through deposit in it of rents and royalties from the Outer Continental Shelf Lands Act of 1953;

Second, Federal department heads would be given advance land purchase contract authority, when participating in land and water conservation fund activities.

Third; the Secretary is given lease back and sell back authority. This is an imaginative provision. Under its terms, the Secretary could lease back or sell back property within a unit of the national park system whenever he is satisfied that the use of the property would hereafter be consistent with the purpose and character of the park. Estimates indicate that a sell back program could yield from 4 to 7 percent of the initial cost per year. Income from either of these programs would be returned to the land and water conservation fund—thus reducing net Federal expenditures.

These three principal provisions of S. 1401 are carefully designed to meet the problems delineated in last year's report on land price escalation, and as an example of how they work in a specific case, let me cite the experience of the Cape Cod National Seashore in Massachusetts.

As authorized, the seashore was to comprise 44,600 acres. Sixteen million dollars was authorized, and eventually appropriated for the land acquisition program. To date, 22,569 acres on Cape Cod have been acquired, or are under contract to be acquired for inclusion in the national seashore.

Of the remaining 22,031 acres in non-Federal ownership, 8,271 are programed for acquisition. The remaining 13,760 will be acquired by donation or otherwise.

Unfortunately, the original $16 million authorization has been exhausted. Because it has, all land purchasing has come to a halt. The land acquisition project office has been disbanded and the appraiser, the real estate negotiator, the attorney, the surveyors, and the clerical assistants have all been reassigned elsewhere. The halt in programed land acquisition is bad enough—but the loss of the personnel familiar with the cape and experienced in the local laws and regulations is equally unfortunate.

Last year, I introduced a bill (S. 2106) to raise the authorization ceiling for land acquisition at the Cape Cod National Seashore by $12 million, to a total of $28 million. This $12 million would cover the costs of acquiring the remaining 8,271 acres of land.

These figures bear out graphically the information developed by the Department of the Interior on escalating land prices. The first 22,569 acres in the seashore were covered by the initial $16 million, an average of about $710 an acre. But the next 8,271 acres will cost $12 million, or about $1,450 more.

I have discussed this acquisition problem with the Superintendent of the Cape Cod National Seashore, Mr. Stanley Joseph. It is his opinion, and that of his staff, that advance contract authority of the type contained in S. 1401 could have saved the Government a great deal of money, and could have speeded up the land acquisition process. I certainly subscribe to this viewpoint.

The Cape Cod Seashore has served as the prototype for new and creative forms of land ownership within the boundaries of national parks, analogous to the lease back and sale back provisions of S. 1401. The legislation creating the seashore exempted from condemnation improved residential property, which was controlled by local zoning ordinances meeting standards set by the Secretary of the Interior. Improved residential property means single-family housing begun before September 1, 1959, or at least 3 acres of land. The 1959 date was chosen to correspond to the day the legislation was first introduced by Senator John F. Kennedy.

I would like, Mr. Chairman, to append a somewhat more detailed statement on the Cape Cod National Seashore land holding situation to this statement, for inclusion in the hearing record.

The CHAIRMAN. Without objection it is so ordered.

(The data referred to follow:)

EXCERPT FROM "OPEN SPACES FOR URBAN AMERICA," PUBLISHED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1965

Regulation

Federal regulation of land to assure continued open space use is limited to instances where the Federal Government, by virtue of ownership of land, has an interest in land use. The National Park Service and, to a more limited extent, the Federal Power Commission presently regulate land to permit certain uses compatible with one space purposes.

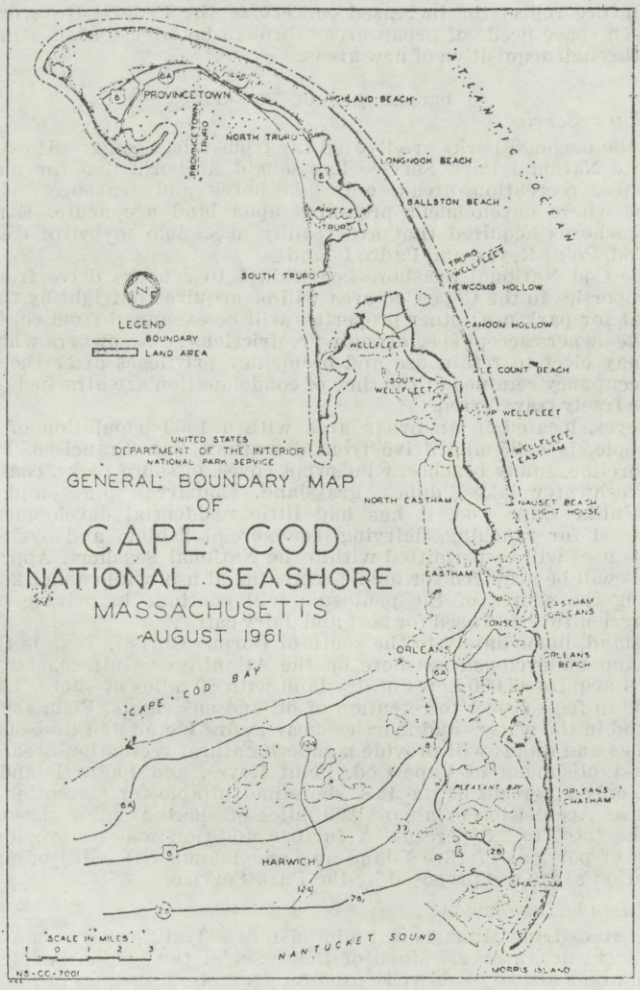
NATIONAL PARK SERVICE

The act creating Cape Cod National Seashore exempts from condemnation improved residential property, within the boundaries of the Seashore which is controlled by local zoning ordinances meeting standards set by Federal regulations. Improved property means single-family housing begun before September 1, 1959, on at least 3 acres of land or whatever lesser amount is already owned. The Secretary of the Inerior is allowed to exclude from this class any shore, plus any adjoining land needed for public access to the shore. The act says that these standards should cause a prohibition of commercial or industrial development within the boundaries of the Seashore, except where such uses are permitted by the Secretary of the Interior, and should promote the preservation and development of the Seashore by means of lot area and setback limitations. It also provides that the Secretary shall be notified of all variances and exceptions and that a property, if it is granted a variance inconsistent with the standards set by regulations, may be condemned.

Regulations specifying standards for local zoning laws for areas within the Seashore became effective in 1962. They are designed to insure compatibility of local zoning with development and management of the Seashore for wide public use of its natural, cultural, and scientific features. Specifically, they bar commercial or industrial districts and establish a seashore district for all land within the Cape Cod National Seashore boundaries. Within the Seashore district local zoning is to protect "the scenic, scientific, and cultural values of

the area," preserve undeveloped areas in a natural condition and maintain the "distinctive Cape Cod character of existing residential structures."

Houses may not be moved or altered so as to have less than specified setbacks and side yards. The natural seashore character is to be preserved by zoning prohibitions on timber cutting, land fill, soil removal and dumping. A house may be used as a single family residence and for other accessory uses compatible with the character of the house as a private residence. These accessory uses might include professional offices, artist's studio, fishing activities, cottage



industries, and providing room and board to tourists. Most of the Cape Cod towns with areas included in the National Seashore have adopted zoning amendments to bring their ordinances into conformity with Federal standards.

The Federal legislation for Cape Cod and the zoning regulations adopted by the local towns, make possible the control of the use of existing residential development so that it is compatible with the existing flavor of the area, by retaining in the Secretary the power to condemn if the Federal standards are not met. This approach makes it possible to allow continued private ownership of homes, thus lending vitality and individuality to the Seashore without danger of further intrusion upon its natural, open character.

Direct Federal Purchase and Ownership of Land

The Federal Government is the Nation's biggest landowner, owning one-third of the land. Most of it is in Alaska and other sparsely settled regions of the West. The Bureau of Land Management administers the largest acreage; other large landowners are the National Park Service, Bureau of Sport Fisheries and Wildlife, and the Department of Defense.

Recent studies, particularly the ORRRC report, have stressed the urgency of the need for urban open space acquisition and urged all levels of government to give priority to such acquisition. Programs of the Departments of Interior and Agriculture reflect the increased concern of the Federal Government with meeting open space needs of urban areas through better use of existing Federal lands and through acquisition of new areas.

DEPARTMENT OF INTERIOR

National Park Service

Most of the national parks are located far from urban centers. However, more recently, the National Park Service has sought authorization for purchase of historic sites, recreation areas, and lakeshores and seashores of national significance where development pressures upon land are acute. Examples of national seashores acquired that are readily accessible to urban communities are Cape Cod, Point Reyes, and Padre Island.

The Cape Cod National Seashore is within 1 to 2 hours drive from Boston. Certain properties in the Cape Cod area will be acquired outright by the Federal Government for park use; other properties will be exempted from condemnation provided the owners accept special zoning restrictions; also, owners who sell their property may elect to retain use and occupancy privileges after the sale. Any rights of occupancy retained at the time of condemnation are attached to the land and may be freely transferred.

Point Reyes, located in an urban area with a 1959 population of about 4.5 million people, is a 35-mile drive from downtown San Francisco. It offers a 70-mile shoreline, sandy beaches, windswept coves, offshore rocks, coastal bluffs, lagoons, freshwater lakes, dunes, grassland, chaparral, pines and firs, and marshes. Unlike Cape Cod, it has had little residential development and is presently used for ranching, dairying, commercial fishing, and oyster culture. All of these uses will be permitted within the National Seashore. Approximately 27,000 acres will be acquired for public recreational use, while about 26,000 acres not abutting the shores of the peninsula will continue in private ownership, zoned for agriculture and used for beef and dairy cattle.

Padre Island, immediately to the south of Corpus Christi, Tex., is the longest unbroken and undeveloped seashore on the Atlantic or Gulf coasts. The Park Service will acquire 47,000 acres of dry land with 80 miles of shore. The acquisition will be in fee, subject to retention of oil and gas rights. Fish, shellfish, and birds abound in the waters and marshes near Padre Island and its isolated white sand beaches and dunes will provide a superb natural recreation area.

Before establishment of Cape Cod, Point Reyes, and Padre Island National Seashores, only 2 percent of the U.S. shoreline suitable for recreation was open to public use. Acquisition of almost 300 miles of shore at these three sites will increase the total to 2.5 percent. A further addition will be provided by the acquisition of portions of Fire Island on Long Island, N.Y. Still other seashore and recreation areas are proposed by the Park Service.

Bureau of Land Management

The Bureau of Land Management administers 466 million acres, most of which is remote from urban areas. Much of that part of the public domain which is near urban areas already is heavily used for recreation, in spite of lack of facilities. Some 50 recreation sites have been developed on the public lands in western Oregon since 1958, and $1,400,000 of accelerated public works program funds has been spent in fiscal year 1963 to construct another 49 sites in economically depressed counties in eight States. Major projects under this program include sites and access roads in the Canyonlands region of southeastern Utah and in the Rio Grande Gorge north of Sante Fe, N. Mex., among others.

Senator KENNEDY. Before I conclude, let me point out what many have suggested is an anomaly in S. 1401. The revenues to be added to the land and water conservation fund would come in part from rents and royalties from mineral leases on the Continental Shelf.

Eighteen months ago, oil companies using explosives in exploring for oil killed millions of fish on the Grand Banks and Georges Banks, off the coast of New England. Since then, the Department of the Interior has coordinated the work of two of its bureaus, so that licenses for exploration on the Continental Shelf will not permit use of explosives if fish or other wildlife would be endangered.

It has been suggested that some percentage of the rents and royalties from the Continental Shelf be applied to fisheries research and vessel construction subsidies. There is certain unassailable logic in this, as I am sure you will recognize. Further, under the administration's proposed revision of S. 1401, not all of the rents and royalties would be transferred to the land and water conservation fund—only an amount necessary to make a total of $200 million a year.

It would not then be entirely inappropriate or inconsistent to provide that some of the residue from the receipts from the Continental Shelf is assigned to the Bureau of Commercial Fisheries after the requirements of the land and water conservation fund have been met.

I know the distinguished chairman of this committee is as concerned as I am that the funds available to the Bureau of Commercial Fisheries have been so limited by budgetary constraints. For example, no funds are requested for fiscal 1969 for Columbia River fishing facilities or, for that matter, for any fishery facilities. Use of receipts from the Continental Shelf could help significantly.

I will discuss this matter with the chairman of the Senate Commerce Committee, Senator Magnuson, to see if there is a way of making the residue of the Continental Shelf receipts available for fisheries programs. This is, as I have said, entirely consistent with the purposes of S. 1401 as endorsed by the administration, and would in no way disrupt its operation.

At this point, let me reemphasize my support for S. 1401. It represents a thoughtful and measured response to a serious and difficult problem. To illustrate: While the administration has recommended that the land and water conservation fund be financed at a level of $200 million annually, budgetary pressures have required an appropriations request for 1969 of only $130 million—$70 million less than the acknowledged need. This $130 million request is composed of $100 million from special fund sources, and $30 million from general fund sources. If S. 1401 were enacted promptly, then the needed $70 million could readily be made available from the Continental Shelf revenues. Then, the programed acquisition of park and recreation lands could be made without disruption, at lower cost, and more rapidly.

For these reasons, I hope that S. 1401 is enacted without delay, and I support it.

In his inaugural address, President Theodore Roosevelt said:

> We have faith that we shall not prove false to the memories of the man of the mighty past. They did their work, and they left us the splendid heritage we now enjoy. We in our turn have an assured confidence that we shall be able to leave this heritage unwasted and enlarged to our children and our children's children.

That says very well what is at stake.

We must continue to act, without hesitation and delay, in establishing our park and recreation systems. S. 1401 is a firm and determined step in that direction. I am pleased to have the opportunity to support it.

The CHAIRMAN. Thank you, Senator Kennedy, for a very fine statement. I want to commend you for the fine support you have given to quite a long list of conservation measures. Your statement was most helpful.

Any questions?

Senator ANDERSON. I want to say you won't decide too quickly to take away the Continental Shelf revenues. Back when the bill was passed, Senator Hill and I and others joined in a motion to divert these funds to education. It was passed in the Senate and lost in conference.

I hope we still keep alive the question of education and not just recreation.

Senator KENNEDY. I think your point is well made. But I also think that the thrust, the purpose, and scope of this legislation is that we must determine priorities.

Education, of course, is essential. I think education certainly should have a place among our priorities although we must know whether the revenues from the Continental Shelf would be significant.

Senator ANDERSON. I appreciate that statement of yours, and I know you have been very careful about it. I appreciate very much your statement here today.

The CHAIRMAN. Senator Church?

Senator CHURCH. First of all, I like what you have to say on this subject. As a matter of fact, I liked your statements recently on some other subjects, too.

One of the purposes of this fund, in fact its major objective, was to stimulate State participation in the development of outdoor recreation. We had testimony yesterday from a number of different people coming from different States which indicated that in this respect the fund had been highly successful. I know in my own State it has been.

To what extent in Massachusetts has the availability, for the first time, of Federal matching funds enlarged the activity of the State government in procuring and developing suitable areas for outdoor recreation? Has it had that effect?

Senator KENNEDY. Well, it has had some effect. Recreation now in Massachusetts is our third biggest industry, and there is an increasing appreciation for the potential of recreation in the State and by the State officials.

But I do not think we have moved nearly as far—or as rapidly or as imaginatively—as some of the other States, which have a much stronger tradition in recreation than we do. In fact, it was only last year that Massachusetts passed the necessary enabling legislation to permit the State to participate in the land and water conservation program.

For too long we have relied almost completely on industrial production as an industrial State, and it has only really been in the very recent years, the last 7 or 8 years, that we have really begun to focus in on our recreation potential. In short, I really don't think that we have been as imaginative as we should have been. But we have made some progress.

As you point out, this hearing should be a very helpful stimulant to these efforts.

Senator CHURCH. Thank you, sir.

The CHAIRMAN. Any further questions of Senator Kennedy?

Senator ALLOTT. I would like to say one thing. You have a very fine statement here.

I am not sure at the moment that we have in this bill the answer to the escalating costs of the parks and recreation areas. I am thinking particularly of the speculation that occurs.

We have two sides of this situation here. One is to formulate some plan by which we can prevent the speculation and, at the same time, assure that Congress has complete control of where the contract purchases are made before they become public knowledge.

The mere authorization, of course, is always going to cause a certain amount of speculation. I don't think that the Appropriations Committee would look too kindly, either in the House or in the Senate, on the idea of just advance contract authorizations and appropriations unless these were pinned down to specific projects, as, for example, your Cape Code seashore or something of that sort.

We had this terrible experience with the Point Reyes situation, which started at $14 million, as I recall, and the last time we appropriated, we authorized $57 million. It doesn't require much imagination to see that just more dollars is not the answer to this thing, because in this one instance we have eaten up roughly $40 million that could have been used in other areas for the purchase of lands and for the development of recreational aspects of our society.

The CHAIRMAN. I might say to my colleague that he has raised a very important point here. I think possibly the committee ought to give serious consideration to granting authority to the Interior Department to obtain options prior to authorization.

The truth of the matter is that sometimes it takes 1 or more years to get a bill through. It is passed in the House or the Senate, and then it will go over to the next Congress. In the meantime, the land speculators are at work. In fact, as soon as the bill is introduced, they start in. Some authority to obtain options, which, of course, would be cancelable, surely is worth exploring.

I am afraid that in many instances when we wait until the bill is actually authorized by law, the land values have escalated, even without an appropriation, to a point where the Government loses heavily.

Senator ALLOTT. I might add to that, if I may say so, the idea is that we ought to explore the concept. Since most of the States are so vitally interested in the development of these areas, perhaps some responsibility could be placed on the States to secure the options in the areas before all this national interest builds up in it and before the speculation starts.

Senator KENNEDY. In commenting on that, in the Cape Cod area we had some degree of speculation there. But just the natural increase in the value of the land there has escalated dramatically, for the whole Cape Cod area, not just surrounding the seashore.

Once again, this reaches the problem that not only do we have escalation from speculation, but a general increase of the land costs

generally throughout Cape Cod. This will inevitably increase the cost of land to the Federal Government.

Senator ALLOTT. I had the good fortune, perhaps, to go through the entire Cape Cod matter, including inspections of sites and everything like that, from the time Senator Kennedy and Senator Saltonstall introduced that bill. We did work out many innovations there, but I don't think we have yet found the solution to the speculation problem, which is going to eat up, unless we find a way of controling it, a great portion of the fund no matter what we do.

Senator KENNEDY. Yes.

The CHAIRMAN. Senator Jordan?

Senator JORDAN. Mr. Chairman, I would ask the Senator if he would agree that the States could show some initiative in acquiring these lands. I recall one proposal we had in North Carolina where the State had acquired the whole reach of land that we needed and made it available to the Federal Government.

I think if the State could show some real initiative here and move in when they see a desirable project, go in with options or outright purchases, if that is possible, then in that way they could not only show their interest, but they would prevent this land escalation that just prices us completely out of all reason once the Federal agencies move.

Do you agree that the States might show some real initiative here and help the cause along?

Senator KENNEDY. I think they should, certainly. But I think that with the increased activity of the Federal Government in this area and the tremendous pressures on State and local revenues, I suppose it is asking a tremendous amount from them.

I think we should certainly expect that as we look for new and imaginative ways of supplementing national parks, or finding new ways for the utilization of outdoor recreation and open spaces, that the States be more creative and imaginative.

I would certainly hope they would be.

There are a number of different areas throughout Cape Cod that will be lost in the not too distant future unless there is either State or Federal action. And there is certainly nothing on the horizon.

I would certainly hope the States would be more creative in that area.

The CHAIRMAN. Thank you, Senator Kennedy. We appreciate your cooperation this morning.

Our next witness is Senator Clark, from Pennsylvania.

Senator Clark comes from a State with great conservation traditions and we are delighted to welcome you, Senator Clark. We appreciate your fine support on conservation. I believe you have a witness or witnesses that you wish to present.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator CLARK. Thank you very much, Mr. Chairman.

I would like to make a few brief remarks, and then I will introduce Mr. Leonard Staisey. I will say more about him after I have said a few words on this legislation.

Mr. Chairman and members of the committee, I am a cosponsor of S. 1401, though I guess I was a latecomer, because I am not so listed on the original printing of the bill.

This legislation is of great importance to the Commonwealth of Pennsylvania. We have already taken advantage of the provisions of the Land and Water Conservation Act, and I hope very much that the committee will report to the Senate the provisions of 1401, which are somewhat more generous than the recommendations of the administration.

Certainly, so far as Pennsylvania is concerned, we can usefully use every nickel that is presently provided for in 1401.

The committee has given me, and I should like to place in the record, a list of some 33 Pennsylvania projects which have already qualified for assistance under the Land and Water Conservation Fund Act. They are from all over the Commonwealth, northwest to southeast, and southwest to northeast, and the amounts for which these subdivisions of government qualify total $4,937,000-odd. Awards have been given to the tune of $3,893,000, although, of course, in many instances the sum has not been paid.

I would ask consent, Mr. Chairman, to have this list printed as part of your record.

Mr. CHAIRMAN. Without objection, it is so ordered.

(The data referred to follow:)

Sponsor	Number and type [1]	Nearest city or town	Project purpose	Project period	Assistance amounts				
					Qualified		Awarded		
							Active		Completed
					Date	Amount	Date	Amount	
Fairmount Park Commission.	06 D	Philadelphia	Develop approximately 3.8 miles of new bicycle trails in Fairmount Park.	Sept. 1, 1966 to Sept. 30, 1967.	Jul. 15, 1966	$30,000	Nov. 7, 1966	$30,000	
Department of forests and water.	05 D	Patton	Design and construct 750 tent and trailer sites and supporting facilities in Prince Gallitzin State Park.	Jan. 1, 1966 to Jan. 1, 1969.	Jul. 23, 1966	836,686	Oct. 15, 1966	836,686	
City of Reading	11.1 D	Reading	Improve Angelica Park including toilet and storage, boating facilities, parking area lighting, benches, fireplaces, tot lot.	Oct. 1, 1966 to Dec. 30, 1969.	Nov. 15, 1966	100,000	Nov. 15, 1966	48,730	
Borough of Elizabeth	12 D	Elizabeth	Develop playground including slides, swing sets, merry-go-round, ball courts.	June 1, 1966 to Oct. 1, 1966.	Dec. 28, 1966	5,500	Dec. 28, 1966	5,500	
Recreation Department, City of Philadelphia.	14 D	Philadelphia	Develop 10th and Montgomery playfield, including ball diamonds, football field, track, grandstand, fencing, landscaping.	Jul. 1, 1966 to Dec. 31, 1968.	Mar. 8, 1967	150,000	Mar. 8, 1967	150,000	
Do	10.1 D	do	Develop Torresdale recreation center including tennis courts, lighting, play equipment, benches, paving, landscaping.	Aug. 1, 1966 to Dec. 31, 1968.	Mar. 8, 1967	130,500	Mar. 8, 1967	130,500	
Fairmont Park Commission, City of Philadelphia.	13.1 D	do	Develop Pennypack Park including sanitary facilities, picnic equipment, trails, winterize shelter, water supply, and fountains.	Sept. 1, 1966 to July 30, 1968.	Mar. 8, 1967	47,200	Mar. 8, 1967	47,200	
Borough of Munhall	09 D	Munhall	Develop Woodhill Park including grading, seeding, access roads, parking, comfort stations, picnic facilities.	Mar. 1, 1966 to June 30, 1967.	Mar. 10, 1967	30,000	Mar. 10, 1967	17,833	
County of Indiana	07.1 D	Rayne	Develop Rayne Township County Park including beach, pond, road grading and parking, boat ramp, well, picnic areas.	Apr. 1, 1966 to June 30, 1968.	Apr. 5, 1967	60,361	Apr. 5, 1967	60,361	
State game commission	04.1 D		Develop Shohola Waterfowl Area including dam, boat access, nature trails.	July 1, 1965 to July 1, 1969.	Apr. 14, 1967	375,740	Apr. 14, 1967	375,740	
Fish commission	23 D	Falmouth	Construct Falmouth boat access area on Susquehanna River.	Oct. 1, 1964 to Apr. 30, 1966.	May 8, 1967	5,790	May 8, 1967		$5,790
Butler County	25 D	Pittsburgh	Develop Alameda Park including roads picnic facilities, parking, waterlines.	May 1, 1967 to Dec. 1, 1968.	May 10, 1967	140,226	May 10, 1967	45,000	
Subtotal						1,912,003		1,753,340	
Department of forests and waters.	21 D	Philadelphia	Develop Neshaminy State Park including picnic area, pools, boat and road access, water and sanitary systems.	Aug. 1, 1966 to May 1, 1970.	May 16, 1967	744,000	May 16, 1967	744,000	

Borough of Smethport	19.1 D	Smethport	Construct tennis courts and basketball-volleyball court.	Aug. 1, 1966 to June 30, 1968.	May 12, 1967	6,000	May 12, 1967	6,000	
Fish commission	24.1 D	Huntsdale	Expand Huntsdale fish hatchery	Mar. 1, 1965 to Sept. 1, 1968.	May 18, 1967	125,000	May 18, 1967	125,000	
Borough of Union City	26.1 D	Union City	Develop Caflisch Memorial Park including tennis court, shelter, playground.	Jan. 1, 1967 to Dec. 31, 1967.	May 23, 1967	8,980	May 23, 1967	2,530	
City of Scranton	29.1 D	Scranton	Develop Nay Aug Park Zoo	June 1, 1967 to Sept. 1, 1968.	May 24, 1967	6,500	May 24, 1967	6,500	
Department of regional Parks.	30 D	Harrison	Develop Harrison Township Park including roads, parking, picnic areas, planting.	Mar. 1, 1967 to June 30, 1968.	May 26, 1967	322,998	May 26, 1967	232,998	
Tyrone Township	28.1 D	Tyrone	Develop Loysville Recreation Area including fencing, lighting, landscaping.	Aug. 1, 1966 to June 30, 1968.	May 29, 1967	3,200	May 29, 1967	3,200	
Department of forests and waters.	20 D	Wilkes-Barre, Scranton.	Develop camping area at Hickory Run State Park	Oct. 15, 1966 to Dec. 16, 1969.	June 24, 1967	225,000	June 24, 1967	225,000	
Game commission	02 D	Cocalico	Develop Middle Creek Waterfowl Area including dams, road, pipelines.	June 27, 1966 to Sept. 1, 1971.	June 30, 1967	802,031	June 30, 1967	95,281	
Indiana County	31.1 D	Burrell	Develop Burrell Township County Park including roads, picnic areas, well.	Mar. 1, 1966 to June 30, 1968.	June 30, 1967	40,000	June 30, 1967	40,000	
Alleghany County	18.1 D	Pittsburgh	Develop Four Seasons Multipurpose Lodge at Boyce Regional Park.	Mar. 1, 1966 to Dec. 31, 1969.	June 30, 1967	442,604	June 30, 1967	296,854	
City of Brookville	33 D	Brookville	Improve existing park and trout fishing area	Apr. 1, 1967 to Dec. 30, 1968.	Aug. 15, 1967	11,426	Aug. 15, 1967	3,526	
Subtotal						2,737,739		1,870,889	
Historical and museum commission.	35 D	Westmoreland County, Jeannette.	Develop Bushy Run Battlefield including road, parking, picnic and camp areas.	July 1, 1966 to Apr. 30, 1967.	Sept. 12, 1967	7,056	Sept. 12, 1967	7,056	
City of Lancaster	27.1 D	Lancaster	Develop Long's Park including tennis courts, lake, landscaping, picnic area.	Jan. 1, 1967 to Aug. 30, 1968.	Sept. 29, 1967	30,210	Sept. 29, 1967	11,960	
Borough of Sykesville	43 D	Jefferson County	Develop ballfield and picnic shelter	May 1, 1967 to Dec. 30, 1967.	Dec. 18, 1967	5,150	Dec. 18, 1967	5,150	
Borough of Catasaqua	34 D	Lehigh County	Develop swimming pool	Aug. 1, 1967 to June 30, 1968.	Dec. 18, 1967	32,250	Dec. 18, 1967	32,250	
Clarion Borough Recreation Board.	41 D	Clarion County	Develop a multipurpose court complex	Sept. 1, 1966 to Dec. 30, 1967.	Dec. 20, 1967	11,955	Dec. 20, 1967	11,955	
Reynoldsville Borough Council.	47 D	Jefferson County	Develop pool and bathhouse facilities	Apr. 1, 1967, to June 30, 1968.	Dec. 20, 1967	5,500	Dec. 20, 1967	5,500	
City of Lancaster	36 D	Lancaster County	Develop Conestoga Pines swimming pool	May 1, 1966 to Oct. 30, 1967.	Dec. 20, 1967	16,650	Dec. 20, 1967	16,650	
Historical and museum commission.	48 D	Berks County	Develop Daniel Boone Homestead	Apr. 1, 1966 to Apr. 30, 1967.	Dec. 28, 1967	8,250	Dec. 28, 1967	8,250	
Lancaster County Board of Commissioners.	46 D	Lancaster County	Development of support facilities for a swimming pool in a new park.	Jan. 1, 1966, to Aug. 1, 1967.	Dec. 30, 1967	170,974	Dec. 30, 1967	170,974	
				Subtotal		287,995		269,745	
				Cumulative total		4,937,737		3,893,974	

[1] D=development.

Senator CLARK. We have probably the largest single Federal development under land and water conservation anywhere in the United States. I am referring to the Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey, where expenditures of 7,857-odd-thousand dollars have been authorized, in large part for land acquisition.

You gentlemen know that that dam being constructed at Tock's Island will, in addition to providing for the all-purpose control of the waters of the Delaware River, provide one of the most magnificent recreation areas in the world. I won't attempt to give the number, but there are more people living within 200 miles of the Tock's Island Recreation Area than any other wild area or national park or national forest in the United States. This property, when developed, will give inestimable benefits in terms of open-air recreation, boating, and the like—more than any area of the sort in the country.

As the chairman and other members of the committee know, we are vexed with the problem of land speculation. The sooner after organization we can acquire this land, the cheaper we will get it. I have no immediate answer to the problem of land speculation. It might require a constitutional amendment, but it is frightening the way the land goes up after Congress expresses its intention to provide for these wonderful flood-control, all-purpose water utilization and recreation projects.

It might surprise some of you, although possibly not the members of this committee, to know that we have the Allegheny National Forest in Pennsylvania, which abuts on a dam which I had the honor of dedicating last year. This is another magnificent recreation area in the northwest portion of our State. And this has an authorization of $626,000, under this program, to improve its recreational facilities along the edge of the lake created by the dam.

So much, Mr. Chairman, for what I have to say on this bill.

It is now my very great pleasure to introduce the Honorable Leonard Staisey, the chairman of the Board of County Commissioners of Allegheny County, to the members of this committee.

Commissioner Staisey has been in office less than 2 months. He was elected to his position in Allegheny County last fall, having served with distinction in the State Senate of the Commonwealth of Pennsylvania and having been the unsuccessful Democratic candidate for Lieutenant Governor in the 1966 gubernatorial election. I may add for the benefit of six politicians that Mr. Staisey ran a couple of hundred thousand ahead of our candidate for Governor.

He is going to talk to you not only in his capacity as chairman of the board of county commissioners but also as vice chairman of the committee on the National Association of Counties, for the area of recreation and open-space acquisitions.

It gives me a great deal of pleasure to introduce one of the real young vibrant leaders in Pennsylvania politics, recognized as such by members of both parties. I think what he will have to say will be of great interest to the committee.

If the members have any questions of me before you attend to Mr. Staisey, I would be happy to respond.

The CHAIRMAN. Thank you for a very fine statement. And we will be delighted to hear from Mr. Staisey at this time.

Senator CLARK. Thank you very much, Mr. Chairman and members of the committee.

The CHAIRMAN. Mr. Staisey.

STATEMENT OF LEONARD B. STAISEY, VICE CHAIRMAN FOR WATER AND AIR POLLUTION COMMITTEE, NATIONAL ASSOCIATION OF COUNTIES

Mr. STAISEY. Thank you very much, Senator Jackson and members of the committee. I want to thank you for allowing me to appear before you on behalf of the county commissioners across the country, and particularly for the National Association of Counties.

We have prepared a brief statement here, which I trust you will make part of your printed record.

Also, we have for inclusion in the record, Mr. Chairman, a study prepared by the National Association of Counties, which represents guidelines to local officials in this kind of project.

The CHAIRMAN. Your statement will be included in full at the end of your remarks and the study by the National Association of Counties will be placed in the files of the committee.

Mr. STAISEY. We certainly support S. 1401, and we from Allegheny County are somewhat characteristic, I think, in what is happening throughout America in this particular area.

In Allegheny County we are blessed by the fact that we have three great rivers, the Monongahela, the Allegheny, and the Ohio. This is a very unusual circumstance. Perhaps the most unusual thing is that we have never really taken advantage of this blessing, and one reason was because of our frequent floods. But this is now under control. The last great flood we had was in 1937.

The second reason for nondevelopment was a matter of pollution, and this now is under control. The people of Allegheny County have expended $105 million for the establishment of an authority to clean up the waste which comes from our communities.

The third deterrent we have had in the development of our rivers for recreational purposes is the establishment of industry along the rivers. The present board of county commissioners is going to conduct a study to determine the operation and best use of this land so that we can conserve some of it for parks and recreational services. This progress has been made possible because we have had available to us Federal funds, and the same story is true as far as the acquisition of land is concerned.

Our county was 139 years old before we established the first park, North Park and South Park. Ours is a county of 750 square miles, 1,600,000 people, and we estimate we need 10 acres of land for every thousand people if we are going to meet the needs that will be called upon to respond to in the days to come.

In 1955 it became readily apparent that more open space and more recreation space was necessary in Allegheny County. At that time, through a combination of some gifts of land, through some of our great private foundations, through contributions by communities, through expenditures on behalf of the county, and through State and Federal funds, we were able to begin a system of regional parks.

We have here today with us former Commissioner Howard Stewart, who is known as the father of the regional park system in Allegheny County.

We have to date planned nine regional parks, with a total acreage of 5,100 acres. Our estimated projection is that we need 8,300 acres. We are still going to be still about 4,000 acres short from our goal.

Here again, these regional parks could not have come into existence and would not have had the additional assistance of Federal and State funds.

I noticed in the previous testimony concern was expressed here whether or not the counties and States would participate. I think we are, in Pennsylvania.

In 1961, when I was in the Senate of Pennsylvania, I was cosponsor of a project known as project 70. This was to set aside $70 million for the purpose of acquiring land for local and regional parks throughout the State.

In 1966, I cosponsored another bill, which went to public referendum for half a billion dollars—this total sum committed to conservation. Some of it, $50 million this year, will go for land acquisition. Other amounts will go for cleaning up our streams and, above all, to rehabilitate the strip-mine lands that we have in Pennsylvania.

We have noticed in Allegheny County that as we develop new parks and new facilities, they become more and more populated. Our rivers are crowded with boats on Saturdays and Sundays.

I was just telling Director Kelly, who is with me here—he is the director of our regional park system—that during the months of June, July, and August we give people and various groups permits for the facilities at our parks. We did that last week, and people lined up at 11 o'clock at night before the night authorized to get their permits at 8 o'clock the next morning. This is the kind of demand we have.

One other comment on the cost of land in Allegheny County, and I am sure this is characteristic across the country.

In 1955 we were able to buy land at about $725 per acre. In 1965, from our peoples' bond issues money, we paid $1,365 per acre. Just last week Allegheny County purchased 151 acres for a community college. We paid $1,700 an acre for this land. This price is accelerating despite the fact we have an additional safeguard in that we are able to condemn land. Theoretically, we should arrive at a fair price.

One reason I think this legislation is so important is that time is running out on our reserving land for our people for the future. I do not think States and counties have sufficient funds authorized to acquire this land rapidly enough before it goes out of existence, at it were, or out of availability for park purposes.

It seems to me there is an impetus now and a growing concern on the part of the public in general for parks and for this kind of facility. I would certainly urge you gentlemen, despite the fact I know you have many priorities, that this certainly has to be one of major concern to you.

Senator ANDERSON (presiding). Does that complete your statement?

Mr. STAISEY. Yes, it does.

Senator ANDERSON. Senator Church?

Senator CHURCH. Mr. Staisey, I want to congratulate you for a very fine statement. I suspect that we can anticipate that land values

will just go on increasing, since it is impossible to increase the amount of land. But the pressures upon it continue to mount with the growing population, so that the earlier we move, the better off we are going to be. You would agree with that; wouldn't you?

Mr. STAISEY. I would agree with that.

Senator CHURCH. Has this particular fund had the effect of enlarging the activity of the State of Pennsylvania and the counties in the field of outdoor recreation?

I ask you that because Pennsylvania is a State that has had a tradition of concern where outdoor recreation and outdoor parks and that kind of facility are concerned. So I would just like to know what the impact of this fund has been in Pennsylvania.

Mr. STAISEY. I think it has had a great impact, Senator. I indicated two bills that I was cosponsor of, and it has had an impact in another way, too. I think of all the levels of government, the one that has the greatest potential for growth is county government. For example, in Allegheny County we have 129 separate, independent municipalities, and the county government is the one agency of government that is common to all of them.

There is being imposed upon us now additional responsibility, and there is a tendency to shove recreation into the background. For example, we are going to be called upon in the next 2 years to spend $32 million for three community colleges. For the first time, our county is in the business of higher education. We are being called upon to prepare a rapid transit program for all of Allegheny County in the southwestern part of our State, which will run our people $800 million to $1 billion.

We are called upon now, and we just established 2 weeks ago, a new agency of mental health and mental retardation. And we participated in the OEO programs.

The activities, you see, in the county are increasing all the time, and there is a tendency to shuttle recreation and conservation into the background for needs to which we are assigning higher priority.

Therefore, with the State participating and the Federal Government urging us on through our regional planning, it has made our people awaken and realize this is a very essential activity.

Senator CHURCH. Thank you, Mr. Staisey.

Senator ANDERSON. Senator Allott.

Senator ALLOTT. I have no questions.

Senator HANSEN. First, let me compliment you on a very excellent statement. I know about county commissioners, and I may appreciate more than some may the problems you have addressed yourself to this morning.

I would make one observation, though. In my county in western Wyoming we were concerned about, at one time, what we considered to be excess Federal ownership. Our county is about 97 percent federally owned, so in that regard, our situations weren't quite the same.

You speak, though, about the fact that there are 29 municipalities, if I understood you correctly, within your county. You are facing the costs that will result from the establishment of three community colleges. You speak also about your rapid transit system along with other projects.

Let me ask you if you feel the county supervisors or county commissioners—I guess they are commissioners in Pennsylvania—are able to fix the priorities that would result in the greatest responsiveness to urgent public needs?

There are a number of problems facing us, and I think Senator Anderson touched upon that, when he spoke about his keen and continuing interest in education.

My question is: Is it wise to earmark the important sources of funds in this matter as would be proposed under this bill, or would you favor giving people at the local level or at the State level a greater degree of authority in determining what their most urgent needs are and letting a decision be made by the State officials and local officials?

Mr. STAISEY. Well, I think the State and local officials perhaps are in the best position to make a sound definition of what the needs are. I sometimes think we lack courage in coming up with the decision that is obvious, and we tend to tailor our decisions to what is politically wise. Whether or not it is wise to earmark a specific source of income to a given activity, of course, depends on how limited that source is. If it is limited, there is no problem.

I would say this: Clearly, we need money for education, and we are meeting that need. We are also meeting the need in some of these other areas, but you see, recreation is something that is available to those who are receiving education and those who are not, as well as those who are mentally well and those who are mentally retarded. This is one activity, one reservation, which touches all of the citizens, regardless of whether it is participating in other areas of the society.

Also, I am one who is convinced that we are stewards of the land we occupy, and we have a duty to preserve and protect that land, to pass it on to the next generation in a better form than that in which we found it. Therefore, I think over the long haul the investment is sound.

I think it is unfair to equate expenditures for this purpose as opposed to education or something else. The thing is, both have to be served. I don't think you serve them at the expense of each other.

Senator HANSEN. Do I understand you, then, to imply that you think the needs for recreation are so demanding and so overriding as to justify the action that would be contemplated in this bill? I am sure you have practically all of those programs in Allegheny County. Do you feel this is the single most important need?

Mr. STAISEY. At this given time, yes, because as I said earlier, time is not on our side. Time is running out on us in Allegheny County and, I think, in most of the eastern counties in the United States, because, you see, space is our problem. And we are running out of this, because we are in competition with so many other interests for that space.

We think of landing a man on the moon as one of our space projects, and we have a very serious one back in our own county right on the ground.

Senator HANSEN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Staisey. We appreciate having your comments and your counsel and advice in this matter. Your full statement will be printed in the hearing record.

Mr. STAISEY. Thank you very much.

(The statement referred to follows:)

STATEMENT OF LEONARD C. STAISEY, CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, ALLEGHENY COUNTY, PA.

Mr. Chairman and members of the Committee, my name is Leonard C. Staisey. I am chairman of the Board of Commissioners of Allegheny County, Pennsylvania. In addition, I have the honor of serving as Vice Chairman of the Air and Water Pollution Committee of the National Association of Counties and I am here today in behalf of the National Association of Counties, a non-profit organization representing the more than 3,000 counties of the United States.

I commend this Committee's concern over the preservation of lands and waters for outdoor recreation purposes. The National Association of Counties has, for a number of years, been involved in the promotion of local activity in the recreation field, emphasizing the preservation of open spaces and county participation in the planning and administration of statewide comprehensive recreation programs.

This is best highlighted in our *American County Platform*, from which I cite the following:

> 8–20. Outdoor Recreation. We endorse the basic findings of the Outdoor Recreation Resources Review Commission, as they apply to state and local governments, and strongly support the Commission's fundamental recommendation, which places the pivotal role in meeting public outdoor recreational needs with state and local governments. The National Association of Counties supports the Land and Water Conservation Fund's program of federal grants-in-aid to help states and local governments plan, acquire lands, and develop facilities for outdoor receration along the lines recommended by ORRRC. We strongly recommend that this program direct its major outdoor recreation emphasis toward the state and local governments; provided that the local governments concerned shall be formally consulted before grant-in-aid funds may be used for land acquisition. We further urge county goverments to take the steps necessary to enable them to assume the local leadership in furnishing adequate outdoor recreation opportunities and facilities for the people of their communities and the Nation.

The National Association of Counties has, for the past several years, been quite active in this area of concern. Within the last year, in cooperation with the Bureau of Outdoor Recreation in the Department of the Interior, NACO has been involved in a project designed to encourage and facilitate local elected officials to initiate, expand, or improve outdoor recreation activities within their jurisdiction or where appropriate, in cooperation with other jurisdictions. This project has included the preparation of a document entitled, "Community Action Program for Outdoor Recreation," copies of which have been made available to the members of the Committee today. In conjunction with this publication we have sponsored a National Conference on Natural Beauty and Recreation, and are in the process of sponsoring thirty statewide institutes on the subject. This project has, of course, provided us with considerable exposure to various federal and state programs in this field.

The impact of the Land and Water Conservation Fund has been felt throughout the country. This program has begun to surge and our local government officials are beginning to look more and more to this Fund to meet needs in this area. In spite of the accomplishments of the Fund in stimulating Federal, state, and local efforts to meet the recreation needs of our country, it seems that these needs for recreation lands and waters for the next five (5) years far exceed the amount of revenues available under the present funding arrangement. In addition, projects already authorized or about to be authorized by Congress, i.e., the various National Park programs that we all hope will help preserve Americas precious natural heritage, will suffer.

But to talk on at lengths about the virtue of preserving our natural heritage without the programs and funds to achieve these goals inevitably get us nowhere.

We thought it would be helpful if I related the situation or the recreation needs of my own urban county, needs comparable to those being experienced by countless counties throughout the country. By taking the problem confronting my own county, and to realize it is merely one county out of 3,049, you can see the magnitude of the needs.

I come from a county which has no ocean, palm trees, natural lakes or sandy beaches.

Among the many things it does have is a concentration of industrial research facilities which are rated among the nation's finest.

These researchers are interested in how the world will look and live in future years.

So am I.

They help to keep this nation moving forward by anticipating tomorrow. No one in government, today, can afford not to follow their example.

Long before the end of this twentieth century, we and much else of the country, and especially the East, will have space problems of dimensions which will not be susceptible to redevelopment or any other corrective measure.

I know this has been said before. I hope it will not need to be said too often again before discussion is replaced by action at all levels of government.

My immediate concern is with the future of Allegheny County, but as a representative of the National Association of Counties, I am here to urge the simple proposition that programs without funds inevitably get nowhere.

I would not like to speculate on the quality of living in Allegheny County in the closing years of this century and in the beginning of the twenty-first century—only 32 years away—if we cannot provide sufficient open areas for passive, restful, mind-and-spirit-building recreation.

My county was 139 years old when North and South Parks were authorized by the then Board of County Commissioners in 1927.

Perhaps this will be more understandable if you consider that well into the twentieth century our steel workers worked a 12-hour day, seven days a week. Obviously, providing for their leisure time was a somewhat academic consideration. Of course, a six-day week and the nine o'clock Saturday night store closing are not too far in the past whether you're in Allegheny County or other parts of the country.

I refer to these facts of the past both to explain our recreational deficit and for their significance in what we can expect and must provide for in the future.

Another 37 years passed before steps were taken toward additional acreage although the population was then in excess of one million, five hundred thousand. A former County Commissioner who is now the head of the Pennsylvania Economy League interested our three Mellon Family Foundations in acquiring land which was later turned over to the county at cost. This became the start of our present Regional Park System.

Even in the years between 1955 and 1958, during which 3,600 acres was acquired, getting and holding open spaces was not easy.

It was not until the Federal Open Space Program made 50 per cent funds available to us as one of six cooperating Southwest Regional counties that we were able to project a system which might become adequate to our needs. Now, we find that whereas we were once urged to file for additional acreage acquisition there are signs that the well may be going dry with problems of today and tomorrow still unsolved. Our own Commonwealth of Pennsylvania has had a matching program which, too, has made progress possible in a most substantial way.

We have designed a system of regional parks which are located on or near a traffic route known as the Orange Belt which circles the City of Pittsburgh at a radius of 15 miles. When completed, this park system will give all residents of our industrial area a county-managed park located no more than 20 to 30 minutes of their home no matter where they live in Allegheny County.

They are designed for high density usage with low maintenance cost. Three are now open for public use.

However, with a 1960 census population of over one million, six hundred thousand persons, Allegheny County should have a minimum of 16,000 acres of regional park land to satisfy the accepted standard of 10 acres per 1,000 persons.

Regional park ownership at present is 5,100 acres. Planned acquisition for the immediate future would bring the total for nine park sites to about 8,300 acres.

Even with the inclusion of the original North and South Parks (4,247 overcrowded acres) the maximum will be about 12,500 acres or a deficiency of 3,500 acres, assuming that we are able to carry out our present plans.

Excluding North and South Parks, which, save for their size, do not qualify in their present over-developed state as regional parks, the deficiency is 7,700 acres.

Assuming that Allegheny County gets its share of the doubled population which demographers say our nation will have by the end of the century, for a population of more than three million, unless action is taken now, we will have a recreation area deficit of almost 20 thousand acres.

That's the size of our problem, I might say, on land.

It's not the total problem.

We are an area which exists, historically, because of its rivers. Few other counties can boast such a whopping run of riverbank.

Along the river banks in the urbanized valleys, large industries give testimony to the important part water has played in our county's development and growth. Still other areas are dotted with homes and cottages. Often highways and railroads have crowded the rivers' edges. Weeds, a dump, or riverfront slums are in evidence occasionally.

Why is it that Allegheny County with its three rivers and all their islands and banks has as yet no riverside parks?

Partly because of the rivers themselves. Development of such recreation in the past has been all but impossible due to seasonal floods. Also, with the history of industrial use, the rivers have been polluted. Important too is the fact that until recent years there has been but little demand for water-based recreation.

But times are changing . . .

The County has in recent years directed a highly successful attack on river pollution. The rivers are being cleaned up. The County has also been effective in its drive for flood control measures that have greatly reduced this hazard. In the wake of these improvements has come an ever-increasing demand for more recreational use of the rivers.

Other cities and counties have found the need for extensive water-based recreation facilities. Philadelphia has elaborate plans underway for no less than three riverfront parks. Cleveland has plans to derive maximum recreational use of their lake frontage. The whole Chicago lakeshore has become a magnificent waterfront park and recreation area. On the Hudson River above New York City is an excellent boating area which is expanding yearly to meet the pressures of public demand. These are typical examples of the measures being undertaken by metropolitan areas to provide for the increasing need of their people for the recreational use of the water.

As a first look at such a river-park program, and in response to a growing interest and public demand for water-based recreation and boating, the Department made a study on the feasibility of acquiring and developing a Twelve Mile Island in the Allegheny River as a regional park facility.

On the Allegheny River alone, from the Highland Park Dam to the Harmarville Dam, approximately 1,000 boats, exclusive of sailing craft, are permanently moored, with an additional 400 launched each weekend in the summer. These boats are served by nine commercial docks, several exclusive boat clubs and other non-profit clubs. During the peak summer season on a good weekend, there are currently an estimated 4,000 craft on the Allegheny River between East Brady and the Point of the Golden Triangle. The launching facilities for even those who can afford them are woefully lacking not only in terms of future demand but in terms of present demand as well. For those who would like to launch their small skiff to fish, or a run-about to water ski, there are no public facilities.

If the work-week shrinks, as I believe it will, and vacation periods expand as they are already, I submit for your consideration the fact that we in Allegheny County who manufacture many of the components for space exploration, will find that our most complex space problem is not on the Moon but within the 757 square miles in which we live and work.

The Land and Water Conservation Fund administered by the Bureau of Outdoor Recreation must be realistically funded at a level that will insure the programs we are all so vitally interested in.

NACO supports the enactment of S. 1401 and H.R. 8578; however, we do suggest that the total deficiences needed to increase the Land and Water Conservation Fund be authorized by adding $200 million a year for 5 years from unmarked receipts accrued under the Outer Continental Shelf Lands Act of 1953. We feel that both the Mineral Leasing Act of 1920 and the national forests receipts should not be affected by this legislation.

In closing, may I again commend this committee for its work and for the opportunity to present this statement for the record, and would like to present you with copies of NACO's new publication, "Community Action Program for Outdoor Recreation."

The CHAIRMAN. The Chair wishes to call attention to the fact that we have 24 witnesses to be heard from, and we must finish today on this phase of the hearings. We will resume on February 21, when we will hear the Louisiana witnesses and possibly a few others.

The Chair would like to suggest that the witnesses, to the extent possible, put their statements in the record and address themselves to new matters. In other words, to avoid those areas already covered, the Chair is making this as a suggestion, and I am sure my colleagues agree with me, because we are up against the matter of time. I hope that as many of the witnesses as possible will be able to follow that procedure.

Our next witness is Mr. Einar H. Hendrickson, administrator, Interagency Committee for Outdoor Recreation, State of Washington, Mr. Hendrickson, we are delighted to have you appear here on behalf of the committee and make your statement.

STATEMENT OF EINAR H. HENDRICKSON, ADMINISTRATOR, INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION, STATE OF WASHINGTON

Mr. HENDRICKSON. Thank you, Senator Jackson.

We have submitted a letter from our chairman dated January 31, which I supplied for your record, reflecting the bipartisan efforts of the past 2 or 3 years within our State.

(The letter referred to follows:)

STATE OF WASHINGTON,
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION,
Olympia, Wash, January 31, 1968.

HON. HENRY M. JACKSON,
U.S. Senator, New Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The State of Washington wishes to enter this testimony on behalf of S. 1401 and H.R. 8578, Title I of the Land and Water Conservation Fund Act of 1965. We favor passage, with amendments. Only by provision of additional revenues will it be possible to meet critical outdoor recreation needs now.

We have evidence of serious land price escalation in the State of Washington, patricularly in the Seattle-King County area. One example is the Elliott Bay waterfront acquisition proposal on which Land and Water Conservation Fund assistance was sought. The 4.1 acres involved rose in appraised value from $440,000 in 1965 to $660,000 in 1967, while the project awaited allotment of funds. This project for waterfront restoration of open space with state and local money committed, was recently recommended for Federal assistance.

State emphasis has been on acquisition, paralleling the provision of the Federal Land and Water Conservation Fund Act. State Referendum 11 and Initiative 215, passed by popular vote in 1964, earmarked about $13 million in capital outlay money for a six-year period. Funds are dedicated by enabling authority to 96 percent deployment for acquisition. Matching shares from local and/or Federal funds are required to the extent appropriated or allotted. In the case of the Federal Land and Water Conservation Fund, foreseeable apportionment for the six-year period based on the existing formula will amount to only about $5 million.

In 1967, the State Legislature, backed up by a special Executive Message, placed Referendum 18, a $40 million outdoor recreation bond issue on a statewide ballot for the 1968 fall election. In his message of January 20, 1967, Governor Daniel J. Evans said:

> In the opening days of this 40th Legislature, there has been much concern voiced about the resolution of our serious and accelerating problems of urban growth. There is, however, another consideration which is both equal in importance and opposite in nature. And that is the eventual disposition of Washington's priceless heritage of natural beauty.
>
> Our natural beauty—from the seashore to the mountain summit and beyond—is more than just a fact of geography; it is an economic asset to

our thriving tourist industry, a preserve for the outdoor sportsman, a principal resource of family recreation and a substantial contributor to both our peace of mind and the pleasure of life in Washington. It is in good measure, the equal and opposite of our Urban Society.

As in the case of urban affairs, time is the uncompromising taskmaster. Where in the past we have considered our natural heritage to be one of perpetual abundance, today we must view it as a vanishing asset, subject to the predictable and inevitable population growth which we must expect for the balance of this century. When you consider that Washington will add 500,000 people in the next four years, and perhaps a million more in the ten years after that, the factor of time becomes the foundation of urgency.

To assure that we have the capacity to acquire and preserve a portion of these areas, this administration will ask that a $50,000,000 bond issue be referred by the Legislature to the people for approval on the 1968 election ballot. The bill will propose that half of the money requested be designated for use by State agencies and half by local agencies in a cooperative and coordinated effort to set aside and secure for the future some of our great natural heritage.

By parlaying funds from local, state, and various Federal sources, the Interagency Committee for Outdoor Recreation, the State focal point for obligation of funds, has made an enviable record. First project commitments were made in late 1965. Since that time, 297 starts have been authorized to acquire or improve more than 30,000 acres of land for a gross cost of $14,486,929.15.

We have a substantial backlog of proposals initiated from within the $600 million needs identified in the Statewide plan accepted by the U.S. Bureau of Outdoor Recreation as the basis for judging priorities. Only a small fraction of the critically needed projects can be satisfied by currently foreseeable resources. Although our record thus far is enviable, we are fearful that the one percent per annum gross input (local/state/Federal) for outdoor recreation capital outlay is seriously below the State's growth trend. At this pace it will take 100 years to catch up with needs expressed in the plan and identified as today's priorities.

One of our demonstration show pieces is the recently completed Arboretum Trail project in the heart of Seattle. The city, the University of Washington, and money from the Federal Land and Water Conservation Act contingency fund permitted its construction. A photo is attached.

The State's six-year program dovetails with the Administration's recommended five-year program of accelerated land acquisition. With passage of Referedum 18 this fall, however, the State will continue to outstrip its rightful share of Federal funds even if S. 1401 provides an additional source of revenue from Outer Continental Shelf Land receipts, as recommended by the Administration. Federal resources will still be inadequate.

In our opinion the Administration proposal to set the level of financing at $200 million a year for the next five years is insufficient to meet the overall need. It not only falls short of what is needed for land acquisitions by Federal agencies, but it is unrealistic in terms of matching fund support for State and local projects also faced with skyrocketing costs. For the most part, these are close at home projects where most of the people live. The need is urgent, and the Land and Water Conservation Fund matching grant program enables State and local governments to stretch their dollars twice as far.

Instead of stabilizing the Fund at $200 million, we would like to see the Congress set the level at $400 million annually for the next five years. If the proposed 50–50 distribution is adopted, States, and through them, local governments, would have a $200 million annual appropriation with which they could work. This would enable them to meet their outdoor recreation needs more realistically before prime areas disappear or prices become prohibitive.

If sufficient revenue is not forthcoming from the Outer Continental Land receipts, serious consideration should be given to the additional sources of funding listed in S. 1401 and H.R. 8578 as introduced. These included miscellaneous receipts under the Mineral Leasing Act of 1920 and earmarked receipts from national forests. We suspect that the Washington State situation is typical of that in other states as a result of long-deferred assumption of responsibility in providing more and better outdoor recreation areas now and for future generations. We believe that the time for action is now.

Sincerely,

LEWIS A. BELL,
Chairman, State BOR Liaison Officer.

Mr. HENDRICKSON. I also come here wearing a hat as national chairman, division of planning and practice, for the American Institute of Planners, although we do not offer a statement at this time.

The State of Washington wishes to enter this testimony on behalf of Senate bill 1401 with amendments. We favor its passage, for only by provision of additional revenues will it be possible to meet the critical outdoor recreation needs that exist now.

We have evidence of serious land escalation problems in the State of Washington, as is exemplified in the Seattle-King County area. While our State may be thought of as a frontier, where we have something like one-third of the land area in the public domain, we still have the escalation problem and we have a need for acquiring additional lands in our State for recreation purposes.

One example we cite in this letter is in a downtown area of Seattle, where the escalation of price in a project before us has been something like 50 percent in a period of 2 years.

The State of Washington has had an emphasis on acquisition that parallels the activities of the land and water conservation fund. Our letter bears this out to the extent that we have earmarked about $13 million for capital outlay purposes in a 6-year period. During this time we can only expect about $5 million from the land and water formula under existing conditions.

It is true, I think, by our example that your program has certainly stimulated activity in our sector. In fact, last year the legislature put on the ballot what is now known as referendum 18 for an additional $40 million outdoor recreation bond issue. I will skip through the comments, which I will leave for the committee, on how the legislature responded to this. To be brief, I might say that by parlaying funds from local, State, and Federal sources, we have, we think, a somewhat enviable record.

The first project commitments were made in late 1965. Since that time we have made 297 starts, at last count, to acquire and improve about 30,000 acres for a gross cost of $14½ million.

This is most marked by the current action in the Seattle area. I would like to give credit to the so-called forward thrust, which has an election a week from today for a $118 million issue for King County area's loan for recreational purposes. It is to the credit of one particular man, who formerly served your committee, that this was put on the ballot here.

But at this pace, the pace that we are all committed to now, we are not meeting the needs. In fact, the needs for our State show something like $600 million—needs that should be satisfied in the immediate years. At this pace it would take upward of a century to accommodate the needs that exist now.

Our program does dovetail with the administration recommendations for a 5-year program of acceleration here before you in Congress. We think through planning that we do have some answers to the questions just raised about how do you handle options.

Perhaps the plan should go to the point where you have some type of official map procedure, so that actually your sites are committed. And we will obviate the problems of the escalation of price. I think your contractual provisions in the current bill go part of the way insofar as Federal acquisitions are concerned.

I do not address this letter to the 50/50 question or the 60/40 question as such, on what the distribution of funds should be. Leaning on the testimony of our Dr. MacMullan yesterday, I think we looked to a nationwide plan that is put out by the Bureau of Outdoor Recreation this year. It should certainly show the relative balance between Federal and State efforts. We would hope that this is based upon attainable standards, both for buying Federal and for buying State or local properties, so that we can get a better fix on what the distribution formula should be between the Federal and State and local sector.

I thank you for this opportunity to be here and to commend the committee, particularly the chairman, the sponsor of the bill, for taking these next steps toward the stewardship of our resources. Certainly by your action we can answer in part the problem of the past of being there with too little, too late. I think we do need your support and all the money that can possibly be mustered.

I appreciate this opportunity to appear on behalf of the State of Washington.

The CHAIRMAN. Thank you, Mr. Hendrickson, for a very fine statement. And please express our appreciation to Mr. Lewis Bell, from Everett, Wash., who is chairman of the Interagency Committee, and Gov. Dan Evans for their support of the proposed legislation.

Any questions?

Senator ANDERSON. Are you recommending that all of the Continental Shelf revenues—$400 million a year—be used in the fund?

Mr. HENDRICKSON. We support the bill wholeheartedly.

Senator ANDERSON. You said in the next 5 years there would be a need of how much?

The CHAIRMAN. Senator Anderson, the way the bill is drafted, revenues could run over a period of 5 years, could amount to as much as $3 billion. That amount includes receipts under the Mineral Leasing Act, as well as the national forestry receipts, as well as the Outer Shelf revenues. However, as you know, the executive departments have indicated their opposition to the inclusion of the Mineral Leasing Act and Forest Service receipts. They limit it to a $200 million fund, overall.

Senator ANDERSON. You recommended $400 million a year for 5 years?

Mr. HENDRICKSON. Yes, Senator Anderson. We do feel that $200 million would be a mere beginning for satisfying the needs. But we could spend considerably more than that in the State of Washington alone.

Senator ANDERSON. Everybody could do so in his own State. How would you balance it off?

I think saying that the Continental Shelf can provide so much a year is questionable. You would have a long battle over it.

Have you ever formed an opinion as to how much would be too much?

Mr. HENDRICKSON. The needs in our State presently stand at $600 million based on the identified need in the immediate years. What fraction of that should come out of the Federal sector, or State, or local, is an open question.

I submit that the nationwide plan, which the Bureau of Outdoor Recreation has a responsibility to prepare, should give some answers on how much of the responsibility is Federal, how much is State, and how much is local.

I believe that in the State of Washington we are operating considerably above the level of Federal funding; at this time, for the 6-year period there are only earmarked $5 million of Federal funds to the State under the present formula.

Under Senate bill 1401 this amount might increase by perhaps 50 percent. In the State and locally, we far exceed this. For example, Forward Thrust in Seattle, King County, next week is voting on $118 million on the immediate county just around Seattle.

Senator ANDERSON. You say you would like to see the Congress set the level at $400 million annually for the next 5 years—$2 billion? How far away from the administration recommendation is that?

Mr. HENDRICKSON. This figure would roughly be double the present recommendations of the administration.

Senator ANDERSON. It would be $2 billion in one State alone?

Mr. HENDRICKSON. No; the whole country. Excuse me, Senator.

The CHAIRMAN. Under the existing law the ratio for the first 5 years to the States is to be 60 percent. For the first 5 years it is 60/40, and they can adjust it up to 15 percent either way. It has been running —the testimony yesterday was 61/39.

I think it would be well to point out here that the State of Washington passed a bond issue, isn't that correct, in the referendum in 1966, making $40 million available for parks and recreation. Of course, only a small portion of this amount will be used for matching Federal funds. The rest of it will represent expenditures on the part of the citizens of the State of Washington for park purposes generally, without aid from the Federal Government.

Mr. HENDRICKSON. That is correct, Senator. So far we have had a portion, exceeding $3 million, of the land and water conservation funds, whereas we have projects of $14½ million. So many of them have gone unassisted, without Federal aid, at this time.

The CHAIRMAN. Are there any further questions?

Senator HANSEN. I have a couple.

I understand that in addition to what has already been done—you refer to the $40 million bond issue passed a year or two ago—Governor Dan Evans now proposes in his 1967 message to the legislature that $50 million—are you talking about the response to that request that $40 million was passed?

The CHAIRMAN. That is right; but in additional funds—what was the action on that?

Mr. HENDRICKSON. The legislature last year put on this year's ballot the extra $40 million, which we vote on this year.

Senator HANSEN. It was in response to the Governor's message for $50 million that the $40 million resulted?

The CHAIRMAN. Under our law such a matter must be referred to the people for a vote. So it will come up as a referendum.

Mr. HENDRICKSON. The preceding referendum to which you refer passed by about a 7-to-3 vote a few years back.

The CHAIRMAN. This will make a total of $80 million if the referendum which has been referred to the people is approved.

Senator HANSEN. Oh, then further to clarify my understanding as to what happened in Washington, $40 million has already been voted?

The CHAIRMAN. That is right.

Senator HANSEN. And now there is a referendum before the people on the ballot this year to authorize another $40 million bond issue. Is this right?

The CHAIRMAN. Is that not correct?

Mr. HENDRICKSON. Yes.

The CHAIRMAN. So it will make a total of $80 million.

Senator HANSEN. I would add, then, parenthetically, Mr. Chairman, that I commend the people of the State of Washington. I think this is entirely proper procedure, to give them an opportunity to express first hand the priorities they think are indicated in the solution of their most urgent and pressing State problems.

The CHAIRMAN. Thank you, Senator Hansen.

Again, Mr. Hendrickson, I want to thank you for your very fine statement and presentation.

Bert Cole, the commissioner of public lands of the State of Washington has written a letter endorsing this legislation. Without objection, it will be printed at this point.

(The letter referred to follows:)

STATE OF WASHINGTON,
DEPARTMENT OF NATURAL RESOURCES,
Olympia, Wash., February 1, 1968.

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

DEAR SENATOR: I strongly support and urge passage of S. 1401 to provide adequate financing of the Land and Water Conservation fund from Outer Continental Shelf revenues.

Sincerely yours,

BERT L. COLE,
Commissioner of Public Lands.

The CHAIRMAN. Congressman Brinkley of Georgia also endorses this legislation. His letter will be included at this point.

(The letter referred to follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 30, 1968.

HON. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you regarding Senate Bill 1401 on which you have scheduled hearings early next month.

The State of Georgia is engaged in a most ambitious program for the development of outdoor recreation facilities. Many projects are in progress or are planned in the Third Congressional District which I represent.

The present source of funds provided under P.L. 88-578 is not adequate to meet the needs in the state. For this reason I fully endorse the provisions of Senate Bill 1401 and urge that your Committee report it favorably to the Senate.

I would appreciate your making this letter a part of the Record of the hearings.

Sincerely,

JACK BRINKLEY, *Member of Congress.*

The CHAIRMAN. Governor Otto Kerner of Illinois has sent a statement in support of S. 1401. Without objection it will be included in the hearing record at this point.

(The statement referred to follows:)

STATEMENT BY HON. OTTO KERNER, GOVERNOR OF THE STATE OF ILLINOIS

Mr. Chairman, I appreciate this opportunity to present to you and your Committee my views on S. 1401, your Bill to amend the Land and Water Conservation Fund Act. As has been so aptly pointed out in other statements before this Committee, the Nation is fast approaching a crisis in the matter of financing the acquisition of needed recreational areas. Our growing population and expanding urbanization are creating the need for additional space for outdoor recreation, while at the same time this very growth is making the needed space harder to find and more costly for public bodies to acquire. As the demand for new recreational land increases and the supply of such areas dwindles, local, State and Federal governments are forced to endure the increasingly costly burden of acquiring the needed lands and facilities for outdoor recreation. It has been estimated that the Nation's needs for recreational land acquisition and development will exceed the resources of the land and water conservation fund by $2.7 billion by 1977. Obviously, something must be done now to expand the resource base of this fund.

Mr. Chairman, the States have been significantly assisted in their efforts to provide for the recreational needs of their people as a result of the establishment of the Land and Water Conservation Fund Act. The matching grants provided to the States under this act have been a vital force in aiding and promoting the planning, acquisition and development of land and water recreational areas and the construction of facilities. The States have been stimulated to develop comprehensive recreational plans such as we in Illinois have recently completed. If our own plans for recreational development in the State of Illinois are to go forward with due regard for the interests of our people, we will need even greater support from the Federal Government.

Mr. Chairman, I believe that the bill which you and your distinguished colleagues have introduced is the kind of legislation which is vitally desirable if we are to continue to act responsibly in providing for the health, welfare, and enjoyment of our people. I would like the committee to know that I am fully in accord with the provisions of S. 1401 which would earmark additional Federal revenue for the land and water conservation fund. I believe also that there is great utility in providing for additional contract authority which will help make the planning and acquisition of new Federal recreational areas more economical and more expeditious. Lastly, Mr. Chairman, let me say that as a Governor who is doing everything possible to meet the recreational needs of his State, I fully support the provisions of S. 1401 which would preserve the language of the original act calling for a 40% Federal, 60% State split, unless otherwise dictated by the appropriations of any particular year. I am convinced, Mr. Chairman, that in order to avert a crisis in the acquisition of needed recreational lands and facilities, we must act now both to increase the resources available to the Federal Government for this purpose, and continue to make the same percentage of these increased resources available to the States by means of 60% Federal matching grants to the States through the land and water conservation fund.

The CHAIRMAN. I have received a letter from Gov. Paul Laxalt of Nevada, and also a letter from Elmo J. DeRicco, director of the Department of Conservation and Natural Resources of the State of Nevada, for inclusion in the hearing record at this point.

(The letters referred to follow:)

THE STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, Nev., January 26, 1968.

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

DEAR SENATOR JACKSON: I have called a Special Session of the Nevada Legislature on February 5, 1968. As much as I would like to, it will be impossible for me to leave Carson City to attend your important committee hearing February 5–6, 1968, on Senate Bill 1401.

The Land and Water Conservation Fund, since its inception, has encouraged more than any other program, interest in outdoor recreation throughout Nevada and the nation. In Nevada, state and local governments are relying on this program to acquire needed recreation lands and to develop facilities.

A prime example is the acquisition of recreation land at nationally famous Lake Tahoe, made possible through Land and Water Conservation Funding. To date, the Land and Water Conservation Fund is one of the few federal programs which we feel are being administered with the least strings attached and with benefits to such a wide segment of the population.

Nevada, like many states, and the federal resource agencies are experiencing demands for Land and Water Conservation funds far exceeding the money presently available.

We have felt for some time that if the intent of the Land and Water Conservation Fund Act was going to be fully implemented, a new source of funding would have to be found to increase present state and federal apportionments. We have studied Senate Bill 1401 in detail and urge its passage in principle at the earliest possible date. Amendments proposed by the Department of the Interior may have merit as we certainly do not advocate legislating funds in excess of what can feasibly be used in the recreation program.

We do question the Department of the Interior's proposal for stabilizing the Land and Water Conservation Fund at $200 million and changing the distribution ratio to 50% federal and 50% state. Presently, the existing state-federal distribution is 60–40; with 60% of the money being allocated to the states.

We feel prior to changing this ratio very careful consideration should be given to determine if adequate funding would be available to the states under the proposed 50–50 modification and to insure that equitable apportionment between the states and the federal agencies is achieved.

It is impossible to determine under the Department of the Interior's stabilization plan, the amount Nevada's apportionment would increase.

I hope that your committee and the Congress will proceed rapidly with the enactment of a bill that will carry out the intent of S. 1401 and retain the present state-federal distribution at 60–40 until such time as studies show a need for change.

Sincerely,

PAUL LAXALT, *Governor of Nevada.*

STATE OF NEVADA,
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,
Carson City, Nev., February 5, 1968.

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

DEAR SENATOR JACKSON: In reviewing S. 2828, I find that passage of this legislation will prohibit the charging of fees in connection with projects administered by the Secretary of the Army as provided for under the Land and Water Conservation Fund Act.

The Bureau of Outdoor Recreation program in the State of Nevada has created a public interest in all of our resources. We have not only received substantial financial support in our recreation programs, but we have received indirect benefits which cannot be measured in money.

Developing our State Park Master Plan, as required in the program, has done more to coordinate the thinking, planning, and programing of our various resource interests than any program with which we have worked in our State. Resource interests on both the federal and local levels who have in the past had conflicting views on the development and use of our natural resources, worked closely together in an effort to develop a plan which would serve the best interests of our state and nation.

Our State Park Program will be developed with due regard to all of our natural resources, and with the objective of obtaining the greatest benefits for the public. I am confident that without the incentive created by the Bureau of Outdoor Recreation program and the Land and Water Conservation Fund monies, it would have taken many years to achieve this coordination.

I appreciate that in any new program of this nature we cannot avoid some public resistance, but the benefits we have derived and those we can expect in the future will far outweigh the small resentment we are experiencing now.

Receipts from the Golden Eagle portion of the Land and Water Conservation Fund program have been a disappointment to all of us and studies are in process in an attempt to correct deficiencies. It would not be in the best interests of the Land and Water Conservation program to pass legislation such as S. 2828 pending the results of the investigations and studies.

I urgently request that your committee take any action necessary to prevent passage of S. 2828 or any similar legislation which will weaken one of the most rewarding programs we have in our nation. I also request that this letter be made a part of your records.

Very truly yours,

ELMO J. DERICCO,
Director.

The CHAIRMAN. Our next witness is J. W. Penfold, of the Izaak Walton League. Joe, we are delighted to have you before the committee once again, and we appreciate having your statement.

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

Mr. PENFOLD. Thank you, Mr. Chairman. It is a privilege, of course, to appear before this committee.

I am J. W. Penfold, the conservation director of the Izaak Walton League. The league is a national organization of citizens dedicated to building a better outdoor America. Over the years we have been closely involved with the development of the Federal role in outdoor recreation. I am here today to present the league's position in support of S. 1401.

We want to thank the chairman and the committee for scheduling this legislation so early in the session, because we believe its enactment to be crucial to important park and recreation projects which Congress will consider this year.

The league worked hard to assist in the creation of the land and water conservation fund. We felt then and we feel today that the Fund should not mark an upper limit on total Federal recreation expenditures.

The situation is now critical. The testimony yesterday put all kinds of figures into the record, so I will not repeat any of them, except to say that if this rate of expenditures were to continue for the next few years, the result would be obvious. You would have a great many more parks and recreation areas on paper than in fact.

At such a rate, the allocation to the Park Service would not go very far in acquiring the Redwoods, the North Cascades, the Apostle Islands, the system of scenic rivers, and a national system of trails, projects which the President just last week urged be authorized by Congress "* * * to safeguard our scenic and historic areas and anticipate the resource needs of future generations." Additionally, there are large tracts yet to be purchased in recently authorized areas—23 by the 89th Congress alone—and substantial inholdings in some of the older units, including 60,000 acres in Everglades National Park, which should be acquired promptly. Sleeping Bear Dunes, Biscayne Bay, and Great Salt Lake are examples of other worthwhile projects in the pipeline.

The fund must be augmented, and we are very happy that the administration recognizes this fact and has made a positive recommendation to accomplish it.

We do not believe, however, Mr. Chairman, that the administration proposals go far enough. While we recognize our costly foreign commitments and other essential domestic programs, we do not concur with the arbitrary fund ceiling of $200 million per year as an

authorization. We believe the higher and more realistic formula in S. 1401 should be authorized. Then the authorization will be available when the situation permits more generous appropriations than the administration's suggested $200 million annually.

Of course, the problem of escalating costs of land and development are equally applicable at the State levels. Against such problems, States experience equal frustration when key tracts are close to other uses, just because the funds are not there when the time is right.

We are glad that the administration favors the advance contract provision of S. 1401. The Izaak Walton League has had some direct experience with this kind of procedure over the last 20 years. Through our endowment corporation, we have purchased private lands within the areas as they became available when a price could be negotiated. They were held sometimes for years until the Forest Service received appropriations for their acquisition. The results saved the public a great deal of money and, beyond that, helped protect the areas from imcompatible activities and developments. Last fall, on the same kind of basis, we purchased some lands within the area of the proposed new Voyageurs National Park. We believe this provision of S. 1401 is excellent and should be authorized for 5 years.

We support the sell-back and lease-back transactions which section 2(A) of S. 1401 provides. We concur with the administration's suggestion that the exchange provision in section 2(B) be confined to "* * * federally owned property or interest therein under his jurisdiction * * *."

In conclusion, Mr. Chairman, we strongly support S. 1401 and respectfully urge favorable action by your committee.

Thank you.

Senator ANDERSON. Thank you.

What did you say about federally owned property or property under jurisdiction? Let's narrow it down.

Mr. PENFOLD. It narrows it down that the Secretary of Interior exchanges lands which are under his jurisdiction.

Senator ANDERSON. And the Secretary of Agriculture can do the same?

Mr. PENFOLD. The Secretary of Agriculture can do the same now; yes, sir.

Senator ALLOTT. Mr. Penfold, I want to thank you. I must say that I am impressed with one thing in your statement.

I congratulate the Izaak Walton League on having the great foresight and public spirit to use this foundation fund in the way it has. I had not known of this fact before. This shows about as high a sense of public obligation that an organization can exhibit, I believe.

I have somewhat the same concern as Senator Anderson has. I am concerned with the fiscal situation in this country, which I personally believe not only to be serious at the moment but to be very critical. Unfortunately, in the overall situation which we now face, we do not have a defined position of priorities.

Sitting, as I do, on the Appropriations Committee, I am impressed with the many areas where we do not have controllable appropriations at our fingertips, as, for example, the ordinary administrative expenses of our various agencies—ICC, FCC.

I am also made aware repeatedly of the demands by our educators throughout the country for more and more research grants to the National Science Foundation and through the National Institutes of Health.

We hear from the President day after day of the emphasis that has to be placed on cities, and we are involved in putting many hundreds of millions of dollars into transportation—mass transportation, and urban transportation. We are putting many millions of dollars into housing of one sort or another, and I am not unsympathetic with the approach of this bill.

But I think it is our obligation in Congress, if the President does not do it, to set some well-defined priorities in this area where we are pressed so hard for money now just to keep the value of the dollar.

A lot of things go into this speculation, and the increase in land prices is not all just speculation. A lot of it is inflation, as you well know.

Is there any merit, in your opinion, Joe—we have known each other a long time—that in the instance of acquisitions the States should properly bear a major portion of the cost of acquisition?

For example, in my own State, I believe our tourist business now runs something over $400 million a year. And this $400 million, of course, makes up, as it does in many Western States, a good portion of the economy of those States. Therefore, it contributes to the economy and to the individuals in those States—and thus justification for thinking that the major emphasis should be placed upon the citizens of the States in acquiring and developing these recreational areas.

I say this in the context of my previous remarks about the fiscal situation in which the country finds itself.

Mr. PENFOLD. Senator, I certainly couldn't argue with you about the responsibility of the States and the citizens of each of the States carrying their full share of this burden. And certainly I would like to see close to 100 percent of the land and water conservation fund moneys that are allocated to the States used to match State funds for acquisition of lands—far more for acquisition of lands that are needed rather than super development of lands that are available.

You can develop up to a minimum that is necessary for such things as access, which might be roads to get to it, or boat-launching ramps to get onto a body of water, and so forth. So I think that the responsibility, of course, does start with the individual and works up to the Federal Government.

Senator ALLOTT. We have very serious problems here. Frankly, I don't know how they are going to be solved unless the Congress itself places a very definitive priority on the expenditures that this country is going to make in the next year.

Senator Anderson has already expressed his very deep and abiding conviction that the funds of the Outer Continental Shelf be used for education. But just by way of comparison, the President asked for $40 million in rent supplements last year, and I think ended up with something like $25 million. One hundred million would certainly build a hundred very handsome school buildings throughout the country, which they say are so badly needed. The President, in his budget, cut down the Federal contributions to primary school construction.

I think this puts before you, and before the other gentlemen who are here, some of the really basic problems that we face. It is not your obligation to determine these priorities, but it is certainly ours, if not the administration's.

Mr. PENFOLD. Senator, I would like to make a very brief comment on that, if I may.

Certainly, having had a bunch of kids and a very large crop of grandchildren, I am quite aware of the problem of education. But I would point out that in this country of ours the outdoors has been a very important part of the education of the American human being for 400 years.

I think that part of our responsibility, from an educational standpoint, if nothing else, is to make the outdoors available to every one of our 200 million people.

Now, obviously we cannot do this all at once, and everybody cannot have the privilege of living in Colorado or New Mexico or Wyoming. But, gracious, we certainly should be doing our utmost to give every youngster an opportunity to have some experience in a decent outdoor environment. I think this is a fundamental objective of the land and water conservation fund and also of S. 1401.

Senator ALLOTT. I don't quarrel with your fundamental premise. I am glad to sort of claim Joe as a Coloradan, anyway.

Mr. PENFOLD. I am very proud of that, too.

Senator ALLOTT. I just wanted to pose for the record some of the problems we face here.

Senator BURDICK (presiding). Senator Jordan?

Senator JORDAN. No questions.

Senator HANSEN. I have one question. I want to preface it by complimenting you and the Izaak Walton League for what you are doing.

A number of years ago the Izaak Walton League spearheaded the movement which resulted in the national wildlife refuge in my home county of Teton. And had it not been for the efforts of the Izaak Walton League, I am not certain at all we would have the winter home for animals we have today.

I am not asking you to comment upon the wisdom of the collection of user fees in instances wherein it has been demonstrated that it costs more to collect them than is received in the way of revenue. But in the larger share of instances wherein it does bring in additional revenue, what is your feeling on the wisdom of user fees?

Mr. PENFOLD. We have supported the theory of user fees, Senator Hansen, right from the beginning.

I think there are all kinds of conceptions of what these fees are. And, basically, our thought has been right from the beginning that the user fees should be where an individual is making use of a developed facility of some sort, in contrast with his right as a citizen to walk out in a national forest or walk into a national park. But we do not support entrance fees as such. We think these Federal areas should be available to every citizen.

Senator HANSEN. If I may, let me ask one further question, Mr. Penfold.

Do you commend the action that was taken by the State of Washington in the passage of a bond issue to make additional funds available for the purchase of recreational lands?

Mr. PENFOLD. I surely do.

Senator HANSEN. I have no further questions, Mr. Chairman.

Senator ANDERSON. I do hope, Mr. Penfold, that all these organizations will pay some attention, and very heavy attention, to what Senator Allott has said. He serves on the Appropriations Committee. I have watched the results.

When you say that this ought to be doubled—$400 million—it scares some people. I just want to underscore Senator Allott's statements. We can't have all the things at the present time.

Mr. PENFOLD. Senator Anderson, I think we are all conscious of this problem.

Mr. BURDICK. Thank you again.

Is Joseph Jaeger present?

If not, Charles Thompson, executive director, Landowners Protective Association, Harpers Ferry, Va., will be next.

STATEMENT OF CHARLES P. THOMPSON, EXECUTIVE DIRECTOR, LANDOWNERS PROTECTIVE ASSOCIATION

Mr. THOMPSON. Thank you for the chance to appear here today in opposition to S. 1401.

I have a full statement for the record, and also a supplemental statement for your information, upon State activity in land use policy in America, and I will confine my remarks to an outline.

Senator BURDICK. Your full statement will be made a part of the record at the end of your remarks.

Mr. THOMPSON. We oppose the bill because it does not provide the answer needed. We do not feel in this case that more dollars will do the job. We have heard during the progress of these hearings a statement that only by additional moneys can we solve the problems. We have heard also that we can't get enough money to solve the problem.

How far is it from that statement, then, to the statement that no amount of money will solve the problem?

It is our contention that the problem is so immense that it cannot be solved by calling into play all the resources available. Dollars alone cannot do the job, and the Government cannot afford to proceed on a "go it alone" policy in the matter of conservation and recreation. We think it is not wise to earmark those important funds. While the funds would, perhaps, act somewhat to counteract land price escalation, legal procedures are possible that perhaps could be more effective.

The proposals of the bill would not stop the escalating land management costs, which will become a real problem as this country acquires more land and attempts to keep it developed or properly managed.

So we would rather see these moneys left in the miscellaneous receipts of the Treasury, where maximum flexibility is possible in their disposition. Perhaps it might be informative to apply the moneys for some fund where the States might set their priorities, and apply for the use of these funds. We should then see how many States would apply for funds for recreation.

There has been a question raised as to whether the States are lagging in the use of these funds by the commitment of counterpart funds.

Evidently they do have other priorities. We do not attempt to downgrade recreation, but ask that it be placed in its proper perspective.

This country cannot own all the land and water resources which need conservation or direction toward conservation. Economically, we cannot afford it. Politically, we dare not try it.

We ask, then, in conclusion, that the Federal Government, which has looked to the States and the counties for help in advancing these programs, perhaps look to some other parties in this country for help. Many of these parties which we might mention control more moneys than some of the political jurisdictions do and we would hope, in the future, consideration be given to the possible role that private enterprise might play in solving the national resource, environmental, and recreational problems of America.

Gentlemen, I thank you.

Senator BURDICK. Senator Jordan.

Senator JORDAN. I have no questions.

Senator BURDICK. Senator Hansen.

Senator HANSEN. I have no questions. I think you made a very good statement.

(The statement referred to follows:)

STATEMENT OF CHARLES P. THOMPSON, EXECUTIVE DIRECTOR, LANDOWNERS PROTECTIVE ASSOCIATION

The bill under consideration today as well as other bills of the same nature, would act to speed up land acquisition within the framework of the Land and Water Conservation Fund. Before Congress gives up its control of the monies under discussion it would be well to consider two questions:

(1) Could these monies be directed to some more useful purpose?

(2) How much land must the public own?

We do not ask how much land is needed to meet proper land and water conservation goals, for it would be a gross error to define how much land was necessary to meet such goals and then to set that figure as the sum of acres which must be transferred to public ownership. Can these goals be met only by public authorities?

Following, as it is necessary to do, the basic tenets of standards business practice, we ought to take inventory of our assets and clearly define our needs before expending any of our assets. It seems to me that we have done neither. A vast area of human resources has not been brought into play and our needs have been projected but not adequately defined. This definition must be a precise one to guard against overbuy. The consequences of this overbuy are only too apparent to those of us who watch anxiously as the tax-paying private domain is daily diminished and try to foresee the results when this country disturbs the balance between public and private ownership.

We are faced with natural resource problems and we are faced with limited means with which to cope with such problems. The natural resource problems we will have until the correct method of dealing with them is devised. The problem of means will not be solved until we revise our ideas as to just who must bear the burden for solving our natural resource difficulties. A government go it alone policy is neither desired by nor feasible for our government.

Last year we reported to our members that Interior had given a House Subcommittee on appropriations a report on Land Price Escalation. This report was the result of 6 months study by various agencies of Interior—chiefly the Bureau of Outdoor Recreation. Its purpose was to examine the effect of price escalation in connection with needed purchase of recreational lands and waters for public purposes. The report suggested a 10 year program within the framework of the Land and Water Conservation Fund and supported those portions of the President's budget document calling for an advance payment to the fund to make money for acquisition available quickly. With $110 millions in estimated receipts the document proposed the Fund be advanced $32 million—this in spite of administration admission of the fact that the States were lagging in committing

their counterpart funds. With the States lagging it is foreseen that more emphasis will be put on federal acquisition.

It is appropriate to readjudicate our land acquisition policies and the climate under which they were established. Land prices are only one thing that is escalating—land management costs are skyrocketing. Early buying may reduce one but not the other. We must not act in haste less earlybuy become overbuy.

And so to return to the two questions asked at the beginning, it now becomes apparent that we must answer the second before the first. We must clearly know what our needs are before committing our limited assets. In determining what our needs are we must ask two more questions:

(1) How are we using the lands that we have (in public ownership)?

(2) Who is responsible for conserving natural resources?

In considering the first of these questions we must realize that the potential of developed lands may be far greater that envisioned at present. Should this prove true, it could and should affect our land acquisition policies with regard to how much land we need to own publicly. Yet in the haste to acquire brought about by fear of Land Price Escalation, we are devoting our assets to acquisition and not sufficiently to much needed development.

In considering the second question as to who bears the burden—we may answer—we all do. But it is one thing to acknowledge this fact and another to act properly upon this knowledge. If we are operating today under a climate where the government is dominent in the field of natural resource conservation then perhaps we may question whether a partnership might not be more beneficial for all. We know what the problems are. Let us then appraise the climate under which they seek solution.

In my statement before the Public Land Law Review Commission (submitted here also for the record) I described the present climate as being one in which the federal government found itself forced to move in to fill a vacuum—a lack of willingness on the part of many lesser jurisdictions to come to grips with their natural resource problems, I also stated that this vacuum was created by the government itself and by this I did not mean it was done in a conscious effort to do so, but rather that it came about as a result of our internal economic policies which have acted to leave these jurisdictions wanting the means with which to solve such problems. I have earlier cited a good example: the slowness with which the States are moving to commit their counterpart funds for land acquisition under the Land and Water Conservation Fund Act. Investigation will show no lack of desire but rather a lack of means to do the job.

The American Landowner sees these three things:

(1) Natural Resource problems are growing, not declining.

(2) The term Public Purpose is receiving ever widening definition.

(3) Land acquisition programs are on the increase.

In addition to fearing for his dominion over his land, the American Landowner does not believe the government can go it alone in solving natural resource problems. This country cannot afford to own all the land and water resources which are in some way endangered. Economically we cannot afford it—politically we dare not try it.

In light of the serious question about the climate today it is appropriate for us to request that this bill and others with the same purpose be defeated, that the funds in question be left in the miscellaneous receipts of the treasury where Congress shall have maximum flexibility in their disbursement. It is hoped that these funds will be devoted to programs, the direction of which is not in such grave question. We would not make such a suggestion if we believed that todays climate were the only possible one.

But we foresee another climate, one in which a true partnership will exist between public and private enterprise. When this climate is fully established the government will need and ask for less land. Much land now in public ownership will be returned to the private domain. The government, freed from increased acquisition and management costs, will be enabled to advance other beneficial programs. Private enterprise, freed from the fear of government encroachment, cognizant of its responsibilities and the penalties attendant upon the failure to meet them, will assume its rightful and just partnership. Both parties shall then bring about that association which always and everywhere leads to the total enrichment of the State.

And so now we have some answers to the questions we have considered here today. Natural resource problems can be solved only by calling on the full range of human resources at our command. All must share the burden and all must be given the chance to define and take up their role. In looking to this climate

we do not envision a Utopia. It is already established in some areas—it is hard to envision programs more beneficial and efficacious than some of those presently administered by the Department of Agriculture—local control and true partnership have been the key to success.

Admittedly the extension of this climate to the total natural resource and environmental picture is a most ambitious project. But all of us believe in Americas possibilities—can we then doubt that we must succeed?

In order to hasten the day when this climate will prevail, the Landowners Protective Association will call together, in the near future, a conference of leaders of American Private Enterprise. This conference, to be known as the American Citizens Conference on Natural Environment and Resources, will have as its purpose:

(1) To appraise Land Acquisition Policies in light of some of the questions we have posed here today.

(2) Define the role which private enterprise has played in natural resource matters in the past—adjudicating the role in light of present problems

(3) Project the role which private enterprise might play under proper conditions.

(4) Provide a permanent conference with government at all levels—offering public authorities the vast human and material resources presently at the disposal of private enterprise.

(5) Promote and help to bring about a true partnership with government.

I thank you for your time.

Senator BURDICK. C. R. Guthermuth, vice president, Wildlife Management Institute.

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. GUTERMUTH. My statement is brief, but if it may be entered in full, I will touch on parts of it.

Senator BURDICK. Without objection, it will be made a part of the record in full.

Mr. GUTERMUTH. The institute is pleased to join with the other groups on S. 1401. Time has shown that the fund is in desperate need of revision. It is inadequate to do what Congress itself intended.

Congress has looked upon this fund as a simple means of financing new Federal projects rather than as a supplement to Federal activity in existence at the time the imaginative program was enacted, and finally, land acquisition costs have spiraled upward under the twin stimuli of routine legislative and appropriations delays and the inability of Federal agences to contract in advance of appropriations for lands within authorized projects.

According to the Department's report on S. 1401, total Federal and State needs under the funds for the next 10 years would be $3.6 billion. On a 5-year projection, the figure would be $1.5 billion. This means that acceptance of the Department's recommendations for a 5-year, $200 million fund program would leave the fund about one-half billion dollars short of the estimated need in that brief period of time.

Secondly, and this is not in criticism, we believe that 5 years might be too brief a time for Federal agencies to fully activate programs of land acquisition on authorized projects. Past experience has shown it takes a year or two for the agencies to staff themselves properly and get programs moving all the way down to the field level.

We realize and sympathize with the Department's observation in the report on S. 1401 that there are other demands on the budget, for defense and domestic programs. These matters are not taken lightly

by us, but it is only reasonable to assume that the defense items are mostly of a temporary nature, and that they will decrease before long.

For this reason, I feel sure that the majority of conservationists would prefer to see the fund amended as proposed in S. 1401 even if all the money is not immediately forthcoming.

The need has been demonstrated. The facts and figures are in reports before the committees. The $200 million ceiling suggested in the Interior Department's report falls far short of what is known to be necessary.

We would prefer to see the act amended on the basis of what is right and proper rather than on the basis of an arbitrary and clearly inadequate ceiling.

Mr. Chairman, we believe that the base of the Land and Water Conservation Fund Act should be broadened, and we support the amendment suggested in S. 1401.

Thank you very much.

Senator BURDICK. Senator Hansen?

Senator HANSEN. I have no questions.

(The statement referred to follows:)

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute is one of the older national conservation organizations. Its program has been devoted to the restoration and improved management of natural resources in the public interest since 1911.

The Institute is pleased to join other conservation groups in expressing support for the objectives of S. 1401. Time and experience have shown that the Land and Water Conservation Fund is in desperate need of revision. It is inadequate to do what Congress itself intended.

There are a number of reasons for the Fund's deficiency, including some that obviously were not anticipated at the time of its enactment. Project costs have been understated, while estimates of revenues have been too optimistic. Congress has looked upon the Fund as the sole means of financing new federal projects rather than as a supplement to federal activities in existence at the time the imaginative program was enacted. And finally, land acquisition costs have spiraled upwards under the twin stimuli of routine legislative and appropriations delays, and the inability of federal agencies to contract in advance of appropriations for lands within authorized projects.

It now is admitted that the Fund requires larger and more reliable sources of financing, along with other revisions. Augmentation of the Fund will enable federal agencies, mainly the National Park Service, to make swifter progress in reducing the backlog of the many costly projects that have been authorized. All participating federal agencies can make some progress in acquiring inholdings and in pursuing other authorized work. Delay in correcting the Fund weaknesses only will increase the ultimate costs of the many worthwhile recreation projects.

As a word of caution, however, Congress must not let the absolute necessity for broadening the base of the Fund confuse the manner in which this is accomplished. Consideration should be given to the various changes that are proposed so as to select the combination of financial support and program revisions that holds the most promise of accommodating the need that actually exists.

If the Land and Water Conservation Fund Act is to be amended, and I hope that it is, we want the amendments to overcome the miscalculations and the timidity of the past. The Fund should be made whole; it should be adequate to meet the demands that Congress is placing against it. The inadequacy of the Fund is detailed in the Department of the Interior's study report, "Recreation Land Price Escalation." If history is any guide, I fully expect that the report's projections will prove to be too optimistic. Land acquisition costs will be greater than estimated, Congress undoubtedly will continue to authorize new recreation areas, and the backlog of authorized, but uncompleted, projects may be as

formidable in the future as it is today. My concern then is that the Congress make sure that the program amendments develop the kind of financial support and supply the other kinds of tools that will accelerate the national outdoor recreation program commensurate with the demonstrated need.

It is against this background that I express apprehension about the Department of the Interior's recommendations in its report on S. 1401. A principal conclusion of the Department's recreation land price report is that combined federal and state outdoor recreation projects needs during the 10-year period, fiscal year 1968–77, are estimated at $3.6 billions in terms of 1966 dollars. Further complications, even at full funding, arise from the expected steady increase in the value of recreation land.

According to the Department's report on S. 1401, total federal and state needs under the Fund for the next 10 years would be about $3.6 billion. On a 5-year projection, the figure would be $1.5 billion. This means that acceptance of the Department's recommendations for a 5-year, $200 million Fund program, would leave the Fund about one-half billion dollars short of the estimated need in that brief period. Secondly, and this is not meant in criticism, we believe that 5 years may be too brief a time for federal agencies to fully activate programs for land acquisition on authorized projects. Past experience has shown that it takes a year or two for the agencies to staff themselves properly and to get programs moving all the way down to the field level.

We realize and sympathize with the Department's observation in its report on S. 1401 that there are other demands on the budget for defense and domestic programs. These matters are not to be taken lightly, but it is only reasonable to assume that the defense items are mostly of a temporary nature and that they will decrease before long.

For this reason, I feel sure that the majority of conservationists would prefer to see the Fund Act amended as proposed in S. 1401 even if all of the money is not immediately forthcoming. The need has been demonstrated. The facts and figures are in reports and before the Committee. The $200 million ceiling suggested in the Interior Department's report falls far short of what is known to be necessary. We would prefer to see the Act amended on the basis of what is right and proper rather than on the basis of an arbitrary and clearly inadequate ceiling.

By proper amendment of the Fund Act, the program would be assured of more adequate financial support when the overall federal fiscal situation permits. This would obviate the need for the Congress to consider further amendment of the Fund within 5 years or less. We earnestly believe that further amendments will be needed in the near future if the Department's suggestions are accepted without modification. This is not in criticsm of the Interior Department, Mr. Chairman, the realities of the situation are recognized and understood.

We believe that the Congress should broaden the base of the Land and Water Conservation Fund Act, and we support the amendments suggested in S. 1401.

Senator BURDICK. Mr. Franklin Orth, executive vice president, National Rifle Association.

STATEMENT OF FRANK C. DANIELS, SECRETARY, NATIONAL RIFLE ASSOCIATION

Mr. DANIELS. I am Frank Daniels, secretary of the National Rifle Association. I am representing Mr. Orth. Mr. Orth asked me to express his regrets to the committee. His duties required him to be in France for the opening of the Olympic games.

The National Rifle Association of America is highly pleased to have been extended the opportunity to appear before this committee in support of S. 1401, sponsored by the distinguished committee chairman and his esteemed colleagues, Senators Anderson, Kuchel, and Nelson. This bill would amend title I of the Land and Water Conservation Fund Act of 1965 by providing that certain revenues accruing to the United States through leasing of mineral rights under the Mineral Leasing Act of 1920 (41 Stat. 437; U.S.C. 181 et seq.) and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.) be assigned to the land and water conservation fund.

Mr. Chairman, the membership of the National Rifle Association now numbers more than 900,000 sportsmen and hunters, all of whom are vitally concerned over the problem of the rapidity with which the necessary space for hunting and other forms of outdoor recreation is diminishing. In this connection and as S. 1401 provides, the procurement of land now, in advance of escalating land values, is a badly needed program which we hope is made part of a master plan for husbanding our outdoors so as to insure adequate recreational space to satisfy both present and future needs. In particular, we wish to commend the wisdom, as established by this bill, of using funds derived from depletable natural resources to be reinvested in living natural resources.

The level of funding necessary for the financing of such a program should most effectively and logically be bound by the scope of land procurement programs authorized by Congress and money appropriated therefor. Therefore, if a ceiling on revenues which may be deposited in such a fund is established it should be in keeping with the requirements dictated by the input of authorized projects and in no way serve to hamper the efficient and effective operation of the fund.

The clearly defined procedure provided by S. 1401 with which to insure adequate funds to support such a program within the stated will of the Congress is exemplary and certainly requisite for the proper fulfillment of its aims.

The above recommendations, if enacted, will insure the establishment of new Federal, State and local recreational areas at a rate that is in keeping with present and anticipated population needs and permit the meeting of land price escalation problems by fixing priorities, as well as avoiding premature authorization of such areas with a delayed rate of land acquisition due to lack of funds.

In terms of public benefit, logic and good sound business sense, this proposed legislation ought to be made public policy and enacted into law. The National Rifle Association, speaking for a large segment of the users of land, desires to aline itself with the National Wildlife Federation and others in full support of S. 1401.

Thank you, sir.

Senator BURDICK. Thank you very much.

Louis S. Clapper, Chief, Division of Conservation, National Wildlife Federation.

STATEMENT OF LOUIS S. CLAPPER, CHIEF, DIVISION OF CONSERVATION EDUCATION, NATIONAL WILDLIFE FEDERATION

Mr. CLAPPER. Thank you, sir. I appreciate the opportunity to be here. I will go through our statement and touch on a few main points.

Senator BURDICK. The full statement will be made a part of the record, without objection.

Mr. CLAPPER. Thomas K. Kimball, my executive director, recently offered an article, a copy of which is attached, entitled "Milestone or Millstone," and this article poses a basic question. Is the land and water conservation fund more of a millstone around the neck of conservation projects than it has been a milestone of conservation achievement?

He bases this upon our concern that the full funding concept or interpretation being placed upon the act by the Bureau of the Budget and the Committe on Appropriations are not what was intended by the committees which passed this legislation earlier.

Certainly it was not the intention that the fund be required to finance all Federal acquisitions of properties for recreational purposes, as well as State programs.

I think the chairman of this committee pointed this out yesterday in his opening statement.

Yet the fund now constitutes a box. This box has now become so restrictive that some people say there is no need to authorize new areas because some of those already established are not funded. Yet, everyone is aware of the continuing need to acquire areas before prices escalate out of sight.

Frankly, we are distressed that too many people consider outdoor recreation a frill, not quite on a par with other human needs. Yet, we do not understand why the public's interests in and benefits from a national park or seashore or lakeshore are not as meritorious and reasonable as the public's interests in and benefits from a number of other programs, including navigational and flood control projects. Yet last week a sister committee to this committee began holding hearings on a host of water development projects. Most of these will be authorized, for specific amounts, later in the year in an omnibus rivers and harbors bill. Then next year, or subsequently, funds to plan, construct, maintain, and operate these projects will be sought from the Committees on Appropriations. Costs of some of these projects will be shared. Many will be borne entirely by the Federal Government. Decisions on how many to fund will be made by the Appropriations Committees.

This year it is likely that $1 billion will be appropriated for these projects. Then why is outdoor recreation any different? What is there to prevent this committee from considering an "omnibus park and recreation area" bill to contain a specific financial ceiling for each project, one which the Appropriations Committees later could consider, piecemeal or together, in a similar manner?

Among the practical reasons and answers to that question, of course, is the limitation imposed by the full-funding concept. It is a box which automatically limits acquisitions in a manner the Congress itself did not express or intend. We hope the members of this committee, particularly those who also are members of the Appropriations Committee, can give this concept some real consideration.

Now, Mr. Chairman, having made these observations, a few specific comments about S. 1401 are in order. As long as it is clearly understood the fund does not constitute a "box," we wholeheartedly support S. 1401. Therefore, we are in accord with the additions of revenues from all of the sources provided in the original version of S. 1401, preferring it above the administration-backed proposals. As long as the Appropriations Committees and the Budget Bureau consider the fund to be delimiting, we must support whatever additions are necessary to meet the Nation's present and future outdoor recreation needs.

We also support the provisions which will help meet the price acceleration problem, both through advance acquisitions and lease and sell back transactions. The present system is so cumbersome that the

Federal Government pays more for property than would a private individual or firm under the same circumstances.

Now, to make a comment or two about S. 2828 on the recreation fees: We believe it is essential that a distinction be made between the recreation fees proposed by the Land and Water Conservation Fund Act, and those proposed by the Corps of Engineers in a now-suspended directive EC 1130–2–25, based upon a 1951 act and the Bureau of the Budget Circular A–25, 1959.

Testimony in the House last fall indicates that a widespread confusion exists between the two types of fees and much of the opposition leveled at land and water conservation fund fees are more accurately centered on the proposed permits. We still believe it is right and proper for modest fees to be imposed for special facilities, thereby charging those who benefit directly.

However, if alternate means of financing can be assured, we would agree generally to the removal of all fees, but cannot understand why the Corps of Engineers projects should constitute special exemptions.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you.

Senator Hansen?

Senator HANSEN. I want to compliment you on your statement. I appreciate your touching upon user fees and addressing yourself to the problem of escalating land values.

Would you care to make a comment upon the votes that the State of Washington has taken to meet this escalation of land values?

Mr. CLAPPER. Senator, certainly this is a very meritorious program they have embarked upon, and several other States have done the same thing in a similar manner. We think this is the kind of cooperation needed from all levels of government.

Senator HANSEN. Thank you.

(The full statement referred to follows:)

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Louis S. Clapper, Chief of Conservation Education for the National Wildlife Federation, which has its headquarters here in Washington, D.C., at 1412 Sixteenth Street, N.W.

By way of identification, the National Wildlife Federation is a private, nonprofit organization which seeks to attain conservation goals through educational means. The Federation has affiliates in 49 States. These affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2,000,000 persons.

We welcome the invitation to comment briefly upon S. 1401 and S. 2828, relating to the Land and Water Conservation Fund.

Mr. Chairman, our organization was one of the original supporters of the concept embodied in the Land and Water Conservation Fund. We believe the Fund has been of tremendous value in stimulating the establishment and development of highly desirable public programs for outdoor recreation, particularly on the State level. We hope it will be continued, but in the form and for the function as originally intended. This latter qualification is for the express purpose of making a significant point.

Thomas L. Kimball, Executive Director of the National Wildlife Federation, recently authored an article (a copy of which is attached) entitled: "Milestone or Millstone?" This article poses a basic question: is the Land and Water Conservation Fund more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement? Although having reserva-

tions about some few projects which have been included in State master outdoor recreation plans, we generally commend the agencies which have implemented and administered the program. Getting such a massive program "off the ground" is a remarkable achievement in a relatively short period of time. Our concern is centered mostly upon the "full-funding" concept or interpretation being placed upon the Act by the Bureau of the Budget and the Committees on Appropriations.

Certainly, it was not the intention that the Fund be required to finance all Federal acquisitions of properties for recreational purposes, as well as the State programs. Examination of the legislative history fails to reveal any other organizations or agencies that proposed such a concept or limitation. The Fund never was intended to provide more than a limited reservoir of financing, one which would be supplemented with appropriations for particular projects. Yet, the Fund, under the "full-funding" concept, now constitutes a box. This box now has become so restrictive that some people say there is no need to authorize new areas because some of those already established are not funded. Yet, everyone is aware of the continuing needs to acquire areas before they are lost or before prices escalate "out of sight."

Frankly, we are distressed that too many people still consider outdoor recreation a "frill," something not quite on a par with other human needs. Yet, we do not understand why the public's interests in and and benefits from a national park or seashore or lakeshore are not as meritorious and reasonable as the public's interests in and benefits from a number of other programs, including navigational and flood control projects. Yet, last week a sister Committee to this began holding hearings on a host of water development projects. Most of these will be authorized, for specific amounts, later in the year in an Omnibus Rivers and Harbors Bill. Then, next year or subsequently, funds to plan, construct, maintain, and operate these projects will be sought from the Committees on Appropriations. Costs of some of these projects will be shared. Many will be borne entirely by the Federal Government. Decisions on how many to fund will be made by the Appropriations Committees. This year, it is likely that $1 billion will be appropriated for these projects. Then, why is outdoor recreation any different? What is there to prevent this Committee from considering an "Omnibus Park and Recreation Area" bill to contain a specific financial ceiling for each project? One which the Appropriations Committees later could consider, piecemeal or together, in a similar manner?

Among the practical reasons and answers to that question, of course, is the limitation imposed by the "full-funding" concept. It is a box which automatically limits acquisitions in a manner *the Congress itself did not express or intend.* We hope the members of this Committee, particularly those who also are members of the Appropriations Committee, can give this concept some real consideration.

Now, Mr. Chairman, having made these observations, a few specific comments about S. 1401 are in order. As long as it is clearly understood the Fund does *not* constitute a "box," we wholeheartedly support S. 1401. Therefore, we are in accord with the additions of revenues from all of the sources provided in the original version of S. 1401, preferring it above the Administration-backed proposal. As long as the Appropriations Committees and the Budget Bureau consider the Fund to be delimiting, we must support whatever additions are necessary to meet the Nation's present and future outdoor recreation needs.

We also support the provisions which will help meet the price acceleration problem, both through advance acquisitions and lease and sell-back transactions. The present system is so cumbersome that the Federal Government pays more for property than would a private individual or firm under the same circumstances. We also would favor the establishment of a revolving fund whereby Federal agencies can act swiftly to acquire in-holding in parks or forests when they come on the market. Arrangements could be made to keep the Committees fully informed of these negotiations to ensure against any improper or unauthorized acquisitions.

And, now, Mr. Chairman, we should like to comment even more briefly upon S. 2828, prohibiting the charging of recreation fees at Corps of Engineers installations.

Hearings on identical proposals were conducted last fall by the House Committee on Public Works and testimony by a respesentative of the Corps of Engineers on an identical bill, S. 2236, was received by the Senate Committee on Public Works last week.

It is essential that a distinction be made between recreation fees imposed under authority of the Land and Water Conservation Fund Act and those proposed by the Corps of Engineers in a now-suspended directive EC 1130–2–25, based upon

a 1951 Act and Bureau of the Budget Circular A–25, of 1959. Testimony in the House indicates that a widespread confusion exists between the two types of fees and much of the opposition leveled at Land and Water Conservation Fund fees more accurately are centered upon the proposed permits.

The National Wildlife Federation supported the original plan whereby entrance and user fees would be charged for special recreational facilities. We still believe it is right and proper for modest fees to be imposed for special facilities, thereby allowing those who benefit directly to contribute toward providing for their recreations. Further, we do not think that fees should be imposed for minimal recreational facilities or for access to public waters or for use of public waters. We would not recommend that fees be charged at locations where administration of the program results in a net loss of revenue. And, we admit the revenue resulting from these fees has been lower than anticipated. However, if alternate means of financing can be assured, we would agree generally to the removal of all fees, but cannot understand why Corps of Engineers projects should constitute special exemptions.

On the other hand, we hold no brief whatever for the Corps proposal for charging permits for private installations such as docks and boathouses, swimming and diving platforms, duck blinds, mooring facilities, ski-jump floats and rafts. Action of the Corps apparently is based on Circular A–25, which said that fair market value should be realized where the exclusive use of government property is involved. To be consistent with this policy, and to recoup from the beneficial user a portion of the administrative costs, the Corps proposes to impose charges on all structures located on or over government lands intended for exclusive private use. Rationale for this action is that the permittees are using Government facilities for private benefit when other members of the public must pay for similar privileges. Monies accruing to this account would be distributed like all other Corps income (75% to the counties) and would not go into the Land and Water Conservation Fund. Many fear this practice would lead to charges for navigational uses of public waters.

Thank you for the opportunity of making these remarks.

Milestone or Millstone?

When the Land Water Conservation Act was passed by the 88th Congress, it was labeled by many people as a great conservation victory ranking with such notable accomplishments as the Wilderness Preservation Act or the Federal Water Pollution Control Act. After five years of operating experience, however, it is becoming increasingly evident that the creation of the Land and Water Conservation Fund was more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement.

Congress can be proud of its conservation record achieved during the past six-year period. Responding to a public demand for open green spaces and park, monument, and recreation areas, as well as scenic areas, the Congress came through with a continual flow of new authorizations. These new areas were to meet the ever increasing demands of a mobile, leisure seeking population, which by reason of its continuing affluence, is demanding more ecological balance in the continuing exploitation of the remnant of our Nation's pristine natural resources.

Until this year there have been hopeful indications that more consideration of aesthetic values was being given in the planning of our country's water and land development projects. For the last two years, however, appropriations of money to implement Congressional authorizations has been woefully inadequate. In 1967, the Congress passed no important legislation relating to park and recreation areas. One of the more noteworthy reasons given for such inaction was the declaration that Congressional Committees on appropriations have not adequately funded conservation projects and programs previously authorized. Congressional and administration leaders point to the Land and Water Conservation Fund, which was inadequate from the beginning and not intended as an outdoor recreation bank from which all Federal and state projects would be funded, as an excuse for their inaction. The Congressional record will show that, when the Land and Water Conservation Fund was passed, most of the national conservation organizations favored its enactment but not as a delimiting fund. Nonetheless, Congressional committees and the Bureau of the Budget have required that

all park and outdoor recreation projects, programs, and authorizations be financed from this source under a "full-funding" concept and, to date, there has been no challenge from the general public to this designation. The Chairman of one of the more important committees in Congress has stated openly that his committee is not in any hurry to consider many new conservation programs unless and until Congressional appropriation committees adequately finance those previously authorized through the Land and Water Conservation Fund.

A bill (S. 1401), which would provide additional funds to the Land and Water Conservation Fund, has been introduced in the Senate and similar bills have been introduced in the House of Representatives. This legislation has languished in committees, supposedly because no report from the administration as to its position has been received.

It is really tragic that conservationists stand idly by, allowing the forward impetus of conservation movements to be slowed to the speed of molasses flowing in January without a murmur or complaint. It seems that we can afford from $1 to $2 billion worth of water development projects almost every year, with only perfunctory public hearings and absolutely no prescribed limits as to financing, yet we must be bound by less than $120,000,000 per year to finance the bulk of the park and recreation program of the United States. We can spend more than a half billion for navigation on the Arkansas River, but we can't afford one-fifth that amount for a Redwoods National Park. Then, must we sacrifice on the altar of political expediency the bartering away some of the most valuable multiple-use lands within our national forest system? We can literally spend hundreds of billions of dollars for improving the navigation in our public waters, in controlling floods and in bringing new lands into agricultural production through irrigation and drainage, but somehow we still cannot find sufficient funds even to attempt to meet the most modest demands of the public for outdoor recreation. Congress insists that the users of park and recreation areas pay a fee for the use of facilities developed at public expense and yet small businesses, farmers, water transportation users, in fact, almost every segment of American industry is subsidized in some way and to varying degrees by our Federal establishment.

Will Durant once said that progress in America was great, except that it went on too long. With all of our advanced technology, it is my firm opinion that Americans still have—and hope to preserve—the enjoyable life. What kind of America will we have left to enjoy and what kind of natural heritage will we leave to succeeding generations if our government refuses to set aside and preserve a representative segment of the natural environment in such amounts and in such condition that the average citizen can at some time in his life look towards participating in and enjoying a quality outdoor experience? We live in a great democracy and the government supposedly derives its power to govern from the consent of the governed. When the history of our great country and this generation is recorded for posterity, what will be our greatest contribution to humanity? Will it be our industry, agriculture, art, literature, music, or scientific technology? Will it be great social progress? Will we be that naked ape, the only animal with the power to reason who considered it reasonable to foul his own nest, to pollute air he breathed, water he drank, and land he tilled? Will our generation be known as the one who went bankrupt by spending billions for war, billions for the industrial revolution, and billions for scientific technology only to find that life had lost much of its savor without a chance to commune with nature, to wash one's soul in clean water and pure air, to know intimately the beauty of uncluttered green space and the exhilaration of a quality wilderness experience?

It is high time that conservation voices be heard above special interest caterwauling and political convenience and connivance. Our generation must be recognized as the one with the wisdom and foresight to so use and manage our environment that the ecological balance is maintained and the natural amenities of life preserved. We make the kind of life and habitat in which we live. The beautiful America we want requires active interest and participation by every citizen. Are you doing your part to influence, for the public good, those resource policies and programs that change the quantity and quality of our environment?

Senator BURDICK. Michael Nadel, assistant executive director, the Wilderness Society, is next.

STATEMENT OF MICHAEL NADEL, ASSISTANT EXECUTIVE DIRECTOR, THE WILDERNESS SOCIETY, AND EDITOR, THE LIVING WILDERNESS

Mr. NADEL. Mr. Chairman, I am Michael Nadel, assistant executive director of The Wilderness Society, and editor of its quarterly publication, The Living Wilderness. The society, whose membership at this time approximates 38,000 individual active members, is a national conservation organization, with headquarters at 729 15th Street NW., Washington, D.C., and a regional office in Denver, Colo.

The Wilderness Society endeavors, through educational means, to perpetuate our nation's wilderness resource for the use and enjoyment of present and future generations. One of the society's primary efforts now is directed toward encouraging the establishment of an adequate national wilderness preservation system under the provisions of the Wilderness Act of 1964.

With one or two qualifications to which I shall presently refer, The Wilderness Society supports the purposes of S. 1401 to amend title 1 of the Land and Water Conservation Fund Act of 1965.

Upon the enactment of the Land and Water Conservation Fund Act in 1964, conservationists applauded what at the time appeared to be an adequate solution to the public land agencies' need for a fund for acquiring lands and inholdings, and for the management and development of existing recreation areas. It was hoped that the "golden passport" entrance fee program and the other sources of revenue that comprised the land and water conservation fund would be sufficient to meet the needs of the National Park Service, Forest Service, and the Bureau of Sport Fisheries and Wildlife.

Revenues from the fund were to be divided to allow 60 percent for State grants and 40 percent for Federal land acquisitions. This provision has stimulated and encouraged the States to match these funds and to act on their programs for the acquisition and development of State recreation areas.

It is alarmingly apparent that the rapid growth in population and the increase in leisure time is producing a continuing demand upon public land agencies to provide additional outdoor recreation space. If the agencies do not have funds available to acquire and develop new areas in response to this need, they can expect intensified use of the existing units, and every park, refuge, wilderness, and even recreation area can reach a saturation point in visitor use, thus endangering its intrinsic natural values and sacrificing the purpose for which it was established. Overuse has a particularly devastating impact on wilderness-type lands which rely on dispersed and carefully controlled use to maintain their delicate environments. But natural values within existing parks, wildlife refuges, and wilderness areas need not be sacrificed, nor must use of these lands be severely limited, if new areas can be established to accommodate the projected increase in visitor use.

During its 3-year existence, the fund has received $289,239,336. Some $53,650,087 in additional revenues has been appropriated and is expected to accrue during the remainder of the fiscal year 1968. Recreation needs are growing more rapidly than the present system

of acquisition can accommodate. The recreation areas authorized by the 89th Congress alone require the acquisition of lands costing approximately $119,000,000—and this does not take into account the expense of maintaining existing units.

Under the procedures of the 1964 Wilderness Act, we can expect the authorization of some 150 areas as wilderness within the next 6 years. Many of these reclassifications will necessitate the acquisition of inholdings to round out the units and best protect their wilderness character from development or nonconforming uses.

The opportunities for wilderness preservation provided by the Land and Water Conservation Fund Act are twofold. First of all, the fund provides a reservoir out of which there can be appropriations for the purchase of inholdings within classified wilderness and primitive areas, thus serving both to round out and complete the areas, and relieving administrators of vexatious problems brought about by conflicting use.

Secondly, by supplying the gap in needed accessible outdoor recreation areas and facilities throughout the Nation—a real and pressing need—the spread in use of other recreation facilities would lessen pressure on wilderness areas.

The State programs which will be financed from the fund will affect wilderness in many ways. States and local governments can use matching moneys to help acquire non-Federal land and water areas with wilderness or near-wilderness values.

Thus the threat of overuse of wilderness will hopefully be absorbed through the establishment of new recreation areas which are designed to bear intense visitor use, leaving the wilderness unspoiled for the backpacker, hiker, student, scientist, or nature lover who seeks the experience of a wild, undeveloped area where the delicate ecology of nature still exists undisturbed.

With these problems in mind, we commend this committee for its consideration of S. 1401, to amend the Land and Water Conservation Fund Act to provide for the growing expense of land acquisition and the scarcity of funds available for this vitally important purpose. The amendments proposed in this legislation would provide additional revenues for acquiring lands which have been authorized by Congress, and would allow the agencies to purchase these lands in advance of appropriations. At the present rate of price escalation, considerable savings would result through closure of the large gap between authorization and appropriation.

An added benefit of advance purchase of authorized acquisitions would be the immediate protection that would be afforded lands which might otherwise be left vulnerable to some development until appropriations were made for purchase.

The Wilderness Society heartily endorses the proposed amendment to section 2 of title 1 of the Land and Water Conservation Fund Act of 1965 to add a new subsection (d) which would increase revenues going into the fund for a period of 5 years; and the addition of new section 8, to allow the Secretary of the Interior, during fiscal years 1968 and 1969, to purchase lands that have been authorized for acquisition by Congress in advance of appropriations.

The society is concerned, however, with the provision in section 2(a) which would authorize the Secretary of the Interior to "lease back" or "sell back" property acquired for the national park system. This

clause contains implications which could lead to serious nonconforming uses within or adjacent to the park land or refuge involved. It is not our intention to question the Secretary's authority to lease lands where the proposed use of the land will not conflict with the purposes of the park or refuge, but we do question the open authority of a public land agency to sell outright lands which could be developed in a way that could adversely affect a recreation or wildlife area.

Similarly, we oppose the inclusion in this proposed legislation of section 2(b) as it is written. It is our understanding that this section is being rewritten to clarify its intention. We hope that it will be redrafted in a way that will not pave the way for administrative exchange of lands, and that if such exchanges or sales are deemed necessary, public hearings will be held in the area wherein the unit lies and in Washington, D.C., before a decision is made on such an action.

Thank you for the opportunity to present these views.

Senator BURDICK. Mrs. J. D. Duve, chairman of legislation, National Council of State Garden Clubs, is next.

STATEMENT OF MRS. J. D. DUVE, CHAIRMAN OF LEGISLATION, NATIONAL COUNCIL OF STATE GARDEN CLUBS

Mrs. DUVE.Thank you very much, Mr. Chairman. I appreciate the opportunity to come here this morning.

I am Helen D. Duve of Frederick, Md., and chairman for legislation of the National Council of State Garden Clubs.

I respectfully request permission that my comments be made a part of the record of these hearings on behalf of my organization.

Senator BURDICK. It is so ordered.

Mrs. DUVE. We strongly recommend the enactment of S. 1401 with the amendments set forth for the Land and Water Conservation Fund Act. Our organization, with over one-half million members, all of whom are volunteers, and from all of the 50 States, are dedicated to the study of wise use of our natural resources, waterways, parks, forests, and historic landmarks. We are aware of the great assistance given to the funds from the Land and Water Conservation Fund Act over the last 3 years, and for the incentive of our citizens to help themselves. We know there is now a need for additional funds to purchase park and recreation land and for their development.

After careful review of the provisions of S. 1401, we feel that enactment of this bill can assure additional funds to take care of escalating prices of lands, and will help to assure the successful continuance of this great program for both the States and the Federal Government.

We believe that this sort of work begins at home, and all of our members are urged to affiliate themselves in some way with local committees, and I have done just that, since I am from Frederick County, Md., by becoming a member of the parks and recreation commission of that county.

We are just an hour away from Washington, and we feel that we have a great many visitors who come north from the area of Washington, as well as the great need within our own locality for recreational facilities.

We have already, in Frederick County, acquired some 16 areas for parks and recreation, and have had assistance from the land and

water conservation fund. We have land along the Potomac River and at the mouth of the Monocacy River. We have secured three covered bridges and several recreation areas in smaller communities. We are also encouraging the use of public school buildings and grounds for after school, Saturday and summer programs for recreation for children's use, adults, and senior citizens.

We now have a professional director to assist the county commission in planning.

The need is great to continue our program. The National Council of State Garden Clubs also supports teaching scholarships for teaching conservation and encouraging these teachers to take their students in the elementary grades into the mountainous areas for a week's training in conservation and the preservation of our natural resources.

Thank you very much, gentlemen, for giving me the privilege of coming before this group.

Senator BURDICK. Thank you.

Senator HANSEN. If I may, let me take a moment to compliment you, Mrs. Duve, on the action you are taking in the schools.

A number of years ago the State of Wyoming came out with a conservation handbook. I think it is one of the very basic approaches we must take to this problem if we expect any resolution of it, and I think you are to be complimented, and your association is to be complimented for having the foresight to teach conservation in the schools.

Mrs. DUVE. Thank you.

Senator BURDICK. Mr. Ben H. Thompson, appearing for Sal J. Prezioso, executive director, National Recreation and Park Association.

STATEMENT OF BEN H. THOMPSON, REPRESENTING THE NATIONAL RECREATION AND PARK ASSOCIATION

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, Dr. Prezioso, unfortunately, could not be here today and asked me to speak for him.

I am Ben H. Thompson, executive secretary of the National Conference on State Parks appearing for Dr. Sal J. Prezioso, executive vice president, National Recreation and Park Association, with headquarters at 1700 Pennsylvania Avenue, NW., Washington, D.C. The National Conference on State Parks is a branch of the National Recreation and Park Association.

The National Recreation and Park Association is a private, nonprofit organization dedicated to the wise use of free time, conservation of natural resources, and beautification of the American environment. The association's board of trustees is composed of distinguished lay and professional leaders from all parts of the Nation. Over 600 outstanding park and recreation leaders serve on our various national and district advisory committees. More than 2,000 National, State, and local park and recreation agencies, public and private, are organizational members and over 7,000 professional and lay individuals are association members.

I appreciate the opportunity to testify in support of S. 1401 and the amendments recommended by the administration.

The fund has greatly stimulated State and local planning, acquisition, and development of parks and related outdoor recreation areas. All of the States now have approved preliminary statewide outdoor recreation plans and 39 States have approved comprehensive revisions of these plans. We interpret this as evidence of the effectiveness of the program in achieving one of the objectives of the Land and Water Conservation Fund Act, which is to help the States and their political subdivisions to strengthen their own park and recreation programs.

In the first 3 years of the fund's operation, State and local obligations to match the Federal grants have totaled $138.5 million for planning, acquisition, and development.

Many of the States, however, need to accelerate their programs for the same reasons that the Federal park and recreation agencies need to; namely, to acquire potential park and recreation lands before the opportunity to do so is lost.

The fact that park agencies at all levels of government are seeking accelerated allocations of money from the land and water conservation fund is, we believe, clear indication of the need to increase the revenue sources of the fund.

Estimates provided by the statewide outdoor recreation plans and by the principal Federal agencies concerned—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—indicate that in the next 10 years the States will need from the fund $2½ billion and the Federal agencies will need $1 billion for the acquisition and development of public park and recreation areas. It appears, therefore, that the annual rate of allotments from the fund should be $300 million instead of the $200 million recommended by the administration. I believe that the suggested larger annual rate of funding is reasonable and desirable and I recommend that it be authorized.

As the Department of the Interior has indicated, authority for Federal agencies to contract for the acquisition of key properties as soon as possible after the Congress has authorized such national reservations would substantially help reduce the inroads of land speculators. I hope that the committee will favorably consider such land acquisition contractual authority.

And lastly, the recommendation of the Department of the Interior that in the areas of the national park system, the Government be authorized to sell back or lease back lands or interests in lands, insofar as consistent with the purposes specified for the parks by the Congress, seems to us a very practical and desirable measure. The continuation of farming, for instance, in some historical areas is desirable as a means of preserving the character of the scene that existed at the time of the historical event being commemorated. Sometimes it is as costly to purchase a partial interest in such farm properties as to purchase them in fee. Purchase of the property in fee and then leasing back or selling back to farming right, would accomplish preservation of the historic scene and permit significant saving of Federal funds.

I hope that the committee will give favorable consideration to this recommended procedure.

Senator BURDICK. Mr. Ray Agnew, executive vice president, National Camp Ground Owners Association.

STATEMENT OF RAY AGNEW, EXECUTIVE VICE PRESIDENT, NATIONAL CAMP GROUND OWNERS ASSOCIATION

Mr. AGNEW. Mr. Chairman and gentlemen of the committee, I thank you for the privilege of being able to appear before this committee. I have statements on S. 1401 and on S. 2828.

My name is Ray Agnew. I am the executive vice president of the National Camp Ground Owners Association—U.S.A. This association is newly formed and its members are private entrepreneurs who are owners of family campgrounds or camping resorts in various sections of the country.

S. 1401

We are firmly opposed to diverting additional funds to the land and water conservation fund. Our remarks which follow are made on the basis of information which we have on the campground situation. These reasons are:

1. The Secretary of the Interior and the Bureau of Outdoor Recreation are not faithfully carrying out provisions of the Land and Water Conservation Fund Act. We believe that a congressional investigation is needed. The Land and Water Conservation Fund Act provides that when a State in seeking a grant of funds for a recreation project it should justify the needs for such a project. Campground projects are being planned and constructed, are receiving grants of funds from the land and water conservation fund and no surveys have been made as to the need for these facilities, and no assessment has been made as to the availability of private sites and the ability of the private sector to meet the demand.

We cite the case of the Prince Gallitzen State Park, Pa. In 1967 $800,000 was granted to Pennsylvania for a 750-site campground. No survey of Pennsylvania campsites was made. There is an ample supply of private campsites.

We urge an investigation into the practices of the Secretary of the Interior and of the Bureau of Outdoor Recreation.

2. The Secretary of the Interior and the Bureau of Outdoor Recreation now have authority to collect user fees and bring millions of dollars into the land and water conservation fund.

The Secretary of the Interior and the Bureau of Outdoor Recreation now have the authority to charge reasonable campsite user fees in national parks and at other Federal areas. Instead, at substantially all national parks, camping is free within the parks and at other Federal campgrounds fees are low.

State parks are charging campsite fees which may go as high as $3 or $3.50 a day. The Federal Government is foregoing a chance to receive millions of dollars in revenue in the form of reasonable fees.

3. Free campsites produce abnormally high and fictitious demand. Whenever any commodity is offered freely, or the price is substantially below a high market price, an abnormally high demand is bound to result. This has happened in the campground sector. The existing demand for campsites is not a true market demand. There is a large supply of unused private sites in many areas of the country.

Many other private campgrounds would spring up to meet the demand if it were not for the unfair competition in free and low-priced campsites of the Government.

4. Fair campsite fees will end overcrowding and slums in Federal areas. The free campsites within national parks and low fees at other Federal areas draw abnormally large numbers of campers, cause overcrowding and slum conditions.

Some campers preempt space for long periods of time, thus inconveniencing other campers. Fair and reasonable fees will end these conditions.

I might interrupt this statement—it is not a part of the prepared statement—to speak of an advertisement that appeared in the New York Times of Friday, July 28. It was entitled "Our National Parks Are Becoming Our National Slum," and points up this dilemma.

5. Campers spend $20 to $30 a day for all wants on vacation. They easily could afford fees of $2 or $3 a day. Such a fee represents only 10 percent of total daily expenditures of a family.

6. The Outdoor Recreation Resources Review Commission recommendations are being negated. The report of the Outdoor Recreation and Resources Review Commission recommended that private enterprise, be stimulated and encouraged to provide outdoor recreational facilities. Our information shows that Government campgrounds are being constructed with Land and Water Conservation Fund money and that the needs for these have not been justified. Some Government campgrounds, moreover, charge fees below a fair market level. These practices constitute unfair competition with private campgrounds and, in effect, negate the Outdoor Recreation Resources Review Commission recommendation by deterring private enterprise from going into the campground business.

7. Earmarking of revenues is an undesirable budgetary device. Congress should at all times be in firm control over national revenues and expenditures. The earmarking of revenues places a control over their expenditure without the control of Congress.

In conclusion, *a*, we oppose amending the Land and Water Conservation Fund Act, and *b*, we recommend that a congressional investigation be made as to whether the Secretary of the Interior and the Bureau of Outdoor Recreation are failing to carry out the provisions of the Land and Water Conservation Fund Act, particularly with respect to justifying the needs for proposed campground projects.

Thank you, Mr. Chairman. That is the statement on S. 1401, and I have another statement on S. 2828.

S. 2828

We are firmly opposed to S. 2828, which in effect would forbid the collection under the Land and Water Conservation Act of fees at Corps of Engineers water projects. This would be a thoroughly undesirable piece of legislation. Our reasons are given hereinafter and concern campsite user fees.

Unfair competition by U.S. Government agencies.—The construction of campgrounds with Federal funds and the operation of these areas by offering free camping is unfair competition with small private business in its most extreme form. It is a most unjust and inequitable practice and not worthy of this great Republic and the principles upon which it was founded.

Contrary to recommendations of Outdoor Recreation Resources Review Commission.—This Commission in its report rendered to the President in 1964 recommended that the creation of recreation facilities by private enterprise should be encouraged and stimulated. More private facilities are needed to meet the rising demands of outdoor recreation. The provisions of S. 2828, making free campsites available, would negate the recommendation of the ORRRC Commission and would be contrary to recently established policies of the administration laid down in the Land and Water Conservation Fund Act.

The passage of S. 2828 will well be a strong deterrent to private entrepreneurs to enter into the campground business and to that extent the creation of adequate future camping facilities will be discouraged.

Undesirable results from offering free camping facilities—overcrowding, slum conditions.—The offering of any commodity freely induces an abnormally high demand. We have seen what happens at national parks. Within most national parks camping is free. Some campgrounds are very crowded. Unsanitary and slum conditions develop. Some campers preempt space for extended periods of time because facilities are free while other campers who want to see the parks are inconvenienced.

The same conditions will prevail at Corps of Engineers campgrounds if no fees are charged.

In conclusion, we state that S. 2828 is a most undesirable piece of legislation, and we recommend to this committee that it be rejected.

Thank you very much, Mr. Chairman.

Senator BURDICK. Thank you.

Senator Hansen?

Senator HANSEN. I have no questions, Mr. Chairman.

Senator BURDICK. Charles Callison, of the National Audubon Society, has a statement.

STATEMENT OF CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT, NATIONAL AUDUBON SOCIETY

Mr. CALLISON. When the Land and Water Conservation Fund Act was signed in 1964, the National Audubon Society hailed it as landmark legislation, a farsighted accomplishment for which the 88th Congress of the United States would be honored in history. Most other national conservation organizations, I recall, expressed similar judgments. Now, nearly 4 years later, I don't think we were wrong. We were not wrong, nor was the Congress, in our common conviction that if we were going to meet the outdoor recreation needs of our rapidly growing population, and if we were going to save some significant portion of the unspoiled landscape for the inspiration and refreshment of future generations, we had to act now—in this decade—with sufficient funds and a national determination to see the task to completion. We haven't changed our mind about it one whit since 1964. If anything, our sense of the compelling urgency of the program and purposes of the act has been strengthened—and Congress has itself demonstrated a determination to follow through by passing, in 1964 and since then, a series of acts establishing two new national parks, five new national seashore and lakeshore recreation areas, the Ozark National Scenic Riverways,

four other major national recreation areas, and a couple of dozen smaller but significant additions to the national park and national forest recreation systems.

We have high hopes, Mr. Chairman, that before the 90th Congress finishes its work this year, it will have authorized a Redwood National Park, a North Cascades National Park and Recreation Area, an Apostle Islands National Lakeshore, and a national system of wild and scenic rivers.

While we were absolutely right about the conservation and recreation needs intended to be fulfilled by Public Law 88–578—needs first identified and analyzed by the Outdoor Recreation Resources Review Commission—we have to admit to some miscalculations about the revenues the act was expected to produce. By "we" I mean all of us, inside and outside of Government, who studied, advocated, and supported the bill. Sometimes the crystal ball is cloudy. After the bill was signed in 1964, the new Bureau of Outdoor Recreation put its best experts to work on the projections, and came up with an estimate that it would make available an average of $180 million per year during the first decade. Three full years have now passed and the actual revenues have fallen far short of the projections.

From 1965 through 1967, the 3-year total was only $289 million, or about 54 percent of the amount expected.

In its 1964 projections the Bureau also estimated that the act would make available an average of $72 million per year during the first decade for the acquisition of new Federal parks and recreation areas. The amount actually produced for such acquisition averaged only $43 million during the past 3 years. And the discrepancy, as this committee knows full well, has been far worse because of escalating land prices where new recreation areas have been authorized by Congress but appropriations have lagged. This was another miscalculation.

To see a mistake, to admit it, and to take steps to correct it is a mark of human maturity and intelligence. The National Audubon Society commends the sponsors of S. 1401. We believe it offers a realistic and timely correction of the shortcomings of Public Law 88–578. We respectfully urge a favorable report by this committee on S. 1401, including the advance land purchase contracting authority which we think is urgently needed, and an essential part of the bill.

We do not endorse the substitute language proposed by the Department of the Interior, which would earmark additional revenues only from the Outer Continental Shelf Lands Act, and then only enough to stabilize the land and water conservation fund at $200 million annually through the next 5 years. This amount will not meet the needs according to the Department's own figures. It would only perpetuate the "too little and too late" error that was written into the act in 1964.

I thank you for this opportunity to present the views of the Naional Audubon Society.

Senator BURDICK. It is now nearly 12 o'clock. I would like to say that if anyone here has a statement they would like to file for the record, we will accept it now.

The meeting will convene again at 2:30. There will be an adjournment now until that time. There are many conflicts on our time here.

Mr. UNPINGCO. I am executive director of the Alabama Mountain Lakes Association.

Senator BURDICK. Your name?

Mr. UNPINGCO. Bert Unpingco.

STATEMENT OF BERT UNPINGCO, EXECUTIVE DIRECTOR, ALABAMA MOUNTAIN LAKES ASSOCIATION

Mr. UNPINGCO. Mr. Chairman and members of the committee, I have been appointed by the Alabama delegation to be the spokesman at this hearing. As executive director of the Alabama Mountain Lakes Association, I am privileged also to represent 17 Alabama chambers of commerce who have fused regional interest into a force for the development and promotion of Alabama's scenic, historic, and recreational attractions.

Gov. Lurleen B. Wallace has issued a proclamation as follows:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF ALABAMA

Whereas, the people of North Alabama have benefited from the greatly expanded tourist and recreation promotion program conducted by the 15 North Alabama Chambers of Commerce who organized the Alabama Mountain Lakes Association; and

Whereas, the growing tourism and travel industry makes a substantial contribution to the economy of the Alabama Mountain Lakes and the entire State of Alabama, providing job opportunities and increased revenues; and

Whereas, the Alabama Mountain Lakes Association is recognized as an increasingly effective force in the development and promotion of recreation, attractions and tourism throughout the mountain lakes area of Alabama; and

Whereas, seventeen of the leading municipalities and twelve of the major counties in the State have given their official endorsement to the efforts of AMLA and have paid dues in support of this worthwhile effort; and

Whereas, effective promotion of the Alabama Mountain Lakes will help make Alabama a tourist terminal point rather than a "drive-through" area; and

Whereas, it is my personal hope, as Governor, that the goals for 1968 of the Alabama Mountain Lakes Association will be realized; and it is the policy of this administration to encourage the promotion and development of tourism and recreation in all regions of the State; and

Whereas, the State of Alabama will continue to expand the efforts to make our historical, recreational and scenic wonders known to our friends throughout America and the world:

Now, therefore, I, Lurleen B. Wallace, Governor of the State of Alabama, do hereby proclaim that the Bureau of Publicity and information, an official state agency charged with the responsibility of travel promotion and advertising, firmly supports and joins in these worthwhile efforts, and I urge all citizens, merchants, industries and other promotion agencies in Alabama to give wholehearted support to the Alabama Mountain Lakes Association in order to promote travel to and within the State of Alabama.

In witness whereof, I have hereunto set my hand and have caused the Great Seal of the State of Alabama to be affixed, done at the State Capitol in the City of Montgomery on this the 24th day of January, 1968:

[SEAL] LURLEEN B. WALLACE,
Governor.

Attest:

MABEL S. AMOS,
Secretary of State.

Mr. UNPINGCO. The Alabama Mountain Lakes Association was organized as a nonprofit organization by 15 north Alabama chambers of commerce in September 1963. The objective is to develop and promote a progressive program designed to make the Tennessee Valley area of Alabama and its adjoining counties an attractive place to visit and a finer place to live and work.

The Alabama Mountain Lakes Association began operation on May 1, 1965, with a board of directors composed of three representatives of each participating chamber of commerce; the chamber manager as president plus two selected by the chamber's board of directors. A full-

time executive director and a small staff operate the day-to-day activities of the association under the guidance of a 10-member executive committee of the board of directors.

To date, more than 500,000 brochures promoting the scenic, historic, and recreational attractions of the Alabama Mountain Lakes, as part of the U.S. Congress and the President's "discover America" program, have been distributed, with demand for still more.

Five attractively painted "Welcome!" billboards have been erected on the main highways leading into the region, with others planned.

The area has been featured in countless news articles and feature stories in newspapers and magazines throughout the country. Alabama mountain lakes, a region of rustic luxury, has been promoted free by exhibit, radio, commercial, and educational TV.

The Alabama Mountain Lakes Association is the agency through which the plans of participating communities are translated into action. So much for the commercials.

Sirs, we have reached the most critical point of our efforts to promote and advertise our communities * * * we must now deliver the products we have been selling.

Our community leaders have proved themselves as effective promoters. This is evidenced by the fact that in industrial plan facilities investment, the region has equaled more than the combined total of all the other States served by the Tennessee Valley Authority. Our recreational facilities investment, however, equaled less than any of our sister States served by the Tennessee Valley Authority, a situation which our community leaders are now working on to rectify.

In fact, sirs, we hereby let you and your colleagues know that you may expect an increase in requests for funds to develop the facilities which we so desperately need. This action, we believe, will spur the growth of commercially oriented recreation facilities investment.

Extremely valuable and desirable recreational sites are presently available near the growing areas of our State of Alabama. However, in our region, because of the advent of new industries, this condition is not expected to continue for more than a few years.

Immediate acquisition will not only result in substantial savings, but will permit the reservation of areas with outstanding recreational potential for development * * * areas not expected to be available in the future.

The Bucks Pocket Authority and the Alabama Mountain Lakes Association strongly endorses bill S. 1401, entitled, "To Amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes." The board of commissioners of our respective council of government supports both the objectives of the bill and the methods it provides for obtaining the necessary funds for accomplishing the objectives.

We, therefore, recommend that additional revenue from Outer Continental Shelf oil receipts, as recommended by the Outdoor Recreation Resource Review Commission, be added to current revenue sources in order to make total input of $200 million into the land and water conservation fund annually for the next 5 years. This legislation, to amend S. 1401 by providing a stabilized minimum annual sum for development, will be an essential step toward solving the problems of escalating land values in Alabama and the Alabama mountain lakes

region and areas which must be acquired and preserved as part of our scenic, historic, and recreational heritage. Your vote in support of S. 1401 will help substantially the communities in Alabama, especially those communities in Cherokee, De Kalb, Jackson, and Marshall Counties in their leaders effort to develop their outdoor recreational resources.

Senator BURDICK. Thank you for your statement.

Mr. UNPINGCO. I would like to introduce Ralph Mead, Gordon Sebring, Mr. Morris Lamunyon, chairman of the Board of Revenue of De Kalb County at Fort Payne, Ala., Mr. Kermit Johnson, chairman of the Commission on Government Finance, Marshall County, a member of the board of trustees of Bucks Pocket Authority, and also an executive committee member of the Alabama Mountain Lakes Association, of which I am executive director.

Senator BURDICK. We are happy to have them here, Mr. Unpingco.

Mr. Thomas Hale Boggs is next.

STATEMENT OF THOMAS HALE BOGGS, REPRESENTING THE OUTBOARD BOATING CLUB OF AMERICA

Mr. BOGGS. Mr. Chairman, I am Thomas Boggs. I represent the Outdoor Boating Club of America. We have a statement which I would like to include in the record. It is in support of S. 1401.

I am an attorney representing the Outboard Boating Club of America (OBC), which has its headquarters in Chicago, Ill. The OBC is composed of 350 affiliated local clubs. OBC and its sister organization, the Boat Owners Council of America, strongly support S. 1401.

The OBC was among the principal supporters of the original Land and Water Conservation Fund Act when it was enacted in 1964. Boatmen, through the Federal tax on marine fuel, have contributed about one-fourth of the fund's revenues each year for a cumulative total of close to $100 million expected by the end of fiscal year 1968. Our interest in the Land and Water Conservation Fund Act and our support of its purposes is as great as that of any organization.

We believe that enactment of the original Land and Water Conservation Fund Act was a significant step in developing needed recreational resources and preserving unique natural and scenic areas for future generations. Even though we realized at the time of passage that the projected revenues of the fund would be inadequate to meet growing needs (even presuming that land values would remain basically static), we strongly encouraged this approach to funding the program.

Older State and Federal recreational areas are overcrowded to the extent that enjoyment of the great outdoors approximates a subway rush hour. Seeking the solitude of nature and "getting away from it all" is becoming a historical and sociological artifact in many areas of our country. There just isn't room for all who would seek to enjoy the scenic and recreational pleasures of our Federal and States parks. User days increase at rates exceeding 10 percent per year in many areas—well beyond intended capacities.

New recreation areas are used well in excess of facility development and generous use projections. Construction of new facilities is actually hampered by the congestion of people seeking to use a new body of water before it is fully developed.

A survey of a portion of OBC's membership (about 4,000 persons) was conducted slightly over a year ago on a nationwide sampling basis. Seventy-one percent of the respondents felt an acute need for more launching facilities. Fifty-seven percent noted the need for more mooring facilities. Eighty percent of the sampling used public access facilities most of the time and one-third drove more than 50 miles to get to their favorite boating water. Cruising, fishing, and water skiing were the primary boating activities, followed by hunting, racing, and skindiving. The boating industry estimates that 41 million persons went boating in 1967, using the Nation's recreational fleet which now numbers an estimated 8.2 million craft of all types. Are there enough facilities to accommodate all of these people in their recreational pursuits? The answer is a resounding "No."

The States have responded in meeting the matching grant requirement under the Land and Water Conservation Fund Act of developing statewide plans for outdoor recreation. Similarly, they have developed sources of funding to provide the State half of the matching moneys. For example, New York passed a $200 million outdoor recreation bond issue. Michigan plans to build 1,000 boat-launching ramps within the next 10 years using State marine fuel taxes as a primary source of funding. Most State programs, like New York and Michigan, anticipate use of the Land and Water Conservation Fund Act matching grants as an essential element to their success in meeting the demand for outdoor recreation. Yet, the fund can provide only $65 million annually which must be allocated among 50 States.

The general facts briefly recited pertain only to the growth of outdoor recreational needs and the inability of present programs, including the Land and Water Conservation Fund Act, to meet this need. The fund has become effectively smaller through an unforeseeable factor, that of rising land costs, which can only be termed "spectacular."

Like it or not, the race is on to preserve unique, irreplaceable, and priceless scenic and recreational areas in the public domain for present and future generations. To say that S. 1401 is farsighted, while true, is to understate the urgency of the situation the bill recognizes. The battles to preserve our natural and historical heritage are only beginning—and already some of them have been lost for all time. More may be won through passage of S. 1401. We strongly urge its passage.

STATEMENT OF JOHN A. MAY, DIRECTOR, DIVISION OF OUTDOOR RECREATION, DEPARTMENT OF PARKS, RECREATION, AND TOURISM, SOUTH CAROLINA

Mr. MAY. Mr. Chairman, my name is John A. May, Director of the Division of Outdoor Recreation of the Department of Parks, Recreation, and Tourism of the State of South Carolina. I would like to present to you a letter from the chairman of the department, and I would also like to present to you, sir, our letter from our Governor relative to this.

Senator BURDICK. Those will be made part of the record.

(The letters follow:)

STATE OF SOUTH CAROLINA,
DEPARTMENT OF PARKS, RECREATION AND TOURISM,
Columbia, February 5, 1968.

Hon. HENRY M. JACKSON,
U.S. Senator,
Chairman of the Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: The newly created South Carolina Department of Parks, Recreation and Tourism has since July 1, 1967, administered the Land and Water Conservation Fund Program for South Carolina. The possibilities this Grant-in-Aid Program offers to the State of South Carolina and its counties and municipalities is only now being realized.

The Department is currently completing a study of a system of priorities for allocating the so-far unobligated monies apportioned to South Carolina. It is clearly indicated that as more agencies have become aware of the implications of the Fund more monies will be needed to meet current and future demands for effective recreation development.

I urge your committee and the Congress as a whole to pass appropriate legislation as embodied in S. 1401.

Sincerely,

DWIGHT A. HOLDER, *Chairman.*

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, February 5, 1968.

Hon. HENRY M. JACKSON,
U.S. Senator,
Chairman of the Senator Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: I am writing in reference to the passage of S1401 which the Senate Committee on Interior and Insular Affairs is considering. The Bill provides for additional revenues to accrue to the Land and Water Conservation Fund.

The Fund has begun to substantially serve its purpose of stimulating recreational development in South Carolina on State and local levels.

It has just been in the last two years that our State has moved aggressively to exploit our unlimited opportunities for recreational development.

In conjunction with our new effort in this area embodied in the creation of the South Carolina Department of Parks, Recreation and Tourism, S1401 has tremendous implications for the State of South Carolina.

For the above reasons I urge Congress as a whole to enact this legislation at the earliest possible date.

With kind regards, I am

Sincerely,

ROBERT E. MCNAIR.

Mr. BOARDMAN. Mr. Chairman, I am Walter Boardman, representing the Appalachian Trail Conference. I have a brief statement which I would like to present as if read.

Senator BURDICK. It will be so received, without objection.

STATEMENT OF WALTER S. BOARDMAN ON BEHALF OF STANLEY A. MURRAY, CHAIRMAN OF THE APPALACHIAN TRAIL CONFERENCE

Mr. BOARDMAN. Mr. Chairman, my name is Walter S. Boardman and I am appearing here as the representative of the Appalachian Trail Conference with an office located at 1718 N Street NW., Washington,

D.C. It has been reviewed by Mr. Stanley A. Murray, chairman of the Appalachian Trail Conference. He regrets that he is not able to be here in person.

Those of us who have been deeply concerned with keeping the Appalachian Trail as a continuous footpath of 2,000 miles along the mountain ridges between Maine and Georgia are deeply concerned over the changing patterns of land use and recognize the need for Federal participation in its protection. We are well aware of the need to acquire property as quickly as possible after congressional or State authorization for park or recreation purposes has been given. As a group of citizens who have tried to do for ourselves, we have first-hand experience in what happens to land values when there is any discussion of purchase by a private agency such as the nature conservancy or a land trust. It is obvious that there is a great need to have adequate funds available to purchase recreation lands before they are priced out of reach or are altered for other uses to the point where they are too costly or no longer are in a condition to serve their recreational potential.

The Trails Conference wishes to offer specific comments upon the three major objectives of S. 1401.

1. It will add for a limited time additional sources of revenue to the land and water conservation fund. This is urgently needed.

2. It will authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of actual appropriation of moneys from the land and water conservation fund for such acquisition.

Such authority is in keeping with sound business practice and will help to control the spiral of price demands by landowners. This can mean the difference between acquisition or loss of lands for recreational purposes.

3. It will authorize a lease-back and sell-back land management program for the property acquired for the national park system.

Some of us have reservations about this proposal as it is written. While all possible ways and means of acquiring lands for public purposes should be employed, this authority might under some circumstances become a disservice. If it means the further opening of parks and other recreational areas for concession operators, worthy as some may be, we fear it. Further study of this provision is respectfully urged.

Thank you for this opportunity to appear before you and to be heard.

Mr. ELLIS. I am Spencer Ellis, director, Maryland Department of Forests and Parks. With your pleasure, I will submit my statement for the record.

Senator BURDICK. It will be made a part of the record, without objection.

STATEMENT OF SPENCER P. ELLIS, DIRECTOR, MARYLAND DEPARTMENT OF FORESTS AND PARKS

Mr. ELLIS. I endorse S. 1401, a bill to increase the revenue of the land and water conservation fund, or any other bill designed to increase the source of funds available to the States for the acquisition and development of recreation areas.

Maryland's needs are clearly visible. Located in the highly urbanized megalopolis which stretches from Boston to Richmond and having a population of 3,800,000 people, the State finds itself not only having to serve its own people, but also citizens from neighboring States. Recent statistics from the Maryland travel and use survey conducted jointly by the Department of Forests and Parks and the Maryland State Planning Department reveal that approximately 50 percent of the Maryland State park users are from out of State.

Approximately 250,000 acres of additional recreation land will be necessary to meet the demands of a projected population of 4,678,000 by 1980. By the year 2000, with a population of 6,070,000, demand will increase to approximately 400,000 acres. These future outdoor recreation needs are clearly outlined in Maryland's statewide comprehensive plan recently approved by the Bureau of Outdoor Recreation.

Most of Maryland's open space and recreation lands are concentrated in the rural regions of the State. Eighty-six percent of the population, on the other hand, is concentrated in the Baltimore and Washington metropolitan areas.

The problem of acquiring outdoor recreation land in the face of rapidly escalating land costs has been demonstrated to the committee by the Department of Interior. The situation is even more critical at the State and local level. Land in the Washington-Baltimore corridor, which could be purchased for $750 per acre 5 years ago, now costs the State of Maryland in excess of $2,200. Land costs throughout Maryland are increasing at a rate of approximately 18 percent annually. Unless immediate action is taken to implement an accelerated land acquisition program, the State will be priced out of the market and the land will be converted to other uses and forever lost.

Since the passage of the Land and Water Conservation Fund Act, all levels of government in Maryland—State, local, and municipal—have actively participated in the program. Every effort has been made to encourage use of funds by all political subdivisions.

In Maryland, 36 percent of our total apportionment is retained and utilized by State agencies charged with recreation responsibilities. Fifty-four percent of the apportionment is suballocated to Maryland's 23 counties and Baltimore City based on a formula including population density, urbanization, and the need for additional recreation land. The remaining 10 percent is reserved in a State contingency fund and is subsequently allocated to projects of critical need.

As of January 1, 1968, Maryland had processed 64 projects totaling $12 million. Twenty-two of these projects were for land acquisition and totaled $10,461,000 or 86 percent of the value of all projects submitted. Forty-two were development projects totaling $1,675,000 or 14 percent. Of the 64 projects, 48 were submitted from the political subdivisions. Thirteen of these were acquisition projects and 35 development projects.

Maryland has, to date, been apportioned $4,449,000 during the first 5 years of funding. Of this total, $3,451,000 has been obligated, or approximately 71 percent. Twenty-two county and city projects totaling $401,461 are currently being processed and will be forwarded to the Bureau of Outdoor Recreation during the coming months. Nineteen of these projects are for development and three are for acquisition.

If Maryland was not affording the political subdivisions every opportunity to apply for the funds, 100 percent of the State's apportionment would be obligated today. In the past, the local agencies have had to adjust their budgets to apply for the funds allocated to them. These agencies are just now beginning to include funds for matching land and water monies in their budgets.

The capital improvements budgets of the State agencies charged with recreation responsibilities exceed the current land and water conservation fund apportionments by $8 to $1. In the next 5 years, it is anticipated that the State and local recreation agencies will expend approximately $100 million for acquisition and development of recreational facilities. Any additional funds provided to the State under the act could easily be matched.

Maryland is attempting to assist her political subdivisions in meeting their recreation demands by providing a State grants program. The Patuxent River Watershed Act of 1961 provides matching assistance for land acquisition to counties located adjacent to this river. Other existing programs include the Waterways Improvement Act and the Shore Erosion Control Act. The State legislature is currently considering an additional statewide grants program to provide matching assistance to the political subdivisions for land acquisition.

The land and water fund, as it exists today, has created a tremendous impetus in the recreation field. This is especially true in Maryland. Even though limited funds have been available for acquisition and development, participation throughout the State has been excellent. Considerable interest has been expressed by the subdivisions. More emphasis has been placed on the creation of recreation and parks departments and many counties which in the past expressed little interest in recreation, are now taking a serious look at planning, at providing professional staff, and the programing of fund. Much of this new interest is a direct result of the Land and Water Conservation Fund Act.

With this new spirit, combined with increased emphasis on land acquisition, development and programing of activities, it is logical to assume that our demands for funding these items is going to be substantially increased. Every effort should be made to increase the funds available under the Land and Water Conservation Fund Act so that these increasing demands may be met. Not only here in Maryland, but more important, throughout the United States.

Gentlemen, it has been a pleasure to appear before this committee and express my views. It is my hope that you will establish the necessary mechanics whereby funds under the land and water conservation program may be increased.

Thank you.

Mr. TALBOT. David Talbot. I am from Oregon. I request that my statement be made a part of the record.

Senator BURDICK. It will be so received, without objection.

STATEMENT OF DAVID G. TALBOT, SALEM, OREG.

Mr. TALBOT. Mr. Chairman and members of the committee, my name is David Talbot and I am here to present testimony in support of S. 1401.

My statement represents the views of Gov. Tom McCall of Oregon and Mr. Forrest Cooper, State liaison officer for the land and water conservation fund program in Oregon.

We heartily endorse the purpose of S. 1401 as introduced.

Oregon is one of the large, Far West States with relatively light population, but with over 50 percent of its land area owned and managed by the Federal Government. The State and local agencies in Oregon have long recognized the need for preserving our outdoor heritage. We have accomplished a great deal on our own, and have fully utilized what little Federal aid funds that have been made available to us. Our citizens are fully aware of the magnificent natural resources with which we are blessed, and more importantly, understand that now is the time to act before the opportunity is lost. Many of our citizens have come from the large urban areas of the East, the Midwest, and California, and they say to us "we moved to Oregon to get away from congestion, urban blight, dirty air and dirty water. Oregon is still clean and beautiful, with uncrowded beaches, with clear lakes and streams where we can take our families to camp and fish and swim." They say, "Don't let it happen to Oregon."

To say that the land and water conservation fund has been a shot in the arm to the outdoor recreation programs in Oregon is to put it mildly. It has done the job we believe Congress intended when the legislation was enacted in 1964. Comprehensive planning is underway and is being accepted. State and local agencies are buying key lands for outdoor recreation, and many needed facilities are being developed which would not doubt be delayed or shelved if it were not for the "carrot and stick" approach of the Federal program.

Since the program got underway, we have received requests for 181 individual projects totaling $4,182,000. Of this total amount, 76 percent has been for land acquisition and 24 percent for development. We believe that this is just the beginning and that local government in particular is just now getting geared up to the program. Our most recent analysis of funding for outdoor recreation projects through 1975 indicates that State and local agencies could match at least $30 million Federal-aid dollars for outdoor recreation projects if they were available. Under the present program we can expect only $11,350,000. We wish to emphasize that Oregon not only recognizes the need to act immediately, but stands ready to utilize nearly three times as much funds as are now being made available. This picture is made even worse when the actual funds received are substantially less than our apportionment because of insufficient fund income.

We understand that the administration has endorsed this bill, but has recommended certain amendments regarding both the amount to be transferred and the split between the Federal agencies and the States.

It is our opinion that the findings of the Outdoor Recreation Resource Review Commission regarding the "pivotal role of the States," which is the basis of the present 60–40 split, is sound and should not be changed. The place to provide recreation opportunities is where the people are and this can be best accomplished by State and local government.

We fully understand the plight of the several Federal agencies as they seek to secure key lands in the face of ever-spiraling land costs.

However, their problem is no more severe or serious than that faced by the States and local government agencies. The costs of land have gone up everywhere, and while I cannot support the point at this time with sufficient facts, I'm convinced that it may well be even more serious at the local level. The problem of Federal land costs is certainly no basis for altering the present formula.

In conclusion, Oregon has been a leader in supporting and sustaining the land and water conservation fund program. We understand both our problems and opportunities and have made good use of what funds have been made available. More financial assistance now will accelerate our programs and in the long run, save the public many dollars. We support the purpose of S. 1401, urge your serious consideration of devoting as many dollars as possible to the program and oppose changing the present apportionment formula.

We would be doing a great disservice to the many persons and agencies who have made the fund a reality if we didn't make it clear that we appreciate the existing program and especially, the dedicated staff of the Bureau of Outdoor Recreation who have done a magnificent job in working with the States and making the program the success it has been.

Mr. McCLOSKY. I am Michael McClosky, recreation director of the Sierra Club. I would like to present my statement for the record.

Senator BURDICK. We will receive it without objection.

STATEMENT OF MICHAEL McCLOSKEY, CONSERVATION DIRECTOR, THE SIERRA CLUB

Mr. McCLOSKEY. Mr. Chairman, my name is Michael McCloskey. I am the conservation director of the Sierra Club (1050 Mills Tower, San Francisco, Calif.) and am speaking for it here today. The Sierra Club is the largest outdoor club in the United States, with 60,000 members in all States of the Union. Since John Muir founded the club in 1892, the club has devoted itself to advancing programs to protect the natural scenic endowment of the United States. From its inception, the club has believed that the national park formula is one of the best this Nation has revised to protect its most significant natural areas.

It is because of our commitment to seeing the national park formula succeed in bringing protection to even more irreplaceable parts of America's landscape that we believe S. 1401 and S. 531 are so important. We strongly support the intent of these measures and congratulate the sponsors, Senator Henry Jackson and Senator Thomas Kuchel, for their leadership in seeking improved funding for our system of national parks and recreation areas. As the committee knows best of all, current funding is running far behind our existing commitments and is hopelessly inadequate to meet the needs for new authorizations.

It has been evident for some time that a new formula to finance land acquisition for our systems of national parks and recreation areas is necessary. The Congress obviously hoped that the land and water conservation fund would provide such a formula. While conservation groups strongly supported establishment of this fund, they did not do so with the understanding that it would be the only source of funding for new parks. We expected that direct appropriations would con-

tinue to be available to a limited degree, and thus did not expect that the annual revenues accruing to the fund would be regarded as the ceiling on outlays. It is increasingly clear, however, that the Congress wants to limit outlays to what the land and water fund alone can sustain.

If this is the direction in which Congress feels it must move, then the only satisfactory answer for park funding is to seek augmentation of the land and water fund. The basic questions to be answered with respect to augmentation are: (1) from what sources; (2) in what amounts; (3) for how long.

The Interior Department estimates that $318 million will be necessary to complete acquisitions of national park units already authorized. This figure does not include another $43 million which will probably be necessary to complete Point Reyes National Seashore in California. The administration estimates the cost of currently pending proposals, which it is supporting, at $160 million. There are probably at least $100 million worth of other park projects pending before this Congress on which the administration has not yet announced its position. If all of these proposals should be regarded as meritorious—and the time is late to rescue these endangered pieces of American landscape—as much as $621 million would be required to buy the land.

On top of this amount, it is only realistic to foresee that deserving new bills for some additionally outstanding areas will be introduced in succeeding Congresses. Gradually the residue of qualifying areas will diminish—and the opportunities to rescue them will diminish ever faster; it is unrealistic, however, to expect that the job will be finished by the legislation now in view. Probably between $750 million and $1 billion will be necessary in funding for Federal park projects foreseeable in just the next few years. Though this amount is large, California alone is now looking at the possibility of financing a $4 billion open space preservation plan. The Federal Government also ought to be developing its national plan to preserve open space.

In view of the magnitude of the funding needed for Federal park and open space acquisitions, it is clear to us that this is the time to face up to the need to earmark enough revenues to the land and water fund. Consequently, we support earmarking all of the revenues included in S. 1401 and S. 531, including those derived under the Mineral Leasing Act, the Potash Leasing Acts, the Outer Continental Shelf Lands Act, and those revenues now remitted to the Treasury from programs of the Forest Service. Because the revenues accruing from some of these programs vary appreciably from year to year, it would seem desirable to include revenues from all of them to stabilize the flow of funds. Moreover, there is a basic equity in earmarking all of these funds to help buy new lands where scenery is protected, in that many of these mining and forestry programs diminish the scenic character of public holdings. By earmarking these revenues, the public will secure a rough type of replacement in kind.

With earmarking of revenues to the fund from all these sources, we hope that no less than $300 million will be available each year for distribution to Federal agencies and the States. The Interior Department admits that this amount will be needed in each of the next 5 years to meet an accumulated projected need of $1.5 billion during this period. If the administration's suggestion is adopted for changing the division of allocations to 50 percent each to the States and the Federal

Government, $150 million would be distributed annually to Federal agencies at this level of funding.

At the current level of funding, only about $48 million is available for such distribution. When the land and water fund was orignally authorized, it was expected that about $92 million each year would now be available for Federal use from the fund. Not only is the fund failing to keep pace with needs, it is even falling sadly behind its projected levels. The lesson to be learned is to give the fund enough flexible resources to do its job. We hope the committee will not accept the administration's suggestion that a $200 million ceiling be placed on the fund. This level alone falls short of the Interior Department's own estimate of need.

The last basic question which S. 1401 and S. 531 raise is the question of how long revenues should be earmarked to the fund. Over a 5-year period, funding at the level of $300 million will produce $750 million for Federal use under a 50–50 State-Federal allocation. This amount would barely meet the projected needs which the Interior Department can now foresee during this period. A 5-year limitation on earmarking would not provide leeway to plan acquisitions over a longer period. Over a 10-year period, the Department foresees the need for as much as $1.8 billion in Federal allocations ($3.6 billion in total funding, counting allocations to the States as well as to the Federal agencies). Funding at a $300 million level with a 50–50 split over a 10-year period would produce only a $1.5 billion for Federal use, leaving us still $0.3 billion short. In view of the fact that needs can be foreseen over as long as a 10-year period and that even annual revenues at a $300 million level will run short of foreseen needs—let alone unforeseen needs—we strongly recommend that no limit be placed on the duration of earmarking. In this respect, we prefer the approach taken in S. 531. Admittedly, the greatest challenge will be in the next 5-year period. Land acquisition must move forward vigorously before prices rise. But we should not foreclose the chance to pursue new opportunities as need grows with an increasingly adverse man-land ratio in this Nation.

Finally, Mr. Chairman, we would like to make it clear that we fully support the general authorities conveyed in S. 1401 which allow the Secretary of the Interior and others to enter into contractual commitments for purchase in advance of appropriations, though we hope these authorities can be renewed for periods of more than 2 years. And we fully support authorization of sale and lease back arrangements under appropriate protective restrictions, though we believe that priority in land purchase should be given to those areas where the full fee will be retained.

In summary, the Sierra Club strongly supports S. 1401, except that it urges that no limit be placed on the duration of earmarking. Thank you for the opportunity to testify.

Senator BURDICK. Melvin O. Steen, Nebraska State liaison officer, and director of the game and parks commission, has submitted a statement. Also William J. Hull, chairman of the legislative committee, Ohio Valley Improvement Association, Inc., has asked that his testimony be included in the hearing record. Without objection, those statements will be printed at this point.

(The statements referred to follow:)

STATEMENT OF MELVIN O. STEEN, NEBRASKA STATE LIAISON OFFICER AND DIRECTOR, GAME AND PARKS COMMISSION

My name is Melvin O. Steen, Nebraska State Liaison Officer and Director of the Game and Parks Commission in that state. I submit this testimony in support of legislation designed to increase and stabilize the funding of the grant-in-aid program authorized by the Land and Water Conservation Fund Act of 1965.

In Nebraska, at both state and local levels, we have long recognized an urgent need to provide more healthy recreational outlets for the citizens of our state, and particularly for the young and underprivileged. In the past, we have been unable to mount a program that could meet this social need. Under the Land and Water Conservation Fund Act we have made an excellent start in doing so. An indication of our views on this subject is the action taken by the Nebraska Legislature to implement the program:

1. They have designated the Nebraska Game and Parks Commission as the state agency which shall administer the program in our state, and provided funds for administrative costs.
2. They have appropriated adequate matching funds for all federal money that has been made available.
3. They have provided the funds and authorized the Game and Parks Commission to grant political subdivisions an additional 25% *state* grant-in-aid for approved projects.

This plan has been very effective in bringing developments at the local level. As of this date, 103 political subdivisions have applied for participation in the program. One hundred local projects are already on file, of which 15 have been completed and 21 are in various stages of progress. We have been unable to initiate the remaining 64 projects for the reason that no federal funds are available. As of February, 1966, we had programmed 28 of the 64 projects by setting aside for this use all the federal funds estimated to become available for this purpose through fiscal year 1970. The remaining 28 projects gather dust in our "hold" files, since there is no funding in sight until fiscal year 1971 and beyond.

Additional projects by political subdivisions are in various stages of planning, but we cannot recommend completion and filing, because no implementation is in sight for five years and more.

At the state level, the situation is just as bad. We presently have projects, totaling more than twenty million dollars, that can be activated as rapidly at funds become available. In addition we have other projects in various stages of planning, to be programmed as circumstances permit.

The truth is that federal funding at the present time is quite inadequate to meet identified needs in Nebraska. Moreover, the proposal to stabilize federal appropriations at $200 million annually for five years falls far short of our needs. It is our belief that funding should be substantially larger than $200 million a year, and that this new level should be maintained throughout the life of the program rather than restricted to five years.

Nebraska will always remain an agricultural state, engaged in the very important function of producing food and fiber for the American people and, indeed, the world. Because of this, we shall continue to have the wide open spaces, the clean air, recreational waters, the wildlife, the scenery and other resources that are so important in meeting outdoor recreation needs of our people. This nation is rapidly becoming so urbanized that ability to provide this recreation is sharply limited in the megalopolis regions of America. In this age of high mobility, travel does not present the problem it once did. We believe, therefore, that regions having space for people to play should make a special effort to fulfill the objectives of the Land and Water Conservation Fund Act.

The American people have achieved scientific, technological and industrial progress far beyond that reached by any people at any time in all of history. There is little doubt in my mind—and I believe the findings of the Outdoor Recreation Resources Review Commission support this conclusion—that we have fallen dangerously far behind in social progress, and particularly in the preservation and enhancement of man's environment. I submit that the time has come to correct this, not by half-hearted, inadequate means, but by such programming as will enable the American people to make up for neglect in the past, as well as to meet the growing needs of her pyramiding populations, increased and expend-

able income, and new leisure time. I submit that the scientific, technological and economic progress we have made has as its real objective but one target, and that is the better life. We do not exist to serve Science, Technology, Industry, or Economics; they exist to serve us. Let us use them to build a better environment for ourselves and for the Americans of tomorrow.

In comparison with other public expenditures, the sums needed to adequately fund the Land and Water Conservation Fund Act program at a level which meets the outdoor recreation needs of our people is minute; surely it is of no great economic concern. We recommend and urge, therefore, that the Land and Water Conservation Fund program be financed at the level proposed by the National Association of State Outdoor Recreation Liaison Officers, as submitted in the presentation of its president, R. A. MacMullen, of the State of Michigan. Finally, we believe that no grant-in-aid program authorized by Congress has been more popular nor more effective in meeting critical needs and in building for the future than the Land and Water Conservation Fund Act of 1965. We should not permit this splendid program to operate at half-pace any longer; the social welfare of the American people requires that it be put on an *adequate* operational basis for the balance of its authorized life span.

STATEMENT OF WILLIAM J. HULL, CHAIRMAN OF THE LEGISLATIVE COMMITTEE, OHIO VALLEY IMPROVEMENT ASSOCIATION, INC.

Mr. Chairman and Members of the Committee, The Ohio Valley Improvement Association, founded in 1895, is composed of civic and agricultural groups, and industries such as coal, oil, steel, aluminum, chemicals and electric power, as well as financial institutions, shippers, river operators, merchants and individual citizens who support its work and program. It is dedicated to the development and more effective use of water resources in the Ohio River Basin.

In the light of its commitment to water resource development, this Association, while sympathetic with the purposes of Public Law 88–578, the Land and Water Conservation Fund Act of 1965, to encourage development of outdoor recreational opportunities, was strongly opposed to the admission and user charge systems authorized by that legislation.

We were, of course, gratified that in the final version of the Act, Federal agencies were prohibited from charging any fee under the Act "for use of any waters." But fees for entrance, admission or access to designated land or water areas were authorized under certain circumstances as well as fees for use within an area of "sites, facilities equipment or services provided by the United States", excluding of course, fees for the use of any waters.

Application of this fee system to project areas traditionally free of such Federal charges, as in the case of Corps of Engineers water resource projects, represents our principal concern. Moreover, it has become increasingly clear that the statutory prohibition against fees for the use of waters cannot be made fully effective unless charges upon access to water areas are specifically forbidden.

As the Committee is well aware, the provision for entrance fees and user charges as to projects administered by the Secretary of the Army constitutes an extreme departure from long-established precedent. Indeed, implementation of the policy of the Land and Water Conservation Fund Act, required a specific amendment to the Flood Control Act of 1944, as amended (16 USC 460d), by deleting the words "without charge" in the portion assuring free access for recreational purposes to the water areas of Corps of Engineers reservoirs.

We are now confronted with still another precedent-shattering fee system in the form of Corps of Engineers circular No. 1130–2–25 (issued 17 November, 1966) as amended, to require collection of fees for permits covering any "private boat mooring facility (boathouse, buoy, dock or pier), duck blind, ski-jump float, swimming or diving platform or raft, or any similar facility upon the water area of any water resource development project". Not only are permits for new facilities subject to the fee system but all existing permits for such purposes are to be revoked effective 31 December, 1968 and permittees must remove their facilities or obtain a new permit prior to 1 January, 1969, for facilities to remain in place. This novel policy purports to be based upon the Act of Congress approved August 31, 1951 (65 Stat. 290; 31 U.S.C., Sec. 483a), an appropriations act, authorizing Federal agencies to prescribe fees for licenses or permits granted (among other things), except in cases where such charges are prohibited by law.

We offer the following comments specifically with respect to circular No. 1130–2–25. The fees it specifies are to be applicable to the described facilities at any "water resource development project". This is a term which could apply with equal propriety to a channel deepening project, a harbor improvement or a navigation dam, as well as to a multipurpose reservoir. The fees proposed, therefore, could be applied not only to recreational but to industrial and commercial docks and other facilities in navigable waters. So applied they would constitute a thinly disguised toll or user charge, conflicting with the intent, if not the letter of section 5 of Title 33 U.S.C., which prohibits "tolls or operating charges" upon "any vessel, dredge or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation * * *".

A similar possibility of conflict with the Navigation Clause of the Northwest Ordinance is also presented, since it is hardly consistent with the central concept of free use of the navigable waters ("without any tax, impost or duty therefor") to burden navigation with fees levied on docking and mooring facilities, without which navigation would be drastically curtailed, if not entirely prevented.

The foregoing argues at the very least for a clear cut definition sharply limiting the scope of the permit fee system to avoid any erosion of the basic national free waterways policy, if indeed such a definition is conceivable. Our opposition to the permit fee system, however, is based not only on our dedication to the preservation of the long-established, toll-free waterways policy but also on the same considerations now to be developed which, in our judgment, justify prohibition of fees for entrance, admission or access to Corps of Engineer project areas or for use of minimum recreational facilities at such areas.

The pending Bill would prohibit fees under the Land and Water Conservation Fund Act, or any other provision of law, for entrance, admission or access to the project area, or for use of minimum recreational facilities at such an area, or any project administered by the Secretary of the Army acting through the Chief of Engineers. It would also prohibit fees or charges for issuance of any permit or license for any "boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft or any similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers".

The prohibitions set forth in the pending legislation are, we submit, clearly in the public interest. We are convinced that imposition of fees and charges of the types falling under the ban of this legislation would discourage public recreational use. Such diminished use would tend to defeat the very purpose of the Land and Water Conservation Fund Act and other Federal legislation to expand outdoor recreational opportunities in line with increased public need resulting from rapid population growth, increased leisure time and greater mobility. Imposition of such fees and charges would reverse our long established policy of water resource development for the benefit of all the people and would place the Federal Government in the business of selling the privilege of using facilities and resources owned by all the people to those who could afford to pay for them. Such charges would restrict access and use by those most in need of the opportunities afforded by such facilities.

The prospects of these impositions is particularly alarming since no meaningful guidelines or limitations are provided by statute for determination of the amounts of the fees under either the Act of August 31, 1951, or the Land and Water Conservation Fund Act, except only the provision of the latter for a seven-dollar ceiling for annual motor vehicle stickers. No significant limitations on Executive discretionary power are to be found in the exhortation of these Acts that the fees are to be "fair and equitable, taking into consideration direct and indirect costs to the Government benefits to the recipient, public policy or interest served, and other pertinent factors". (The above quoted language is taken from Section 2(a) of the Land and Water Conservation Fund Act. The Act of August 31, 1951 is substantially identical in this regard except that it speaks of "cost" to the Government and "value" to the recipient and "other pertinent facts".)

Thus no adequate statutory safeguards are provided against arbitrary and capricious action in fee determination. This vice of vagueness in the statutory standards for fee determination is especially acute with respect to charges authorized by the Land and Water Conservation Fund Act since criminal penalties are prescribed by that Act for violations of regulations established for collection of such charges. [See Section 2(a)]

Imposition of the fees in question would have grave implications also for water resource development for flood control, water quality control, navigation and other purposes. Recreational benefits are becoming an increasingly important

element in the economic evaluation of projects. Imposition of charges burdening recreational use will inevitably diminish the appeal of the project areas and discourage public interest in their use for recreation. As recreational values decrease, the economic justification of projects will be impaired, raising serious questions as to the feasibility and ultimate construction of projects involving important flood control, navigation and other public purposes.

The matter is especially serious with respect to the projects in chronically depressed areas where tourist attractions of Federal reservoirs and navigation pools are a significant element in economic recovery programs. Under these fee systems discouraging recreational use, the adverse impact will fall with particular severity on the very areas whose relief and improvement are the special concern of national policy. For those states and local communities which have confidently assumed that Federal reservoirs and other water resource projects in their areas would constitute important tourist attractions and especially where substantial investments of public and private funds have been made in facilities for tourists, these fee systems constitute a breach of faith.

The prohibitions against fees contained in the pending bill would not only rectify grave errors of policy, but, even more significant, they are urgently demanded if the good faith of the national government is to be honored.

It has been argued in support of these fee systems that they will assist in excluding undesirable and disorderly elements and, in the case of the fees on floating facilities, in helping to prevent unsightly clutter. As Chief Justice White of the Supreme Court used to say: "To state that proposition is to refute it". Such preverse logic would justify limiting access to the National Capitol to those able to pay fees for its upkeep.

In this country we have not considered economic status a dependable index of good conduct or good taste. Nor have we expended public funds solely for the benefit of those who could afford to pay for public facilities. The central and overriding purpose of water-oriented recreational development as a Federal undertaking is to bring healthful recreational opportunities within the reach of all our people. The pending legislation is fully consistent with that wise and humane public policy. Good order and beauty can be achieved through proper planning, supervision and administration. Fee systems devised to limit access to, and use of, basic public facilities to the more fortunate among us cannot and must not be tolerated.

We appreciate this opportunity to give our full endorsement to the pending legislation and urge most strongly its favorable consideration by the Committee and its prompt enactment into law.

Senator BURDICK. Is there anyone else at this time?

The committee will reconvene at 2:30 this afternoon.

(Whereupon, at 12 o'clock (noon), the committee recessed, to reconvene at 2:30 p.m. the same day.)

AFTERNOON SESSION

Senator CHURCH (presiding). Our next witness is Joseph Fitzgerald, accompanied by Mr. B. L. Orell. Gentlemen, the Chair is happy to welcome you here this afternoon.

STATEMENTS OF JOSEPH J. FITZGERALD, CHAIRMAN OF THE FORESTRY AFFAIRS COMMITTEE OF THE NATIONAL FOREST PRODUCTS ASSOCIATION, AND BERNARD L. ORELL, CHAIRMAN OF THE PUBLIC LAND LAW AND POLICY SUBCOMMITTEE OF THE NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. FITZGERALD. I am Joseph J. Fitzgerald, executive vice president, Edward Hines Lumber Co., Chicago, Ill., and chairman of the Forestry Affairs Committee of the National Forest Products Association. Appearing with me is Mr. B. L. Orell, vice president, Weyerhaeuser Co., Tacoma, Wash., and chairman of the Public Land Law and Policy Subcommittee of my committee.

My company's manufacturing operations are principally in Oregon, Idaho, and Colorado. We are entirely dependent on Federal land for our raw material supply. NFPA, with headquarters in Washington, D.C., is a federation of 17 regional, product, and species associations representing lumber and forest products manufacturers nationwide.

Our industry has taken an active interest in the land and water conservation fund legislation since its introduction. We supported the concept of user fees for Federal recreation facilities. We also urged that the Federal portion of the fund be available for development of recreation sites and facilities rather than just for land acquisition.

We are concerned with several aspects of S. 1401 which would substantially increase revenues available for the fund and also introduce several innovations in Federal land acquisition and management practices.

We are also concerned that it is not generally recognized that recreational use of land does not necessarily preclude other productive use. Conversely land used for production of timber is not necessarily unsuitable for recreation. Land uses are not generally mutually exclusive. This committee has recognized this capability in legislation for national recreation areas, scenic rivers, and trails bills, but the concept needs to be more forcefully stated.

Timber production can and must be maintained in areas devoted to recreational development if we are going to be able to meet our Nation's need for wood and wood products. A growing forest adds as much to environmental quality as an old-growth forest. We urge that this truth be recognized in any proposals that come before this committee providing for substantial land acquisition or management restrictions on private and public lands.

EARMARKING OF RECEIPTS

Section 1(a) of S. 1401 proposes that certain Federal resource receipts, including Forest Service receipts, be earmarked for deposit in the land and water conservation fund.

The practice of earmarking receipts for certain purposes is generally not considered a wise fiscal policy and is even more questionable in light of our continued national budget deficits and uncertain international commitments. While these funds are not available until appropriated by Congress, earmarking does preclude their use for other purposes.

Currently, 25 percent of national forest receipts are returned to the counties in which the forests are located for use for roads and schools and 10 percent is available for national forest roads and trails. These funds are related to the production of additional revenue or are payments in recognition of the burden nontaxable Federal land places on local governments.

In another application of derived funds, user fees at Federal recreation sites are deposited in the land and water conservation fund. However, the use of these funds for development of Federal recreation areas is precluded by law. This restrictive assignment of funds should not be accepted as justification for earmarking additional Federal receipts, in no way related to recreational revenues.

Yesterday Interior Secretary Udall and Forest Service Chief Cliff recommended that mineral leasing and Forest Service receipts not be earmarked for the fund. They suggested that only that portion of the receipts from the Outer Continental Shelf lands needed to raise the fund to $200 million annually, be so earmarked. We urge that none of these receipts be earmarked for the fund.

NATIONAL FOREST RECEIPTS

In 1967 national forest receipts amounted to $184.5 million of which $172.8 million or 93 percent came from timber sales. Sixty-five percent of these receipts were deposited into "Miscellaneous receipts" in the Treasury. This contribution is a tangible benefit in addition to that received by the local and regional economy in the harvest and conversion of this timber. It is estimated that each dollar's worth of standing timber contributes $25 to the economy between the stump and delivery of the finished product.

When Federal agencies and the Congress are aware of these substantial contributions, adequate funds for development and management of Federal resources are more likely to be appropriated. We are fearful that restricting Forest Service receipts for a single use may tend to reduce the incentive to make essential investments for resource management and the stability and orderly growth of communities and industries dependent on Federal resources. The psychological effect on forest managers in returning income to the Treasury is an important factor which may be lost if these funds are available only for restricted purposes. Earmarking of national forest receipts should only be made for purposes related to the production of revenues.

Lack of adequate appropriations may become a problem of serious proportions to the forest products industry in the Pacific Northwest. The continued increase in the export of logs to Japan in recent years has seriously reduced the volume of timber that is economically available to many mills dependent on Federal timber.

We have been working with the Forest Service, the Bureau of Land Management, and the Departments of State, Commerce, and the Treasury in trying to develop a long-term agreement with the Japanese and an immediate interim solution that will enable those companies, large and small, dependent on Federal timber to continue operations.

Last month the Treasury Department developed discussion recommendations including a recommendation that the allowable cut from Federal lands be increased by 3.5 billion board feet annually, 1 to 2 billion board feet of which would be available immediately.

This recommendation was based, in part, in full financing for national forest management plans including access roads, thinning and salvage sales, fertilization and research on logging techniques. Two weeks later the President's budget proposed a substantial reduction in several of these items, principally a reduction of $29 million for roads.

It is unquestioned that our forests must be fully managed and our yield increased if we are to meet our domestic needs and the steadily increasing foreign demands for our wood. Diversion of national forest receipts for highly restricted purposes will not help assure that essen-

tial funds will be available for development and management of these resources.

When Public Law 88–578 was enacted it was estimated that the fund in 1967 would amount to $196 million of which $49 million would come from entrance and user fees. Actual fees collected in 1967 were $9.4 million, about 20 percent of the estimate. Entrance and user fees had been estimated to comprise $468 million during the first 10 years of the fund. Yesterday Secretary Udall indicated these sources would amount to $60 million, about 13 percent of the earlier estimate. This could be interpreted either as a general lack of demand for outdoor recreation or as unwillingness by the public to pay for use of public facilities which have largely been available without fee.

It is unquestioned that high demand exists for outdoor recreation in and around our major metropolitan areas. Mr. Orell will discuss two related items: development of Federal lands and encouragement of recreational development on private lands.

ADVANCE CONTRACTING

Section 1(b) of S. 1401 would authorize advance contracting authority of $30 million annually for the next 2 years. This is intended to permit administrative agencies to acquire lands within designated areas immediately after such areas are created by Congress.

While this is held out as a potential source of saving to the Government in some instances, it may nevertheless, be unwise to commit funds in advance of appropriations when subsequent circumstances may require our Nation to use them more effectively elsewhere in the public interest.

The current backlog of land acquisitions already authorized by Congress totals $500 million. It is estimated that Federal land acquisition projects which have or will be considered by this committee during this Congress (redwoods, scenic and wild rivers, scenic trails, and numerous others) could bring this amount to $1 billion or more.

The Bureau of Outdoor Recreation last year estimated that at least an additional $90 million would be necessary to acquire sites for which Congress had authorized $206 million. The Point Reyes area, for which Congress authorized $19 million in 1966, was estimated last year to cost $57 million. A better evaluation of potential costs and more selectivity in proposed sites by the administration and the Congress is absolutely essential.

Advance contractual authority should not be used to obscure the need for a careful review of proposed areas and a thorough investigation of expected costs and public values. We do not recommend approval of this advance contractual authority until the Congress and the administration exhibit some restraint in the creation of recreation areas which continue to reduce the land available for timber production and other uses. Currently the principal restraint has been the appropriations process.

SALE AND LEASE OF LAND AND INTERESTS

Our industry has supported the concept that the Federal Government should acquire or retain only those lands or rights in lands which are needed for essential government purposes. We are becoming con-

cerned, however, with widespread use of scenic easements, restrictive covenants, and other similar devices, since costs of land management, including timber production, are not well defined. Acquisition of unneeded lands or interests in lands with a view to their immediate or eventual sale or lease to private parties should not be encouraged.

EXCHANGE

The exchange authority proposed for the Secretary of the Interior in section 2(b) of S. 1401 is similar to the sale and lease authority in section 2(a) and we have the same comment.

Land exchanges associated with national recreation areas a few years ago prompted our industry to review our thoughts and policies on land exchange. We have urged that an active program for the exchange of forest lands between various owners, public and private, is necessary to alleviate the problems resulting from scattered patterns of land ownership. We support increased use of exchange as a management tool essential in assembling efficient management units and in keeping acquisition costs to a minimum.

Expanded use should be made of existing exchange authority. We recommend that statutory guidelines covering exchanges of public lands for private lands be consistent with the following objectives:

1. Efficient forest management, including access to and full productivity of forest lands;
2. Maintenance of local private land and tax base;
3. Stability of dependent communities and industry;
4. Multiple-use management of resources, except where limited-use management is needed to preserve rare or special values in the greater public interest;
5. Continuation of sale of public lands declared surplus;
6. Public access to information concerning availability of public lands for exchange, pending negotiations and pending transactions; and
7. Full consultation with local public officials.

We also recommend that public agencies not use the exchange procedure for the purpose of avoiding the appropriation process.

This concludes our specific comments on the provisions of S. 1401. I would now like Mr. Orell to comment on some additional areas in which he has provided leadership within our industry.

I would like Mr. Orell to comment on other areas, in which he has provided leadership within our industry.

Senator CHURCH. Mr. Orell.

Mr. ORELL. I am Bernard L. Orell, vice president of Weyerhaeuser Co. and chairman of the Public Land Law and Policy Subcommittee of the National Forest Products Association.

The operation of the land and water conservation fund has been of concern to me both professionally and personally. I was a member of the Outdoor Recreation Resources Review Commission whose report inspired the Land and Water Conservation Fund Act. It has been my privilege to assist in the development of the forest industry's attitude toward outdoor recreation and I was active in the passage of the 1964 act.

Currently I am a member of the Public Land Law Review Commission's Advisory Council. As members of this committee are well aware, the Commission is making a detailed review of our national land laws and policies and will be recommending changes needed to assure the best future use of our resources.

In testimony before this committee in 1963 and 1964, representatives of the industry urged that money from the land and water conservation fund be available for development of recreational facilities on Federal lands. The Outdoor Recreation Resources Review Commission emphasized that large sections of our national parks and national forests were underused. This, I believe, is still the case today.

The fund has encouraged States to develop recreation plans and facilities designed to meet the expressed needs of their people. The bond issues and appropriations which many of the States have made are truly impressive when compared to the situation less than 10 years ago. A new depth in State, county, and municipal recreation planning and development has become apparent in many parts of ths Nation.

Development of facilities on Federal areas have not maintained the same pace. The emphasis has been on acquisition of raw land, rather than on development in areas of known high demand.

As Mr. Fitzgerald stated, recreation is only one land use which must exist side by side with other uses if our land base, public and private, is to meet increasing demands being placed on it. There is increasing recognition from all resource users, especially those dependent on Federal resources, that multiple use is feasible and essential.

All resource use is steadily increasing and demand will soon outstrip available land capability to produce commodities and social benefits if there is not clear recognition of the nonexclusive character of many essential uses.

Our industry strongly urges that the Congress and the administrative agencies develop the full recreation potential of existing Federal lands, commensurate with other basic resource needs and the stability of dependent communities and industries.

We recommend specifically that Public Law 88–578 be amended to provide that the Federal portion of the land and water conservation fund shall be available for development of recreational areas and facilities on Federal lands as well as for additional land acquisition.

RECREATION ON PRIVATE LANDS

One of the basic recommendations made by ORRRC in its report was the charging of user fees for recreational use of public lands and facilities. This had two purposes: Creation of income and the encouragement of private development of the recreational potential of private lands. The report pointed out that if adequate recreational opportunity were to be provided future generations the private sector must make a major contribution. It recommended that Government encourage public use of private lands and private development of facilities. To date, this has largely been ignored.

Much of the land now sought by Federal, State, and municipal agencies for recreation is currently in private hands. Simple transfer of ownership does not affect the recreation potential of the land.

It is our contention that much of the land now being acquired could better serve the American public if left in taxpaying private ownership. These lands would contribute substantially if recreational developments on private lands received encouragement from our various governmental levels.

My company is a major landowner and, as such, we have inventoried our lands to determine which combination of uses, or perhaps which single use, will provide the greatest return in the long run. In some areas sale or lease of summer home sites appears best, in others long-term hunting rights may be acquired by a sportsmen's club. We are experimenting with camping and other recreational facility development for fee use and are quite confident these will return their costs and fair return on the investment as well, despite many obstacles.

Last year the National Forest Products Association sponsored a study to determine some of the barriers to increased use of private lands for recreation. A copy of that study, "Obstacles to the Recreational Use of Private Forest Lands" accompanies my statement. This is a summary of economic and legal problems encountered by private landowners and includes a discussion of possible solutions through administrative and legislative action at the State or Federal level.

Mr. Chairman, I appreciate the opportunity to present these thoughts.

Senator CHURCH. Thank you very much, Mr. Orell.

I have received a letter from Mr. Royce G. Cox, whom you may know, chairman of the Idaho Forest Industries Committee, and he emphasizes some of the points that you have made in your testimony today, you and Mr. Fitzgerald, both, and I think this would be an appropriate place in the record to include this letter, along with the testimony you gentlemen have given.

(The letter follows:)

IDAHO FOREST INDUSTRIES COMMITTEE.
Lewiston, Idaho, February 1, 1968.

Hon. FRANK CHURCH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR CHURCH: Because of the great pressure on federal public funds to finance the multiplicity of government programs and the additional fiscal exigencies created by the Vietnam war and other international emergencies, I am sure you are concerned about the problem of maintaining some reasonable relationship between government spending and revenues.

May I suggest one area where a substantial cut in federal expenditures could be made without hurting essential programs? I refer to the ambitious land acquisition of the federal government and the cost-sharing program in land acquisition by the states.

Federal ownership of land now totals more than 770,000,000 acres. Federal land acquisitions have averaged over 1,000,000 acres annually since the Weeks Act was passed in 1911. More than 39% of the nation's land base is now removed from the tax rolls, including lands owned by federal, state, and local governments, and Indian acreage managed by the government.

In spite of this excessive federal land ownership, Congress is faced with continuing proposals for additional acquisitions, many of which are for non-essential purposes. During the fiscal year 1966–67, $287 million was spent by the federal government for land acquisition. We have seen estimates indicating an expenditure of $3.6 billion (in 1966 dollars) for the combined federal and state outdoor recreation projects to be financed under the Land and Water Conservation Fund during the fiscal years 1968 to 1977. This figure could be increased to 50% more, or as high as $5.4 billion, as the result of price escalation and inflation, much of which is resulting from government competition in land acquisition.

Other estimates for land acquisition we have read are $697 million for the national park system, $10 million for a national trails system, and $35 million over the next ten years for the national scenic rivers system. There are many other similar programs under consideration, as you well know. Government acquisitions of private land are reducing the tax base for further revenue for local as well as federal governments. The unnecessary removal of lands from the production of food and fiber is also a matter of grave concern in face of the predictions for serious world-wide shortages.

We feel that substantial cuts can be made in such non-essential spending without jeopardizing essential conservation programs, and we respectfully urge you to give extremely careful consideration to these acquisition problems in an effort to slow down or halt unnecessary or questionable expenditures.

Sincerely yours,

ROYCE G. COX, *Chairman.*

Senator CHURCH. Our next witness is Mr. John R. Moulton, president of the Potomac Basin Federation.

STATEMENT OF JOHN R. MOULTON, PRESIDENT, POTOMAC BASIN FEDERATION, CHARLES TOWN, W. VA.

Mr. MOULTON. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee: I am John R. Moulton of Charles Town, W. Va. I am president of the Potomac Basin Federation, a voluntary association of citizens' groups from various parts of the Potomac Basin. Our member groups come from all four States of the basin, and all the way from Berkeley Springs, W. Va.; Front Royal, Va.; Chambersburg, Pa.; on down to Waldorf, Md.

I am also involved in recreation, and my farm in West Virginia includes a half mile of riverfront which has been open to the public without charge for over a quarter of a century. We feel this type of thing meets a great deal of need for public recreation without any expense to the Government.

I very much appreciate the opportunity to testify before you on Senate bill S. 1401 and the similar House bill H.R. 8578.

As we interpret the wording of these bills, the major purposes are to provide substantial additional sources of revenue for the land and water conservation fund by amending the Land and Water Conservation Fund Act of 1965 to provide that revenue under the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 be put in the Land and Water Conservation Fund, and by giving the Secretary of the Interior certain powers to dispose of Government-owned property. Our major interest is to protect the rights of private citizens against unnecessary encroachment by governmental agencies.

Secretary Udall, in a letter of January 4, 1968, to Senator Henry M. Jackson, states that the principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the land and water conservation fund. He stressed the need to acquire land quickly after congressional authorization of park and recreation areas.

We accept this idea in principle, but we believe that the additional powers for independent action conveyed to the Secretary of the Interior by these bills need to be balanced by corresponding restrictions on certain possible uses and abuses of those powers which would work unnecessary hardship on private citizens.

Normally Congress makes all reasonable effort to protect the public interest, but an unfortunate recent case indicates how overzealous advocates of a project, urging undue haste, can cause serious repercussions. I refer to the case of the amendment to S. 1446 in the 89th Congress on January 18, 1966, to include the Shenandoah and Cacapon Rivers in West Virginia in the wild river system. This bill had been carefully written to protect the local interests along the rivers, primarily western ones, which were originally included. Hearings were held in 1965 in the affected areas and changes were made as needed, but since the Shenandoah and Cacapon were not on the list, no hearings were held in West Virginia, and almost no mention was made on the subject in that area.

But on January 6, 1966, the interim report of the Federal Interdepartmental Task Force on the Potomac was sent to the President. It contained simple one-paragraph recommendations that the Shenandoah and Cacapon Rivers in West Virginia be given wild river status.

Senator Robert C. Byrd of West Virginia later told a group of members of the Potomac Basin Federation that the Interior Department—and I was with him—then asked him to move that these rivers be included in the system, and that the people of the area were in favor of it. Not having any reason to doubt this, he made the motion and the rivers were duly included in the bill as passed by the Senate. Only later did he find that there was large-scale opposition by almost all farm and home owners on the Shenandoah, a great many on the Cacapon, and very substantial other elements in the population. There was no large-scale support for the project in the local areas affected.

The example of authorizing legislation passed by the Congress which was apparently passed without the knowledge and approval of local residents, was the Seneca Rocks provision passed in the 89th Congress. Although the House committee report on the bill states that the witnesses at the hearings were unanimous in the proposal to establish this, and the committee knows of no opposition to the acquisition, I understand that there is widespread local opposition to the project among residents who had no knowledge of it in time to testify against the proposed legislation.

I have talked to these people in the last month or two. I talked to Phil McGantz in Senator Randolph's office, and he said they had had correspondence from people in the area whose land is affected who are upset over this.

This bill authorized condemnation of a large number of homes and farms for recreational and related purposes. It didn't get passed yet. The project has not been carried out, since the House did not act on the bill in the 89th Congress. In the 90th Congress the bill has been changed, due in large part to the intervention of Senators Byrd and Randolph, to eliminate these rivers. But it could very well happen that such a proposal would be approved without the affected citizens having knowledge of it, and if the Interior Department could make use of previously appropriated funds for immediate condemnation there would be very serious problems created.

I want to digress to mention a couple of aspects that weren't in the original draft I drew here.

One is that the argument for the urgent need for immediate action is open to question. In the past several years, the Park Service has made estimates as to the number of their annual stickers that they sell, and according to the figures I have read, the amount is going to be only a small fraction, 20 to 30 percent, of what they had estimated, indicating that their future estimates of recreational needs may not always be sufficiently conservative.

Further, in the park closest to my home, the Harpers Ferry National Park, I am convinced that the claimed figure of over 700,000 individuals annually is greatly inflated by the goings and comings of local people.

I have tried to study this by watching the numbers of cars in the park as I go by there, which is frequently. It is not conceivable that they could add up anywhere near 700,000 and I think this is a case of an inaccurate method of making a statistical record of how many people go there. I just don't think it is possible. I talked this over with Mr. McGantz before I came up here, and from his knowledge of the park, he says it sounds as if my figures on this are reasonable.

I suspect that figures on the nationwide use of the parks are distorted by statistical error.

I feel the need for urgent haste is far from proven, and this is true of the area of Washington. The Park Service has had the Chesapeake and Ohio Canal for 30 years, and little use has been made of it. In Warren County, Va., it owns about 23,000 acres, most of which lies idle, while the administration demands more land acquisition. In neither of these cases is there indication that there are plans for prompt and effective use for existing Government land.

Second, the park program being planned would remove substantial portions of the land from the tax rolls. In my home county, the urgently needed program of school buildings would require the maximum possible bond issue under the law, and that is based on a percentage of the total assessed valuation of the land. If the park land program that the Interior Department is promoting were to be carried out, it is entirely probable that this program would be stalled, because it would then be legally impossible to raise the amount of money needed. I think this kind of problem would exist in other counties also, and it has to be considered in the acquisition of land.

We feel that the urgency isn't great enough, and other problems are great enough so that they should go a little slower than they have been going on this. To guard against such a danger, we propose that the bills, S. 1401 and H.R. 8578, be changed as follows: Title I of the Land and Water Conservation Fund Act of 1965 should be amended by adding at the end thereof—

SEC. 9. Moneys derived from the sources listed in Section 2 of this Act as amended shall not be used to acquire land or waters or interests in land or water by condemnation by any level of government without the prior written consent of the owner or owners. This same restriction shall apply to matching State funds required under Section 5(c) of this Act.

With regard to section 2 of S. 1401 and H.R. 8578 we also have serious reservations. We think it ill becomes the Federal Government to complain of escalation in land prices and then plan to make money by playing the same game. In Secretary Udall's letter of January 4, 1968, to Senator Jackson, he says on page 8 that Sec. 2(a) of the bill permits

the Secretary of the Interior to acquire land, strip it of certain rights inherent in fee ownership, hold it for unearned increment, and then sell it for "more than 100 percent of the initial acquisition cost."

Who now becomes a land speculator?

This is bad public policy even if the acquisition is from willing sellers. It would cause all property owners to wonder why the Government wants to buy—for use, or for speculative profit. If for profit, the existing owners would quite reasonably want to hold out for as much of the gain as possible, thus adding to the upward pressure on land prices. We consider it absolutely indefensible for the Government to condemn land from unwilling sellers and then sell it for a profit. If the Government needs the property it should prove and validate such need by prompt and effective use. If the Government does not need the property, it should be prohibited and prevented from taking it. When there is a legitimate current need for an interest less than fee simple, the negotiations should be aimed specifically at that interest. Nothing more should be acquired. No threat of full condemnation should be made to force the owners to give up part of their property rights.

Secretary Udall, in the testimony, stated that in the proposed sell-back and lease-back of the Ozark National Scenic Riverways the land should be sold subject to the condition that if it is used for other than farming, title will automatically revert to the Federal Government. In all equity, the reverse should also apply, that when the Federal Government condemns land for a particular purpose, if it uses the land for other than that purpose the land should revert to the original owner.

We are concerned about the concept of condemning land for presumed public necessity, and then opening it for the filing of mineral claims. This strikes us as inequitable, and subject to possible abuse by graft or collusion. If the mineral rights are essential to or in conflict with the Government's use of the property, the mineral rights should be specifically excluded from public claim. If the exercise of mineral rights does not adversely affect the use of the property by the Government, then the mineral rights should be reserved to the landowners at the time the Government acquires the surface rights.

In this respect, let me cite section 6(c) of S. 119, the wild and scenic rivers bill which was passed by the Senate last August. We think that section unnecessarily takes rights from private owners and throws them up for grabs.

We propose that section 2 of S. 1401 and H.R. 8578 be amended to provide that—

> No property or rights therein acquired by condemnation may be disposed of by sale, exchange, lease, or otherwise, except to the original owner from whom it was acquired, or his heirs, for a period of ten years after the actual date of consummation of the acquisition. If any such property is sold back to the former owner, the price which he may be charged shall not exceed the amount paid to him at the time of acquisition, and any Federal income or capital gains taxes paid by him at the time of acquisition must be deducted from the price he pays when he re-acquires the property.

I also wish to recommend the following legislation to be introduced or included in the bills under consideration as an amendment. This proposed bill or amendment has been approved by the board of directors of the Potomac Federation after careful study.

A BILL. To protect privately owned property from condemnation for public purposes which are desirable but less than vital, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. 40 U.S. Code 257 is hereby amended to read as follows:

a. In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so: *Provided, however,* That condemnation shall not be used by any public officer to acquire land for parks, or recreational or scenic purposes, from natural persons, without the prior written consent of the owners, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258 of this title, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

b. When the Congress deems it essential in the public interest to take personally-owned property for parks, or recreational or scenic purposes, it shall first define and delimit the property, make active efforts to place notice of proposed taking in the actual hands of the natural owners, and schedule and hold public hearings in the area of the property, with due public notice, prior to the passage of specific legislation authorizing the acquisition of such property by the Government.

In the absence of such modifications as herein suggested, we are opposed to these bills. If the suggested changes are made, it is our belief that the resulting legislation can perhaps serve a useful purpose while protecting the owners of homes, farms, and small businesses from undue damage to their rights.

Thank you very much, Mr. Chairman.

Senator CHURCH. Mr. Moulton, I appreciate your testimony. I think that the affect of land acquisition on the tax base is a very important consideration. If you lived in my State, you would be even more aware of it. My State is 70 percent owned by the Federal Government.

I believe that is the last witness.

Are there any other witnesses who want to be heard?

The session is adjourned subject to the call of the Chair.

Whereupon, at 3:20 p.m. the committee was recessed subject to call.

89-619—68——16

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

WEDNESDAY, FEBRUARY 21, 1968

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson, Washington; Clinton P. Anderson, New Mexico; Frank E. Moss, Utah; Quentin N. Burdick, North Dakota; Thomas H. Kuchel, California; Len B. Jordan, Idaho; and Clifford P. Hansen, Wyoming.

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Roy M. Whitacre and Porter Ward, professional staff members; and E. Lewis Reid, minority counsel.

The CHAIRMAN. The committee will come to order.

This is a continuation of the public hearings held by the Senate Interior Committee on February 5 and 6 on bills to amend the Land and Water Conservation Fund Act.

These measures are S. 1401, a bill that the chairman introduced along with other members of this committee, which would make much-needed new revenues available for the land and water conservation fund; S. 2828, Senator Harris' bill that would prohibit the collection of the admission or user fees for which the Land and Water Conservation Fund Act provides at any Corps of Engineers water facilities; and S. 531, sponsored by our able colleague on the committee, Senator Kuchel, the primary provisions of which are incorporated into S. 1401.

The texts of these measures, together with the report and comment of the executive agencies already have been placed in this hearing record.

There also was referred to the committee and is pending before it, S. 1826, a bill sponsored by the distinguished junior Senator from Louisiana, Senator Russell Long. S. 1826 is directly related to the subject matter of these hearings today because both it and S. 1401 would make use of the revenues from mineral leasing on the Outer Continental Shelf, but for different purposes.

S. 1401 would dedicate these outer shelf revenues, for a strictly limited period of 5 years, to the land and water conservation fund. Included would be the Federal share of funds held in escrow from disputed areas.

S. 1826 would divide the outer shelf revenues among the States. Thirty-seven and one-half percent of these revenues would go to the

adjacent coastal States to be used for roads or public education, and the remaining 62½ percent would be divided among the 50 States, on the basis of population, for public education.

Thus the Long bill and S. 1401 provide for totally different uses of the same money; clearly we cannot have both bills, at least in the form in which they were introduced.

Some idea of the magnitude and importance of what we are talking about can be gained from the following facts:

The funds held in escrow from mineral leasing operations in disputed areas off the coast of Louisiana—the only State off which any substantial production in areas that might be outer shelf areas has taken place—now total approximately $1 billion in round figures.

Thus the State would get some $375 million immediately under Senator Long's bill, plus Louisiana's share under the 62½-percent formula based on population.

In the recent sale of outer shelf leases off California some $603 million was realized in bonuses alone. This is from only 373,000 acres, and thus the average bonus was some $11,000 an acre.

In general, revenues from the outer shelf have been running at something like $500 million a year.

Without objection I will direct that a statistical table of receipts from the Outer Continental Shelf leasing operations from 1955 through 1967 be placed in this hearing record at this point. It shows that a little over $3 billion has accrued.

(The document referred to follows:)

BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF RECEIPTS, FISCAL YEARS 1955 THROUGH 1967; UPDATED THROUGH JAN. 31, 1968

	Bonuses rents 141820	Royalties 142020	Escrow	Total
1955	$142,404,630.48	0	$12,217,134.37	$154,621,764.85
1956	111,171,041.53	$52,814.63	26,518,518.78	137,742,374.94
	[1] (57,434,228.69)	[1] (1,656.94)	57,435,885.63	
1957	1,976,361.00	232,342.31	10,969,890.58	13,178,593.89
1958	2,630,090.41	830,760.69	12,208,496.48	15,669,347.58
1959	1,145,720.00	2,266,484.40	20,418,121.35	23,830,325.75
1960	226,616,838.22	2,839,980.97	172,265,367.50	401,722,186.69
1961	1,716,161.23	5,588,525.60	43,762,875.15	51,067,561.98
1962	6,006,921.00	5,605,230.15	498,586,287.97	510,198,439.12
1963	359,370,525.43	7,443,921.55	(229,540,465.57)	137,273,981.41
1964	5,870,970.00	10,620,439.52	135,904,544.80	152,395,954.32
1965	42,223,700.64	11,246,201.92	89,032,099.84	142,502,002.40
1966	161,893,155.47	86,424,061.11	(39,552,372.76)	208,764,843.82
1967	596,202,951.97	41,107,770.26	148,129,983.44	785,440,705.67
Through Jan. 31, 1968	204,629,546.95	30,372,670.78	69,539,020.62	304,541,238.35
Total	1,807,807,657.66	204,629,546.95	1,027,895,388.18	3,038,949,320.77

[1] GAO adjustment taken from general fund and placed in escrow.

Note: Does not include California sale of Feb. 6, 1968, of $602,719,621.60 bonus and 1st year rental of $1,089,543.

A review of the floor debate on the bill in the 88th Congress, H.R. 3846, which established the land and water conservation fund, shows that the policy of earmarking or dedicating funds from a specific source to a specific purpose troubles some Senators.

Our committee report on H.R. 3846 lists some seven precedents for the kind of earmarking for which S. 1401 makes provision. Without objection I will direct that this list, found on pages 17 and 18 of Senate Report 1364, 88th Congress, be made a part of this hearing record.

(The extract from the document referred to follows:)

PRECEDENTS FOR EARMARKING FUNDS

The method provided in H.R. 3846 of setting aside certain revenues from particular sources is neither unprecedented nor novel in any way. Set forth below are a few of the examples of similar legislation, some of it of long standing, for generally allied purposes.

1. *Highway trust fund.*—The fund is obtained from excise taxes (on gasoline, diesel fuel, trucks, buses, tires, etc.); such revenues being earmarked and set aside in the trust fund to meet expenditures for Federal-aid highways (Highway Revenue Act of 1956 (70 Stat. 374)).

2. *Forest road fund.*—Ten percent of the annual revenues from the national forest activities is earmarked and available under the permanent appropriation roads and trails for States, for construction and maintenance in the particular State from which such proceeds are derived (16 U.S.C. 501).

3. *Pittman-Robertson Act.*—Eleven percent of the excise tax on the manufacture of firearms and ammunition is earmarked for purposes of the act. Such fund is used to reimburse States a share of the costs of wildlife restoration projects and related matters (16 U.S.C. 669).

4. *Dingell-Johnson Act.*—Earmarks 10 percent of the excise tax on sportfishing tackle; such funds being used to assist States in connection with fish restoration and management projects (16 U.S.C. 777a–k).

5. *Pribilof Islands fund.*—Receipts of sale from sealskins and other wildlife products of Pribilof Islands are earmarked and made available for administration of the islands (72 Stat. 339).

6. *Yellowstone school fund.*—A portion of the revenues received from visitors to Yellowstone National Park are earmarked for use in providing for school facilities (62 Stat. 338).

7. *Reclamation fund.*—Repayment and other revenues from irrigation and power facilities, certain receipts of sales, leases, and rentals of Federal lands in 17 Western States are earmarked and made available for expenditures for purposes of the act (43 U.S.C. 391).

The foregoing relate to the earmarking of receipts for various Federal programs. In addition, there is considerable earmarking of receipts going directly to States, as shown on pages 478 and 479 of the budget of the United States, 1965.

The CHAIRMAN. This list is only a partial one: The Mineral Leasing Act of 1920 earmarks 90 percent of its revenues. Then there is, I believe, an earmarking in the legislation pertaining to sugar.

Also in this connection, I would like to call attention to the fact that S. 1401 provides for such earmarking for a definitely limited period of time; namely, only 5 years. After that, absent new legislation, the income would go into the Federal Treasury again.

Although S. 1826 is not at this time before us for committee action, the bill deals with disposition of Outer Continental Shelf revenues, as does S. 1401, and for convenient reference I will direct, without objection, that the text of S. 1826 appear at this point in the record of these hearings, together with the administrative reports on it.

(The data referred to follow:)

[S. 1826, 90th Cong., first sess.]

A BILL Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.—This Act may be cited as the "1947 Natural Resources Conservation Act".

SEC. 2. DEFINITIONS.—As used in this Act "natural resources" include oil, gas, oil, shale, native asphalt, solid and semisolid and bitumen and bituminous rock (including petroleum bearing rock or sands from which hydrocarbons are recoverable after the deposit is mined or quarried), coal, phosphate, sodium, potassium,

and sulfur in and under and that may be produced from lands or mineral interests owned or which hereafter be acquired by the United States.

SEC. 3. CONSERVATION LAWS APPLICABLE TO LANDS AND MINERAL INTERESTS OF UNITED STATES.—The laws of the several States providing for the conservation of natural resources so as to prevent the physical and economic waste thereof, as well as providing for the protection of correlative rights of all parties having an interest in the natural resources to which the laws are applicable and all valid regulations issued pursuant to such laws by regularly constituted governmental agencies charged with the administration thereof shall apply, without discrimination, to the exploration and development upon and the production of such natural resources from lands, including mineral interests, of the United States and lands which it holds as trustee situated within the boundaries of each State, as well as the subsoil and seabed of the Outer Continental Shelf which would be within the area of the State adjacent thereto if its boundaries were extended seaward to the outer margin of the Outer Continental Shelf or any lands extending beyond such margin owned or claimed by the United States and the conservation or other agencies of each such State charged with the administration of such laws shall have the jurisdiction, right, and power and authority to administer and enforce all such laws and regulations as to the lands and mineral interests of the United States and lands which it holds as trustee the same as they are administered and enforced with respect to other lands within the respective States.

SEC. 4. Subsections (a)(3) and (b) of section 4 of the Outer Continental Shelf Lands Act covering "Laws Applicable to Outer Continental Shelf" approved August 7, 1953 (43 U.S.C. 1333), is amended as follows:

Subsection (a)(3) is amended to read as follows:

"(a)(3) The provisions of this section for adoption of State law as the law of the United States shall never be intrepreted as a basis for claiming any interest in the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom, except as provided in section 9 of this Act."

Subsection (b) is amended to read as follows:

"(b) The United States district courts shall have original jurisdiction of cases and controversies arising out of or in connection with any operations conducted on the Outer Continental Shelf for the purpose of exploring for, developing, removing, or transporting by pipeline the natural resources, or involving rights to the natural resources of the subsoil and seabed of the Outer Continental Shelf, and proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent State nearest the place where the cause of action arose: *Provided, however,* That as to the enforcement of applicable State laws and regulations relating to the conservation of natural resources which may be produced from the Outer Continental Shelf lands the State courts of the States adjacent to such lands shall have concurrent jurisdiction with the United States district courts."

SEC. 5. Section 9 of the Outer Continental Shelf Lands Act approved August 7, 1953 (43 U.S.C. 1338), is amendd to read as follows:

"SEC. 9. DISPOSITION OF REVENUES.—All rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the Outer Continental Shelf for the period from June 5, 1950, to the effective date hereof shall be deposited in the Treasury of the United States and credited to miscellaneous receipts and after the effective date hereof all of said moneys shall be deposited in the Treasury of the United States and 37½ per centum thereof shall be paid by the Secretary of the Treasury, as soon as practicable after December 31 and June 30 of each year, to the State adjacent to the Outer Continental Shelf lands on account of which said moneys were received, to be used by such State for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct; and the balance of 62½ per centum of all such proceeds shall be paid by the Secretary of the Treasury, as soon as practicable after December 31 and June 30 of each year, to the fifty States in the proportion that the population of each State bears to the aggregate population of all the States and for the purpose of making such distribution, the census of each State shall be based upon an estimate certified by the Bureau of Census to the Secretary of the Treasury prior to making each distribution. All moneys so distributed to the respective States shall be used for the support of public schools or other public

educational institutions as the legislature of each State may direct. The distribution hereinabove provided of all moneys received after the effective date hereof shall also apply to all receipts after the effective date hereof, which are being or are to be held in escrow or suspense pending the determination of any controversy as to whether the lands on account of which said moneys are received constitute a part of the Outer Continental Shelf or a part of the lands of the State adjacent thereto."

SEC. 6. Section 35 of the Minerals Leasing Act, approved February 25, 1920, as amended (30 U.S.C. 191), is further amended to read as follows:

"SEC. 35. DISPOSITION OF MONEYS RECEIVED.—All money received from sales, bonuses, royalties, and rentals of public lands under the provisions of this Act shall be paid into the Treasury of the United States; 60 per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after December 31 and June 30 of each year to the State or territory within the boundaries of which the leased lands or deposits are of were located; said moneys to be used by such State, territory, or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State or territory may direct; and, excepting those from Alaska, 30 per centum thereof shall be paid into, reserved, and appropriated, as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, as amended, and of those from Alaska 30 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as miscellaneous receipts. All moneys received under the provisions of this Act not otherwise disposed of by this section shall be credited to miscellaneous receipts."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 20, 1968.

Hon. HENRY M. JACKSON,
Chairman, Commmittee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of February 3, 1968, requested this Department's report and comment on S. 1826, a bill "Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act."

We recommend against the enactment of S. 1826.

Section 2 of the bill would define the term "natural resources." The definition covers the specific minerals now in the Mineral Leasing Act. The use of the term "include" raises questions as to whether it covers other minerals not mentioned in that Act.

CONSERVATION LAWS RE: FEDERAL LANDS

Section 3 of the bill would make the laws and regulations relating to the conservation of natural resources of each State applicable to the exploration, development, and production of such resources from (1) all lands owned by the United States, e.g., national wildlife refuges, national parks, national forests, public domain, and Corps of Engineers lands, including mineral interests; and (2) lands held in trust by the United States, e.g., Indian lands. In addition, such laws of the coastal States adjacent to the Outer Continental Shelf would be extended to the subsoil and seabed of the Shelf which would be within the boundaries of each such State, if its boundaries were extended to the full width of the Shelf and to any lands beyond the Shelf's margin which are owned or claimed by the United States. The specific conservation laws are those designed "to prevent the physical and economic waste" of the natural resources, "as well as providing for the protection of correlative rights of all parties having an interest in the natural resources." The bill would transfer from the Federal Government to such States the authority to administer and enforce these conservation laws with respect to those lands and other interests of the United States.

OUTER CONTINENTAL SHELF REVENUES

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) now provides that all revenues paid under leases on the Shelf shall be deposited into miscellaneous receipts of the Treasury. S. 1826 would amend this section of the Act by providing that (1) 37½ percent of the deposited receipts must be paid semi-annually to the States adjacent to the Shelf lands where such revenues were produed for State public roads and public schools and other educational institutions, and (2) the balance of such revenues shall be paid semi-annually to all of the 50 States on a population basis. The bill also provides for a similar distribution of certain shelf receipts now held in escrow pending the termination of litigation. Read literally, the mineral distribution from OCS revenues called for by S. 1826 would be retroactive to August 7, 1953, by reason of the failure to modify the phrase "after the effective date hereof" which appears on page 4, lines 18 and 19 of the bill. We doubt, however, that such retroactivity was intended.

MINERAL LEASING ACT REVENUES

The bill provides that 60 percent of the monies received from leasing the mineral rights in the public lands shall be paid semi-annually to the State within whose boundaries the leased lands are situated. The monies are to be used for public roads and schools. In addition, 30 percent of the revenues, except those in Alaska, shall go to the Reclamation Fund. In the case of revenues from Alaska, 30 percent shall go to the State. Monies from the naval petroleum reserves go to the Treasury as miscellaneous receipts, as is now the case.

COMMENT

Outer Continental Shelf Lands.—In 1953 Congress clearly and unmistakably first faced and decided the issue of interest in, and jurisdiction over, the Outer Continental Shelf in the enactment of section 9 of the Submerged Lands Act (43 U.S.C. 1302) which provides:

"Nothing in this chapter shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed."

This policy was reaffirmed later in that same year by sections 2 and 3 of the Outer Continental Shelf Act (43 U.S.C. 1331 and 1332) with express provisions that the submerged lands lying seaward of the areas granted to the States under the Submerged Lands Act are subject to the jurisdiction, control, and power of disposition of the United States. In section 4(a) of that Act (43 U.S.C. 1333), Congress explicitly excluded the operation of State taxation laws to the Outer Continental Shelf, and further provided that the adoption of State law as the law of the United States on the Outer Continental Shelf for certain purposes "shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenue therefrom."

These expressions of the policies and intent of the Congress in enacting the 1953 legislation are repeatedly affirmed in the Committee reports. The Senate Committee report on the OCS Act (S. Rept. No. 411, 83d Cong.) points out that the purpose of the legislation is to assert the *exclusive* jurisdiction and control of the Federal Government in the OCS, and that it is the intent of the Congress that "no part of these revenues [from OCS leases] are to go to any coastal State for any purpose whatever". Also, the Senate debates of June 25, 1953 (Cong. Rec. pp. 7444–7489), on the various proposals to include in the OCS Act provisions to extend State boundaries to cover the OCS, to extend State conservation laws to the OCS, to permit State taxation on the OCS, and to provide for sharing of OCS revenues with the coastal States, clearly demonstrate the reasons for their rejection by the Congress. The floor leader on the then pending bill, Senator Cordon, said:

"The propounding of this amendment [reimbursement of coastal states from OCS revenues] is simply Chapter III in the attempt of the States along the gulf to get some portion of the receipts from the areas outside their boundaries. Call them reimbursements; call them local taxes or call them severance taxes, or what

have you; what is desired is some portion of the receipts from Federal resources in the area outside those States.

"Mr. President, so far as I am concerned, if I did not stand on my feet and oppose this amendment, I would feel I was guilty of bad faith to the United States Senate. *I do not believe there is a Senator who did not understand, when we passed the submerged lands bill, that we were excluding from its operation any interest on the part of those States in any area outside their boundaries. I intend to stand unequivocally upon that principle as it was enunciated here, at least by the acting chairman of the committee, when the submerged lands bill, Senate Joint Resolution 13, was before the Senate.*"

We are not aware of any circumstances existing today that would support the complete reversal proposed by S. 1826 of the 1953 express congressional policy which was established after full consideration and debate.

In regard to the revenues derived from Shelf activities, we would like to make two comments:

First, only a few days ago this Department strongly endorsed S. 1401 with amendments which would place about 20 percent of the prospective income from the Outer Continental Shelf into the land and water conservation fund. S. 1826, however, would prevent us from using these revenues. We believe that this would be extremely unfortunate, as there is a definite need to strengthen the fund for the benefit of the people of all the States by assuring it a new source of revenue. S. 1401 supplies this need. We believe that it is one of the most vital pieces of conservation legislation to be considered by the Congress this year.

Second, the States would receive a substantial payment on a semi-annual basis from earmarked funds with no method of control through the normal budget-appropriation process. This payment would be totally unrelated to any demonstrated social or economic program need. This type of a Federal payment program eliminates all flexibility that the President and the Congress normally have in determining priorities in the budget-appropriation process. We consider this approach to providing Federal financial assistance to the States very undesirable.

Conservation Measures.—We are strongly opposed to removing from the Government and handing over to individual States authority to prescribe, as a Federal responsibility, conservation measures involving, among other things, the rate of production from the shelf and inland Federal lands. This is, in our view, doubtful from a constitutional standpoint and unsound as a policy matter. The Federal Government must be able to adopt and apply Federal laws, regulations, and policies to these lands consistent with the various program needs. There must obviously be consultation and coordination between the Federal Government and the States in such matters, but the abdication of responsibility by the United States called for by S. 1826 over what is, after all, the Nation's property cannot be reconciled with the Federal system prescribed by the Constitution. The constitutional issues are fully discussed in the report of the Department of Justice in whose views we concur.

Mineral Leasing Act Revenues.—Section 35 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 191), provides for the disposition of all money received from royalties and rentals from leases issued under that Act. Under that section receipts are divided three ways: 37½ percent being paid to the State within the boundaries of which the leased lands or deposits are located, 52½ percent to the reclamation fund, and 10 percent to the Treasury of the United States as miscellaneous receipts. Each State is required to use its 37½ percent of the receipts for the construction and maintenance of public roads or for the support of schools or other public educational institutions.

Receipts from leases in the State of Alaska are treated similarly except that, instead of 52½ percent being assigned to the reclamation fund, 52½ percent is paid to the State for disposition by its legislature as it deems advisable. This 52½ percent is in addition to the 37½ percent noted above and thus the State of Alaska receives 90 percent of the receipts from mineral leasing within its borders.

We believe that before any attempt is made, by amendment of the Mineral Leasing Act, to increase the present revenue distribution to the States in which federally owned minerals are produced considerable study and evaluation should be made of both the various methods of distribution and the objectives to be attained. Adequate study of this has not been made to date. Even upon completion of study of this complex issue, the executive branch would require extensive review of the many views which would undoubtedly be expressed before any final position could be obtained on the issue. The States which are the principal re-

cipients of these revenues also receive a great many other economic and social benefits by reason of activities conducted on the Federal lands.

The Bureau of the Budget advises that there is no objection to the submission of this report and that the Bureau is opposed to the enactment of this legislation not only for the reasons set out in this report but also because the bill would be inconsistent with the 1969 Budget and result in an increased deficit.

Sincerely yours,

DAVID S. BLACK,
Under Secretary of the Interior.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., February 20, 1968.

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

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1826, a bill "Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act."

S. 1826 has three separate but related purposes. First, section 3 would make state conservation laws and regulations, including market-demand proration, applicable without discrimination to all federal lands and mineral interests (including trust lands) within the States or on the adjacent outer continental shelf, to be administered and enforced by state officials; and section 4 would amend section 4(a)(3) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a)(3), by correspondingly modifying its negation of state interest in or jurisdiction over the outer continental shelf, and by giving state courts concurrent jurisdiction with federal courts of proceedings to enforce state conservation laws and regulations with respect to the outer continental shelf. Second, section 5 would distribute receipts from outer continental shelf leases (including those now impounded pending title determination), 37½% to the adjacent State, for roads or education, and 62½% among all States in proportion to population, for education. Finally, section 6 would amend section 35 of the Mineral Leasing Act of 1920, 30 U.S.C. 191, to increase from 37½% to 60% the share of the public lands mineral lease revenues given to the State where the land lies, for roads or education, and to decrease from 52½% to 30% the share contributed to the Reclamation Fund or given without restriction to Alaska.

Existing statutes authorizing the Secretary of the Interior to issue mineral leases on federal lands give him authority to prescribe applicable conservation regulations. These include the Mineral Leasing Act of 1920, section 30, 30 U.S.C. 187; the Mineral Leasing Act for Acquired Lands, section 10, 30 U.S.C. 359; the Act of May 21, 1930, for leasing minerals under railroad and other rights of way, section 6, 30 U.S.C. 306; and the Act of May 11, 1938, for leasing minerals under unallotted Indian lands, section 4, 25 U.S.C. 369d. The Outer Continental Shelf Lands Act, under which he issues mineral leases on the outer continental shelf outside state boundaries, requires him to prescribe necessary regulations, section 5, 43 U.S.C. 1334. The Naval petroleum and oil shale reserves are under the jurisdiction of the Secretary of the Navy, subject in certain respects to approval of the President or consultation with congressional committees, with experimental oil shale development conducted by the Secretary of the Interior. Production from the naval reserves is required to be adjusted to defense needs. 10 U.S.C. 7421–7438.

While section 30 of the Mineral Leasing Act, 30 U.S.C. 187, empowers the Secretary of the Interior to include various restrictions, including conservation provisions, in federal mineral leases, it requires that such provisions not conflict with the law of the State where the land lies. See the Interior Department's letter on this subject to your Committee, June 5, 1953, printed in the hearings on S. 1901, 83d Cong., 1st sess., at pages 693–694.

Until rather recently, virtually all producing areas on the outer continental shelf have been subject to a title dispute between the United States and the State of Louisiana. Pending resolution of that dispute, a practical accommodation has been reached, whereby the Secretary of the Interior has, in effect, required compliance with state regulations, but without recognizing the authority of the State in the area. On December 13, 1965, a decree was entered sustaining the exclusive federal rights in a large part of the disputed area, *United States* v.

Louisiana, 382 U.S. 288, and on December 30, 1966, the Secretary issued a notice of his intention to assume exclusive regulatory authority over the federal area, 32 Fed. Reg. 95. This does not mean, of course, that in doing so he will disregard the regulatory patterns of adjacent States or fail to give due consideration to the desirability of maintaining compatibility with them.

Without making any reference to statutory provisions such as those cited above, section 3 of S. 1826 would make a State's conservation laws and regulations applicable "without discrimination" to all federal lands and mineral interests within the State and in the adjacent outer continental shelf, and would empower state officials to administer and enforce them there. This proposal to delegate to the States complete authority for conservation regulation and enforcement over federal property and in areas of exclusive federal jurisdiction both within and outside the States raises serious constitutional and policy questions.

When President Eisenhower signed the Submerged Lands Act on May 22, 1953, he issued a statement emphasizing that the submerged lands outside state boundaries "should be administered by the Federal Government and income therefrom should go into the federal treasury." S. Rept. No. 411; 83d Cong., 1st sess., page 52. At the same time, when the Outer Continental Shelf Lands Act was under consideration, the Department of the Interior and this Department both objected to proposals to delegate to the States any authority over the outer continental shelf, both on policy grounds and because of the serious constitutional question involved. See your Committee's hearings on S. 1901, 83d Cong., 1st sess., pages 644–655, 688, and 700, and its report thereon, S. Rept. 411, 83d Cong., 1st sess., pages 26, 27, 31 and 33.

I find no reason now to take a different view of either the constitutional or policy questions. It is true that since enactment of the Outer Continental Shelf Lands Act the Supreme Court has sustained the 1948 revision of the Assimilative Crimes Act, 18 U.S.C. 13, which adopted existing and future state criminal laws as federal laws for areas of exclusive federal jurisdiction within the several States. *United States* v. *Sharpnack*, 355 U.S. 286 (1958). However, the Assimilative Crimes Act merely incorporated by reference the terms of state laws, which is a very different thing from the outright delegation of legislative and administrative jurisdiction that is proposed here. Moreover, that Act was sustained, as to its incorporation of subsequent state enactments, on the ground that it was an appropriate means of effectuating a long-standing congressional policy, the dominating purpose of which was to maintain, in federal enclaves within States, the same rules of criminal law as prevailed in the surrounding areas, regardless of the substantive content of those rules. It is by no means clear that the considerations favoring a policy of local uniformity in criminal laws governing the conduct of individuals have any relevancy to the problem of regulating the production of natural resources from federal lands by federal lessees. This is particularly true as to the outer continental shelf, which is wholly outside state boundaries and where operating conditions are so different from those closer to shore or on shore that uniformity might itself prove to be a serious discrimination. Not only can there be no assurance that the States would establish adequate differentiations, but if they did try to do so, the saving criterion of objective uniformity would disappear in a series of subjective evaluations.

The proposed transfer to the States of jurisdiction over federal enclaves within their boundaries might be sustained as not a delegation of federal power but rather a partial relinquishment of the exclusive federal jurisdiction. In that light, however, it would be of questionable propriety insofar as it would transfer the federal responsibility for trust properties; and as to all properties it would present a serious question of federal power to reassert the relinquished jurisdiction at any future time. A State cannot unilaterally reassert its jurisdiction over any area that it has relinquished to the United States, *In re Ladd*, 74 Fed. 31, 38 (D. Neb. 1896), and it seems that the same must be true as to the United States. See 2 *Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States* (1957) 83. As to the outer continental shelf, which is wholly outside state boundaries and has always been beyond state jurisdiction, the proposal can only be viewed as a delegation of federal governmental power.

This part of S. 1826 is seriously deficient in its failure to indicate its relationship to the existing authority of the Secretaries of the Interior and of the Navy, which might be either repealed by implication, or remain, but subject to state laws and regulations, or remain, superior to state laws and regulations. To

avoid needless and vexatious litigation as to the relationship between the proposed legislation and existing laws for the administration of federal lands, each such law would have to be specifically amended to state precisely its relationship to the new measure. However, it may be observed that the entire subject of federal administration of the public lands, including the mineral resources of the outer continental shelf, is now under comprehensive review under the Public Land Law Review Commission Act of September 19, 1964, 78 Stat. 982, 43 U.S.C. 1391–1400. We think it preferable not to undertake any radical change in existing federal land policies, such as is proposed by S. 1826, in advance of the Commission's report.

There are other serious policy objections to such an abdication of federal responsibility as is here proposed. One of the major aspects of conservation regulation in many states is market-demand proration which seriously distorts competition in interstate commerce. By controlling crude oil supply, market-demand proration directly and substantially affects market prices of this basic energy commodity upon which the economy of consuming states and the nation heavily depend. Moreover, the present system of controlling oil imports rests upon a finding that domestic oil reserves and sources of supply are essential to the national security. In an area so directly related to the basic federal policy of encouraging competition in the market, it is important that the United States retain its independent discretion to determine whether, and to what extent conformity to the diverse practices of the several States will best serve the public interest. Quite apart from that aspect, I should consider it undesirable to give to the States, whose interests here are largely competitive with those of the United States, this sort of control over the exploitation, by federal lessees, of wholly federal properties from which important federal revenues are derived. The situation is quite different from, for example, the Assimilative Crimes Act, where the problem was only to provide the most convenient body of federal law to govern the private conduct of individuals in federal enclaves.

At present, the extension of state conservation authority to the outer continental shelf would present another problem. There has never been a determination of how the offshore interstate boundaries would run if extended across the outer continental shelf, as contemplated by section 4(a)(2) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a)(2). A primary reason for this has been the uncertainty in many cases (for example, between Louisiana and Texas) as to the position of those boundaries within the territorial sea. Until the States settle that portion of their boundaries, it is obviously impossible to establish the seaward extensions. Apparently this has not yet caused any particular problem with respect to the general civil and criminal laws dealt with in section 4(a)(2), but the situation would be very different with respect to conservation regulation in active offshore areas. Federal lessees should not be thus needlessly subjected to the conflicting jurisdictional claims of adjacent States.

Section 4(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a), adopts as federal law for the outer continental shelf the laws of the adjacent States (except tax laws) as they existed on August 7, 1953, to the extent that they are not inconsistent with federal laws and regulations, to be administered and enforced by federal officials and courts, and provides—

> (3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

Section 4 of S. 1826 would amend this by deleting the words, "or jurisdiction on behalf of any State for any purpose over" and by adding at the end, "except as provided in section 9 of this Act."

While the added phrase would limit the State's claim of "interest" (presumably meaning proprietary interest) to the revenue sharing that amended section 9 would provide, the deletion of reference to "jurisdiction" would seem to indicate that the States would indeed be given an element of sovereign jurisdiction under section 3 of this bill, with respect to conservation laws. Certainly it would be subject to that interpretation. The Department of Justice opposes such a development. While our federal concept of dual domestic sovereignty is well established and reasonably well understood, the introduction of a parallel concept outside state and national boundaries, on the outer continental shelf, appears unwarranted and undesirable. In that area, the United States does not claim sovereignty, but only "jurisdiction, control, and power of disposition"

under section 3 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1332, or "sovereign rights for the purpose of exploring [the continental shelf] and exploiting its natural resources" under Article 2 of the Convention on the Continental Shelf, 15 U.S.T. (Pt. 1) 473. That carefully preserved distinction from sovereignty grew out of the delicate balance between national and international rights in that area underlying the high seas. See, for example, your Committee's hearings on S.J. Res. 13, 83d Con., 1st sess., at page 1053–1055, 1067, 1079. In that sensitive area, so closely impinging on international relations, it would be unfortunate to introduce a degree of independent governmental jurisdiction of the States, outside their boundaries, where they have no interests and no responsibility for or participation in matters of international relations.

Section 4(b) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(b), gives federal courts jurisdiction of cases relating to natural resources of the outer continental shelf. Section 4 of S. 1826 would add a proviso giving state courts concurrent jurisdiction for the enforcement of state conservation laws and regulations. Again, this would involve creation of an element of state governmental jurisdiction over an area outside state boundaries, where all rights are held by or under the authority of the United States and where a unified and exclusive control by the national government appears far better calculated to serve the interests of the United States both as exclusive proprietor and as a member of the international community.

The next aspect of S. 1826 concerns the revenues from the outer continental shelf. Under section 9 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1338, revenues from the outer continental shelf are deposited in the Treasury and credited to miscellaneous receipts. These revenues have become a significant and rapidly increasing source of federal revenue. For example, the sale of about 158 leases on the outer continental shelf off Louisiana on June 13, 1967, produced bonuses of over $510,000,000.00, and the sale of about 75 leases on the outer continental shelf off California on February 6, 1968, produced bonuses of over $602,000,000.00. Total bonuses received under federal offshore leasing since 1954 now exceed $3,000,000,000.00, in addition to very substantial rents and royalties.

This Department, of course, is not concerned with the policy question of whether these national revenues, derived from a source outside any State, should be distributed as proposed by section 5 of S. 1826, 37½% to the adjacent State and 62½% among all States (including the adjacent State) in proportion to population, or whether it is sound fiscal policy to make unlimited dedication of particular revenues to particular uses, in the absence of any inherent correlation between the size of the revenues and the importance of the public interests to be served. I do suggest, however, that no informed decision can be made on the point until there is greater certainty than we now have as to the extent of the proposed dedication. At least until we have a judicial determination of the major issues between the United States and the coastal States, particularly Louisiana, affecting ownership of extensive offshore areas, the extent of the donation proposed by S. 1826 must remain so speculative as to preclude reasonable evaluation of the merits of the proposal. The pending litigation with Louisiana is particularly relevant because that State and, to a much less extent, California and Alaska would at present be the only major beneficiaries of the proposed donation to adjacent States.

Section 5 of the bill would amend section 9 of the 1953 Outer Continental Shelf Lands Act. The term "effective date hereof", as used in lines 16 and 17 of page 4 is unclear. There is no indication whether the reference is to the effective date of S. 1826 or the effective date of the original 1953 enactment. Similarly, the term "after the effective date hereof" is used three times in the proposed amended section 9 and in each instance its meaning is unclear. In its last usage it would appear to provide for the distribution of sums heretofore impounded pending resolution of the title dispute between the United States and Louisiana. As of November 30, 1967, this amounted to $1,102,925,657.98.

The final aspect of S. 1826 concerns revenues under the Mineral Leasing Act of 1920. Section 35 of that Act, as amended, 30 U.S.C. 191, directs semiannual distribution of receipts under the Act, 37½% to the State where the land lies, for roads or schools, and 52½% to the Reclamation Fund (or to the State of Alaska, in the case of receipts from lands in that State). Section 6 of S. 1826 would revise those percentages, increasing the former to 60% and decreasing the latter to 30%.

Determination of the appropriate correlation between the revenues to be anticipated from this source and the relative needs to be met by this dedication

in the States of origin or the States participating in the Reclamation Fund involves policy considerations as to which the Department of Justice makes no recommendation.

The Department of Justice defers to the Department of the Interior on section 6. In all other respects it recommends against enactment of this legislation.

The Bureau of the Budget advises that there is no objection to the submission of this report and that the Bureau is opposed to the enactment of this legislation not only for the reasons set out in this report, but also because the bill would be inconsistent with the 1969 Budget and result in an increased deficit.

Sincerely,

WARREN CHRISTOPHER,
Deputy Attorney General.

The CHAIRMAN. If any member of the committee has a statement we will hear from them now.

Senator KUCHEL.

STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator KUCHEL. With an increasing awareness of the blight of sprawling cities and the recreational needs of America over the coming decades, Congress in the last few years has authorized dozens of new recreation areas, parks, and seashores. The same acceleration of conservation activity has taken place at the State and local level.

To finance these programs, Congress, in 1964, created the land and water conservation fund. It is comprised of entrance and user fees at Federal recreation areas, the unclaimed Federal tax on pleasure-boat fuel, and proceeds from the sale of surplus Federal real property. The fund is distributed 40 percent to Federal projects, and 60 percent to State and local governments on a 50–50 matching basis.

Unfortunately, the sources of revenue available to the fund have been inadequate to meet the needs of authorized projects. Only about $100 million per year is raised from those sources, and a 10-year need of $2.7 billion is seen.

Governor Reagan's director of parks and recreation, William Penn Mott, testified in support of S. 1401 before this committee saying that California alone needs six times the amount of money that has been available to it from the fund. His testimony appears on page 123.

Recognizing the needs of which Mr. Mott so eloquently spoke, Senator Jackson and I, and 15 of our colleagues in the Senate have sponsored legislation to make Federal revenues from leases on the Outer Continental Shelf available to augment the land and water conservation fund.

This legislation has the support of all responsible conservation organizations in the United States. It is essential if we are to meet the commitment to conservation made in the authorization of dozens of new national parks and recreation areas over the last few years. Without this legislation there may be no money to pay for a Redwood National Park, or to complete the job which we have started at Point Reyes.

Nor will there be adequate money to meet the spiraling needs of the towns and cities of California for recreational areas. To show the broad impact which the land and water conservation fund has had on California during the first 3 years of its life, I ask unanimous consent that a list of State and local projects which have been financed by

matching funds made available through the program be printed in the record at this point.

(The data referred to follows:)

Sponsor	Nearest city or town	Project Purpose
Division of beaches and parks	Morro Bay	Assist the State in acquiring 4,441 acres ocean frontage and uplands for a new State park (Montana de Oro State Park).
Department of parks and recreation	Statewide	Maintain, strengthen, and update California's comprehensive outdoor recreation plan.
County of Orange	Anaheim	Acquire 18 acres to serve as nucleus of a new 300-acre regional park.
Do	do	Develop roads, water system, comfort station, and other facilities at Sycamore Flat Regional Park.
City of Santa Barbara	Santa Barbara	Develop parking and picnic facilities, comfort stations and other facilties at Shoreline Park.
City of San Diego	San Diego	Develop parking lot, restrooms, access road, and landscaping at Mission Beach Aquatic Park.
City of Mountain View	Mountain View	Acquire approximately 440 acres of tideland for development of regional park.
Do	do	Develop land and water area at Shoreline Park including sailing lake with facilities.
Kings County	Layton	Acquire 52 acres for development of Laton-Kingston Regional Park including picnic, parking, and sanitary facilities.
County of Merced	Merced	Acquire 119 acres for expansion of Lake Yosemite Park.
Do	do	Develop Lake Yosemite Park including access roads, parking area, picnic and sanitary facilities.
City of Los Angeles	Los Angeles	Develop camping, picnic, and boating facilities at Harbor Regional Park.
City of Berkeley	Berkeley	Develop public access, roadway, boat ramp, parking, and other facilities at Marine Park.
City of Long Beach	Long Beach	Install irrigation system to permit further development of El Dorado Park.
City of San Jose	San Jose	Develop picnic units, restroom, water, parking, trails, and other facilities at Kelley Park.
City of Santa Clara	Santa Clara	Develop camping, picnic, and play areas and other facilities at Central Park.
East Bay Regional Park District	Fremont	Acquire 671 acres of land on San Francisco Bay for development as a park.
City of San Clemente	San Clemente	Acquire 2.7 privately owned parcels of land along beach within the city limits.
City of Santa Barbara	Santa Barbara	Acquire 14 acres of beach-line property along Pacific Ocean to be developed into a community park.
City of San Diego	San Diego	Acquire 0.05 acres of land at the southern tip of Mission Beach.
San Mateo County	Belmont	Develop 2 feeder trails for access to State and county trail system including clearing, grading, fencing, and trail signs.
Los Angeles Board of Recreation and Parks.	Los Angeles	Acquire 70 acres for an addition to Chatsworth Regional Park.
Resources agency	Eureka	Acquire 1,600 acres of redwood forest area as an addition to Humbolt Redwoods State Park.
City of San Clemente	San Clemente	Develop public restroom on beach property in San Clemente.
County of Tulare	Porterville	Develop Bartlett Park including a well and related water system, restrooms, road system, play equipment, and 3 arbors.
Wildlife conservation board	San Pedro	Construct public fishing pier in San Pedro urban area.
City of Los Angeles	Sunland, San Fernando	Develop Hansen Dam Recreation Area including picnic units, walking trails, access roads, parking lot, and landscaping.
The resources agency	San Diego	Develop Ocean Beach Park including access road, parking, irrigation system, and landscaping.
Ventura County	Santa Rosa	Acquire 50 acres of land for development of a regional park.
The resources agency	Sacramento	Acquire 1,265 acres of land and water for development of Delta Meadows State Park.
County of Stanislaus	Modesto	Acquire 818.5 acres of land to add to existing Modesto Reservoir Park.
Los Angeles County	Torrance	Acquire 2.41 acres of beach property at South Torrance Beach.
County of Monterey	San Jose, Salinas	Acquire 122 acres for Royal Oaks Park.

Sponsor	Nearest city or town	Project Purpose
Fair Oaks Recreation and Park District	Sacramento	Develop Sailor Bar Park including access roads, parking, riding and hiking trails, boat launching area, and lakes.
City and County of San Francisco	San Francisco	Develop John McLaran Regional Park including day camp, trails, archery range, tennis courts, lake shoreline.
County of San Luis Obispo	San Luis Obispo	Develop Lopez Reservoir including campsites trailer sites, picnic sites, swimming, boating, and water skiing facilities.
The resources agency	Lake Tahoe	Develop Sugar Pine Point State Park including campground units, picnic areas, access roads, and entrance facilities.
San Bernardino County	San Bernardino	Develop Glen Helen Regional Park including camp and picnic units, restrooms, activity pavilion and center, and boat dock area.
The resources agency	Redding	Develop Keswick Lake including access roads, boat launching ramp, parking area, sanitary facilities, and signs.
Orange County	Orange County	Develop Sycamore Flat Regional Park including camp and picnic units, restrooms, playfield, lagoon, road, and parking.
City of Pleasant Hill	Pleasant Hill	Acquire 20 acres of land to develop Paso Nogal Park.
Wildlife conservation board	Alturas	Develop angling access area at West Valley Reservoir.
Santa Barbara County	Santa Barbara	Develop Carpinteria Valley Park including road, water and electric lines, and restroom.
Tehama County	Tehama	Develop Mill Creek Recreation Area including road, picnic units, boat ramp, landscaping, restrooms, and lighting.
Wildlife conservation board	Modesto	Develop Fox Grove angling access including boat ramp, restrooms, parking area, signs, well, and water supply system.
City of Sacramento	Sacramento County	Acquire 21 acres of land on Sacramento River for boating, camping, and fishing.
City of Eureka	Humdoldt County	Acquire 6.3 acres of land as addition to Cooper Gulch Recreation Area.
Los Angeles County	Pomona	Acquire 77 acres of land contiguous to Puddingstone State Park.
Department of parks and recreation	Kern County	Develop State park including road, camping, picnic, and play areas.
City of San Diego	San Diego County	Develop swimming pool, picnic and play area, roads, parking, and landscaping.
Department of parks and recreation	Sacramento County	Acquire 238 acres on the American River.
The resources agency	El Dorado County	Acquire 1,975 acres at Sugar Pine Point, in Lake Tahoe for outdoor recreation.
Department of parks and recreation	City of Tulare	Acquire 58 acres for new park.
Do	Tulare County	Acquire 74 acres on Kings River for picnicking and water sports facilities.
Do	Butte County	Develop Thermalito Forebay State Park including roads, parking, and picnic area.
Do	Orange County	Develop Sycamore Flat Regional Park for outdoor recreation purposes.
Do	Ventura County	Acquire 50.2 acres of Oxnard Small Craft Harbor.
Do	County of San Bernardino	Acquire 763 acres Kemper-Campbell Ranch on the Mojave River.

Any discussion of the use of Federal offshore leasing revenues eventually turns to a perennial proposal to give the coastal States a preferential right, not afforded the other States of the Union, to a portion of these revenues. Fifteen years ago the proposal was stated in the minority views of the Senator from Louisiana (Mr. Long) to this committee's report on the Outer Continental Shelf Lands Act (S. Rept. 411, 83d Cong., 1st sess., p. 65). Most recently this proposal has taken the form of S. 1826 which is pending before this committee.

Although this idea may be new to some, the problem of the coastal States' rights in the adjoining Outer Continental Shelf first became critically important to California over 20 years ago when I was State controller. In the case of *United States* v. *California*, 332 U.S. 19 (1947) at page 38 the U.S. Supreme Court said:

> The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there.

As a consequence of this discovery, California passed an Act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. Cal. Stats. 1921, c. 303. This state statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this state-federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coast, and that the Federal Government rather than the state has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

In the ensuing years a great debate raged over the coastal States' rights to offshore leasing revenues. Finally, in 1953, during my first year in the Senate and on this committee, we considered and passed the Submerged Lands Act (Public Law 83–31, 67 Stat. 29 (1953)). That act was a great victory for California and other coastal States. The coastal States were granted title to the natural resources beneath navigable waters within their States' boundaries. This act gave my State ownership of all subsurface minerals from the beaches seaward to the 3-mile limit. In the case of California, we obtained a valuable privilege which has brought $318,557,484 into the State treasury over the last 10 years.

Mr. Chairman, I would like to read the applicable provisions of the Submerged Lands Act into the record.

SEC. 3. RIGHTS OF THE STATES. (a) It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

SEC. 4. SEAWARD BOUNDARIES. The seaward boundary of each original coastal State is hereby approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries."

Later in 1953 this committee, and the Congress, approved the Outer Continental Shelf Lands Act (Public Law 83–212, 67 Stat. 462 (1953)), which provided the method for Federal leasing of the Federal portion of the Outer Continental Shelf seaward of State boundaries. No part of the Outer Continental Shelf which is under Federal control by the terms of these two acts is within the exterior boundaries of any State. The Federal leasing revenues are derived from a part of the Outer Continental Shelf which legally is no more a part of the State of Louisiana or California, than it is a part of the State of Iowa.

This committee inserted an amendment to the Outer Continental Shelf Lands Act as a caveat to the States, providing that the division of revenues established by these two bills is a final settlement of the interests of the two sovereigns. Let me read that language:

SEC. 4. LAWS APPLICABLE TO OUTER CONTINENTAL SHELF. (a)(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or

jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

I might observe that two of the strongest supporters of that language in executive session in 1953 still serve on this committee—our chairman, Senator Jackson, and our former chairman, Senator Anderson.

I have heard it argued that the proposal embodied in S. 1826; namely, to give coastal States 37½ percent of Federal leasing revenues, is merely an application of the Mineral Leasing Act to the Outer Continental Shelf. That argument was made in 1953 and rejected. The Mineral Leasing Act applies to Federal lands within the boundaries of States. The Submerged Lands Act established that the Federal Outer Continental Shelf lands are by no stretch of the imagination within the boundaries of the individual coastal States.

Fifteen years ago our colleague, Senator Price Daniel of Texas, was the leading proponent of improving the decisive victory won by the coastal States in the enactment of the Submerged Lands Act by slicing up Federal offshore oil-leasing revenues for the benefit of the coastal States. He failed. There was so little support for such a proposal that Senator Daniel didn't even offer a formal amendment to the bill to implement his plan.

The proposal has no more support today than it did 15 years ago. One might as well propose that coastal States get 37½ percent of all Federal income tax revenues for all the good it will do.

I believe that reopening the decades-old dispute which was compromised and settled 15 years ago would jeopardize the future of conservation in America. Strenuous support for any revenue-splitting scheme between the Federal Government and the coastal States would be specious in view of the certainty of its defeat in this committee, in both Houses of Congress, and the assured veto of the President. A crusade for this long-discredited idea could, however, kill S. 1401 and with it the Redwood National Park and other conservation legislation pending before Congress.

I refuse to participate in the dismemberment of America's conservation program, and accordingly I will oppose any foredoomed effort to disrupt the time-honored compromise of State and Federal interests which was reached in this committee, and in the Congress, 15 years ago. I think it is fair to say that my views are shared by the chairman, who represents another great coastal State, Washington.

The CHAIRMAN. The Chair would like to proceed by asking that the distinguished senior Senator from Louisiana give his testimony at this time, if that is agreeable.

STATEMENT OF HON. ALLEN J. ELLENDER, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator ELLENDER. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Ellender, we are delighted to have you with us.

Senator ELLENDER. Thank you.

The CHAIRMAN. And we will certainly welcome your comments.

Senator ELLENDER. I have a very short statement. At a meeting of

the Louisiana congressional delegation recently held, it was agreed that Hon. John J. McKeithen, Governor of Louisiana, would present the case for Louisiana.

I have read his statement and concur with it. I do not propose to reiterate the views expressed by him.

I am, however, in wholehearted agreement with the general purposes of the bill, and I am convinced of the great benefits which will accrue to the American people from the Land and Water Conservation Fund Act.

There is one feature of the bill which I believe poses serious disadvantages, and I would urge this committee to consider it carefully. Section 8 would earmark certain revenues of the Federal Government derived from the Outer Continental Shelf Act of 1953 for the exclusive use of the land and water conservation fund.

I believe that this is an unwise provision for several reasons. First, as a legislator I am convinced that it is unwise and actually hazardous for the operation of the Government to be hamstrung by dedicated revenues.

Congress has done this to a limited degree in the past, but I believe it is a serious mistake to further encroach upon the Government's ability to respond to any fiscal crisis which may arise.

We have all seen the disastrous effect upon State governments which have attempted to operate under a rigid system of dedicated revenues to fund specific programs.

Many of our State governments, including even those with enormous budgets, have so restricted their revenues by dedicating them for specific purposes that they cannot meet the day-to-day crises which confront them.

Secondly, I believe that the earmarking of these particular revenues from the Outer Continental Shelf oil and gas lands should not be done now in view of the fact that the controversy between the United States and Louisiana has not been settled.

At this point it cannot be determined how much of the funds held in escrow belong to the U.S. Government under the interim agreement of October 12, 1956. It seems to me that before this money is committed to any particular purpose that the issues between the Federal and State governments should be resolved.

As members of the committee will recall, Congress attempted to settle the controversy between the Federal Government and the coastal States by the passage of the Submerged Lands Act of 1954. As the committee will recall, Louisiana's ownership of the 3-mile strip of the coastal bottom was recognized.

The controversy today, of course, involves the determination of the outer limits of the 3-mile strip. If the committee insists upon earmarking funds for the purposes of this bill, I do believe that it should wait until the disputes heretofore mentioned are finally settled.

Mr. Chairman, I would reemphasize my belief that it is extremely unwise to dedicate revenues of the Federal Government to any specific purpose.

I repeat, I favor the objectives of the committee's bill and I hope to be able to support it, and I intend to do so if this provision of the earmarked fund is omitted.

I believe this committee should adopt a general authorization bill in whatever amount it determines is necessary to insure the conservation of our land and water and to provide recreational facilities for our people.

I am sure that every member of the committee knows that our Government is faced with overwhelming demands upon its Treasury at this particular moment and the President's ability to respond to crises should not be impaired.

There are urgent needs in the matter of education, poverty, urban assistance, and many other pressing problems. I need not dwell upon the expenses of our Armed Forces and particularly the cost of the Vietnam war.

The war, and indeed these other programs that I mentioned above, impose demands upon the Nation which require complete freedom of action on the part of the President and Congress.

In conclusion, Mr. Chairman, I would reiterate my support of the objectives of this bill and I certainly acknowledge the necessity of acting now for additional authorization.

However, I am hopeful that the committee will agree to fund the programs out of the general receipts of the treasury. I assure the members of this committee that for my own part I will, as a member of the Appropriations Committee, give complete and sympathetic consideration to the requests made for funds.

Thank you, Mr. Chairman.

Now, Mr. Chairman, as I previously stated, at a meeting in New Orleans just a few days ago, the congressional delegation selected Governor McKeithen to represent the State; that is, to make the statement representing the Louisiana point of view, and it is my great pleasure now, Mr. Chairman, with your permission, to present Gov. John J. McKeithen. As you know, he has been Governor now for almost 4 years, and he was recently elected for another 4-year term as Governor of Louisiana, and I may say in passing that he is one of the first Governors for a long time who has succeeded himself, and he has made us a good Governor, and I am sure you will be much interested in the statement that he will present to you.

The CHAIRMAN. Governor McKeithen, we are delighted to welcome you to the committee, and maybe you and Senator Long would like to come forward, now and offer your testimony.

Senator ELLENDER. Mr. Chairman, I wish to be excused. I have to preside at a meeting of the Senate Agriculture Committee, and I hope to be back before your committee recesses.

The CHAIRMAN. We understand.

Governor, won't you have a chair, and Senator Long?

Senator LONG. I will defer until you have heard the Governor, Mr. Chairman.

The CHAIRMAN. All right.

STATEMENT OF HON. JOHN J. McKEITHEN, GOVERNOR, THE STATE OF LOUISIANA

Governor MCKEITHEN. Mr. Chairman, members of the committee, I appreciate the courtesy of being permitted to testify here today concerning Senate bill 1401, a measure which is of the utmost concern

to the people of Louisiana, and indeed the other 49 States of our Nation, and particularly those States that have coastlines.

Let me again make the position of Louisiana abundantly clear from the very outset. Louisiana does not oppose the philosophy set forth in the proposed legislation new pending before this committee.

Indeed we are in sympathy with the objectives of this legislation and that is, to acquire additional recreation facilities for the American people. Louisiana has for many years dedicated substantial amount of money to the development of parks and recreation areas, and we fully realize the necessity for and desirability of such expenditures.

In fact, Louisiana has benefited substantially from moneys derived from the land and water conservation fund.

Louisiana's objections to the pending bills are not directed toward their purposes, but rather toward the manner in which these purposes would be achieved. That is, by the utilization of a portion of the submerged lands receipts as supplemental financing for the land and water conservation fund.

We believe legislation of this kind could render impossible the formulation of a permanent program for the disposition of these revenues, to the prejudice of the long-range conservation objectives which I am sure all of us seek to achieve.

It is my purpose here today if I may, to outline, in general terms, some of the problems and inequities inherent in the bills now before this committee, to the extent they affect revenues derived from the submerged lands and to suggest for your serious consideration a long-range program relating to the prudent use of all of these funds.

Members of the Louisiana congressional delegation, whose testimney follows mine—you have just heard Senator Ellender—will deal with both of these topics in greater detail.

First and foremost, the measures now under consideration completely abandon the long established, and completely fair, national policy relative to the disposition of revenues derived from Federal lands.

This policy sanctioned by history and embedded in nearly a half century of Federal land policy allocates 37½ percent of the revenues derived from the public lands to the States, in lieu of taxes.

Another 52½ percent is allocated to the reclamation fund for the benefit of the 17 reclamation areas States, and the remaining 10 percent is retained by the Federal Government to cover the cost of administration, attendant to the production of the revenues allocated otherwise under the formula.

Louisiana believes that history, precedent, and basic considerations of fair play, require that this formula be extended to the Federal submerged lands adjacent to the coasts of our Nation. Indeed, the factors which prompted the Congress as long ago as 1919 to allocate receipts derived from the Mineral Leasing Act of 1920, in the manner set forth above, are just as valid and compelling today, as they were 50 years ago.

Fundamentally we must all remember that today, as in 1920, we are dealing with proceeds derived from a wasting asset. Each barrel of oil produced from the submerged lands, each mcf of gas produced

from America's Continental Shelf, is a depletion of a capital asset. These proceeds must be considered in that context, and legislation involving their disposition must be permanent in nature, long range in application and founded upon sound principles of conservation and the prudent utilization of natural resources with a limited life.

Thus, Louisiana urges this committee and the Congress to join with Louisiana in devising a permanent program for the disposition of revenues produced from the public submerged lands just as the Congress has really already developed and enacted a permanent program for the disposition of revenues yielded from the lands of the interior of our Nation.

Any such permanent legislation must give due consideration to the needs of the States whose shores are "host" to the men whose skill, talent and dedication make possible the production of the minerals located beneath our adjacent seas.

Congress has already recognized the extent of the financial burdens imposed upon the States, in connection with the development of the mineral resources of the interior States, by allocating 37½ percent of the proceeds of such production to those States, in lieu of taxes.

And just as neither Washington, Colorado, or Wyoming may tax mineral production from public lands within their borders, so is Louisiana, and all the other coastal States, denied the power to tax mineral production from the Continental Shelf.

Yet, the demands imposed upon our coastal areas, and States, as a result of such development, are not less, and perhaps even greater, than the demands imposed upon an inland State, under like circumstances.

We all welcome the growth and long-term benefits which rapid development of a natural resource provide, but we must also recognize that none of these things are accomplished without profound problems—problems whose solutions require immediate expenditures far beyond the capabilities of most areas so affected to provide.

Almost every worker employed in offshore development lives, with his family, on the adjacent coast. His immediate needs involve schools for his children, necessary police, fire and similar protection for his home, sewerage, water and utility services for himself and his family, and, of course, transportation and related improvements for all of them.

As populations have grown and grown rapidly our coastal States have struggled in order to provide the necessary schools, roads, and related services demanded by the people whose work is so vital in developing offshore resources.

The problems are immense—not unlike those confronted by a small community which suddenly discovers itself the site of a huge military base, or some other Government installation.

In the case of the so-called federally impacted areas, the Congress has wisely recognized the necessity and justification for Federal financial assistance, just as Congress nearly a half century ago recognized the similar needs of the interior States and dedicated 37½ percent of the proceeds of mineral production to the construction of schools, roads, and like facilities within those States.

The justification for this participation is and has been long established and long embedded in the public lands legislation of our Nation,

and it is only fair that it so remain. But the logic which compelled this long-established determination requires that the coastal States be permitted a like participation in the proceeds derived from federally administered submerged lands lying off their coasts.

In this connection I wish to emphasize again that Louisiana is denied the power to tax these activities, and I am sure that every member of this committee realizes that the needs of the people who make such development possible cannot be met, even approached, by the taxing of those areas now subject to the fiscal authority of our State.

Thus experience has proved the logic, and the necessity of the formula devised by the Congress for the disposition of revenues from the public lands of the interior.

Louisiana urges its extension to the public lands underlying the sea.

The national interest demands maximum development of these areas, and this development requires that local and State governments promptly and fully meet the demands of the people whose work and talents are necessary in the achievement of such development.

To this extent, State, local and Federal interests are undeniably interrelated. The achievement of one requires also the achievement of all others. Thus, as to coastal lands as to public lands of the interior, the application of the long-established policy relating to a sharing of development proceeds, is of vital importance to us all.

Now then what of the balance of these proceeds?

It is Louisiana's position before the Congress, as it has been Louisiana's position in her local affairs, that the very nature of the mineral development which we have experienced from out water bottoms necessitates the utilization of the proceeds of such development for purposes of the broadest possible public interest.

We know that these resources are depletable. Minerals, by their nature, are capital assets, and their commercial development into consumable items amounts to a consumption of a nonrecurring asset, and depletion of what I believe accountants term a wasting asset. Thus it would be totally imprudent, we submit, for any responsible government to utilize the economic benefits of such development for anything but the acquisition of additional capital items.

Congress has recognized the validity of the conservation principle in the Mineral Leasing Act, by requiring that 52½ percent of mineral revenues derived from the public lands be dedicated to reclamation, to the development of other lands within the public land States.

Louisiana endorses the principle of the reclamation fund, and urges the extension of that principle to the submerged lands. We suggest that the same proportion of revenues—52½ percent—be dedicated to permanent long-range programs to foster further development of the resources of the sea, and to protect and, if possible, enhance, existing resources.

Basic principles of good stewardship dictate that a major portion of the revenues derived from offshore mineral development be applied to such high-priority items as control of water pollution, increased research in the field of oceanography, hurricane protection, research into the causes, and possible sources and mitigation of earthquakes, for fisheries research, and similar purposes.

It is common knowledge that the entire world faces a serious food crisis and yet we in the United States have only scratched the surface of research in this area.

In my own State one company has reported that preliminary results of experiments with regard to shrimp production, for example, indicate that some 200 pounds of shrimp can be produced from each acre of coastal estuary or marshland.

This opens tremendous fields of development and offers promise of immense additional sources of protein for human consumption. And yet I am told in India shrimp farming techniques in use there have yielded as much as 1,000 pounds of shrimp per acre.

We are far, far behind in this field.

We are also tragically behind, tragically neglectful, in my humble opinion in our efforts to discover and develop other resources of the sea. We just do not know what resources exist off our shores, and we have failed to apply either the dedication or the money necessary to get the job done.

We have also fallen far back in the field of pollution abatement and in devising ways and means of controlling, or, even better yet, preventing the pollution of our oceans, rivers, and streams.

We are also inviting disaster by failing to devise an adequate system of hurricane protection to protect the areas which produce the very revenues we are considering here today.

In the last decade Louisiana alone has suffered three disastrous hurricanes—Audrey, Hilda, and Betsy. Hurricane Audrey took a fearsome toll of lives in the Cameron area.

Damage resulting from Hurricane Betsy exceeded a billion dollars, the greatest insurance loss the Nation has ever known, much of it suffered by shore bases for offshore mineral operations.

We cannot logically expect continued development of our marine resources unless we protect the facilities needed for such development from natural disaster.

Thus Louisiana suggests the dedication of a major share of offshore mineral revenues to research into our ocean frontiers, for oceanography, pollution abatement, and expansion of our fishery resources.

We must prevent the dissipation of these resources; we must wisely invest them in additional development and research; we must provide a concentrated effort toward the exploration of America's last frontier, the sea.

Just as a major part of the revenues derived from the Federal lands of the interior are dedicated to the further development of those lands, so must we submit, a major part of the revenues derived from the Federal submerged lands be applied to the development of our ocean frontiers.

Indeed, the national interest dictates that this is the only proper approach. Congress must enact a permanent program governing revenues derived from the sea—a program tailored along the same lines as existing programs applicable to the interior States. We feel the national interest cannot afford anything less.

This is the kind of program Louisiana advocates and urges to the Congress, and this is the kind of program Louisiana will work to achieve.

We are confident that we will enjoy the support of the States of the interior of our Nation, for the program we advocate is one whose prudence and effectiveness has been proven by the test of time.

The great history of reclamation in the West offers ample evidence of the kind of results we can expect from a true conservation effort, designed to achieve maximum results from the wise investment of funds derived from a depletable asset.

There is every reason to believe that a similar program will provide similar results, when applied to the resources of the sea.

In the foreword to a recent Department of Interior bulletin, published in May 1966, the chairman of the energy policy staff observed:

> * * * the preponderant part of offshore exploratory activity over the past twenty years has been concentrated in the area off the Louisiana coast in water depths rarely exceeding 200 feet and to distances no more than 75 miles from shore. The remainder of the continental shelf adjacent to the contiguous United States and comprising well over 200,000 square miles has hardly been touched, although virtually all of it is considered to be favorable for the occurrence of petroleum deposits.

Just 1 month later, in June 1966, a study prepared by the Woods Hole Oceanographic Institution reported the existence of tremendous phosphorite and manganese deposits off the coasts of Florida, and North and South Carolina, with significant deposits of petroleum indicated to be present off the coasts of all the Atlantic States, as far north as Massachusetts and Maine.

If these published data prove any one thing, they prove conclusively that even today, after some 20 years of experience with submerged lands mineral production, we have not even begun to discover the magnitude of the resources which lie off the entire coast of the United States, from Maine to the Northwest, to Washington and Oregon in the Northwest.

Thus while the coastal States are directly affected by the proposed legislation, the futures of all of our States are involved for, unless, we provide increased impetus for the discovery and development of the resources of the submerged lands, unless we devise and implement a prudent program for the wise utilization of these rseources, we feel a great national opportunity will have been lost to us all.

For this reason, Louisiana advocates the formulation and enactment by Congress of a permanent program for the disposition of the revenues produced from the sea—a program consistent with that originally adopted nearly a half century ago in connection with the development of the public lands in the interior of our Nation.

Louisiana suggests to the Congress a program based upon the highest and best principles of enlightened conservation, utilizing a major portion of the proceeds derived from offshore development for the further development of those areas—for their protection, enhancement, and safekeeping.

Louisiana urges this program, not only on the basis of precedent, but the overriding conviction that the national interest can afford no other.

The fruits derived from the depeletion of a capital asset must be reinvested in the further development of the area producing that asset.

The resources of the sea must be used, at least in major part, to develop new resources from the sea, in much the same way as revenues from the Federal lands in the interior States are dedicated to the development of other lands in those States.

Finally Louisiana urges this committee to look beyond the current state of ocean development and contemplate the future. The program advocated by Louisiana is vitally ncessary to all of our States.

Today the context in which this problem is presented seems only to involve the Gulf States and California but the issues involved far exceed those presented, and proposed to be dealt with, in the pending bills.

All of our coastal areas have a vital stake in the determination of a permanent national policy for the development of the submerged lands—for the development of our ocean frontiers.

Louisiana urges the extension of the existing Federal policy, relative to the lands of the interior, to the submerged lands of our ocean frontier, and as in the case of the interior States, the dedication of a fair share of the proceeds of such development to assisting the States in meeting the demands attendant to such development.

The balance of the proceeds resulting from this development must be reinvested in projects reasonably related to fostering furthering development of those same areas—again, we say, in much the same manner as proceeds derived from the lands of the interior are so utilized.

We submit the basic principles of equity and fair play viewed in the light of long-established national policy, demand this result. Prudent utilization of the proceeds derived from the development of the areas involved require nothing less.

That is the end of my statement, Mr. Chairman.

The CHAIRMAN. Thank you, Governor. You certainly have very ably articulated the views of your great State of Louisiana.

I first want to call to your attention that the Federal policy of making revenues available under the Mineral Leasing Act to the States applies to States in which the Federal lands are within their State boundaries.

Now I might point out that 15 years ago—there are three of us here today who were on the Senate Interior Committee at that time, Senator Anderson, Senator Kuchel, and myself—we had in mind, frankly, the very problem that is now before us.

I want to call your attention to the provisions of the law relating to the Outer Continental Shelf. Specifically, section 4 provides that the Constitution and law of the United States shall be extended to the Outer Continental Shelf.

Paragraph 2 of the section provides in substance that, absent applicable Federal law, the laws of the adjacent State shall be applicable. Then paragraph 3—and this is very significant—I quote:

> The provisions of this section for the adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any state for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof, or the revenues therefrom.

That is from paragraph 3 of section 4 of the Outer Continental Shelf Act. The June 11, 1953, transcript of the executive session on the bill

that was the basis for the law, S. 1901, 83d Congress, shows that this section is the substance of a provision that I had proposed at that time.

The committee report, accompanying the bill sets forth the following explanation:

> The provision for the adoption of state laws as Federal Law shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof, or the revenues—or the revenues, I emphasize that—"therefrom."

That is from Senate Report 411 of the 83d Congress. Now during this same executive session, the following colloquy took place at the time of this discussion of the adoption of the language of paragraph 3 of section 4, and also, the language in the report:

> Senator CORDON. To me it adds nothing.
>
> Senator ANDERSON. I can answer only for myself, everywhere we have been given the statement, don't you worry, these states will back in, demanding their share of this revenue again.
>
> Senator CORDON. I suspect they will be.
>
> Senator ANDERSON. I suspect they will be, too, but I wanted to get something in the law that I could point to on the floor of the Senate next time, if I happen to be here, or that my grandchildren can point to if they are here.
>
> Senator MILLIKIN. That is what is known as a butterball.

At this point is deleted material that is not pertinent.

Then the executive session transcript goes on:

> Senator JACKSON. Before you go to sulphur, may I suggest that the staff be authorized to get up appropriate language to bolster our colloquy in connection with the amendment just adopted, making it clear that the state law referred to in Section 4(a) is merely for the purpose of filling these voids and to make it more applicable to Federal law.
>
> Senator WATKINS. And that in no case can the State law be used if there is a Federal enactment.
>
> Senator JACKSON. Just so there will not be any question on the floor, we can have it in the report.

In the floor debates on the measure, Senator Guy Cordon, floor manager of the bill, stated to the Senate:

> Section 4 might be said to be the heart of the bill legislatively and administratively. I may state the committee considered several approaches to this problem. Obviously, one such approach would, of course, have been the extension of State laws, and with them, State boundaries, to the outer edge of the shelf.

I mention this, Governor, because those of us who were present at that time still have fresh memories of what we could see as a problem in the future. The Submerged Lands Act, which we had passed previously, gave to the States all of the subsoil and minerals out to the edge of State boundaries; namely, to the 3-mile limit. In the case of Texas and Florida, there are different historical facts, and, with respect to these two States, the State boundaries run out further, to the 3-league limit.

We wanted to make it very clear that these lands beyond the boundaries were Federal lands, not within the jurisdiction of any State, and it seems to me that the precedent——

Governor MCKEITHEN. Mr. Chairman, it is very clear to us. We don't come here claiming such a right under existing law. We make no such claim at all.

The CHAIRMAN. No, sir; I was referring to the basis of your argument.

Governor MCKEITHEN. How long ago was that, Mr. Chairman?

The CHAIRMAN. 1953.

Governor MCKEITHEN. No one anticipated, or had the least expectation of what we were going to find out there on that Continental Shelf.

Senator ANDERSON. Oh, what is that again?

Governor MCKEITHEN. We did not, nor did our greatest geologists have any idea of what we were going to find there. We had no idea of the burden that was going to be placed upon us along that coast, and we discover more problems every time we drill another well.

But there is no question, Senator Jackson, but what the development off the Louisiana coast, and I presume even development now off the California coast, was not anticipated 15 years ago.

Senator ANDERSON. There were oil leases out there. There was oil production out there, sulfur out there——

Governor MCKEITHEN. Nothing in the magnitude that we find out there now. Nothing in the magnitude at all, nothing as far out, either. We were not faced with the problem then that we are faced with now.

The CHAIRMAN. Governor, may I say that I am sure no one had any idea of the magnitude at that time.

Governor MCKEITHEN. Correct.

The CHAIRMAN. But I think my colleagues here, my two colleagues who were present then and now, would agree that obviously there was the realization at that time that there could be a lot of oil available from the Outer Continental Shelf which would provide substantial revenue.

As you know, we had an amendment, the so-called oil for education provision proposed by Senator Hill which was defeated, that would have made the revenues both from within the 3-mile limit, and all the way out to the edge of the Outer Continental Shelf, available for education generally throughout the United States. At that time there were 48 States and since then two States have come in. The very basis for the Hill amendment was directly related to the potential revenues that could be forthcoming as a result of the Supreme Court decisions which held, as you know, that the minerals of the subsoil within the 3-mile limit and below the mean low-water mark belonged to the Federal Government. In the 83d Congress, the legislation that we had before us was to give the areas within the 3-mile limit to the adjoining States. There was strong feeling in the Congress. We debated it at length. Senator Hill and Senator Anderson and myself were cosponsors of this oil for education amendment.

We did not know what was there, obviously, but there was strong feeling that there would be revenues that could be used for public education.

Governor MCKEITHEN. No question about that. I did not mean to say, Senator Jackson, that we did not know anything was out there. We had no idea that it was going to be of the quality and quantity that it is.

I don't think any of us did. But the point we are making is that there is every reason, we feel, that where these submerged lands are contiguous to the borders of the coastal States, we feel that every reason the interior States have had to be given 37½ percent exists with

the coastal States, too, for the reasons I gave in my prepared statement.

We make no contest about the ownership of the properties out there, but we think——

The CHAIRMAN. Yes, but the point I want to make again is that the policy to which you refer relates to Federal lands within the States.

Governor MCKEITHEN. Yes, sir.

The CHAIRMAN. We are talking now about Federal lands that are not within any State. And this is an entirely different situation.

Governor MCKEITHEN. We understand that the location is entirely different—but the burden and requisites and penalties placed on the States are identical—identical, absolutely identical, that is correct, Senator, they are absolutely identical and we just feel that the coastal States, which have borne the burden, as we are bearing it right now—it is a tremendous burden—we feel that we should get the same treatment from these proceeds as are given the interior States.

The CHAIRMAN. Governor, my point is that when we put this provision in the law, and then in the report, we said in effect, "Look, we already have given property that the Supreme Court of the United States has held to be the property of all the people of the United States to the adjoining States. We now are providing for the government of the lands lying seaward of that which we have given the State."

I did not vote for the States bill. I voted the other way.

Governor MCKEITHEN. And gave very little actually in the case of Louisiana but we appreciate it. It turned out that the Supreme Court said we only got 3 miles, and I believe our sister States got 9, but we appreciated the 3 miles.

Senator ANDERSON. Oh, no. Some of it is in dispute.

Governor MCKEITHEN. We were not complaining. We appreciate it. We would love to have had more.

The CHAIRMAN. But the point I want to make is that a part of the consideration for having given you out to the 3-mile limit was that, as we said, "If you are going to have up to 3 miles, then beyond that the lands are forever Federal."

Now this is the clear history of it.

Governor MCKEITHEN. We don't dispute.

The CHAIRMAN. And those who voted for and supported the States bill, like Senator Cordon, understood this. Senator Cordon conducted the hearings on both the submerged lands and the outer shelf bills and was the floor manager of the measures.

Senator ANDERSON. That is right.

The CHAIRMAN. Even those who were supporting the tidelands bill; that is, the one to convey the property to the States, said "Look, there is where we draw the line. This is where we draw the line, unequivocally."

And this is the clear legislative history.

Governor MCKEITHEN. We don't dispute a thing you have said, Senator, not a thing you have said about the history of the legislation.

Let me just finish right here. What we do say now is that we have discovered that there are tremendous resources and minerals lying out there, not only off Louisiana, but we know now off the coast of many of

our other States, and we are telling you it has placed a tremendous burden on us, as we attempt to educate those people, and provide highways for them, just as it has on the interior States from the development of the interior lands.

We are coming here and asking you to treat us as you treat the interior States. Not just Louisiana, but all of the coastal States.

The State of California, the State of Florida, the Carolinas, who will eventually, we are told now, have tremendous resources off their coasts. We are not saying the Federal Government is not entitled to the lion's share of it, but we feel like it should be used in developing additional improvements along the coast and in the ocean itself. We are saying that the States whose coasts must host those people who work these resources are entitled to a greater part of those moneys.

That is actually basically what we are saying. We think 37½ percent is fair for us just as it is for the interior States. That is what we are presenting here to you.

The CHAIRMAN. How much revenue do you collect from the Outer Continental Shelf in the form of the State income tax?

Governor MCKEITHEN. I don't know.

The CHAIRMAN. Other taxes?

Governor MCKEITHEN. Let's see if I can find someone with me who does know.

The CHAIRMAN. My point is that in this connection with the services that you may render out there, you do collect some State revenues from the operations in the Outer Continental Shelf; don't you?

Governor MCKEITHEN. I don't know what they would be, Senator. I could get you that information. I will be glad to.

The CHAIRMAN. I don't know.

Governor MCKEITHEN. I don't either, as I say. Sales and use taxes don't apply out there, of course.

The CHAIRMAN. Well, could you get it? You don't need to respond now.

Governor MCKEITHEN. Yes; we will get you that information. I will be glad to furnish it to the committee. I think you are entitled to have it.

The CHAIRMAN. Whatever you get from the Outer Continental Shelf?

Governor MCKEITHEN. As far as I say, I can't think of any. But we will get you that information. Congressman Boggs has informed me—I am glad he prompted those of us in the State Government—that we get no State income taxes from those lands.

Senator ANDERSON. What is that?

Governor MCKEITHEN. Congressman Boggs says none.

The CHAIRMAN. If the outer shelf operators are home based in Louisiana, and they are working out there; don't they pay a tax?

Governor MCKEITHEN. You mean the employees? Yes, sir; if they are domiciled there; yes, they pay a State tax, income tax, which is not great in any of our States.

The CHAIRMAN. What about the corporations?

Representative BOGGS. Just like a seaman would pay.

Governor MCKEITHEN. I am not familiar with what a seaman pays, but I say, I can tell you that it is very, very small.

The CHAIRMAN. What about the companies?

Governor McKeithen. Most States don't have a very large income tax. We can't afford it, when we need the income for the Federal Government's projects, and I am not complaining but I can't think of a fair way to get the money.

Don't misunderstand me. But when you get through with them here in Washington, there is not much income left to tax.

I am not complaining, Senator Jackson. I am not putting the blame on anyone in the Congress, because I support the theory of the income tax, and I am not one to advocate the reduction of taxes, but I say that the State income tax is a very small thing, and I will be glad to get you that information, as nearly as we can, Senator.

The Chairman. The very able chairman of the Senate Finance Committee, who is a distinguished Senator, and a distinguished son of Louisiana, handles all of the revenue raising, and he is aided and abetted over on the House side by a very able whip, Congressman Boggs.

Governor McKeithen. That is one of the reasons why I was very careful not to criticize. I will be glad to furnish the committee with that information as quickly as I can, as nearly as we can get it.

The Chairman. I understand.

Governor McKeithen. Yes, sir.

The Chairman. Senator Anderson?

Senator Anderson. Well, let me say I never thought I would live long enough to hear this discussion about the Outer Continental Shelf. I do want to discuss a little history. You may recall that there was a filibuster going on in the Senate. Some of us who were liberals did not like to do it very much. Senator Taft, the majority leader then, spoke up and said there is a filibuster going on and the Senator from New Mexico is the organizer and leader of it. I do remember we had some discussion about it. The so-called filibuster absolutely blocked passage for a long time of the bill, granting to the States the lands the Supreme Court had said belonged to the Federal Government.

There was not 1 inch of tidelands, as such, involved at all, but the title was a better sales point. We who opposed the giveaway finally got the floor, and had a long discussion. Senator Taft appealed to some of us to try to work something out. Price Daniels and others came along, and I made the commitment that if they would support the Continental Shelf proposition, I would try to call off the filibuster.

They did agree, and the idea was proposed to Senator Douglas and others. Senator Taft met us in his little office, and asked what we wanted for a guarantee.

I said, "If Guy Cordon will draft the bill"—he was the best legislative man I ever saw—"If Guy Cordon will draft the bill, we will try to get it approved and then go on with the tidelands discussion."

Senator Cordon did draft it. That is, he sketched out the basic provisions there in Senator Taft's office. Certain commitments were made. I objected at one time that the Outer Shelf was not being unequivocally sealed off, and Guy Cordon said, "This is as strong language as you can get."

We did pass the submerged lands bill, the Inner Continental Shelf bill, and then the Outer Continental Shelf bill. It was a fight, but Senator Taft got on the floor and went around the room and said he had made his commitment for it, and that it had to be passed.

Now here a 15-year period has elapsed, and we find certain rights being asserted that I don't think exist out there at all. President Truman had vetoed previous giveaway bills, and did as long as he was the President. After he was out, and another President was in, there was a possibility the States' bill could pass. We filibustered for a long time, I am frank to say about it. We filibustered to make sure that the Continental Shelf was not going to be taken away from the people of this country.

Senator Hill brought his "oil for the lamps of learning" amendment up and we accepted it in the Senate.

Governom McKeithen. We don't advocate taking it away from the people of the country, Senator, we just advocate giving the States that support them a larger share than the other States get, who don't have that responsibility.

Senator Anderson. We debated for a long time how far out the boundaries were, and got the advice of special geographers. We were assured there was sulfur out there; we had oil leases piled up, millions of dollars worth. Men invested because they knew of the oil production in Louisiana and Texas, and they had money to drill.

Governor McKeithen. We are not advocating, Senator, that all that money should be given to us. We are advocating merely that the States from whose coasts this production is being developed should have a larger share than those that do not bear that responsibility.

Senator Anderson. But your larger share is based on Outer Continental Shelf operations, and you don't own a foot of it.

Governor McKeithen. I did not understand you, sir.

Senator Anderson. You are talking about the development on the Continental Shelf.

Governor McKeithen. Yes, sir.

Senator Anderson. You don't own a foot of it. That is the Federal Government's area.

Governor McKeithen. Sir?

Senator Anderson. That is the Government's area. There are several States, like Wyoming and Montana, and other States, that have oil production from Federal land. They say, "Why don't you give the oil to us, since it is located in lands underneath our own boundaries?"

The State of Wyoming, at that time, would have been entitled to about $103 million, or $105 million; the State of New Mexico over a hundred million dollars.

Those claims were not recognized. I supported the bill that was introduced at that time by Senator Hunt of Wyoming.

Senator Long. Senator, might I just make one statement to try to clarify this discussion, because you are discussing some things that the Governor was not around here to witness. I think I know what the position of the State of Louisiana was at that time.

I was the third member on this committee at that particular time. I was behind Senator Anderson on the Democratic side of the aisle. And the Republicans had control of the Congress at that time, one of the few times, may I say, that the Nation has made that decision, in my lifetime. The Republican chairman was Senator Butler, and you are right, Senator Cordon was the manager of that bill, but if you will recall, Senators, we passed two bills.

One bill was the so-called tidelands bill, and that bill said that every State would have at least 3 miles, and if it could prove its historic boundary was beyond 3 miles, it could have 10, into the Gulf of Mexico. That was the 3 leagues, or 10 miles, which benefited Texas and Florida.

It did not benefit Louisiana. That was the so-called Submerged Lands Act. Now Senator, as you correctly stated, you opposed that bill, and so did the other two members of the committee, Senator Jackson opposed it, and I believe one other member of the committee opposed it.

Senator KUCHEL. No, I was the co-author of it, Russell.

Senator LONG. You were not on the committee at that time.

The CHAIRMAN. Yes, he was.

Senator KUCHEL. I was the coauthor of the bill.

Senator LONG. That makes that clear, then. All right, now so that is what we call the tidelands bill, but that was the Submerged Lands Act. Now of those of us who were from coastal States, practically all voted for. I know every coastal State that had any oil in it, submerged lands, supported it, and so the vote was almost unanimous in coastal States for the bill. That bill said that those coastal States owned all lands out to the 3-mile limit.

Now subsequently, we had a second bill that passed. That was the Outer Continental Shelf, and that is the bill to which Senator Jackson made reference. Now I voted against that bill, and I tried to amend that bill at that time.

I believe Senator Ellender offered the amendment, to see that the States would get 37½ percent.

Senator ANDERSON. As did the other coastal States. They all opposed it.

Senator LONG. We did not prevail in that, but we feel that we were right about it, and may I say, Senator Anderson, I think at that time that our case was very substantially prejudiced by the fact that we had passed the Submerged Lands Act, and many Senators said, "Well, the State has got a 3-mile limit, they ought to be satisfied."

We felt that the burden, as the Governor has indicated, is the same with regard to that submerged land beyond the 3-mile limit as it would be in any interior State. If you had Federal lands located there, that you would have a burden of supporting it, and that who ever works and supports and produces the oil or the sulfur, or whatever it may be, is going to put a burden on that State government. The same logic that supports that 37½ percent for upland States supports the 37½ percent or some reasonable formula or some reasonable percentage for the burden on States and cities of the coastal areas, to produce in those lands.

So you had two acts. I voted against one, and you voted against the other one.

Senator ANDERSON. I must give other Senators time to ask questions, but I just point out that I remember when the Continental Shelf bill was presented. It was drafted, in outline form at least, in the office of Senator Taft, and I praise him for it. He made me a square toed commitment if I would call off the filibuster.

We did call it off, and Senator Taft carried out every promise he made. He was fine. At the time we never believed this issue would be back before us again.

The CHAIRMAN. I wonder, it might be well, now if Senator Long could make his statement, and then we can ask questions of any of the witnesses at the table. Is that all right, Governor?

Governor MCKEITHEN. That is fine.

The CHAIRMAN. You go ahead, Senator Long.

STATEMENT OF HON. RUSSELL B. LONG, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator LONG. I am going to abbreviate my statement, Mr. Chairman, for the benefit of those of you here. To make it clear that we of Louisiana favor the purpose that your bill seeks to accomplish, Mr. Chairman, I have consistently voted for the funds to support programs of this sort, and expect to do so in the future.

In other words, as far as the program that you have in mind, their land and water conservation fund, we expect to vote and support whatever amount of money is necessary for this fund, and we favor more, not less, for it.

Now what disturbs us about this is that when we tap the Outer Continental Shelf these revenues should not be regarded as some pot of gold that somebody found at the end of the rainbow. They should be looked upon in light of what they actually are. The coastal States have this burden upon them, which should be recognized. The legislation that I recommend says that the remainder of that fund should be spent in developing the same kind of revenues that are being depleted—in this instance, the resources of the sea.

So that we think that the needs in that area are tremendous, and they will become much greater, as time goes by, especially if we develop those resources the way that they should be developed, and now the Governor has indicated something of what the burden of it is. May I say that we in Louisiana derive most of our State revenues, either directly or indirectly, by taxes on the oil and gas industry.

That is our biggest industry. It accounts for over 40 percent of industrial employment, if you look at the direct income as well as the indirect income. Frankly, that industry is moving out into the sea.

These upland resources are being depleted. The same people who work these upland resources will be working these resources of the sea. We are facing a serious financial crisis in State government, as more and more, our efforts move out into the sea. As we deplete the resources that are beneath State land and beneath privately owned lands, and move out into the sea, this State, using the same labor, the same resources, the same contractors, the same business people to develop it, will find that the burden will be not less, they will be greater, on State government. Yet, the funds to provide the sanitary facilities, the schools, the education, the police protection, the roads, recreation facilities, and police protection, and various other things that are required for people to live somewhere, and to be a part of any government, would not be there.

Now if I might just point to one single problem that is a part of developing the sea which is not a problem with regard to an upland State, is the problem of a tropical hurricane. The property damages from Hurricane Betsy alone—that is one tropical hurricane—were estimated to be approximately $1 million in Louisiana alone.

Now that is a million dollars of property damage from only one hurricane. In Hurricane Audrey, that occurred about 5 or 6 years prior to that, one-quarter of the entire population of Cameron Parish, where the principal occupation is developing these oil resources, one-quarter of the entire population was killed. Thus the tremendous burden of adequately protecting these people, and providing them with other resources while they work the sea, is just as great as it is for upland States, where similar problems exist, and let me say that I personally would like to refer to the history of the Congress with regard to Federal lands.

If Senators recall, initially, when the Federal Government started carving out, the 13 States owned virtually all their lands and the Federal Government owned virtually none of it.

But when the Government started carving out additional lands, the first States to become members of the Union were permitted to have all the Federal lands that the Federal Government had owned, that were made a part of those States.

States like Kentucky, Tennessee, and even my own State of Louisiana, so far as there was land there, it was regarded, unless the Federal Government had some need of it, as being land that was turned over to the States, and subsequent acts took care of what they did not turn over, such as the Overflow Land Act and others that came along. Thus the States that joined the Union early, after the original 13, were permitted to have virtually 100 percent of all lands that was held there.

It was held, in effect, in trust for them.

But as some of these Western States came in, conservationists contended that the Federal Government could use this money better, and could develop this land better for the benefit of those States than the States themselves could.

Now I believe the committee would do well to refresh its memory, and I would be glad to have the benefit of the staff study on that. You have some very fine staff people here, whom I have had the privilege of working with in years gone by.

So it was said that "What are we going to do with all this land? There is nobody on it. So how do we develop it?" And they said, "Well, the Federal Government will hold it, and we will develop it as we think could best meet the needs, could best help those people."

And that being the case, the upland States, in the western area, so well represented on this committee, were accorded 37½ percent of all mineral revenues directly, and the rest of it was not directed in some way that was going to benefit Louisiana—or Kentucky or Virginia or Georgia.

We had no right to claim any of that. We had had the benefit of all of our land, why should we claim any of theirs?

And so we did not claim 5 cents of revenue that was to come from the minerals developed in Wyoming, and/or Washington State, or New Mexico, or Washington. None of it. And insofar as we got any of it, it is a complete accident, and as far as Senators and Congressmen from those States were concerned, it was felt that 37½ percent would go to help those State governments to discharge their duties and responsibilities toward their people. They needed revenue so someone could live there, and then going beyond that, it was felt that what

else was derived, the other 52½ percent, ought to go to help develop that arid land out there, to put some water on it, so people could live there and develop it. The other 10 percent was for administration.

If we in Louisiana got some of it, it is just because over a period of time the Federal Government bought some land down there in depression. What happened with regard to Texas? When Texas came into the Union, one of the big arguments against its admission was that Texas had this big public debt, and those who were opposing Texas statehood did not want to assume the Texas national debt at that time, so someone said, "Well, fine, let's us put an amendment in here to say that Texas will keep her public lands, and Texas will pay off her own public debt.

At that time, it looked like a good deal for the United States for the Senator offering that amendment, but it turned out to be a great deal for Texas, public lands has greatly exceeded what the Texas public debt would have been.

So there is a history of your land. It was developed in such a way that those who were carrying the burden of developing it should get the benefit of minerals produced from it, either directly, to a State government to provide for education and roads and public services, or indirectly, by the Federal Government providing for the developments of the overall area.

Personally, I think the 37½ percent is inadequate for those interior States, and I am going to seek to support legislation, and I will offer to amend my proposal, to see that they get the 60 percent instead of the 37½ percent and if the reclamation funds needs more money I will support appropriations to see to it that it has whatever it takes, and we were very, very generous, may I say, when we brought Alaska in, to say that the minerals produced in Alaska would be devoted in large measure to help that State.

Now we have a similar problem, and may I say Louisiana has suffered very badly from poor management of this controversy between the two. It has suffered, may I say, Senator Anderson, because the people at the executive level in Louisiana government, representing the executive of Louisiana and those representing the Federal Government, at the time all this controversy arose to begin with, were not the kind of people that have a way of getting together like you and I do on the finance committee, to say what is good for the Nation, and good for New Mexico, and also good for Louisiana.

We just had some very uncompromising people there at that time, and I wish this committee would find out what the real proposals were at that particular time, even at the executive level.

I would suggest you get Oscar Chapman up here and find out from him what he thought the answer should have been when the whole thing started out. I think he will tell you that his judgment was that the States should have received 37½ percent, plus the right to tax what was produced out there, all the way out to the end of the Continental Shelf, and that a proposed compromise was made along that basis. I regret to say that we had a rather uncompromising person representing Louisiana at that time, who would hear none of it, did not want to discuss anything except the State having all of it, and the result was that the State got the worst of it very badly. I am sorry that that happened, because we would have been a lot better off with 37½ percent

of all of it than we would be with a hundred percent of a 3-mile limit. Texas also suffered from that.

Someday, it may be that California might find that they are suffering because they did not take the Truman administration up on the suggestions that were made on its behalf by Cabinet members Oscar Chapman and Tom Clark at that time, and by the kind of people who would like to have worked it out, such as Sam Rayburn, and I think Lyndon Johnson at the time this whole controversy arose.

So we find ourselves looking at a very serious problem, where if we are to support the developments that is going on out there, and to support it properly, we would need the same kind of consideration that these interior States have.

Now why 37½ percent?

Well, the bill I introduced suggested 37½ percent, because that is what the upland States have. That is what Congress felt appropriate to help them carry the burden of State government, of developing these Federal lands in those States, and it would seem appropriate to us that that is how it should be.

Furthermore, one would say, "Well, the States don't own this." That is quite correct. Neither did the Federal Government, for that matter, and why does not the Federal Government own it?

Because it elected not to own it. And why did it elect not to own it? Because it wanted to bypass, if it could, the precedent, that there was no part of the continental United States that was not a part of some State, although it be Federal lands. We had this Perlman theory developed, and if it was not Perlman it was someone else, to say, "Well, now, here, let's not claim the Federal Government owns that land."

Let's say it has paramount rights to it. But you had to claim you had some kind of right to it, otherwise, you could not have taken the States off it, because the States saw the value of it, they were developing it, they claimed it, and it is a cinch Federal governments would not have owned it, if the Federal Government never claimed it. Thus the States having claimed it, first, the Federal Government asserted a paramount right to it, the Supreme Court upheld it, and the Federal Government put the States out of there, but they recognized the States had some rights to it, to the extent that a least they let the States keep the revenues that they had developed prior to the time that the Congress passed the act claiming that Outer Continental Shelf for the Federal Government.

And may I say, with regard to these submerged lands, with regard to all lands located within the U.S. boundary, it does not make any difference whether that land is under water, or whether that land is not under water.

The resources are treated the same. This Federal land, and the 37½-percent formula applies just the same.

Now the logical way to handle the Outer Continental Shelf would have been to have said that this is an outer extension of the lands of the United States, and those lands belong to us, even though we regard those waters as being high seas.

And logically, that is how it should have been done, but this theory of paramount rights was developed, partly to argue freedom of the seas, and partly to give the Federal Government some basis for claiming everything, and why do you claim everything?

I think it claimed everything in the beginning because it was negotiating it against State people who would not yield anything. About the best way to negotiate with somebody is to start out claiming it all for you, and then if you negotiate to some settlement midway between that point, he is likely to be happy and satisfied. He will be completely dissatisfied if you don't yield at all, so if you start out claiming the whole thing, and then you wind up letting him have 37½ percent, he feels as though he has at least made some headway, and he has saved face to some extent. Whereas, if you conceded he has the 37½ percent to begin with, and that is all he wound up getting, he would not be happy at all. I suspect that that was the basis upon which the Federal Government, at least as far as its policy for the record was concerned, under the Truman administration, was claiming all of this for the Federal Government.

I think Oscar Chapman will tell you—he has certainly told me many times—that he felt the States should have had 37½ percent, and I believe that if Tom Clark, former Supreme Court Justice, would testify to it, he would say that he felt that the same equity which allowed the inland States a share pertains also to the coastal States.

Now we submit that with regard to the other 62½ percent, or whatever that share may be, that there is a more productive use that can be made of this.

The CHAIRMAN. Go ahead—well, Senator Anderson has a question.

Senator ANDERSON. I merely want to say that you didn't claim 37½ percent all the way out at that time. Oscar Chapman never supported 37½ percent all the way. He wanted to raise a little higher figure inside, and a lower figure outside, and the result must have been about the same.

Senator LONG. Well, now, Senator Anderson, for your benefit as well as for mine, I would like for you to make it a part of the record what kind of compromise Oscar Chapman really was willing to recommend and what sort of compromise he thought would have been fair for both the State and the Federal Government. May I say that I think the State was very foolish to turn down that proposed settlement, and I think in justice to all it ought to be a part of the record because I sometimes find myself politically trying to explain to people that the Truman administration really wanted to do a lot better by us than Harry Truman did, and if our people had let them, they would have, and that frankly, there is some politics involved.

There was an election coming up within a year, and if I do say it. I was one of those from Louisiana who took the attitude that Harry Truman didn't dare go before the people in an election with that issue pending in Louisiana, Texas, and California.

Well, he did, and he carried Texas, and I believe he carried California, too, notwithstanding that. He didn't carry Louisiana, but that wasn't my fault, may I say.

But that matter was very poorly handled from the State's point of view. It is not on the record here, and you won't find it in the hearings of this committee, but it ought to be there, because that is a great portion of the history of it, and how it came to pass. Men of good will should have worked this thing out in the very beginning.

And may I say, Senator Anderson, I was not a part of those suggestions that occurred at that time. Our friend, Price Daniel was, and

when the Eisenhower administration came up here suggesting that the States shouldn't have that 37½ percent he was shocked. And it might be well for him to tell you what he knows about that—he is with the Federal Government now—because it seemed to me that the 37½ percent all the way out to the end of the Continental Shelf was something he could always depend on getting. When the Eisenhower administration, having recommended that Texas get 100 percent of 10 miles, and full ownership, proceeded to recommend that they get nothing beyond that, he couldn't believe his ears.

Senator ANDERSON. I do want to state, Senator Long, what my memory is of the situation you explained. The original tidelands bill was drawn by people who were in the oil industry. I carried it to Oscar Chapman, the Secretary, who said, "No, we will never agree to that." I took it back, and then back to him—back and forth, back and forth—I wore a path, almost. Finally, a proposal was made that might have been better for the State of Texas and the State of Louisiana than that which they ended up by getting. It was too bad they turned down the proposal. Billions of dollars were involved.

If the States had accepted, President Truman would have been happy to sign such a bill. But he couldn't get this particular leader to yield. What you say is true. The State of Louisiana would have been better off if they had, but Price Daniel had some political problems, as did others, and you couldn't budge them.

They were determined. They had to have it their own way. Louisiana would have been better off if the proposal had been accepted.

Senator LONG. Well, Sentor Anderson, Sam Rayburn was the Speaker of the House at that time, and I don't think anyone ever accused Sam Rayburn of failing to adequately represent Texas, although he was a great Speaker, and did a lot for the entire United States. And Sam Rayburn took that matter in hand, and he moved the Federal people as far as he thought that they had any business of going, and he moved them to what he thought would be a fair compromise of that issue, and it was. It was because the State people, those representing—and I regret to say, it was those representing Louisiana more than anyone else—were so completely adamant and uncompromising on that, and I wasn't a part of that, Senator. Our State wound up receiving what we thought was a very, very unfair settlement of that issue, and we did the best we could under the circumstances. It was very poorly handled, in the early stages, and had it not been for that, my guess is that we wouldn't be arguing about the 37½ percent today.

We might have had less inside the 3-mile limit, but we would certainly have had a lot more beyond that 3-mile limit, of where the State claims are so much better.

Governor MCKEITHEN. May I just interject right here, Mr. Chairman, if I may? I want to be sure that I have understood the conversation between Senator Anderson and Senator Long directly here. That is what I had understood the situation was, but I want to be sure that Senator Anderson has confirmed it. I think it is important right here that at one time, an administration here, and a Cabinet head here, recommended as a fair proposition, the very language which we are telling you is fair today.

It is an imperative point for this committee to realize that, if that is true, and I am talking about 37½ percent. If that is correct, that is what Senator Long said. I gathered you agreed with it.

Senator LONG. Let's just understand one another about that matter.

Governor MCKEITHEN. That has been recognized as fair here before.

Senator LONG. Let's just understand one another about that matter. There are a lot of facts that you can't get into the record because it is inadmissible evidence, and that is something we lawyers quarrel about, and it upsets nonlawyers to no end to think that here is a fact, here is something that is true, but they are not permitted to know it, because the court rules that it is not admissible as evidence, and any time you want to even produce evidence in a courtroom of a proposed compromise, Governor McKeithen, you know as well as I do.

Governor MCKEITHEN. No one has objected to it here, though, and we are moving right along on it. I think anything is admissible as long as it is not objected to. I believe I am correct in that feeling.

The CHAIRMAN. We don't follow judicial rules in this committee.

Governor MCKEITHEN. Senator Jackson, I do think it is important, and I feel that firmly, that it is important to this committee, and perhaps to the entire Congress. If it is correct, that at one time, in the administration here, represented by Cabinet members, recommended the very thing we are asking today, for the State of Louisiana, and for the other coastal States, in addition to the right to tax. Am I right, Senator Long?

Senator LONG. I think the record should reflect it.

Senator ANDERSON. I think you are wrong. I say that the proposal made by Senator Long and others was a better deal for Texas and Louisiana than the deal they finally got. It wasn't the full thing as I remember it. I think we agreed to offer five-eighths, five-eighths out to the edge of the territorial waters, that is, five-eighths within State boundaries. It would have been a sharing of revenues from the coast all the way out.

We offered five-eighths inside the 3-mile limit, and one-eighth thereafter all the way out. Other alternatives were proposed, but the States would have been much better off, then and now, if that offer I have referred to had been accepted. I am quoting the figures from memory, but that is as I recall them.

Senator LONG. Well, Senator Anderson, might I just suggest that I would like to urge this committee that you invite former Secretary Oscar Chapman, who was a part of this coastal submerged land struggle from the very beginning, and who has served this Nation very well as Under Secretary of Interior, and as Secretary of Interior, to give you his views about this 37½-percent matter, and also about the others.

Now, he might differ with me with regard to what should be done on the remainder, and that, of course, I think would be interesting to the committee, but I would urge you that he be invited to testify and give you his views about the whole thing, because he has served this country very well, in an important responsibility.

Now, may I say, Mr. Chairman, that the resources of the sea are going to be so much more than anyone ever estimated that people are going to find it unbelievable.

When I was on this committee, discussing the Outer Continental Shelf bill, a witness came before us and testified the fantastic food-producing potential that there could be in the sea, if you just developed it right.

He explained it this way: He said if you go out in the woods looking for nuts, and you simply pick up the nuts that you find on the ground, you are not going to get enough nuts to even provide 1 day's meal for one person.

But if you go out there and clear that forest and plant the best kind of pecan trees, let us say, and you fertilize those trees, spray them to fight off the insects, and harvest that crop at the right time, you will get a thousandfold as much in the way of nut meat as you would get if you simply went out in the woods.

Now, the same thing is to a large extent true of the sea. For example, we have 4 million acres of marsh land that adjoins the Gulf of Mexico. Louisiana Land and Exploration owns considerable land there. Their experiments right now are showing that they can produce 200 pounds of shrimp per acre in this land covered by, subjected to the ebb and flow of the tide somewhat, but that is sometimes wet, sometimes dry, ordinarily.

When they dam it, cover it with a few inches of water, and plant that land with shrimp, to separate them from predators that would eat or destroy those shrimp and the larvae otherwise, so they produced 200 pounds of shrimp per acre in marshland with weeds growing on it that otherwise would be useless for any practical purpose.

Now, they say that more intensive efforts in India have produced 1,000 pounds of shrimp per acre. One thousand pounds per acre, by the same measure, of taking virtually unproductive land and producing shrimp on that land.

Now, the same thing can be done in the sea. When you start planting the type fish and marine life that you want, and destroying and killing off all predators, for example a, garfish eats as much fish, I am told, eats his entire weight in good sports fish every day. You kill the garfish, and feed that meat to the shrimp, grind it up and feed him to the shrimp, rather than other way around, and you have a lot more of them out there. I have seen sometimes the way that bonito go at a school of shrimp.

You will have a school of shrimp as big as all Capitol Hill, covering maybe 4 square miles of these small shrimp, watch those bonito go at them, and maybe there will be 100,000 in a school of bonito, just feeding, thrashing the water until it is just being churned like water in a washing machine, eating those shrimp, and if you will catch a bonito and cut him open, you will see he is filled up to the gills with those tiny little shrimp, each about the size of a pencil point.

So there is a single bonito eating a million shrimp a day, while they are in the small larvae stage.

Now, if you pull big nets through, kill off those bonitos, and those little shrimp eat practically anything, chop those bonitos up and feed them to the shrimp, rather than the bonito feeding on the shrimp, and, help to provide food for them, the catch can be multiplied fantastically, and the same is true of other fish in the sea.

Now, all this can be done, and the production of the sea can be multiplied tenfold or hundredfold, if we do it right.

Now, that is not going to do your State of Washington any good, Senator Jackson, if we are not able to provide some quotas or do something to protect the American fishing fleet, but that is an entirely different problem that we will work on, to try to see to it that our fishermen are treated right, and get their share of the income derived from the sea.

Now, to develop it and make those resources what they should be, the yield can be fabulous. But there is not going to be much yield if you let the sea get so polluted that it doesn't produce fish, and doesn't produce shrimp or other valuable marine life, or that such as it does produce is not worthy of human consumption. This is a job that will require tens of millions of dollars, which we should be at, and it is another item that requires very serious consideration. And money should be made available to it.

It would seem to me that this source, the oil produced in the sea, is a good place to derive revenue to develop the resources of the sea, and to fight pollution in the sea. The industry should at least put up the money to eliminate the pollution that the industry itself creates. The oil industry is one of the principal pollutants of the sea right now, either by production of the oil, or by the various chemical processes that are used in connection with it.

So we would submit that while we favor what the bills would seek to achieve in providing for the development of resources, and better use of them, we do think that the coastal States are entitled to better consideration. We would like to support legislation to provide better consideration for the upland States with regard to revenues produced in those States, and in addition to that, we do feel that there are some very, very high priority uses that should be studied before the 62½ percent is otherwised disposed of.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Long. We appreciate having your statement.

Senator ANDERSON. May I ask, Mr. Chairman, to file a statement for the record. I do want now to say that the Senators from Louisiana were statesmen about this matter. We had a situation in Texas that was not solvable, apparently, and the compromise couldn't be reached. But I will say that the Senators from Louisiana were willing to try to work out an equitable compromise. The State of Louisiana would have been much better off if their judgment had prevailed.

We had long sessions on it. Louisiana has done a fine job, and so have you two Senators that have been here today on this bill.

The CHAIRMAN. Do you want the statement included in the record at this point?

Senator ANDERSON. Yes.

The CHAIRMAN. All right, without objection, Senator Anderson's statement will be included in full at this point.

(The statement follows:)

STATEMENT OF HON. CLINTON P. ANDERSON, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Mr. Chairman, I would like to go on record as being opposed to S. 1826, introduced by my distinguished colleague, Senator Russell Long of Louisiana. In particular, I am opposed to that section of the bill which provides that 37½

percentum of the revenues obtained through the leasing of segments of the Outer Continental Shelf shall be paid to the States adjacent to the lands on account of which these revenues are received.

This legislation is a direct contradiction to the spirit and intended effect of the Outer Continental Shelf Lands Act which was enacted into law in 1953. This Act states on one hand in Section 4, Paragraph 3, 43 U.S.C. 1331, that:

"The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom."

S. 1826, on the other hand, proposed to pay to Continental Shelf adjacent states 37½ percent of all outer Continental Shelf leasing revenues. The contradiction in this proposed legislation is obvious. If S. 1826 becomes law, it will, in effect, recognize states' interests in the seabed and subsoil of this area. Interests in the Outer Continental Shelf's mineral resources by an adjacent State have never been legally recognized. Revenue derived from these areas belong to all of the people of our Nation.

The hundreds of millions of dollars involved in this legislation are totally disproportionate to the related services provided by various states. For instance, let us consider applying the bill's formula to the billion dollars presently held in escrow from mineral leasing operations off the coast of Louisiana. The State of Louisiana would receive close to $386 million under this bill's formula. New Mexico—with its small population—would receive just over $3 million. In short, the benefits to Outer Continental Shelf adjacent States such as Louisiana under S. 1826 would accrue at the expense of the rest of our Nation.

Inland States having small populations such as New Mexico would not be the only States to suffer from this legislation. Other low-population States adjacent to the Continental Shelf but not adjacent to revenue-producing areas would also suffer. They would receive no portion of the Outer Continental Shelf revenues under the State-adjacent section of the bill and would receive relatively little of the remaining 62½ percent of revenues under the population formula section.

In summation, Mr. Chairman, I must oppose this bill in the name of all those people of our Nation who do not by chance reside in one of the few States adjacent to revenue-producing areas of the Outer Continental Shelf.

The CHAIRMAN. Senator Kuchel?

Senator KUCHEL. Mr. Chairman, I want first of all to join you in extending a welcome to the distinguished Governor of Louisiana, whom we were most pleased to listen to, along with our two friends, the distinguished Senators from that fine State.

I do want to ask some questions, Governor. The purpose of the hearings which are being held today is to inquire into the validity of two pieces of legislation. One, S. 531, which I introduced in January of last year, dealing with the land and water conservation fund, and providing for an augmentation of its revenues, and two, S. 1401, introduced in April of last year by the distinguished chairman of this committee.

I was glad to join him as a coauthor. It generally covers the same subject as the earlier bill, although there are, I am quite frank to say, refinements and improvements, in my judgment, in his bill.

Governor, are you acquainted with the provisions of S. 531 and S. 1401?

Governor MCKEITHEN. I would like for you, if you would, briefly, to tell me what they do, and see if I understand them as you do, Senator.

Senator KUCHEL. You are acquainted with the fact that we have a land and water conservation fund. The purpose of the two bills before this committee is to augment the land and water conservation fund by additional revenues, and in each instances, the augmentation

comes from the revenues received under the Outer Continental Shelf Lands Act of 1953. I was going to ask you, Governor, if you were acquainted with the provisions of the two bills.

Governor McKeithen. The general purpose I am; yes, sir. I am not familiar with the details of your bill.

Senator Kuchel. And would you favor the purpose of the two bills?

Governor McKeithen. Your idea of getting additional money for the purposes which I understand your bills tend to accomplish we think is completely worthy. Our objection is to the way you are going at it. By going there and picking out a specific fund to which we feel that we have certain equitable rights, we feel that you will open the gate, Senator. We feel that if you open the gate for this worthy project, that right behind you, the gate will be opened again.

There will be nothing left for us. We don't dispute the worthiness of your intentions whatsoever, Senator, but we suggest that you do it by an appropriation rather than having it allocated from this fund. And our State, I am quite sure, will support you in that effort.

Senator Kuchel. Now, Governor——

The Chairman. I just want to interject that the money would have to be appropriated annually, Governor. The money from the Outer Continental Shelf would not be made available automatically, but would go through the appropriation process as do other fund moneys.

Governor McKeithen. Well, I think then that you should say so without designating that it should come from this fund.

The Chairman. Your point is that revenues for the fund ought to come out of the general appropriations.

Governor McKeithen. Yes; that is the point I am trying to make, sir.

The Chairman. I did want to make it clear that the two bills——

Governor McKeithen. We support you and the purpose of your bill, but we disagree with you in the source of the revenues for your bill.

The Chairman. But it would require an annual appropriation.

Governor McKeithen. Yes, sir.

The Chairman. No question.

Senator Kuchel. There is a third bill pending before this committee which I rather apprehend is relevant to this hearing, and that is S. 1826, which was introduced by the distinguished junior Senator from Louisiana, Mr. Long, last May. Are you acquainted with its provisions?

Governor McKeithen. Is that your bill, Senator, the 37½ percent? Generally, I am. I am generally familiar with it, but not all the details, Senator. I know what it proposes to do generally.

Senator Kuchel. Do you favor the formula involved in S. 1826?

Governor McKeithen. We think it is a fair formula, if it is Senator Long's bill we are talking about. We are not saying that under no circumstances would we completely refuse to revise it in certain ways that perhaps the majority of Congress feel it should be revised.

We are not just standing fast. We don't want to make the same mistake, Senator Anderson, that others have made here before us, coming here and taking this position: Look, we won't yield 1 inch.

Let me say, there is a new day dawning in Louisiana. We have yielded a lot more than an inch during the past 4 years. We have gone the whole mile with a lot of people. As I say, we are not the unyielding

group you may have seen 20 years ago. There is a new breed that has taken over in Louisiana. I might say, and 82 percent of them just approved by election last fall of the new bred that is taking over in Louisiana.

I hope I make my position clear. As I say, we don't stand hard and fast on his bill. We think it is fair, but we are prepared to sit down with other fair-minded men, and if we can, perhaps reach something we can all agree on.

Senator ANDERSON. That is fine.

Senator KUCHEL. The provisions of Senator Long's bill generally are as follows: It would provide that the revenues from the Outer Continental Shelf lands should be disbursed first to the extent of 37½ percent to the States lying adjacent to the particular area. The balance of 62½ percent would then be allocated to all 50 States, on a formula which would read, quote: "In proportion that the population of each State bears to the aggregate population of all States."

Do you recommend that provision?

Governor MCKEITHEN. We back Senator Long in his bill, but let me repeat that we don't stand hard and fast on that formula, Senator, and we are prepared to talk about the formula.

In furtherance to your question, it could very well be that, as I say, one of the things that I brought forth in my statement was that we should not start going into that fund piecemeal as you are doing here, that we should wait and divide it all equitably.

It may very well be, when we make that final determination, Senator Anderson, that part of the money should be dedicated to the land and water conservation fund, when we make the final determination as to what we should do with all of it, but we think it should be made at the same time.

We are afraid, as I say, if you open the door here, there will be nothing to divide. The 37½ percent, we feel, that should go to the coastal States, won't be there. It will be gone.

Senator KUCHEL. Now, Governor, in your prepared statement you say:

> And just as neither Washington, Colorado, nor Wyoming may tax mineral production from public lands within their borders, so is Louisiana and all the other coastal States denied the power to tax mineral production from the Continental Shelf.

Governor, you do not mean, of course, do you, to imply that the Continental Shelf seaward of your 3-mile boundary is within the border of your State? Obviously not.

Governor MCKEITHEN. No.

Senator KUCHEL. Obviously not, because that is not so. So what you are recommending to this committee is not a mere extension of present policy, because, as you correctly point out, present Federal policy with respect to sharing revenues applies to public lands within the borders of the several States. Is that not true?

Governor MCKEITHEN. There is no question that that distinction is there, Senator, that the other public land is within the borders of the interior States.

Senator KUCHEL. So that what you are recommending to this committee is to change that policy by providing for shared revenues, not

simply from public lands within a State, but from lands which would adjoin the outer boundaries of the State. Is that not true?

Governor McKeithen. I think that is a fair statement. We would rather say "extend" rather than "change," but if you prefer "change," we will——

Senator Long. Could I comment on that for a second?

Senator Kuchel. Surely.

Senator Long. You see, the Federal Government derives its revenue from that land by virtue of the fact that it adjoins, it is adjacent to, the United States, and the United States has a better claim on it than anybody else. But it is equally contiguous to the State, and the State has an interest in that.

Senator Kuchel. What kind of an interest do you mean, Senator? The State has what kind of an interest in that land?

Senator Long. Well, let's take, for example, the land off the California coast, Senator Kuchel. The land beyond your 3-mile limit adjoins the United States, it is adjacent to it.

Senator Kuchel. I can't disagree with that.

Senator Long. It borders on it. And your State was deriving revenue from that 3-mile limit, even at the time the Federal Government said that the land adjoins your State.

Senator Kuchel. But tell me what interest California has in that area seaward of the State's boundary.

Senator Long. California has this interest: It adjoins that State to the same extent that it adjoins the United States, so if the claim is that it adjoins, you have an interest because it adjoins your State, just as it adjoins the United States. It is adjacent to it.

So much so that if you are going to produce oil out of it, you are going to produce it with California people, on California land, drilling from the California mainland out there to get it, and that is going to be California labor.

Now, in your particular case, you are going to collect your income tax from it, and you will collect your sales tax, unless somebody decides to go further out and drop a rod down from a boat to reach the seabed.

Senator Kuchel. Is that different, Senator, than any other State? Is it different from your State? It is precisely the same, isn't it?

Senator Long. Well, in our case, we are not going to slant-drill it, because it is so much more practical to go out there and build a platform in 40 feet of water or 50 feet of water, and just put that on the Outer Continental Shelf shore than it is to go out 50 miles, to slant-drill 5 miles beneath the sea. However, in your case, Senator, the shelf falls off so fast on California that to get at it, it is more practical to drill at an angle, let's say, about a 45° angle, out from the shore itself. Most of your wells, I think, will be drilled from the mainland, while our wells will be drilled from boats that will go out and put a platform out in the ocean.

Governor McKeithen. I just suspect there are going to be a lot of lawsuits over that, though, Senator, if that well is within the 3-mile limit, and the mineral resources out there. There are going to be a lot of lawsuits about whether or not the States can collect income taxes out beyond the 3-mile limit, and I don't think California's position will be any different from ours.

The point he is making is that in California's case, perhaps the derrick itself will be within the area that has been declared to belong to the State of California, but the mineral will be out a mile or so, and they are going to slant-hole out there to where it is in the Federal Government's area, and I dare say that probably isn't going to work. I don't know.

The CHAIRMAN. Governor, I don't know anything about the tax law, but I submit that the only doctrine that could possibly apply would be domicile.

In other words, you can select income taxes and other taxes from a citizen of Louisiana that is domiciled there, maybe working in Africa. It has nothing to do with the concept that the lands are adjacent. I am sure that is the law.

Governor MCKEITHEN. I think Senator Kuchel was leading me up to something. I think he is going to pull the rug out from under me, and I am anxious to see if maybe he can. You are a good, skillful examiner. You and I haven't disagreed yet, Senator. We have been right along together.

The CHAIRMAN. You are waiting for the other shoe to fall.

Senator KUCHEL. We are doing pretty well. We are doing pretty well.

Governor. MCKEITHEN. We are together all the way so far, I think.

The CHAIRMAN. Senator Ellender has a comment.

Senator ELLENDER. I was one who participated in the debates on the tidelands, and it is my considered judgment that if an act of Congress had been presented at any time, before oil was discovered, to make all the coastal lands adjoining a State a part of the State, that there would have been no question that the act would have passed.

But the fact that a lot of oil had been found in the coastal waters of the Gulf of Mexico to the South of Louisiana interested a lot of Senators from the inland States, and I thought at the time—in fact, I was assured at the time that the bill as introduced would pass. In other words we had sufficient votes to pass the bill although we claimed all land adjoining Louisiana because the law was on our side.

If the Federal Government decided to build any kind of facility on waters adjoining any State, it had to obtain permission from the State. And we had quite a few decisions indicating that all of the lands adjacent to States belonged to and were part of the State.

And it was on that assumption that I concluded to vote as I did.

I remember certain compromises being offered. I don't recall the exact details, but if I had to do it over again, I think I would have accepted the compromises, because of the fact that there was quite a change in the temper and the views of Senators that developed after the debate started, and as I said, the law was on our side, and that is what prompted us to claim all of the land.

The decision of the Supreme Court, declaring a paramount right, changed the picture, and even though we lost, as a lawyer, I still think that the States own the land extending from their borders.

The CHAIRMAN. Thank you, Senator Ellender.

Senator Kuchel?

Senator KUCHEL. Senator, just to comment on what you have said, I am inclined to agree with much of your statement. I am going to ask consent, although it is part of my entire statement, I am going

to ask consent that at this point an excerpt from the Supreme Court decision in *United States* v. *California* be inserted in the record.

The CHAIRMAN. Without objection, so ordered.

(The information follows:)

EXCERPT FROM UNITED STATES v. CALIFORNIA, 332 U.S. 19 (1947) AT P. 38

The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there. As a consequence of this discovery, California passed an Act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. Cal. Stats. 1921, c. 303. This state statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this state-federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coast, and that the Federal Government rather than the state has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Senator KUCHEL. In which the Court went on to say in part:

We decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coasts, and that the Federal Government, rather than the State, has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Well, I came here in 1952, I guess, the last day of 1952, I don't remember. Anyway, this was a great controversy in my State, because my State had developed these areas seaward to the 3-mile limit, which was the description under which California was admitted to the Union. I joined Senator Holland, and I think both you gentlemen from Louisiana, in sponsoring legislation which restored to the States the traditional 3-mile seabed, except as you have indicated, where there were two States that contended the code Napoleon applied, and you had leagues rather than miles. It was Senator Anderson who opposed that legislation, as he had a right to do. But at that time, before any legislation was passed—there is no question about this, is there, the Federal Government had dominion over and paramount right to, the submerged marginal sea?

Senator ELLENDER. You mean, since that decision?

Senator KUCHEL. Yes, after *United States* v. *California* and before the enactment of the Submerged Lands Act.

Senator ELLENDER. Since the decision; yes. But prior thereto, the States had the full ownership and rights over the land.

Senator KUCHEL. Senator, the States asserted ownership, but I believe the Supreme Court said they did not have it.

Senator ELLENDER. Well, we could cite you a lot of decisions, and if you read the record, you are going to find that what I am saying is the truth.

Governor McKEITHEN. Senator Kuchel?

Senator KUCHEL. Yes, sir.

Governor McKEITHEN. I think you and I could very well get together. I am dead serious, and I am not trying to be facetious at all because we have the same problem.

I think, first of all, I agree with you on the merits of yours and Senator Jackson's bill. On the other hand, you are from a coastal State,

too, and I dare say you have the same problems there, or you will soon have them, that we have in Louisiana. I think very well you and I could be heading in the same direction, and feel the same way about this bill. I mean that sincerely, and I am not attempting to be facetious.

Senator KUCHEL. I will tell you why we can't. Because I think that the Congress performed a public service in passing the tidelands legislation, but I also think the Congress performed a public service when it passed the Outer Continental Shelf Lands Act, and one of the clear provisions of that second law has been read, and I want to read it again.

The law said, and it is still the law:

> The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State, for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof, or the revenues therefrom.

That is the law of the land.

Governor MCKEITHEN. That is right, sir.

Senator KUCHEL. It seems to me—and I say this most respectfully—that when both those bills were passed—and I supported both of them—that the people of the United States were well served and the best interests of the coastal States were served.

I remember very well, Senator Anderson, with vigor, opposing the tidelands bill, and the points he made were telling, but the Congress ruled, and the Congress also ruled then on what to do with the land seaward from the 3-mile limit.

Now, I want to get one——

Governor MCKEITHEN. Senator Kuchel, I will go along with this.

Senator LONG. Might I just straighten one thing out, though, for the record, because this particular provision you are reading, that is one that we fellows from coastal States put in the law.

Senator ANDERSON. No.

Senator LONG. We wanted that there, and I will tell you why.

Senator ANDERSON. No, no.

Senator LONG. Hold on just one moment, now. I am going to tell you why. We wanted the laws of the coastal States to apply to our citizens when they were out on that Continental Shelf because some law ought to apply out there.

In other words, the Federal Government—now Senator, listen, listen for just one moment, because you are reading out of context. We were submitted with a Continental Shelf law which, in effect, said that this land is beyond a State's boundary. We asked the question, then: What domestic law applies?

For example, nobody ever really thought about it, but up until President Kennedy was killed in Dallas, Tex., it never occurred to anybody that it was a crime to murder the President of the United States, only under State law.

The CHAIRMAN. Not a Federal crime.

Senator LONG. That it was not a crime under Federal law to murder the President, and we have passed a law since that time to do something about it.

Now, there is a whole body of domestic law that should apply somewhere, when you have people working out on the Continental Shelf,

and we wanted the laws of Louisiana, both the conservation laws about how you take oil out of the ground, as well as the domestic law about assault and battery, murder, or anything else.

We wanted our State law to apply to an area where our people were working.

Senator KUCHEL. You don't think that this provision of the law is in opposition to your position?

Senator LONG. Hold on just 1 second, and I will make it clear.

Senator KUCHEL. All right.

Senator LONG. We wanted our law of Louisiana to apply to the extended Louisiana boundaries in the sea.

Senator KUCHEL. Yes.

Senator LONG. Guy Cordon and others on that committee were perfectly content to support that proposal, that our laws apply on the Continental Shelf, beyond our 3-mile boundary, except that they wanted to make clear that extending our domestic law out there was not to serve as a basis for us claiming anything, and we don't claim that that Outer Continental Shelf gives us any rights whatever to the resources thereof.

Senator KUCHEL. The Senator is correct.

Senator LONG. But the point is that that doesn't say that we shall not claim an interest out there. It merely says that we shall not claim it by virtue of the fact that our domestic sanitation law applies out there, for example.

Senator KUCHEL. I think that the letter from the Attorney General of the United States to my friend, the able chairman of this committee, is going to go in the record in toto, but on the point that you make, Senator, I want to read just this one sentence from the Attorney General's comments:

> It is by no means clear that the consideration favoring the policy of local uniformity in crime laws governing the conduct of individuals have any relevancy to the problem of regulating the production of natural resources from Federal land by Federal leases.

Now, I want at this point to clear the record on something that was raised a little bit ago. There is in the audience a representative of the Department of the Interior, whose responsibilities run to these leaseholds. Now, let's understand this very clearly. I want to talk now about Federal practice in mineral leases, on the Continental Shelf, off the coast of California, outside the boundaries of the State of California, and I will make this statement, on the authority of the representative from the Department of the Interior:

> There are no cases in which Federal leases are developed by slant drilling from locations within the 3-mile limit in California seaward to the Outer Continental Shelf.

Now, let's understand that. Because when it was alleged a few moments ago that it was different in California from Louisiana, and that in California, you would get State income taxes because slant drilling from the upland was taking place, I am glad to make this record abundantly clear, Senator, that that is not the fact, in my statement.

Governor MCKEITHEN. I think he said the possibility was that it would be true in Louisiana.

Senator KUCHEL. Governor, you and I are never going to have any trouble.

Governor MCKEITHEN. I think you and I could get together on this bill.

Senator LONG. Senator, if you say that is correct, I take your word for it.

Senator KUCHEL. I use it not on my own authority, but on the authority of the man from the Department.

Senator LONG. I am a little behind time. When I was on that committee, that was how you were getting your oil out in California, beneath the sea, through slant drilling, but if you are doing it from boats, I take your word for it.

Governor MCKEITHEN. Senator, you are not saying here that by the terms of that act, the State is cut off or forbidden from ever suggesting the law, equitably and properly, should be changed?

You read it two or three times, real strong. I understand it, but heavens, I presume the law was changed when the interior States started getting their 37½ percent from these public lands. I presume that the law was changed then.

Senator KUCHEL. I am going to go further than that——

Governor MCKEITHEN. What you ought to do is join me and all the other coastal States in seeing we get some money. You make a few more discoveries like those leases announced off the California coast made a few days ago, and you are going to need revenues worse than we do, and you should be here helping me get additional revenues for our State, and at the same time, then we will join you in your worthy project, right here, and you and I should be together real easy and real quick, and I mean it.

I think we can. We are all fairminded men here. We don't stand on the formula that Senator Long introduced in the Congress. As I say, we have a new breed in Louisiana now. We are practical minded, fairminded people, who want to talk, and work it out properly, but we say the revenues should be allocated, Senator Jackson, all at one time, and we shouldn't go into a piecemeal thing as is being done by the legislation before you.

The CHAIRMAN. Governor, there is nothing like open negotiations, openly arrived at.

Senator KUCHEL. I want to say this, Mr. Chairman, because it is in the statement that I have prepared, and I want to say, Governor, that the government of my State is squarely and unequivocally on the record in favor of the bill which Senator Jackson has introduced, and which I have sponsored with him.

Governor MCKEITHEN. Was that before or after the $600 million in leases was made out there, Senator Kuchel? Do you have any date on that position? And I am not trying to be facetious, again.

Senator KUCHEL. That is a good question. The answer is that Mr. William Penn Mott, the director of parks and recreation in the State of California, representing the Reagan administration, testified before this committee on the first day of the hearings on S. 1401.

Governor MCKEITHEN. Senator, we are almost for your bill, too. The only objection I see is about where you should get the money. Other than that, we are proposing to support your bill, also, and I

will give you a letter, if it would help you any, in support of the legislation. We feel, very briefly, that these revenues should be left alone, Senator Anderson, until it can be decided what to do with all of the revenues, and we feel that honestly and sincerely the coastal States are entitled to a larger share.

That basically is our position, and nothing else. And the merits of your bill, that is, of providing this money for recreation, parks, et cetera, we support 100 percent.

Senator KUCHEL. Would you look with favor on any of the revenues from the Outer Continental Shelf being used by the land and water conservation fund in the creation of parks?

Governor MCKEITHEN. We would certainly be inclined to look with favor on it, Senator, if this committee decides this is necessary.

In the overall picture, we think perhaps you haven't asked enough for that project. We can't think of a more worthy project, and we would certainly favor it, but I repeat, we don't think this committee should go at it piecemeal. Let's take the entire problem, and hear representatives of all the coastal States. Let's hear Governor Reagan after he has heard what he is facing in California. He thinks the Okies came in on you back there in the duststorms; he has something in store for him. Let's talk to the Governors of North and South Carolina facing the same problems.

Let's talk to the Governors and the Senators from the States bordering the Great Lakes, where they are likely to face the same thing, and talk to the men from the interior, perhaps give them a little more from their public lands. As far as the money is concerned for this project, we will support legislation for funds from any source, but let's look at the complete picture before any decision is made.

Senator KUCHEL. You know, I think every time either of your able representatives in the Senate have asked the Senate for assistance for Federal undertakings in their State, I joined them and helped them, and I am going to say that has worked the other way around, too, because I have occasion to make requests of your two Senators from time to time for my State, and my efforts have not been unavailing.

We are dealing here with a factual situation that I don't think we can blink at. And I do feel that along with the responsibilities of the 50 States, we do have the national purpose to serve.

Governor MCKEITHEN. Senator, you will find in Louisiana that no one has recognized that more clearly in the entire United States than the Governor of Louisiana today. I have taken some positions there that weren't popular. I can tell you that right here and now, because I thought the national interest was at stake, and I have done it time after time, and am taking some right now.

Senator KUCHEL. Well, I do feel, and I am through, that the creation of the land and water conservation fund was a good thing. I do feel that augmenting it by the use of some of these revenues from the Outer Continental Shelf is a good thing, because every dollar of the money from the Outer Continental Shelf that goes into this land and water conservation fund will be used for the acquisition and development of areas which the American people can enjoy—in your State, and in the States of these other people, and in mine.

Governor McKeithen. Senator, I don't differ greatly with you on anything you have said. My one point is that when we divide the money up, Senator, let's just consider carefully whether or not the States from whose coasts this separation is made aren't entitled to more than a State that doesn't bear any of the burden whatsoever.

That is what we are asking here, and we are saying that if you go forward piecemeal, without the opportunity of the coastal States to present their position, the weight of the bill could be destroyed. That is what we are saying.

Let's divide it up, but give the States that are contiguous to the Outer Continental Shelf, such as your State, an opportunity to make their position clear as to an equity they feel they have of more than just an even share with the other States.

That is what we are saying.

Senator Kuchel. Thank you, Mr. Chairman.

The Chairman. Thank you, Governor. The two Senators from Louisiana have been extremely helpful also.

Senator Hansen?

Senator Hansen. Well, let me say, Mr. Chairman, that this has been a very instructive session here this morning. I want to compliment all of the distinguished representatives from the State of Louisiana for the very fine contributions they have made.

I think there have been touched upon a number of concerns that are of real interest to all of us. I am going to be on hand to listen attentively to the further discussions on these bills as time moves along.

I have no questions now. I can say that some of the things to which Governor McKeithen refers apply equally to the inland States, wherein there are large areas of untaxed land, such as in our State, that must be policed, must be patrolled and governed and administered, and because we find a discrepancy between the revenues that come back to us from the Federal share of oil rights, we join with the distinguished representatives from the State of Louisiana in asking that that percentage of royalty return be increased.

I think that the delegates from Louisiana have pointed out very clearly the reasons why we feel we are entitled to a larger share of those returns, just as they do in the State of Louisiana.

Thank you, Mr. Chairman.

Governor McKeithen. May I make one further point, Senator Jackson, before we leave? And thank you very much, Senator Hansen.

The Chairman. Certainly.

Governor McKeithen. You know, as well as I, that a strong feeling in this country now has been indicated by many Governors and candidates for President of this great country of ours that a part of the Federal revenues derived from taxes in a particular State should be sent back to that State in the form of a check or a trainload of money.

I don't subscribe to that theory, because this Government is hard pressed enough now to get by on its income, and I think it is the States' responsibility to raise additional taxes.

But what I am getting at is this, and it would be my guess that if it were put to a vote of the Governors, the majority would say, "Yes, give us back some of the money you collect out of our State in direct grants without any strings attached."

I don't subscribe to this. I don't subscribe to it at all. But if Congress will take this money and divide it among the States; it would do a lot to stop that kind of movement.

Senator ANDERSON. Aren't you suing now for more money?

Governor MCKEITHEN. Suing for more money?

Senator ANDERSON. Isn't the State of Louisiana suing now?

Governor MCKEITHEN. No, we have a suit in the U.S. Supreme Court to try to determine where our coastline is, that is all. We can't agree where it is.

The CHAIRMAN. The moneys are impounded.

Governor MCKEITHEN. We are just attempting to find where our coastline is. That is all.

The CHAIRMAN. It is a dispute where the State seaward boundary line is.

Governor MCKEITHEN. Where the coastline is, and where we shall start measuring for the 3 miles. We can't figure on that, Senator.

The CHAIRMAN. Whether it should be from point to point——

Governor MCKEITHEN. That is right. Our bays down there cause a strong disagreement as to the State line. We are not suing for more money.

Senator ANDERSON. But there is a great deal of money involved in that suit. You will get money from it?

Governor MCKEITHEN. If we should win the suit, "yes." But if we lose it, we could get less money. It could work either way. It is an honest difference, Senator Anderson. We don't anticipate any tremendous amount of money out of it, but we honestly can't agree on where our coastline is. There is disagreement there between honest men.

Senator ANDERSON. And you have tied up money right now, haven't you?

Governor MCKEITHEN. Perhaps the money is. I honestly don't know. I don't know whether that particular money is in escrow or not. But we don't believe we are talking about any great quantity of money there. We honestly want to decide where our coastline is.

Senator ANDERSON. You have a billion dollars in escrow right now.

Governor MCKEITHEN. No, sir, not a billion dollars. We are not expecting any billion dollars out of this suit. If we do, you have given me a tip here I will have to run back home with. It may be much closer to a million dollars than a billion.

Senator ANDERSON. That is the amount in controversy?

Governor MCKEITHEN. No, sir; we are not expecting any great, huge amount of money out of that.

The CHAIRMAN. Senator Anderson's point is the committee was apprised that the area of controversy being litigated involves to date about a billion dollars in accumulated revenue.

Governor MCKEITHEN. No, sir.

Senator ANDERSON. Yes; it does.

Governor MCKEITHEN. No, sir; there is not a billion dollars of accumulated revenue in the area under dispute.

Senator ANDERSON. You are wrong.

The CHAIRMAN. May I respond to this. The staff informs me that we were advised by the Bureau of Land Management this morning that the amount in escrow—that is in dispute—is $1,073,894,827. That is in escrow.

Governor McKeithen. We don't expect to get anything near all the money in escrow, sir.

The Chairman. Well, don't throw away your case.

Governor McKeithen. I am not throwing away our case, anymore than Senator Anderson threw away the Federal Government's case in saying there was a billion dollars we are about to get out of that.

I repeat that we are not attempting to determine any set sum of money. We are attemptin to establish our coastline. Then, of course, we will abide by the laws and the decisions of the U.S. Supreme Court. We are just merely attempting to establish our coastline, that is all. That is the whole basis of the suit.

Senator Anderson. As the money rolls in.

Senator Ellender. This money in escrow involves moneys that are being collected beyond the 3-mile limit.

The Chairman. Well, this is what is in dispute.

Senator Ellender. That is this dispute, but the suit to which the Governor referred was a suit to establish where the outer boundary of the 3-mile limit should be.

Senator Anderson. We had geographers, political scientists, and others working on the problem of where to start measuring the 3-mile limit. We thought we knew where the Court had established it, but Louisiana now would reject that line.

Governor McKeithen. No, sir; that is not correct, Senator. There is a bona fide dispute about where our coastline is, because of the make-up of our coast and our shore and our beaches. As a matter of fact, the Coast Guard took the position that it was a certain place here a few months ago, after they had heard our presentation, they agreed they were wrong.

They agreed they were wrong. There is a bona fide dispute there about where our coastline is, we are not disputing the decisions of the Court in that they are not final and we don't understand them. We do understand them. The whole dispute is the measurement starts from our coastline, and there is an honest dispute as to where the coastline is.

Senator Anderson. But money is involved in the outcome?

Governor McKeithen. Oh, money is involved, yes, but not any billion dollars.

The Chairman. Well, let me just give the figures here. I think it would be useful, and this is projected through June 30, 1968, for Louisiana. In the general fund—this is not in dispute—what has been or will have been collected by June 30 is $1,643,754,783. Then I gave the amount in escrow, the total would be $2,717,694,610.

Governor McKeithen. You are giving us those maps. In a few years, you will be telling all those other coastal States the same thing, and California, too, soon. Make one more lease out there in California and they will be here stronger than we are today.

Senator Kuchel. No, Governor; you are wrong on that.

Governor McKeithen. I beg your pardon, Senator.

Senator Kuchel. That is one place, now. We have been very harmonious, but on that one, you are wrong.

The Chairman. Off the coast of the State of Washington, Interior has sold some leases.

Governor McKeithen. Well, fair, honest men can disagree occasionally.

The Chairman. Off Washington the amount is $9,112,169. We are not doing so well, out there.

Well, Governor, Senator Long, Senator Ellender, gentlemen, we want to express to you——

Governor McKeithen. I would like to make one other point, Senator. We are not going back in there and say we did not understand the decision of the U.S. Supreme Court. We don't recognize that the Federal Government has paramount rights or interests to the property beyond the 3-mile limit; we are not doing that, at all.

We face up to that, but it is an honest dispute there where our coastline is, and that is what the litigation is about, and I gather that the Federal Government must have some hesitancy themselves, because they are holding the money in escrow. They are not paying it out.

The Chairman. Well, this is an ancient dispute.

Governor McKeithen. Of course, and you will probably have the same thing in the various States, if you ever have development there. You will have the same kind of dispute. The Supreme Court will eventually settle it, and then that will be over.

The Chairman. This principle of law that is being raised is not a new one; it is an old one. There has been a fight between nations over fishing rights, a lot of other things, I understand that.

Governor McKeithen. When the U.S. Supreme Court said the coastline, everyone must have anticipated we would still have further additional litigation as to what and where the coastline was. I think we could certainly anticipate.

The Chairman. Any further questions of the Governor?

Senator Long. Senator Jackson, may I just make one point here?

This suit that you talk about, of course, that is the fund you are looking at, this Outer Continental Shelf money that will be available, but this money involves a difference between the State and Federal Government, where, of course, the State is relying upon the line as fixed by the Coast Guard, saying that the line as fixed by the Coast Guard is the line of coastal waters, and that you should measure there. The Federal Government is saying, "No; you ought to come inside that line and measure from one of the other lines that the Federal Government has fixed," so you have got a valid dispute.

May I say that the Federal Government hasn't offered to compromise for any figure that would approach that billion dollars. I would say——

The Chairman. Where is the lawsuit right now? It is a suit of original jurisdiction in the Supreme Court?

Governor McKeithen. It is in the U.S. Supreme Court.

The Chairman. I say it is a matter of original jurisdiction, is it not?

Governor McKeithen. We have got the best lawyers we know, the dean of our law school up here, taking it ethically and properly as everyone would have us do it, just present our case about our coastline.

Senator Anderson. When was the suit filed?

Governor McKeithen. Senator, I don't know, perhaps Senator Long knows.

Mr. ARCENEAUX. It is an adjunct, Senator, of the 1960 decision that limited the Louisiana belt to 3 miles. It is an adjunct to that decision.

Senator ANDERSON. If you had accepted that, the money would have been freed?

Mr. ARCENEAUX. No, sir; because we still have to know from what point the 3 miles must be measured.

Governor MCKEITHEN. That is all we are arguing about, Senator, is where is the coastline?

Mr. ARCENEAUX. From what point do you commence measuring the 3 miles? We accept the 3 miles, but we are now trying to determine in ancillary proceeding before the U.S. Supreme Court from what point you commence measuring the 3 miles, and it is this disputed area that has resulted in the funds being placed in escrow, and I might say that these escrow funds go back to an agreement in 1956 between the U.S. Government and Louisiana, relating to the escrow area.

Senator ANDERSON. Would you identify yourself for the record?

Mr. ARCENEAUX. My name is George Arceneaux, and I am a special counsel for the State.

Governor MCKEITHEN. Perhaps I should present Mr. Arceneaux and former Congressman Gillis Long who will represent the State in the National Capital and with this committee. If you have any questions about our position at this time, for example, like the reference from income taxes, Senator, these two gentlemen will be calling on you to present that information to you.

The CHAIRMAN. Fine. Well, thank you, Governor, and once again, the Chair wishes to express its appreciation to you, Governor, and to Senator Ellender and Senator Long for this helpful discussion this morning.

It has been of great interest to some of us who have been following this for a long time, and I think your testimony, as far as I am concerned, has been very helpful. I am sure that is the feeling of the whole committee. We want to thank each and every one of you, and your staff assistants for the testimony that has been presented here.

Governor MCKEITHEN. Senator, I would like to say one other thing before I leave, and address it to Senator Anderson, about the litigation before the U.S. Supreme Court. When I became Governor, except what I have read in the paper, this entire tidelands thing was absolutely foreign to me, except what I had read and heard. I got the dean of our law school, and I said, "Go up there and get this thing over with. Let's quit squabbling about tidelands. Let us know what we are entitled to, and get it over with. How can we do it?"

We have got to establish the coastline.

"Well, for heaven's sake, let's get it established before the U.S. Supreme Court, so we can get at what we are entitled to, and we will have the thing concluded and finished insofar as that dispute is concerned."

And that is what we are trying to do. I don't think it should drag on. I think we should know where the line is, and get the money out of escrow, and that is what we are trying to do.

Senator ANDERSON. We spent many long hours before we could find a geographer who would advise us as to where the coastline was.

Governor MCKEITHEN. That is what the Supreme Court will decide for us, soon, we hope.

Senator ANDERSON. That was in 1953.

Governor MCKEITHEN. When I got there, it was just lying there dormant, still, no one making progress. I said, "Let's find out where it is."

Where?

"The U.S. Supreme Court. That's the only place to go."

The CHAIRMAN. And this problem, as I said, Governor, a moment ago, is not unique to the States. It has been a matter of international controversy, where other nations are in an argument over where the territorial limit begins and ends, especially in connection with fishing. We have had disputes with South American nations and we have had disputes with Mexico. I think some of your shrimp fishermen were involved.

Senator LONG. You have only one real problem there that is very unfair to the State. I was at that Geneva Conference, and I know about it; and that is that with regard to practically every other nation on earth, it is to the advantage of that nation to put its coastline as far out as it can, and that is true with regard to Canada, Ecuador, Mexico, Norway, Russia, practically any maritime nation.

The CHAIRMAN. Don't forget Korea—I mean North Korea.

Senator LONG. North Korea puts their coastline just as far out as they think they can justify it. Now with regard to the United States, it is to the advantage of our Federal Government, the Central Government, to try to persuade everyone to keep their coastline closely confined to their coast, and to contend that your coastline is close to your coast, because we have one of the largest navies, if not the largest Navy on earth, and the more restrictive the coastline is, the more advantageous it is to our Navy, because it has more sea on which to operate. We are the ones who keep trying to persuade everyone to restrict their coastline, and restrict ours accordingly.

So this Nation, different from every other nation, takes a position which is just exactly contrary to the interest of a State like Louisiana, or a State like California, where it is their advantage for the coastline to be out, just like it would be with every other nation, so the United States, before the world, is our lawyer, and our lawyer takes a position which is diametrically opposed to our point of view.

The CHAIRMAN. What you are saying, and I agree, the Navy's interest is somewhat in conflict, for example, with our fishing interests. The Navy wants to be able to get in as close as possible, and our fishing people want to get out as far as possible; Senator Magnuson and I have a problem in the State, as you do with your shrimp fishermen, especially, in the gulf.

Gentlemen, our thanks to you, again, for your very helpful testimony. We appreciate it.

Congressman Long has sent us a statement on the legislation before us that, without objection, will be placed in the hearing record at this point.

(The statement referred to follows:)

STATEMENT BY HON. SPEEDY O. LONG, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman, let me say in the beginning that I take a great deal of pleasure in this opportunity to address myself to a problem which has plagued the

governments of the United States and the State of Louisiana in particular for a good many years. This is the problem posed by the discovery of mineral wealth on the continental shelf.

I do not think there is even a shred of an argument that the revenue derived from these mineral deposits should not be used for the greater welfare of the people of this country. The problem is how to divide these revenues among the governments in an equitable way, so that the greater benefits accrue to the people of the states and of the Nation.

At this point I must respectfully register my opposition to the proposal which the committee is now considering, to use the Federal Government's share of undisputed revenues from mineral leases on the Outer Continental Shelf to fund the land and water conservation fund.

In the first place this would constitute a unilateral action in an area still very much under deliberation. And in the second place, I fear such action will detract from the efforts now going on in the Congress and at the State level to bring the tidelands dispute to a successful and mutually agreeable conclusion.

I feel quite certain that the State of Louisiana does not want to prolong the tidelands controversy, for the very simple reason that tidelands revenues would go far to bolstering the State's fiscal position. With this in mind last year, I made myself a party to the introduction of H.R. 10429, a bill which would make what the State of Louisiana and the entire Louisiana Congressional delegation considers an equitable division of tidelands revenues among all the States of the Union.

For the Congress to pledge the Federal Government's share of undisputed tidelands revenues to the land and water conservation fund, however commendable that action may be, would effectively scuttle the measure the Louisiana Congressional delegation introduced. The dispute would surely continue under such conditions, and vitally needed revenues in those disputed areas of the offshore oil fields would be denied to both the United States and to the individual states party to the tidelands controversy.

Allow me at this time to respectfully request the committee to consider the prudence of any actions related to offshore mineral revenue and act in such a manner that a final solution to the tidelands controversy can be found, which would certainly benefit the greater number of Americans.

Let me assure the committee that I personally support the principles which sustain the land and water conservation fund. It is today being used to great advantage in my own Congressional District. However, I feel there are other means of funding this vital program without placing in danger the delicate balance which solution of the tidelands controversy requires.

H.R. 10429, which I introduced in the House last July and similar bills introduced by my fellow members of the Louisiana Delegation would establish a formula for dividing the revenues derived from royalties and fees from offshore mineral fields in such a way that these funds will serve the greatest number of Americans.

Briefly, the Louisiana formula calls for 37½ percent of the offshore revenues to be paid to those States bordering tidelands from which minerals are extracted, and 62½ percent to be paid according to population to the fifty states, under the provisions of the Outer Continental Shelf Lands Act.

Under the Mineral Leasing Act, which affects interior as well as coastal states, 60 percent would be paid to those states in which Federal lands, mineral interests, trustee lands, and offshore lands are located, and 40 percent would be paid to the Federal Government.

Such revenues under both acts would be used by the States to support public education and public highways.

This formula, I feel, gives sufficient attention to all interested parties and directs the funds into areas in which the individual States are hard pressed for available funds. The weight of raising sufficient public revenue at the State and local levels is becoming almost unbearable, and a solution along these lines would serve to end the long-standing dispute over tidelands revenue and give to the various States an added source of revenue which they sorely need and which does not weigh heavily upon the ability of individual citizens to pay for education and highway services.

While the funding of the land and water conservation fund is a commendable and praiseworthy action, demanding the sincere attention of all Members of Congress who are interested in the cultural growth of the Nation, I think the benefits of a prudent division of tidelands revenues, which H.R. 10429 provides, far

outweigh the benefits which logically could be expected from dedicating these revenues to one specific field of governmental services.

Permit me to respectfully request the committee to lay aside the measure now under consideration in favor of H.R. 10429 and similar bills in the House and Senate.

Thank you, Mr. Chairman, for this opportunity to testify before the committee.

The CHAIRMAN. We have just two other witnesses, I believe, who wish to present their statements, and will now make them at this time.

Mr. Angus McDonald, research director of the Farmers' Union. Mr. McDonald, do you have a statement?

STATEMENT OF ANGUS McDONALD, DIRECTOR OF RESEARCH, NATIONAL FARMERS' UNION

Mr. MCDONALD. Mr. Chairman and members of the committee. As the representative of the National Farmers Union, I appear here in complete support of S. 1401, which would greatly strengthen the land and water conservation fund by providing a new source of revenue.

As Secretary of the Interior Udall has pointed out, the land and water conservation fund, since enactment of authorizing legislation, has been very successful. I will not recite statistics and describe the progress which has contributed so much to the conservation of national parks, lakes, and shorelines. Conservation of these facilities for recreation and other purposes has become one of the high priorities of the administration and organizations such as Farmers Union during the last few years.

Although our members are primarily concerned with their economic position in the marketplace and with prices and income, we have been aware of the critical situation in regard to water pollution and to the potential deterioration of public parks and other resources due to the tremendous increase of population and the invasion of public lands by commercial enterprises.

We congratulate the Secretary of the Interior on his all-out campaign to expedite the safeguarding of public resources and to his resistance of groups which would exploit public properties for private gain. Every citizen, including farmers, has a duty to assist in every way possible in the preservation of our natural resources.

As we understand it, the bill would make possible funds to the amount of $30 million annually for several years for the acquisition of lands, water and facilities specified in the Land and Water Conservation Fund Act. It is easy to understand why costs of acquisition have skyrocketed during the last few years. When it becomes known in a particular area that the Government is interested in acquiring facilities for recreation and scenic purposes, private owners immediately increase the price of the facilities and thereby add additional costs which are much greater than expected when the program was originally authorized

While we do not pretend to be experts in regard to costs of the envisioned program, we suggest that the committee might in its consideration of the legislation, find it possible to provide that more funds be available than the Secretary suggests. We do not think budgetary considerations should entirely determine the amount of additional money to be channeled into the land and water conservation fund.

The assets related to this legislation are invaluable. Once a physical asset has been destroyed or subject to deterioration or appropriation by private groups, the damage can usually not be repaired. It should be emphasized that the funds authorized by enactment of this bill would be taken from royalties deriving from exploitations of the Outer Continental Shelf and from other sources.

We urge enactment of the legislation as speedily as possible.

The CHAIRMAN. Thank you, Mr. McDonald.

Now, Mr. Larry Chambers, of West Virginia. Mr. Chambers, I believe you have a statement.

STATEMENT OF LARRY L. CHAMBERS, VICE PRESIDENT OF THE POTOMAC BASIN FEDERATION

Mr. CHAMBERS. I have submitted my statement, Senator, and I would like to make a few points that I think should be pointed out to this committee. I appreciate your allowing me to appear.

The CHAIRMAN. Now, whom do you represent?

Mr. CHAMBERS. I represent the Upper Potomac Basin Land and River Protective Association. I am also vice president of the Potomac Basin Federation.

The CHAIRMAN. All right.

Mr. CHAMBERS. This past week, Mr. Bradford, from West Virginia, gave testimony before this committee stating that the State of West Virginia was in favor of $42 million for land acquisition and park development. Checking in the State this past week, with State senators and members of the house of delegates, and county courts, the people did not know anything about this representative of the Governor appearing here. In fact, most of the people don't even know who Mr. Bradford is.

Another thing has come up. I have been able to acquire a copy of the State outdoor recreation plan for Pennsylvania. Mr. Udall stated that he would remake the face of the Nation, if he could acquire the funds from 1401.

After going through this plan, I agree with him. He would remake the face of the Nation, and this would no longer be a plan. I believe that this committee should study the State outdoor recreation plans of the 50 States, which will be submitted to the Department of the Interior on May 1, before any action is taken on S. 1401.

This is a copy of it. If you look at the maps——

The CHAIRMAN. It would be quite a task for this committee to study and investigate the recreation plans of 50 States. I must say that would be the easiest way to put this committee out of business.

Mr. CHAMBERS. Well, Senator, maybe under this bill, we should study this, because possibly this bill should not go through, to allow——

The CHAIRMAN. Oh, you are opposed to it.

Mr. CHAMBERS. Yes, sir, I am. Our people, until we find out exactly what we are getting into.

The CHAIRMAN. Now, is it your testimony that Mr. Bradford does not represent the government of the State of West Virginia?

Mr. CHAMBERS. No; he possibly represents the Governor of West Virginia, but he does not represent the people, because the people we talked with——

The CHAIRMAN. Who elected the Governor?

Mr. CHAMBERS. The people of West Virginia.

The CHAIRMAN. Who appointed this man?

Mr. CHAMBERS. The Governor of West Virginia.

The CHAIRMAN. Well, I know, but isn't this representative government?

Mr. CHAMBERS. Well, don't you think that this should be brought out to the people, that this——

The CHAIRMAN. Oh, no, let me just say this. Mr. Chambers, obviously, we can't have a referendum on every issue. If we are going to have the people vote on everything that is brought up, we couldn't function in Congress.

Mr. CHAMBERS. Well, Senator——

The CHAIRMAN. Do you see what I mean?

Mr. CHAMBERS. Yes; I see what you mean.

The CHAIRMAN. What State are you from?

Mr. CHAMBERS. I am from West Virginia, sir.

The CHAIRMAN. Do you have the initiative, referendum and recall?

Mr. CHAMBERS. I do not know.

The CHAIRMAN. You don't know?

Mr. CHAMBERS. Not exactly.

The CHAIRMAN. And were you born in West Virginia?

Mr. CHAMBERS. Yes, sir. I was born in Martinsburg, W. Va., and I realize I am getting into something here that I——

The CHAIRMAN. No, I am amazed that you are critical of someone whom you say doesn't represent the people, and you are not even familiar with whether you do or do not have initiative referendum and recall.

Mr. CHAMBERS. Senator, we came before this committee back in April. Our two U.S. Senators had gotten us involved in what was the wild and scenic rivers bill. We received just treatment from this committee.

The Cacapon and Shanandoah were removed. What we are fighting is, and against, people coming to this committee and getting us involved in something that we do not know about.

Now, we had not had a hearing when we got involved in this, and this type of thing has got to be stopped.

The CHAIRMAN. Now, wait a minute. Just maybe I can be of help to you. This committee does not determine the plan that is offered by the State of West Virginia. They come up with a plan.

Mr. CHAMBERS. I realize that.

The CHAIRMAN. And they can spend all their own money if they want. They can utilize the funds, if they wish—they don't have to—that are available out of the Land and Water Conservation Fund Act.

Mr. CHAMBERS. That is correct.

The CHAIRMAN. So we are not dictating what the policy of West Virginia ought to be. Now, they have to meet certain standards, if they are going to get Federal funds, but that does not mean that the State of West Virginia can't do it.

Mr. CHAMBERS. Well, Senator, may I ask a question? If we turn over or if the U.S. Congress turns over funds to the States, certainly the Congress should assume some type of responsibility on how these funds are used.

The CHAIRMAN. Have you read the Land and Water Conservation Fund Act?

Mr. CHAMBERS. Yes, sir, I have.

The CHAIRMAN. Well, the standards are set forth in that act. That has already been done.

Mr. CHAMBERS. Yes, sir; but actually, would you not be earmarking funds, instead of going to the Appropriations Committee, with——

The CHAIRMAN. No, the money has to be appropriated each year. You see, if you had done your homework, you wouldn't be asking all these questions.

Mr. CHAMBERS. Well, I studied that bill pretty thoroughly.

The CHAIRMAN. Well, the bill doesn't make the money automatically available. That is the key part of the bill. Obviously, if you read it, you didn't know what you were reading.

Senator KUCHEL. Mr. Chairman, speaking of homework, and before you bang the gavel, I have some good-looking youngsters from California watching this hearing, all of whom, I am told, do their homework. Will you all stand up, if you are from my State, kids?

That is great. Good to see you.

The CHAIRMAN. Well, all from the State of California? Anyone from the State of Washington? Maybe your parents were there at one time. That is north of California.

Well, very fine. I want to compliment Senator Kuchel. You are very fortunate in having as the ranking member of this committee Senator. Kuchel, who is an invaluable member of the Senate Interior Committee.

Senator KUCHEL. Thank you, sir.

The CHAIRMAN. And you know there is an election coming up in November, too.

Senator KUCHEL. Very important. I want to see all of you.

Mr. Chambers, I also wish to thank the committee for getting me off the hot seat.

The CHAIRMAN. You can thank the boys and girls. Your statement will be included in the record.

Mr. CHAMBERS. Yes, I realize that. Thank you, Senator.

(The statement referred to follows:)

STATEMENT OF LARRY L. CHAMBERS, MARTINSBURG, W. VA.

Mr. Chairman and members of the Committee: I am Larry L. Chambers of Martinsburg, West Virginia. I am vice-president of the Potomac Basin Federation which is a federation of civic association in the Potomac Basin.

I came to speak on certain aspects of S. 1401 but want to digress for a moment.

This past week I had reason to visit with the people of Pendleton and Grant Counties in West Virginia, who are directly involved in the land acquisition programs that would be paid for by funds from the land and water conservation fund.

I spent one day with the people in each county and became thoroughly convinced that the discontent of these people at the unfairness visited on them warrants reconsideration by Congress of their plight.

They are in the Seneca Rocks—Spruce Knob Recreational Area and they were told the project would take only the Seneca Rocks Mountain and Spruce Knob mountain. They were not told and did not understand that it would also take the valleys between and the food-producing businesses.

These are young, hard-working people—people who are looking to the future with young families to raise. Contrary to government statements, these people believe in their farms and their future. These are the kind of people who make a large contribution to the backbone of this country.

Already several properties have been condemned and the people can see the kind of prices that they will receive. For instance one family was offered $1,400 for a property for which they paid $8,000 three years ago. They can see that they cannot go out and buy another $8,000 property with that $1,400. What does a man do when he has lost his business-farm and he has young children to support?

To illustrate the discontent—here is a statement by Mr. George Trumbo of Pendleton County and a petition signed by approximately 300 persons in Grant County, West Virginia. Please note that this petition was taken around by two ladies and these 300 signatures were acquired in just one day. Their comment was they could have gotten a thousand names with a little more time. Only two persons refused to sign.

The Seneca Rocks-Spruce Knob project should be reconsidered. The plans should be held up until a re-evaluation can be made. Congress should go to see for itself and should hold hearings in Grant and Pendleton Counties.

These men and women are trained in one business—the food-producing business. They cannot pick up and go to the city easily and you do not want them there—to compound the city's problems.

City people sometimes do not understand that farmers always eat when city people don't; that the food-and-fiber producers is the only business that must buy supplies and equipment at retail prices and sell their products at wholesale prices; that the money remaining at the end of the year represents *savings.*

If you plan to pay such extremely low prices for their farms, why not set up a revolving fund by which they could borrow the necessary funds to match the amount above the condemnation price paid them for their farm to buy another and perhaps a better farm with more acreage.

The loan would be a non-interest-bearing loan for ten years and amortized in thirty years.

However, perhaps a better way would be to pay the full market price going in the community for the property plus ten percent for the inconvenience. This would give the owner leeway to negotiate for another place and would take the sting out of being dispossessed of property into which he had put his hopes and ambitions.

The government is going to pay out this money anyway either in welfare checks or in repairs for vandalism. These people were trained for specialist jobs in their food-producing businesses and unable to get another business-site, they would gravitate to the cities and to infrequent low-paid laborer's jobs.

Either long-term loans or higher prices would be more equitable and would ease parting with historic farms that their great-great-great grandfathers literally carved out of the forest.

The discontent is not only in West Virginia. It is in every state where land is being acquired. The feeling of animosity toward the government is strong and deep—so strong it makes it doubtful whether it is desirable for the Congress to try to authorize this expenditure of funds during an election year.

Now for S. 1401. Section D would be an open faucet of funds for the Land and Water Conservation Fund. Funds would be enormous from the Mineral Leasing Act, from leases of the off-shore shale-oils including the Louisiana funds and from the sales of forest products and leases. There is an estimated $400 million in the Louisiana funds alone.

Even the Budget Bureau's proposal of a limitation of $200 million a year for five years is too much for these times.

It is a time to set priorities. Even without the Vietnam War, it is time to decide what is most important to our people—land for food or land for play?

Money for play lands or money for education?

Now for the freehold, leasehold and exchange of property provisions. Where persons agree willingly to such arrangements there are no problems. It is when a person is paid $2,000 for his farm against his will, then he is permitted to buy it back two years later. He must meet the top price bid by his competitors who now bid $6,000. Thirty days is hardly time in which to learn of the opportunity, find the cash and notify the Secretary.

The exchange of property is a little ambiguous. Does this mean that a person within the confines of the national forest could ask the government to acquire a property outside the confines against the owner's will and then trade the properties?

This is a hornet's nest and is bound to stir up more resentment and animosity against the federal government.

While speaking on S. 1401, it is an opportunity to comment on some of the ideas now current that are annoying the people.

Some of these are—

the population explosion is upon us.
we will need huge acreages of land for recreation.
we must get the lands before the developers do.
we must buy now before prices escalate.

The population explosion needs comparison. While the United States has a population of 200 million, Japan has a population of 100 million on a land-area the size of Montana.

Do we need huge acreages of land for recreational purposes? Recreation is the frosting on the cake of life. While camping and hunting and fishing are growing in numbers of enthusiasts, still 90 percent of the American people, according to a report by a U.S. Department of Commerce, would rather be spectators.

The question must also be raised. Is the government wise to urge people to invest heavily in recreation facilities when the industry will contract abruptly with the slightest economic strain.

We must get the lands before the developers do. Some old fellow whose name I don't recall said it isn't what one does in this life, it is the *way* it is done. It is the *way* it is done that is annoying the property owners. An educational program pointing out the necessity of county planning in rural areas and planning methods, not federal zoning, could take care of most of this problem but there is a suspicion on the part of the property-owner that the government plans to enter the real estate market for the benefit of the real estate developer and at the expense of the property-owner.

We must buy now before prices escalate. At the mean niggardly prices now being offered the property-owner, the government can acquire the property at any time-period in history and with the same increment of hatred. Land prices move up and down in relation to the market demand and the condition of the economy.

As for escalation after a park area is established by Congress, there are several ways of dealing with the speculators and of adjusting the inequities.

Has this Committee ever taken all of the land-acquisition acts and placed their powers and areas together to see just what is being done to this country?

With the Appalachian Commission, the Soil and Water Fund, the forests, the minerals under them, the national parks, wildlife refuges, waterfowl grazing areas, the shorelines of our streams and rivers and beaches, it would appear the federal government would assume ownership of the Appalachians from Mississippi to Maine.

America must retain her economic capability to produce food and fiber.

Just when—under what conditions—do we decide the government has taken enough land?

Just when—under what conditions—dare we Not take anymore land resources away from the owner of a highly efficient food-producing business.

Additional Statement of Larry L. Chambers

Mr. Chairman and members of the committee, I am Larry L. Chambers, a director of the Upper Potomac River Basin Protective Association, and vice president of the Potomac Basin Federation. I wish to express my appreciation at being allowed to testify here today.

This committee, having two bills to consider, S. 1401 and S. 1826, both of which can allocate the same funds for two different purposes, must determine which is the more critical purpose. The essential need of education or the luxury of recreation!

A representative of West Virginia appeared before this committee recently and gave testimony in favor of S. 1401. He stated that over the next 5 years $42 million would be necessary for acquisiton of land and development of recreational facilities in West Virginia. At the same time in the West Virginia Legislature a bill was being considered that would allow horseracing on Sunday and the justification was that it would provide $1½ million annually for an increase in teacher's salaries. The bill was defeated and our educators are still in need of higher salaries.

My own hometown of Martinsburg could not provide a mechanical drawing teacher this past year, as the salary was so low that no one would accept the position. Entrance requirements in most college engineering courses demand that students have had this subject in their high school curriculum.

We are faced with another problem in West Virginia that is causing much concern among parents of schoolchildren. Our teachers are being forced to move to neighboring States where they can obtain higher salaries. If S. 1826 can achieve fair payments to the States for education, omitting jurisdiction by Federal departments over said payments, it would seem feasible to me to report this bill out as soon as possible.

May I also urge this committee to accept the conclusion of the West Virginia Governor's representative with a grain of salt in his statement that West Virginia strongly urges action on S. 1401. It may well be that the people of West Virginia would be opposed to having their lands subject to acquisition by the passage of this bill.

Senator KUCHEL. I move we adjourn, Mr. Chairman.

The CHAIRMAN. The committee will stand in adjournment. Excuse me. Senator Anderson.

The record will show that Senator Anderson has asked permission to have included in the record certain excerpts from the pleadings in the Supreme Court action respecting the *Louisiana Coast Line* case now pending before the Surpeme Court—pertinent to this hearing.

(The information follows:)

EXTRACT FROM THE MOTION OF THE STATE OF LOUISIANA FOR ENTRY OF SUPPLEMENTAL DECREE NO. 2, FILED IN THE SUPREME COURT OF THE UNITED STATES, SEPTEMBER 25, 1967

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1967

No. 9, Original

UNITED STATES OF AMERICA, PLAINTIFF *v.* STATE OF LOUISIANA, ET AL.

MEMORANDUM IN SUPPORT OF MOTION FOR SUPPLEMENTAL DECREE NO. 2

I.

In *United States v. State of Louisiana*, 339 U.S. 699 (1950), this Court held that the State of Louisiana was not entitled to the lands, minerals and other natural resources underlying the Gulf of Mexico lying seaward of the ordinary low-water mark on the Coast of Louisiana and outside of its inland waters (See decree, 340 U.S. 899 [1950]). Thereafter, Congress passed the Submerged Lands Act, 67 Stat. 29, 43 U.S.C. §§ 1301–1315 (1953), confirming, granting and quit-claiming to each coastal state the submerged lands of the Continental Shelf to a minimum of three miles from its coast line, and to its historic boundary in the Gulf of Mexico not to exceed three leagues from its coast line. Section 2(c) of the Act defined coast line as the "line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

The United States originally brought this suit against the State of Louisiana to have adjudicated Louisiana's claim to a three league maritime boundary. Pursuant to the order of this Court, 354 U.S. 515 (1957), the suit was broadened to include all Gulf Coast States; thereafter the case was argued before the Court. The Court in its opinion, 363 U.S. 1 (1960), and decree, 364 U.S. 502 (1960), held that Louisiana was not entitled to claim a boundary three leagues from its coast line.

The opinion and decree, however, did not relate to the placement of the seaward boundary of the State or of its coast lines. As the Court stated,

"We decide now only that Louisiana is entitled to submerged-land rights to a distance no greater than three geographical miles from its coast lines, wherever those lines may ultimately be shown to be." 363 U.S. at 79.

The degree also reserved jurisdiction,

"to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to this decree." 364 U.S. 502, 504.

To this end the United States in November, 1965, filed a motion in the Court for Supplemental Decree No. 1 ceding a portion of the areas off the Louisiana Coast theretofore in dispute.

* * * * * * *

EXTRACT FROM THE MOTION OF THE UNITED STATES FOR ENTRY OF SUPPLEMENTAL DECREE (NO. 1), FILED IN THE SUPREME COURT, NOVEMBER 23, 1965

* * * * * * *

Because of conflicting attempts by the parties to administer the disputed area while the suit was pending, the Court on June 11, 1956, enjoined new leasing or drilling in the disputed area by either party except pursuant to an agreement filed with the Court. 351 U.S. 978. On October 12, 1956, the parties executed and filed such an interim agreement (subsequently amended in various details). That agreement divides the disputed area into four zones, beginning at the "Chapman Line," a line described by certain federal officials about 1950 as constituting the coast line. Zone 1 is the area within three geographical miles seaward from the Chapman Line; Zone 2 is the next six geographical miles seaward; Zone 3 extends thence to Louisiana's claimed "Act 33" boundary, three leagues seaward from the Coast Guard line; Zone 4 is everything farther seaward. Without prejudice to either party's ultimate claims, the Interim Agreement provides, in general, that Zone 1 is to be administered by Louisiana and Zone 4 by the United States, without restriction. Leasing in Zones 2 and 3 is conducted by the United States, with limited participation by Louisiana, except for certain leases previously issued by Louisiana. Each party holds impounded its receipts from Zones 2 and 3 (with minor exceptions), to be released to the prevailing party (or, in certain circumstances, to be returned by the losing party to the lessee) upon determination of the title to the area from which they were derived.

On May 31, 1960, this Court held that Louisiana's boundary, within the meaning of the Submerged Lands Act, is three geographical miles from the coast line. The Court quieted the State's title to the submerged lands and resources within that distance (subject to the exceptions provided in section 5 of the Submerged Lands Act, 43 U.S.C. 1313), quieted the title of the United States to the submerged lands and resources seaward thereof, and directed the State to account for its receipts from the federal area since June 5, 1950. The Court retained jurisdiction to entertain further proceedings necessary or advisable to give force and effect to the decree. 363 U.S. 1; decree, 364 U.S. 502.

As appears from this summary, the only aspect of the case litigated thus far has been the width of Louisiana's maritime belt—an issue that has now been resolved by the Court in favor of the three-mile limit. Before the Court's decision can be made effective by actual identification of the respective state and federal areas, it is necessary to resolve a second issue: the location of the "coast line" from which the three miles should be measured.

* * * * * * *

The CHAIRMAN. The committee will stand adjourned.

(Whereupon, at 12:40 p.m. the committee adjourned.)

APPENDIX A

(Under authority previously given, the following statements and communications were ordered printed:)

STATEMENT OF RUSSELL E. TRAIN, PRESIDENT, THE CONSERVATION FOUNDATION

This statement is submitted on behalf of The Conservation Foundation, a private, non-profit research, education and information organization based in Washington, D.C., in response to a request for our views on S. 1401.

Interest of The Conservation Foundation in the subject of this hearing is rooted in our broad concern for environmental quality and follows the substantial efforts of the Citizens Committee for the Outdoor Recreation Resources Review Commission Report (CORC), which was merged with The Conservation Foundation in 1965.

We believe that the Land and Water Conservation Fund Act is fundamentally sound legislation, reflecting goals vital to the American people. The legislation was the direct outgrowth of the signal efforts of a distinguished group of members of Congress and citizens comprising the Outdoor Recreation Resources Review Commission whose chairman was Laurance Rockefeller. It was enacted to meet clearly defined national needs in line with a developing national outdoor recreation policy.

Much has been accomplished by the Land and Water Conservation Fund Act in its first three years of operation. The three federal agencies concerned have acquired about 310,000 acres with an expenditure of $88 million from the Fund. Even more gratifying has been the surge of state and local activity stimulated by the Fund.

For example, with equal matching federal money, state and local governments have obligated $51 million to acquire 295,000 acres; $2.9 million for 69 state recreation planning projects, and $84.6 million for 1,667 facility development projects. Every state has developed a state-wide recreation plan under the impetus of the Fund Act, and increased coordination among and between state and local resource agencies has resulted in many cases.

However, financial difficulties brought on by inadequate revenues and rising recreation land prices threaten to seriously cripple the effectiveness of the Fund. S. 1401 seeks to cure these ills by adding new sources of revenue to the Fund and by providing several administrative mechanisms designed to combat escalating prices.

It is our belief, as outlined below, that, (1) S. 1401 should be passed substantially as written, and, (2) that further steps should also be taken to assure that the Land and Water Conservation Fund Act of 1965 is able to serve the purpose for which Congress enacted it.

CRITICAL NEED FOR NEW REVENUE

During its first three years, the Fund received some $289 million in revenue, an amount far below the $367 million originally predicted for the period. Future prospects are even more discouraging. According to estimates contained in the January 1967 land price escalation study by the Department of the Interior, revenue from existing sources will total $987 million over the next ten years, while estimated state and federal needs from the fund will be $3.6 billion, resulting in a deficit of $2.7 billion; perhaps more if recreation land prices continue to escalate at their current rate of 5–10% a year. Thus, best available estimates indicate that the Land and Water Conservation Fund as now financed will be only 27% effective in the critical decade ahead.

Estimates of new revenue which would accrue to the Fund from enactment of S. 1401, as introduced, vary from $2 to $3 billion for the five year period covered. Outer Continental Shelf receipts are expected to account for between $400 and

$500 million of this annually; unearmarked portions of the Mineral Leasing Act revenues average close to $12 million per year, and un-earmarked portions of National Forest Receipts average $90 million annually. Combined with revenue from existing sources, passage of S. 1401 would mean a total of between $3 and $4 billion for the Land and Water Conservation Fund over the next five years.

This program would close the presently widening gap between needs and revenues, and would also allow for timely acquisition in advance of immediate needs. The purchase of ten-year land needs within the next five years would mean significant savings. Equally important, it could mean the difference between reserving or losing key open spaces and natural sites in rapidly developing areas such as metropolitan fringes or along shrinking shorelines.

Unchanged by S. 1401, as introduced, are existing provisions that monies in the fund shall be available for expenditure only when so appropriated by Congress and that funds not appropriated within two fiscal years after the year in which they are credited to the Fund will revert to the Treasury.

Senator Kuchel, one of the distinguished co-sponsors of S. 1401, indicated in his statement on the opening morning of these hearings that he will introduce an amendment to delete the reversion provision from the Fund Act. We believe that the basic idea of a time limit on the availability of funds has merit as a stimulus to timely action by Congress, or by the states and federal agencies in preparing their proposals.

Perhaps extension of the two-year limit to four years would be a suitable compromise. Monies would not be irrevocably committed to the Fund, but neither would they be lost to it so quickly because of unanticipated delays.

FEDERAL PROGRAM NEEDS FUNDING

One of the primary roles of the Federal Government in the implementation of a national outdoor recreation program is the preservation of scenic areas, natural wonders, primitive areas, and historical sites of national significance. Recognition of this federal responsibility is reflected in recent activities of Congress and of the Administration in this regard.

The 89th Congress authorized 23 new federal park and recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Additions now recommended by the Administration, with bipartisan support, include a Redwoods National Park in California, a North Cascades National Park and National Recreation Area in the State of Washington, and an Apostle Island National Lakeshore in Wisconsin. A national scenic river system and a nationwide system of trails have drawn broad endorsement. Still other areas of national significance are under study.

In addition, there is urgent need among federal land-holding agencies to acquire private inholdings affecting the recreational and scenic values of choice federal lands. The problem is particularly acute as regards the National Park System, where adverse private use of inholdings poses an increasing threat to park functions and purposes. The National Park Service estimates the cost of acquiring all the private inholdings in the natural areas of the Park System is now $114 million, as compared with $59 million in 1961—an increase of 93% in six years.

The Department of the Interior has estimated that, overall, approximately $478 million will be needed to acquire Park Service land in established, newly authorized and currently pending areas.

The Land and Water Conservation Fund was designed to supplant other sources for federal land acquisition funding. Thus, purchase of potential new areas will be "locked in" to an inadequate funding mechanism if sufficient new revenues are not forthcoming. A Congress which spotlights desirable recreation areas through authorization, and then fails to provide for acquisition is itself a factor in the land-price spiral in which federal outdoor recreation programs are caught. Passage of S. 1401, as introduced, is essential if the federal role is to be fulfilled.

STATE AND LOCAL PROGRAMS ARE VITAL

A major conclusion of the Outdoor Recreation Resources Review Commission was that "In a national effort to improve outdoor recreation opportunities, state governments should play the pivotal role."

One of the key purposes of the Land and Water Conservation Fund Act was to provide federal assistance and stimulus for state and local action to meet this challenge. As mentioned earlier, the Fund Act has been singularly successful in this regard.

The Commission's Report further concluded that one of the central problems of outdoor recreation over the next forty years will be to provide reasonable access to the out-of-doors for large concentrations of population, particularly in regard to "the day and weekend needs of the metropolitan residents" of moderate and low incomes.

The vast majority of our people live in urban areas and need outdoor recreation opportunities close at hand. In many cases, this will require acquisition by state and local governments of close-in, high-priced land while such land is still undeveloped. The Department of the Interior has forecast state and local needs for planning acquisition and development at $7.1 billion dollars over the next decade. State and local sources are expected to meet $4.6 billion of this, leaving a deficit of some $2.5 billion. Thus state and local programs will bear the brunt of the total estimated Fund deficit of $2.7 billion.

If the quality of the urban environment is to be improved, these state and local needs must be met.

ADMINISTRATION PROPOSAL

The Administration has proposed amending S. 1401 to provide new revenue to the Land and Water Conservation Fund only from Outer Continental Shelf receipts, and then only to the extent needed to bring total Fund revenues to an annual level of $200 million. Further, the Administration proposes that this amount be divided equally between state and federal needs over the next five years, rather than on the 60% State-40% Federal allocation now being followed.

We do not support this proposal for two reasons: (1) It would bring the Fund only up to level of financing originally envisioned when the Act was passed in 1965. This has already proved to be quite inadequate. (2) The proposed change in allocation would shift funds needed by the states to federal use, covering two-thirds of estimated federal needs over the next five years, but less than half of the estimated state needs. We believe this is contrary to the basic philosophy of the Act respecting the vital role of the states. The 60–40 allocation formula should be retained.

Concern has been expressed in these hearings that the earmarking of federal mineral and national forest receipts to the Land and Water Conservation Fund, as S. 1401 provides, would hamper federal agencies administering these programs in obtaining appropriations for necessary resource management activities. While it would not be wise to neglect these important management needs, we believe that elimination of this provision from S. 1401 should be considered only if no cealing is placed on the addition of Outer Continental Shelf receipts to the Fund. Furthermore, earmarking of these funds, in itself, does not lessen their significance in support of other resource management programs.

In summary, regarding the new revenue provisions of S. 1401, as introduced, we believe:

1. Time is of the essence if desirable recreation land is to be acquired. The Land and Water Conservation Fund was created by Congress to provide for needed acquisitions, and must be funded *now* if it is to fulfill its purpose.

2. S. 1401 will provide needed funds in time to meet priority requirements and overcome the major problem of price escalation.

3. State and local programs are vital to an effective national outdoor recreation program and should continue to receive 60% of Fund disbursements.

4. Eliminating mineral and national forest receipts *and* placing a ceiling on Outer Continental Shelf receipts would forestall an effective national program.

OTHER PROVISIONS OF S. 1401

We also support the other provisions of S. 1401, inasmuch as they are designed to allow for much-needed flexibility in federal acquisition procedures. Advance obligation authority will make it possible to acquire key tracts in newly authorized areas in advance of opportunistic private development and spiraling prices.

Passage of S. 1401, as introduced, will permit acquisition of important scenic and recreational land while it is still available. It will mean more open space accessible to urban dwellers, parks and natural areas within spreading suburban perimeters, state and regional parks to serve an increasingly mobile resident and tourist population, and preservation of outstanding, irreplaceable scenic and ecological sites.

OTHER PROBLEMS MERIT ATTENTION

Although passage of S. 1401 as introduced would solve the most immediate and significant problem confronting the national outdoor recreation program, other related matters also merit attention.

First, the annual permit and user fee provisions of the Land and Water Conservation Fund need reconsideration. Receipts have been far below original estimates and numerous administrative problems have arisen. We believe that the general concept of user fees for developed federal facilities is sound. Current proposals to abandon this concept should be opposed, and efforts made to develop and implement a more workable and equitable system.

Secondly, other mechanisms to provide flexible acquisition procedures for federal agencies should be considered. The advance contracting provisions of S. 1401 are a beginning, but are limited in both time and funds. Generally, as soon as public attention is focused on a potential recreation area of national significance, prices begin to rise, and continue to do so until acquisition. Possible solutions in addition to advance contracting include: pre-authorization option authority; limited continuing expenditure authority and advance planning appropriations. Traditionally, such administrative discretion over expenditures has been frowned upon by the Appropriations Committee and the Bureau of the Budget.

However, current policies which require specific appropriation for each Fund expenditure are unduly restrictive and more than a little unrealistic in the competitive race for recreational lands with today's energetic, flexible and innovative private real estate market.

Another possibility worth further study is the creation of a low-interest federal loan program to enable owners of key parcels to refinance, in return for their agreement to postpone development or sale of the land for a specified time. This would relieve the pressure on many land developers who generally are operating on a narrow cash margin and cannot afford to keep funds tied up in a tract for long periods.

Thirdly, means should be explored of providing pre-authorization acquisition for later "resale" at cost to federal agencies as appropriations become available. For example, Roger Revelle, director of the Harvard Center for Population Studies, has suggested creation of a federal land agency empowered and funded for this purpose. The recently created National Park Foundation will perform such a function for the National Park Service. Private philanthropy, through such organizations as the Nature Conservancy, represents a vehicle for public-private partnership action which should be encouraged.

As a final point, we suggest that consideration be given to allocation of potential federal receipts from western oil shale development to public land acquisition. This would be consonant with the concept of applying resource-derived revenues to resource development programs, and consideration could well be given now to this evolving opportunity.

In conclusion, The Conservation Foundation strongly supports S. 1401 as introduced, but suggests that this legislation be viewed as but one step toward a viable and dynamic program to meet the outdoor recreation needs of the American people.

We appreciate the opportunity of submitting this statement to the Committee.

STATEMENT OF NATIONAL ASSOCIATION OF MANUFACTURERS

This statement is filed on behalf of the National Association of Manufacturers, a voluntary association of business enterprises, large and small, located in every state.

We appreciate this opportunity to comment on S. 1401, to amend the Land and Water Conservation Fund Act of 1965, because it involves current issues of keen interest to industry and other taxpayers; that is, proper fiscal management of the federal government, and proper allocation of land resources among private owners and the various levels of government.

The Land and Water Conservation Fund Act of 1965, Public Law 88–578, enacted on September 31, 1964, and effective on January 1, 1965, established a separate fund in the Treasury of the United States for the period ending June 30, 1989, and for such additional period as may be required to repay, without interest, advance appropriations made by the Congress into the fund as set forth

in section 4(b) of the Act, which limits the advances to an 8-year period and a total of $480 million.

The purposes of the act, as extracted from section 1(b) are "to assist in preserving, developing, and assuring accessibility * * * [of] such quality and quantity of outdoor recreational resources as may be available and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

Section 2 of the act describes the revenues to be placed in the separate fund. In general, they are entrance and user fees collected by certain federal agencies; proceeds from surplus property sales; and certain revenues from the motorboat fuel tax.

The present proposals appear to arise out of two circumstances:

1. There is not as much demand for recreational use of federal lands as the Congress was led to believe; consequently, revenues from entrance and user fees have not come up to expectations.

2. Intervention by the federal government as a purchaser in the real estate market is inflationary.

These two points are demonstrated by the fact that revenues from entrance and user fees have been running only 20% of estimate, and acquisition costs for various recreational projects have overrun estimates from 50% to 200%.

The answer proposed is not to tailor the program to the dimensions suggested by the amount of revenues coming into the fund, but to earmark additional sources of revenue for payment into the fund. It appears that the Administration has chosen the most conservative of what it regards as three alternative levels of revenue. However, it is questionable whether an additional source of revenue should be earmarked at all. At least, it is apparent that the Administration is not really motivated by a desire to hold the level of expenditures for those purposes to the lowest possible level. This has been indicated by Secretary of the Interior Stewart L. Udall's statement that:

"There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small."

Thus, the Administration appears to fear that, if the Congress were allowed to work its will in its traditional legislative processes, it would come to the conclusion that the level of expenditures for these purposes should be lower than that which would be available from the proposed new revenue sources. It appears that, at a time of severe fiscal problems, it is doubtful that any more revenues should be earmarked for specific purposes. Therefore, it seems to be a dubious course of action to earmark any additional revenues for payment into this Fund. Certainly, the Congress should evaluate all available Federal revenues as against all of the Federal objectives and allocate the available resources accordingly. Earmarking certain funds in advance for certain purposes tends to impede the free exercise of that proper legislative power of the Congress. Therefore, we are constrained to object to any further expansion of the earmarking of revenues beyond what has already been authorized by the Congress. At a time of serious military involvement and soaring government expenditures domestically, together with balance of payments problems in our international accounts, it would seem unwise to establish a forced draft system of raising expenditures for acquisition of land for recreational purposes.

Another very serious question is that of proper allocation of our available land resources among private owners on the one hand and the various levels of government on the other hand. The Federal Government already owns some 770 million acres of land. It seems apparent that some strong effort should be made in the direction of disposal of a significant portion of this acreage into tax-paying, job-creating, private ownership rather than encouraging further acquisition of land by the Federal Government. A statement released by Secretary Udall on February 5, 1968, indicates that the Federal, State, and local governments acquired for recreational purposes during the previous three-year period more than 4 million acres of land. The continued trend in this direction of removing land from the tax rolls and removing it from a possibility of further economic growth and de-

velopment could only accentuate some of our severe problems in supporting government by the tax base which is left remaining.

Insofar as the Federal Government is concerned, the real need is the development of lands already owned rather than the acquisition of still more lands which are not recreationally developed. This country already possesses a tremendous physical plant for recreation purposes and spends billions of dollars each year in its use. The Outdoor Recreation Resources Review Commission stated that "public areas designated for outdoor recreation include one-eighth of the total land of the country" and that "millions of other acres, private as well as public, are also used for recreation." Surely, in the light of these facts and in the light of the fiscal condition of the Federal Government, a curtailment of land acquisition for recreational purposes by the Federal Government would appear to be in order.

The report of the Outdoor Recreation Resources Review Commission recommended that Federal high-density recreation areas which serve primarily local recreation needs should be placed under State or local government. It was also recommended by the Commission that surplus Federal lands suitable for outdoor recreation purposes should be made available to State and local governments at no cost, with appropriate reversion clauses. In regard to acquisition and development of land for recreation purposes, the emphasis was on action by the States. On page 6, the report said that "the States should play a role in making outdoor recreation opportunities available by—1. Acquisition of land . . ." On page 139, the report stated that the States should undertake a program of land acquisition and development as scheduled in the State outdoor recreation plan. It is clear that a large scale program of land acquisition by the Federal Government for recreation purposes is contrary to the report of the Outdoor Recreation Resources Review Commission which recommended that the role of land acquisition be carried out by the States. The appropriate course of action at this point would be to eliminate this aspect of the program and provide an appropriate program of State assistance with the existing sources of revenue.

Therefore, it appears that the Congress is confronted with a major policy decision in terms of both fiscal management and allocation of land resources. The Congress has already authorized an exhaustive study of public land management (from the standpoint of disposal, retention, the laws, the regulations, the policies and the practices) by the Public Land Law Review Commission. It would appear that, rather than making the policy decision posed by the present proposals at this time, it would be the better part of wisdom to defer this decision until the report of the Public Land Law Review Commission has been submitted.

Recent trends have been disturbing in that, rather than emphasizing a conversion of public lands to taxpaying, job-creating uses, they have been characterized by an increasing takeover of private land for recreational purposes.

We are pleased to note that one of the objectives of Study No. 19 of the Public Land Law Review Commission, entitled "Fish and Wildlife Resources on the Public Lands" will be to "Document the degree to which private lands are open to the public for hunting and fishing, and describe efforts being made to increase this acreage in order to permit clearer review of demand on public lands." In many instances, governmentally owned acquired lands cannot offer more to the public than what was already being offered under private ownership, and sometimes can only offer less when the acquisition is for some single purpose use. Also, government does not always need to own land to achieve certain purposes. Cooperative arrangements have been worked out in many areas.

For example, one forest products company has a thirty thousand acre tree farm enrolled under a cooperative agreement with a State conservation department. This acreage is made freely available to the public for hunting and fishing. All the company's roads can be used by the public except in restricted areas when logging is taking place. The cutting affects only a very small percentage of the tree farm at any one time. The State provides professional guidance in game management; stocks the streams; and provides special game protective controls during the hunting season. A sportsman's map of the area has been prepared by the company to encourage better distribution of hunters and fishermen over the properties. Many companies are similarly engaged, and it should be kept in mind that all these acres, which offer so much in the form of public recreation, wildlife, habitat, and watershed management are tax-paying job-creating, raw material-producing lands.

Both public and private lands can and must be managed so as to provide both timber and other goods and services required. The public lands must be managed so as to make a greater contribution to the nation's wood supply in the future.

Federal timber should be offered for sale at prices and under terms and conditions which will foster a continuously healthy industry; support employment; and stabilize dependent communities. At the same time, government recreation programs should be geared to demonstrated public interest and not to subjective estimates of recreational demand.

We are pleased to note that the Public Land Law Review Commission's Study No. 15 on Outdoor Recreation will place "emphasis on testing criteria employed in allocating public lands to various kinds of outdoor recreation, and examining the effects of the policies and practices under which such recreation opportunity is made available to the public." This particular study would undoubtedly make a valuable contribution to the Congress' deliberations in making a decision as to whether or not additional revenues should be earmarked to the land and water conservation fund. The ultimate decision should be made in the light of the desirability of policies which will insure a high degree of multiple use of lands under government ownership, and, to the extent feasible, a conversion of such lands so as to achieve the same multiple use under private ownership. The decision should also give full recognition to the economic and social desirability of forest-based industrial operations in the rural areas of the United States.

Although Secretary Udall asked for additional revenues to be paid into the fund, he nevertheless claims that the fund has accomplished much, been remarkably successful, and is not a failure. The fund certainly has been successful if it is evaluated in terms of whether it has substantially added to the already excessive land ownership of the Federal Government. Secretary Udall has stated "For example, the three Federal agencies—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—have acquired about 310 thoussand acres with an expenditure of $880 million since the initiation of the fun." It should be pointed out that this is at an average price of $285 per acre. Secretary Udall has also pointed out that the 89th Congress authorized 23 new Federal recreation areas involving the acquisition of 250 thousand acres at the total cost of $119 million. It should be pointed out that this is an average cost of over $475 per acre.

Secretary Udall has also stated that "Our minimum estimate is that established and recently authorized areas of the National Park System need about $318 million for acquisition, and new areas which the Administration is supporting before the Congress would need an additional $160 million or a total of $478 million." This perhaps would purchase an additional 1 million acres of land for recreational purposes.

Secretry Udall has referred to the great escalation of land prices and supports a provision for two years advance contract authority up to $30 million per year for the acquisition of property within authorized areas. The Secretary stated:

"Such authority will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to negotiate land purchase contracts as soon as new recreation areas are authorized or in other authorized areas where there is need to move swiftly.

"The need for advance land purchase contract authority for federal agencies participating in the Land and Water Conservation Fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area. The lag for recent authorizations has averaged about 9 months. This is a critical period when land values often rise most sharply.

"The escalation problem would be reduced and substantial savings made if agencies were authorized to proceed with mapping, land title search and other acquisition planning and to acquire quickly or obtain options for key recreation tracts most in danger of rising land values."

There is a serious question as to the propriety of such advance authority to tie up land prior to the time when Congress has actually made an appropiration for its purchase. In addition, this dubious device carries with it no assurance against land price escalation. The rise in prices in great part is due to the operation of factors of supply and demand, and if the demand factor enters the picture sooner than it might otherwise, it is quite probable that the only result will be to accelerate the increases in the land values and prices.

Secretary Udall appears to recognize the concept of the compatibility of recreational uses with economic uses under proper multiple use management. However, he does not push this concept to its ultimate conclusion. He states that

"We believe that a recreation environment can be maintained within parks or recreation areas without total federal ownership, so long as controls exist to assure compatible private uses." As previously pointed out, cooperative arrangements have been made in many areas. If sufficient effort and imagination were applied, it is quite possible that the supposed need for continued Federal land acquisition could be largely averted. But that is not the approach represented by the proposals before this distinguished Committee.

The possible alternatives to massive Federal land acquisition for recreational purposes have been recently illustrated in the Connecticut River Watershed in New England.

At hearings in January held by the Bureau of Outdoor Recreation, the Connecticut River Watershed Council testified that a proposed national recreation area was by no means a required or appropriate mechanism for coordinating recreational and related planning in the Valley.

The testimony of the Connecticut River Watershed Council pointed out that approximately 21 per cent of the total land area within the Connecticut River drainage basin was available for intensive, general, or limited recreational use by the public. The testimony went on to state as follows:

"If a count is also taken of the present availability of large tracts of timberland in the north country that is available for limited recreational use and the prospects of additional lands being opened for public use and more intensive use, it is not unreasonable to expect that within the very near future upwards of 3,600,000 acres of land in the Valley or over 50% of its total land area will be available for a great variety of public, quasi-public, and private recreational uses and environmental improvements.

"Substantially greater numbers of recreationists could be accommodated in present areas by relatively modest programs of facilities improvement, expansion, and quality control, and *without major acquisitions of additional lands.*" [Emphasis added.]

The testimony also pointed out that "Urbanization and industrialization take their toll on the natural environment but they also provide the economic base which is the source of much support, directly or indirectly, for preservation of the natural environment. Economic and esthetic values are mutually-improving. The Valley will continue to thrive by public and private programs that seek to maintain a reasonable balance of these values."

Additional testimony presented on behalf of the Connecticut River Watershed Council contained the following statements:

"The Connecticut Valley finds itself in a transitional phase of digestion, consolidation, and implementation of existing plans and programs. It needs time to transform them into reality. This should be borne in mind by the Bureau of Outdoor Recreation in weighing the effect of broad new proposals upon an already confused public."

"The task ahead of us is to coordinate the plans and programs in existence at the federal, state, regional and local levels. Perhaps the answer lies in an inter-state recreational compact that could be administered by the New England Governors or by the newly created New England River Basin Commission."

The Council testified that "existing programs, planning and tools such as easements and zoning coupled with our existing controls on the environment will eliminate the need for the traumatic experience of a Federal Recreation Area in Massachusetts."

The Council listed the following factors as making unnecessary the creation of a National Connecticut River Recreation Area:

"1. Expansive open land acreages owned by many schools and colleges in the Valley.

"2. Islands of natural and historic significance maintained by public and private interests.

"3. Public ownership of the higher ridges.

"4. Privately operated recreational areas.

"5. The proposed Northfield Mountain Project.

"6. More enlightened zoning and/or easement programs.

"7. Anticipated urban renewal.

"8. Water and air pollution abatement."

This is a vivid current illustration of the available alternatives to massive federal land acquisition for recreational purposes.

If there is any justification for earmarking revenues to be paid into special funds, it is as a means of coupling the benefits and costs of particular programs.

For example, such a logical nexus might exist in the use of admission fees to federal recreation areas for improving recreational facilities in these areas. However, we objected to the earmarking of proceeds from the sales of surplus real property and related personal property for payment into the Land and Water Conservation Fund, and we still do not see the connection. In fact, as we stated in 1963:

"The Federal Property and Administrative Services Act of 1949 was a laudable piece of legislation, an outgrowth of recommendations of the Commission for the Organization of the Executive Branch. It will be unfortunate if its purpose to achieve economy in government is distorted so as to make possible a great expansion of presently excessive governmental land ownership. In addition, there appears to be no logically valid reason why proceeds from disposal of surplus property should be earmarked for recreational purposes."

We also said:

"It is ironic to note that, in connection with real property, the 1962 Annual Report states at page 12 that: 'GSA further accelerated the disposal of surplus real property in order to place such property in the civilian economy, add the property to local tax rolls, and return sales proceeds to the Federal Treasury.'

"Every one of the objectives would be frustrated or negated if the proceeds were devoted to buying up other lands for Federal Government ownership." (Statement to the Committee on Interior and Insular Affairs of United States Senate, March 15, 1963.)

Likewise, we do not see the justification for earmarking revenues received under the Outer Continental Shelf Lands Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Acts of 1927 and 1948, and by the Forest Service for the purchase of additional land for recreational purposes.

The "Alternative Level III" endorsed by the Administration calls for outlays of $200 million per year for 5 years to be split equally between Federal and State expenditures. This would require additional annual amounts of from $100 million to $128 million to be earmarked out of revenues from Outer Continental Shelf Lands. Thus, curtailment of Federal land acquisition would appear to cancel out very neatly the need for additional earmarked revenues. This would not require any amendment to the basic law, inasmuch as Section 4(b) of the Act provides that the Federal-State ratio shall prevail "In the absence of a provision to the contrary in the act making an appropriation from the fund. . . ."

An alternative suggestion is to amend the act so as to devote the Federal allotment to recreational development purposes alone rather than solely to land acquisition purposes.

Therefore, we respectively urge this distinguished Committee not to report S. 1401 or any other bills which would earmark additional revenues for payment into the land and water conservation fund. We appreciate this opportunity to express our views.

STATEMENT OF THE NATIONAL LEAGUE OF CITIES

The Nation's cities are becoming increasingly concerned about the availability of recreation space for their citizens, for the Nation's accelerating trend toward urbanization is placing ever greater demands on land suitable for recreational purposes in and around our cities. A stepped up effort is needed to preserve land for recreational purposes.

The National League of Cities supports S. 1401 and H.R. 8578 which will accelerate the Federal program to preserve and protect recreation areas for all citizens by amending the Land and Water Conservation Fund Act of 1965 to increase funds available for property acquisition and to expedite acquisition procedures to avoid costs added through appreciation in value of land designated as a recreational area. An increase in the land and water conservation fund is particularly necessary to permit the Federal Government to acquire major national facilities and to maintain State and local programs. It is estimated that, at current prices, $3.6 billion in Federal aid will be needed to support Federal, State and local recreation programs in the next decade. Only about $1 billion will be available if the land and water conservation fund is continued at current revenue levels.

Availability of land for a variety of recreational uses is of vital importance to cities. Recreational areas in and around cities must be preserved now if they are to be available to meet future needs. By 1980 three-quarters of our citizens will

live in the expanding metropolitan areas of our country and by the year 2000 predictions are that the era of the three-day weekend and two-month long vacations will have arrived. The combined pressures of a growing population and increased leisure time will create a demand for far more recreational areas to be available for the use of our people than are available today. Recreation areas where people living in metropolitan areas can spend their leisure time within short distances from their homes are those most needed.

People may travel long distances for once or twice yearly vacations, going as often to other cities as they do to the open spaces of the country, but for normal daily or weekend enjoyment, recreation areas close to home are preferred. Much of the value of recreation can be lost if the frustration of a long trip to and from the recreation area must be endured. A report by Urban American, Inc. notes, "the greatest pushes for recreation development are not in the wide open spaces, or even the medium open spaces, but in what could be called the fifty-mile 'day trip' zone".

The 50-mile radius or "day trip" zone around the metropolitan centers, where the need for recreation areas is the greatest, is also the territory where land costs are accelerating most rapidly and where open land is fast disappearing under the press of development. If we are to have enough land available for recreation in 1980 and the decades thereafter, we must accelerate efforts to acquire that land now, for costs will continue to rise rapidly and choice sites for recreation areas are being bulldozed daily by the crush of expanding urbanization.

Addition to the land and water conservation fund of revenues received under the Outer Continental Shelf Lands Act will permit the Bureau of Outdoor Recreation, directly and through aid to the States, to accelerate efforts to acquire land both inside and outside the "day trip" zone. We believe that the most immediate need is to increase programs to provide recreational facilities within the "day trip" zone. For this reason, we are reluctant to accept any reduction in the state and local share of the fund, though we recognize the national need and the value of national facilities to all citizens.

Many State plans provide excellent programs for the development of new recreational facilities inside and outside of metropolitan areas. A few State plans have neglected the recreational needs of citizens living in urbanized areas. The original Ohio recreation plan made no provision for local recreation programs despite the heated objections of many Ohio cities, and some other plans make no specific commitment to aid local governments develop recreation areas. We understand also that in Tennessee, Federal funds have been spent to finance acquisition of facilities previously programed for development at State expense, so that the money has not been spent on new facilities.

The Bureau of Outdoor Recreation must be in a position to exercise increased authority to review State plans to assure that Federal funds are bing spent in accordance with the aims of the Land and Water Conservation Fund Act. We hope that the record will state that in reviewing state plans the Bureau of Outdoor Recreation will assure that the immediate recreation needs of the great number of people living in our metropolitan areas are given equitable consideration. State plans should be found unacceptable if this has not been done. In this connection we note that the share of State funds allocated to local governments has grown from 23% to 38% in the last eighteen months, however, there are still inequities in some States.

We hope that any future anology between the recreation program and the highway program will be avoided by assuring, at this early stage in the outdoor recreation program, that urban areas are given fair consideration in state plans to develop recreational areas. Problems arising because of past neglest of urban areas by Federal and State highway programs are noted in the 1968 National Highway Needs Report recently published by the Department of Transportation. Federal and State highway programs are now facing tremendous planning and financing problems because of the crying need to improve urban street and highway systems to deal with today's traffic. Many of the severest urban highway problems and a significant amount of the cost involved in correcting them could have been avoided if the States had given adequate consideration to urban needs in their earlier highway planning.

By insisting that States accelerate programs to preserve recreational areas in our country, particularly those fast disappearing areas in our urban centers, Congress can make a great contribution to the quality of urban living now and in the future. In this time of heavy demands upon our revenue to finance programs dealing with immediate domestic and international concerns, a long-range pro-

gram to preserve recreational facilities may seem to lose relative importance. However, when the great benefits the program can give, and the heavy future costs likely to be entailed if action is not taken now are considered, an increased financial commitment to these programs at this time is justified. Passage of S. 1401 and H.R. 8578 can fill a great need in providing adequate recreational facilities for our citizens and avoiding a critical shortage of these facilities in the future.

STATEMENT OF ROBERT E. SYNNESTVEDT, PRESIDENT OF NATIONAL BOATING FEDERATION

From the very beginning the waters of our country, have been preserved as belonging to the people, and their free use by the public has long been the established practice, in law and in fact.

Charging fees for the use of these waters violates this principle, annoys and harasses our citizens, and tends to curtail the economic advantages accruing from America's fastest growing outdoor family recreation—boating.

We therefore support Senate bill 2828.

STATEMENT OF ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION

On behalf of our membership I am happy to endorse the objectives of S. 1401, which will provide additional financing for the Land and Water Conservation Fund Act.

Our membership—like every other labor organization—is composed of thousands upon thousands of families who depend on the federal parks for their summertime outdoor recreation and vacations.

This committee knows that outdoor recreational space is at a premium. We are not keeping up with the demand for national parks. The Land and Water Conservation Fund has not been able to raise enough money to supply the funds which Congress has modestly authorized for new parks. It is my understanding that some $400 million of new parks authorized by Congress are lacking a single penny of financing to bring them under the public domain.

S. 1401 will use for land acquisition some of the royalties which go into the United States Treasury from the continental oil shelf royalties. This is an excellent solution to a knotty problem. We need more park land. Congress has been unwilling to vote the money. The continental oil shelf royalties belong to the American public. What better way to use these royalties than by earmarking some of them for the national park system and other outdoor recreational programs of the federal government.

STATEMENT OF JOSEPH N. GILL, COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES, STATE OF CONNECTICUT

The Land and Water Conservation Fund is the most important source of federal funds which we in the State of Connecticut can utilize to assist us in purchasing areas for conservation and for outdoor recreation. The annual allocation of a portion of these monies to our State has averaged close to $1 million since the inception of the Fund. This resource has been most welcome and beneficial to our Open Space acquisition program. However, studies recently completed under the Connecticut Interregional Planning Program indicate that an accelerated program of acquisition of land and water is vital within the next five to ten years if these are to be preserved at all. The cost of this stepped-up program will be at least $50 million from local, state and federal sources during this brief period. In order to achieve our objectives, we will require significantly more Land and Water Conservation funds than we have received in the past—treble the present $1 million annual allocation.

Discussions with the liaison officers of other states has brought out the fact that most of them are facing the same problems which we are encountering in Connecticut. They also believe that they must purchase more land and water soon before it is lost or priced out of reach.

We, in Connecticut, therefore strongly support the proposal to amend the Land and Water Conservation Fund which is contained in S. 1401. The addition of the new sources of income proposed in this measure would make it possible for the Bureau of Outdoor Recreation to carry out the program of federal land and water acquisition which has been planned and should be carried out. It will also permit a substantial increase in the amount of funds annually allocated to the several states to help in the prosecution of municipal and statewide plans for acquisition.

We respectfully urge the honorable Committee to give its favorable consideration to S. 1401.

STATEMENT OF LYLE W. BENTZEN, PRESIDENT OF THE WYOMING RECREATION COMMISSION

The Wyoming Recreation Commission is pleased to have the opportunity to support the amendment to the Land and Water Conservation Fund Act of 1965. Although our State agency is somewhat young in the field of outdoor recreation, we do have the support and justification for seeking such an amendment as proposed.

Basically, existing revenue provided by the fund does not fulfill the financial projections anticipated at the outset of the program. State programs were planned around these projections and political subdivisions of State government were informed that increases in the fund were to be forthcoming. We now find ourselves in the position of discouraging acquisition and development of outdoor recreation areas and facilities instead of encouraging as the act specifically outlines.

Grass root programs have sprung up at an enormous rate in Wyoming. The program was sold to Wyoming communities as follows: We encouraged towns, cities, and counties to organize recreation planning boards and to begin financial programs to offset the operation and maintenance costs which would be so evident once the development program was concluded. Our State presently has seventy-five percent of the total number of communities participating in the fund program. Our projected needs to fulfill the applications presently existing will deplete the Wyoming apportionment for the next five years.

As a result, our Recreation Commission is continually reevaluating the applications and assigning priorities to only those which qualify to urban and high use. We are, therefore, discouraging those smaller communities who cannot compete with the larger and who primarily need the recreation facilities to a higher degree per capita.

Unfortunately, the take by the Federal Government for acquisition and development is expended east of the 100th meridian. We, therefore, cannot call on those Federal agencies administering lands within Wyoming borders to speed up their programs. The outcome is rather evident. Wyoming's prime recreation areas are just not receiving the attention so desperately needed.

The out-of-state visitor use—made up of other State's urban population—is estimated to be close to 8 million in 1967. The extra burden to provide the needed facilities falls on a resident population of 315,000 people. It is financially impossible and clearly unfair to expect these Wyoming residents to singularly provide for the multitudes who visit our great State each year.

The dilemma could partially be rectified by the increased revenue requested in the amendment of the act. However, the total program as needed in Wyoming will be largely dependent upon the ability of the Wyoming citizens to meet the financial burdens placed upon them. Local communities in most cases are willing to provide for their own citizens. But to provide the necessary facilities that are demanded by the visitors will necessitate outside help from other sources of revenues. We in Wyoming believe that the passage of an amendment to the fund act would be helpful in meeting these demands.

Wyoming communities have often stated that the land and water conservation fund program was the only Federal grant program working. Let's not discourage the grass roots programs but rather let's encourage them to greater heights.

Although other grant programs are available and are being administered in Wyoming, such as the Highway Trust Fund and the Pitman-Robinson-Dingell-Johnson programs, the realization remains that the land and water conservation fund program is the only one in which towns and cities are experiencing help to acquire and develop recreation areas and facilities.

It has been brought to the attention of the Committee in numbers of other statements that the brief history of the fund act shows beyond a doubt that this program is working. The ability of the Bureau of Outdoor Recreation to become organized and set up to administer this program certainly brings forth the fact that Federal-State relationships are heading in the right direction.

We would like to call the committee's attention to the fact that each of Wyoming's 23 counties have proposals approved by the Wyoming Recreation Commission. One hundred twenty-four projects had been submitted to the Bureau of Outdoor Recreation as of January 19, 1968. Nearly 40 more have either been approved by the Wyoming Recreation Commission or are awaiting approval. These projects represent only political subdivisions and nearly $2 million in total costs.

The State agency requests are anticipated to be nearly $7 million over the next 3-year period for acquisition and development of State park and recreation areas and facilities.

We cannot expect the land and water conservation fund program to fulfill the total needs in Wyoming. Private enterprise also has a role to play along with other Federal agencies such as the United States Forest Service and the Bureau of Land Management. We currently are enjoying cooperative working relationships with these agencies and others. But we do feel strongly that the committee should look with favor upon allocating more funds to be expended by the Federal agencies west of the 100th meridian to help take care of the multitudes of visitors originating in the metropolitan centers with destinations in Wyoming and at Federal recreation areas, Federal historical sites, Federal park areas and Federal forests.

The Wyoming Recreation Commission also foresees problems in the future of the possible diversion of these trust funds to other areas of concern. We, therefore, express to the committee that they also look to an additional amendment to the effect that these land and water conservation funds cannot be diverted for any other cause and that the States retain sole authority for their distribution.

DELAWARE RIVER BASIN COMMISSION,
Trenton, N.J., February 8, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Delaware Rriver Basin Commission supported enactment of the Land and Water Conservation Fund Act of 1965. I am writing to convey our further support to S. 1401 which I understand is now before your Committee.

Experience in the Delaware River Basin, particularly with the Delaware Water Gap National recreation area project, has already demonstrated how the cost of land acquisition can increase substantially between the time a project is authorized and funds become available for land purchases. Similar experience around the country has placed a burden upon the Land and Water Conservation Fund far beyond its resources. Establishment of new revenue sources; allowance for advance acquisition; and the lease-back and sell-back provisions, as authorized by S. 1401, would all contribute significantly to the solution of this problem.

I am pleased to lend our support to this legislation and hope it receives favorable support in the Congress.

Sincerely,

JAMES F. WRIGHT.

TOCKS ISLAND REGIONAL ADVISORY COUNCIL,
February 7, 1968.

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

DEAR SENATOR JACKSON: The purpose of this letter is to inform your Committee of this organization's support for S. 1401 and to request that this letter be placed in the official record of the hearings your Committee recently conducted on this bill.

The Tocks Island Regional Advisory Council (TIRAC) is a rather unique council of county governments which was formed in response to the Federal legislation authorizing (1) the Tocks Island dam and reservoir project and (2) the Delaware Water Gap National Recreation Area (DWGNRA). The Council, which consists of representatives from the seven counties in New York, New Jersey, and Pennsylvania which are touched by the above-named projects, has two primary purposes:

First, to identify the problems and opportunities which will be generated by the Federal development of the Tocks Island reservoir project and the Delaware Water Gap National Recreation Area; and

Second, to marshal the resources needed to effectively cope with the problems and opportunities.

Since it was formed in 1965, TIRAC has developed (1) what should, in the next few years, be a comprehensive regional environmental protection system (this involves water, sewer, solid waste and vector control studies and/or programs) and (2) the rudiments of regional planning program which should protect this region from any honky-tonk type of development.

When I first joined the organization in 1965, the most urgent problem we faced was that of land speculation within the authorized boundaries of the Delaware Water Gap National Recreation Area. We dealt with this problem through taking a long series of actions at the local or regional level. These included: (1) working with the FHA and other Federal agencies to stop Federal mortgage assistance on construction within the DWGNRA's boundaries; (2) working with local realtors and bankers to discourage sale of land and properties within the DWGNRA; (3) working with New Jersey electric utilities to adjust tariff structures (result: builders and/or property owners have to pay to have power lines brought in and taken out when the U.S. acquires the property) on lands within the authorized boundaries; (4) publicity campaigns to discourage persons from buying lots within the authorized boundaries; and numerous other steps.

While these actions helped considerably, they became truly effective only when the U.S. Government finally appropriated funds for the first land purchases for the DWGNRA. Indeed, in our experience, prompt Federal acquisition of land is the only effective way of preventing land speculation associated with the Federal development of water resource and other projects.

For this reason, we are pleased to join with other interested groups in complete support of S. 1401.

Respectfully,

FRANK W. DRESSLER.

STATE OF NEW YORK CONSERVATION DEPARTMENT,
Albany, February 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As the Liaison Officer of the State of New York, I wish to advise your Committee of our endorsement and support of the principles and objectives of the proposed amendments of the Land and Water Conservation Fund Act as set forth in Senate 1401.

New York has experienced a tremendous demand for expanded outdoor recreational opportunities reflecting the deep concern and vital need of its residents. Since the inception of the Land and Water Conservation Fund Program, formal applications requiring in excess of $22 million in matching funds have been received from municipal and state agencies. Unfortunately, only $12.8 million of federal assistance funds have been made available to the State of New York which has caused the postponement of many desirable projects to some future time.

Delays of this nature can only produce higher ultimate costs to the public as a result of the rising trend in land and construction costs. We must also recognize the serious potential for loss of beneficial public use of these deferred facilities and the destruction of irreplaceable natural resources through diversion to other uses.

This State has made a firm commitment towards providing funding for its natural resource and outdoor recreation programs through two substantial bond issues.

The success of our new $400 million Next Step Program representing a blending of State, Federal and local funds is greatly dependent upon the availability of Federal funds to help meet the original projections for the Land and Water Conservation Fund allocations to the States.

In view of the above, I strongly urge your Committee to favorably report this bill.

Sincerely,

R. STEWART KILBORNE, *Commissioner.*

STATE PLANNING BOARD,
COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February 6, 1968.

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

DEAR SENATOR JACKSON: We are pleased to recommend the enactment of S. 1401, amending the Land and Water Conservation Fund Act of 1965.

Our support of this bill is based on the following considerations:

1. It would allow, for a five-year period, additional sources of revenue for Federal and State land acquisition and development purposes.
2. It would facilitate the earlier acquisition of property, helping to deal with the land price escalation problem and a stretched-out rate of land acquisition due to lack of funds.

The Land and Water Conservation Fund has been a most useful program. It has served to stimulate and support state and local efforts in outdoor recreation planning, acquisition and support. With Pennsylvania's $70 million PROJECT 70 program and the more recent $500 million Land and Water Conservation and Reclamation Program, it has been instrumental in meeting the outdoor recreation needs of the Commonwealth.

We consider S. 1401 to be in the public interest and recommend its every consideration.

Very truly yours,

IRVING HAND, *Executive Director.*

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Silver Spring, Md., January 31, 1968.

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

DEAR SENATOR JACKSON: This letter is written to indicate support for Senate Bill 1401 to increase the authorized income of the Land and Water Conservation Fund.

This Bill is of utmost importance to park jurisdictions throughout the country and especially to those concerned with the expansion of major metropolitan cities such as Washington, D.C.

The Maryland-National Capital Park and Planning Commission is responsible for acquisition, development, maintenance and operation of a park system in Montgomery and Prince George's Counties covering a 1000 square mile area with a population of one million persons anticipated to develop within the next twenty years. Our present park program indicates a need within this period of time of public open space in the amount of 52,000 acres. The Commission has acquired approximately 20,000 acres. However, it will be most difficult to fulfill our Master Plan unless assistance is authorized by such Acts as the Land and Water Conservation Fund.

Unless suitable and adequate funding is provided soon many potential public park and recreation areas will be seriously impaired or lost completely. I earnestly endorse Senate Bill 1401 for the hundreds of thousands of people living within the Maryland portion of the Metropolitan District of Washington, D.C.

Sincerely,

JOHN P. HEWITT, *Director of Parks.*

STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES,
Columbus, February 8, 1968.

Hon. ALAN BIBLE,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I would like to take this opportunity to stress my endorsement of S. 1401 which would provide an additional source of matching funds to the states for the acquisition of land and the development of outdoor recreational facilities under the Land and Water Conservation Fund Act.

At present, the Ohio Department of Natural Resources plus a number of our local units of government are utilizing Ohio's current apportionment of the Land and Water Conservation Act funds to help acquire land and create outdoor recreational facilities at some 34 different sites. Unfortunately, however, the present level of funding under this program, even coupled with the funds made available through our state and local bond issues, has not permitted us to meet the current demand for these types of facilities due to an ever expanding population plus more leisure time presently being enjoyed by most segments of our population.

An additional source of Federal matching funds could serve as a much needed stimulus for initiating many of Ohio's outdoor recreation projects that are currently being held in abeyance because of a lack of funds.

I respectfully request your favorable consideration and support of the aims of S. 1401 in order that all levels of government—federal, state and local, be in a position to more adequately and rapidly meet the needs for providing additional outdoor recreational opportunities.

Sincerely,

FRED E. MORR, *Director.*

ARKANSAS PLANNING COMMISSION,
Little Rock, Ark., February 1, 1968.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As you are fully aware, the Arkansas Planning Commission is responsible for administering the Land and Water Conservation Fund of the Department of Interior, Bureau of Outdoor Recreation, in the State of Arkansas. Since the beginning of this program, our state has been allocated approximately $2.6 million and our current year's allocation is $798,431. These funds have been used to finance significant improvements on several of our state parks and in the acquisition of land and development of outdoor recreation facilities in Little Rock, North Little Rock, Conway, Heber Springs, Bentonville, Magnolia, and Fort Smith. We have several other applications with the Bureau of Outdoor Recreation at the present time.

Senator Jackson has introduced Senate Bill 1401 which would set aside revenue accruing from the "Outer Continental Shelf Lands Act" for the Land and Water Conservation Fund for a period of five years. I understand that hearings before the Senate Interior and Insular Affairs Committee are scheduled for February 5 and 6. I feel very strongly that additional revenue for the Land and Water Conservation Fund is desirable. I feel that additional funds would help the communities of Arkansas acquire suitable land for outdoor recreation facilities before it is committed to other uses and becomes prohibitively expensive. Also, many of our state and city parks are in dire need of development to bring them up to minimum standards for outdoor recreation uses.

I sincerely request that you support Senate Bill 1401 at every opportunity. Thank you for your continuing cooperation.

Sincerely,

WINSTON C. BEARD, *Executive Director.*

STATE OF INDIANA, DEPARTMENT OF NATURAL RESOURCES,
Indianapolis, February 2, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We strongly urge affirmative consideration of Senate Bill No. 1401 by the Senate Interior and Insular Affairs Committee and its com-

panion House Bill No. 8578. This bill is extremely important to the continued acquisition and development of badly needed outdoor recreation facilities in our state as well as across the nation.

Since the Land and Water Conservation Fund has fallen considerably short of the revenue level originally anticipated, many state and local agencies are now unable to utilize their funds as effectively as planned due to the fact that many of their programs were developed on the basis of a higher level of Federal support. Therefore, the passing of Senate Bill No. 1401 and House Bill No. 8578 is imperative if we are to accomplish our planned program to meet the rapidly increasing need of more Outdoor Recreation facilities for all our citizens.

In order for the Land and Water Conservation Fund to more adequately and rapidly meet these needs, it is most important that the bill be approved as originally written with annual receipts of $700 million. Consequently, the reduction to the proposed administration ceiling of $200 million would seriously endanger the future growth of the Land and Water Conservation Fund Program.

In light of these circumstances, we urge your approval of Senate Bill No. 1401 as originally written and companion House Bill No. 8578.

Sincerely,

ROBERT D. RAISCH
(For John E. Mitchell, Liaison Officer, State of Indiana).

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES,
Madison, Wisc., February 1, 1968.

Hon. H. M. JACKSON,
U.S. Senator, Chairman of the Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The purpose of this letter is to support your bill S. 1401 relative to increasing the Land and Water Conservation Fund.

We have found this program to be one of the greatest stimulants in the field of outdoor recreation that has ever come along. Local units of government previously without an acre of parkland are now planning, which we require, acquiring and developing recreational areas. Counties without recreational committees have now formed them and park commissioners have been hired.

In sharing this fund with local units of government, we ask that the county appoint a liaison officer that will represent all units of government in the county. On occasion these men have called joint meetings with intra-governmental units to plan for priority use of the fund, thus establishing inter-governmental coordination.

These examples are the more indirect benefits derived from the program. Direct values can be found in the preserving of a section of the Wolf River in a wilderness state, acceleration of state park acquisition and development and purchasing of shoreline frontage on Lake Michigan with 20 minutes time of downtown Milwaukee.

At this time we have submitted 223 projects to the Bureau of Outdoor Recreation, 176 of these are from county or local governmental units. Approval has been obtained on 206 of these amounting to $3,454,730.00 out of a total allocation of $4,823,940.00. By July 1, 1968, this balance will have been depleted and a backlog will exist.

This fund has been of tremendous value to us in Wisconsin, and it has been only within the last year that the state and local units of government have been able to budget for matching purposes and gear up to its potential. It is extremely important that the federal government meet its obligation as originally outlined now that the state and local governments have risen to the challenge.

I, therefore, urge speedy approval by the Interior and Insular Affairs Committee as the first step in obtaining passage of this legislation.

L. P. VOIGT, *Secretary.*

STATE PARK AND RECREATION COMMISSION,
Augusta, Maine, February 1, 1968.

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

DEAR SENATOR JACKSON: As the State of Maine's liaison officer to the Bureau of Outdoor Recreation, by appointment of the Governor, I wish to express my state's support of Senate Bill S. 1401 which seeks to amend the Land & Water Conservation Fund Act of 1965. I realize that you will receive many other supporting statements from state liaison officers for this legislation which has as its primary purpose to provide more funds to the federal and state agencies for furthering the cause of outdoor recreation. Therefore, I would like to stress what seems to me to be two of the principal reasons for increasing the revenues to the Land & Water Conservation Fund at the earliest possible date.

First of all, the very creation of the Bureau of Outdoor Recreation and the establishment of federal aid to states and their public sub-divisions for the purposes of public outdoor recreation has stirred up a great deal of activity among the communities of Maine to establish conservation committees within their own governmental structure and to assume local responsibility for planning and developing many worthwhile local recreational projects. In a state that has such a vast acreage of undeveloped natural resources as Maine this problem is so great that it cannot be met by state action alone and, therefore, we have gone to great lengths to "stir up" this responsibility at the local level. The response has been terrific and right now in our state we have many more approved local applications for projects than we have federal matching dollars. If we don't find funds in the near future to keep up this level of local participation then the interest which we have generated will fail as project applications are held up for lack of matching money.

A second matter of urgency peculiar to Maine is that, generally speaking, we are a rural state with practically no lands to speak of in the public domain. Practically all of our forests and coastal shoreline are still in private ownership and still unspoiled for outdoor recreation use. As land gets scarce in other states, speculators are turning their efforts into buying up large tracts of real estate, particularly along our Maine coast, in anticipation of the ever increasing value of land for all uses including recreation. Unless we act fast, some of this prime shoreline will be lost forever to the developers. Our state has a very limited tax base and we can't move anywhere near fast enough without more federal aid. Maine people believe in assuming what they feel to be a reasonable share of this responsibility and two years ago voted to bond themselves for $1½ million to match an equal amount of federal money to preserve the famous Allagash Wilderness Waterway. Our Legislature recently voted to ask Maine voters to make possible a $4 million bond issue, which we hope can be matched with federal monies, to acquire significant areas of Maine's natural and scenic beauty so that future generations can enjoy to some degree the natural resource heritage that was passed on to our generation.

If the voters of Maine in November 1968 commit themselves to this program the money to match these funds at the federal level must be found in the Land & Water Conservation Fund and, therefore, it is most essential that the present formula for putting monies into this fund be amended as suggested in S. 1401 to augment the present system which certainly cannot produce the funds necessary to do the job at either the federal or state level.

Therefore, I most earnestly support the addition of revenues to the Fund as proposed under Section "D" and I would go along with those provisions which propose to divide the funds in the Land & Water Conservation Fund equally between the federal and state agencies.

Sincerely yours,

LAWRENCE STUART,
Director of State Parks, and State Liaison Officer to the Bureau of Outdoor Recreation.

SOUTH CAROLINA RECREATION COMMISSION,
Columbia, S.C., February 5, 1968.

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

DEAR SENATOR JACKSON: This letter is in reference to Senate Bill 1401, pertaining to amending the Land and Water Conservation Fund Act of 1965. May

I take this opportunity to offer you our full support with this proposed amendment. I know I speak for all those recreators throughout our state who are vitally interested in continuing the funding of the B.O.R. program.

Enclosed is a resolution as adopted by a unanimous vote of the commission members present at our regular meeting held February 1, 1968.

In closing, may I extend to you our sincere thanks for your service to the recreation profession within the State of South Carolina and throughout the nation. If our office can be of assistance, please afford us the opportunity.

Sincerely,

CARL M. HUST.

[Enclosure]

RESOLUTION

Whereas, South Carolina is presently undertaking more effective outdoor recreation programs on the state, county and municipal levels; and

Whereas, more awareness of the importance of open spaces, green trees, fresh air, and wholesome exercise is evident throughout the state of South Carolina; and

Whereas, in the early stages of recreation planning throughout South Carolina, it becomes more evident that financial assistance is needed for states as well as local communities to take immediate action to meet current and future needs in outdoor recreation; and

Whereas, the land and water conservation fund is one program that can assist the states and local communities in developing recreation areas. Now therefore, be it resolved by the South Carolina Recreation Commission that the Congress of the United States be memorialized to enact S. 1401 providing for additional revenues to accrue to the land and water conservation fund program.

Adopted by the South Carolina Recreation Commission at their regular meeting February 1, 1968, Columbia, South Carolina.

GEORGIA DEPARTMENT OF STATE PARKS,
Atlanta, Ga., February 2, 1968.

Re: S. 1401 Bill.

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

DEAR SENATOR JACKSON: As Liaison Officer for the State of Georgia and the Bureau of Outdoor Recreation and Director of the Department of State Parks, we want to endorse the proposed S. 1401 Bill.

The Land and Water Conservation Fund Program has meant much to the State of Georgia. Georgia has taken advantage of this assistance program; and according to latest figures, we have only about $15,000 unobligated of the total amount apportioned to Georgia through June 1968. As stated in past letters, we believe that the ratio of 60-State and 40-Federal share should be continued, and for that matter, placed in the bill itself.

An accelerated program for the development of outdoor recreation facilities and the acquisition of lands to be devoted to outdoor recreation cannot be ignored. With the severe problem of crime that is being headlined so much, we may recall the words of Emerson, "There is no police so effective as a good hill and a wide pasture."

Were it not for the fact that the Georgia Legislature is now in session, I would be in attendance at your hearing on this bill.

My sincere congratulations to you on all of your many accomplishments and especially for your considerations of the Outdoor Recreation Program.

Sincerely,

JOHN L. GORDON,
Director, Liaison Officer.

THE MISSISSIPPI VALLEY ASSOCIATION,
New Orleans, La., January 31, 1968.

Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Mississippi Valley Association desires to be placed on record in support of S. 2828 introduced by Senator Harris on January 18. Because of schedule conflicts, it will not be possible for me to attend the hearing on February 5 and 6, 1968, to present our testimony in person. It is requested, therefore, that the contents of this letter be made a part of the hearing record.

The Mississippi Valley Association with membership extending into 36 states has, since its founding in 1919, espoused the proper development and wise management of our water and soil resources, and we feel that the impositions of charges or fees at Army Corps of Engineers reservoirs that this legislation would prevent is not wise management.

Through the years we have seen continuing efforts on the part of agencies of the Federal Government to impose taxes or user charges on our waterways. The Valley Association has resisted these efforts and will continue to do so since these efforts are contrary to the basic foundation upon which our waterways were developed. Aside from the historic and constitutional philosophies involved, we have resisted and opposed the imposition of these taxes or user charges on the basis that they would impose a second charge for these waterways on the taxpayers who have paid for their construction in the first instance. It is not proper that the American taxpayer be required to pay a second time for a commodity he has already purchased.

Although S. 2828 and the companion bills deal primarily with conditions at reservoirs constructed by the Corps of Engineers, we see a far reaching effort on the part of the Administration to use the imposition of charges for entrance and admission to reservoirs or the imposition of charges or fees for mooring or docking facilities or other floating facilities as a step toward the imposition of tolls or user charges on our navigable waterways.

The construction of reservoirs by the Corps of Engineers admittedly sometimes serve single purposes such as flood control. In the majority, however, these are multiple-purpose projects that contribute to flood control, navigation, hydroelectric power, recreation, pollution abatement, water supply and many other benefits. They have been authorized on the basis of a favorable benefit to cost ratio wherein the benefits to be received from the project exceed the costs, and in so doing, contribute widely to the overall economy including the local, state, and Federal tax bases. Some may be considered to be regional in their scope, but by and large their benefits extend far beyond the region in which they are located. Examples are: the reservoirs on the Upper Missouri River that have in the past contributed to the elimination of the salt water intrusion problem in the extreme lower Mississippi River in the vicinity of New Orleans. Additionally, the reservoirs in the Tennessee Valley in addition to supplying electric power and navigation capability, because of ther flexibility contributed to lowering flood heights on the Mississippi and Ohio Rivers.

Earlier I mentioned that our membership extended into 36 states. I must add that more than 120 other associations, with memberships running into the millions are members of the Mississippi Valley Association. Hardly one of these states does not contain reservoirs that would be affected by the impositions that this legislation endeavors to prevent. Accordingly, we would be remiss in our responsibilities to our members in those states if we did not support this legislation. We are not now nor do we intend to be remiss in representing our membership. Did we not represent so broad a cross section of the country but rather reflected only our own views, we would have to support S. 2828 on the basis of preventing dual taxation and the breaking of faith with the American public.

We strongly urge and respectfully request the approval of this legislation by your Committee so that prompt action leading to the enactment of S. 2828 may be taken by the Congress.

Sincerely yours,

ROBERT L. SHORTLE, *Vice President.*

FLORIDA RECREATION ASSOCIATION,
February 1, 1968.

Hon. HENRY M. JACKSON,
Chairman of the Committee on Interior and Insular Affairs of the U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Florida Recreation Association wholeheartedly supports S. 1401, the bill introduced by you in the Senate of the United States to amend Title I of the Land and Water Conservation Fund Act of 1965.

We here in Florida are vitally interested in acquiring outdoor recreation areas for future expansion of recreational facilities and programs. We believe that your bill as presented will do much to enable every state to purchase lands that they would not be able to purchase without the passage of Bill S. 1401.

Sincerely yours,

WALTER M. EDGE, *President.*

DEPARTMENT OF GAME FISH AND PARKS,
Pierre, S. Dak., January 30, 1968.

Hon. KARL E. MUNDT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MUNDT: Senator Jackson, Committee Chairman on Interior and Insular Affairs, has introduced S.B. 1401. The bill calls for additional receipts of approximately $700 million annually to supplement the Land and Water Conservation Fund. As administrators of the Land and Water Conservation Fund for South Dakota we know what this program has done and will do for our state in future years.

South Dakota has received a total apportionment of $2,525,685 including the fiscal year 1968 apportionment. To date we have obligated all but $340,000 of the total made available to us and have projects in the pipeline that will exhaust this figure.

The program has not only brought dollars and cents to our state but has initiated planning efforts at both city and county levels. Bond issues and special donations for recreational developments have become more a part of local financing programs. Our cities and counties are beginning to realize and are accepting their recreational responsibilities.

Many local financing programs as well as our state programs have been based on anticipated federal support under the Land and Water Conservation Fund. Since the fund has fallen short of the original anticipated amounts, many of the planned programs will never be completed.

We understand the Bureau of the Budget and the Secretary of Interior have recommended smaller amounts than what S.B. 1401 would supplement in total receipts. We believe that a higher ceiling than $200 million as recommended is justified to meet nationwide outdoor recreation demands.

The administration has also recommended a 50–50 split of funds between federal projects and the states. We are vitally opposed to this proposal. This was not the intent of the act when it was created and the effectiveness of the program would be lost if we do not keep the states the principal beneficiaries. We urge your support for the present 60–40 formula as indicated in the original Land and Water Conservation Fund Act of 1965.

We also vigorously support S.B. 1401 and hope that you give it every consideration possible.

Sincerely yours,

R. A. HODGINS, *Director.*

NEVADA OUTDOOR RECREATION FUND COORDINATING COMMISSION,
February 19, 1968.

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

HONORABLE SENATOR JACKSON: The Land and Water Conservation Fund has given an impetus in planning for and obtaining outdoor recreation lands that

would not have been possible without the additional funds. Nevada has a large new population now making heavy inroads—by building or sightseeing—into Nevada's finest scenic areas. A longtime resident population has grown up with so much open space that it is not aware that without planning Nevada soon will not be able to obtain the lands she needs for the future. The Land and Water Conservation Fund has allowed us to obtain unspoiled lands at less cost than the poorer quality, higher priced lands we would have to consider a few years from now.

The land at Tahoe is a prime example. Land and water funds have made possible the purchasing of excellent beach and forest land in their natural state. A few years from now when we might have been able to consider the area, we would be fortunate if the landholdings were still intact or available at any cost.

Therefore I, as Chairman of the Nevada Outdoor Recreation Fund Co-ordinating Commission, most heartily support your efforts on behalf of SB 1401. Nevada with the encouragement of these funds has studied the state for the highest quality recreation sites, and we therefore suggest retaining the 60–40 relationship in favor of the states.

We hope your committee has passed SB 1401.

Sincerely,

DR. R. G. MILLER,
Chairman, Nevada Outdoor Recreation Fund Coordinating Commission.

AMERICAN FARM BUREAU FEDERATION,
February 9, 1968.

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

DEAR SENATOR JACKSON: This is to present the views of the American Farm Bureau Federation relative to S. 1401, to amend the Land and Water Conservation Fund Act.

The American Farm Bureau Federation does not support the enactment of legislation to divert additional federal revenues from the general fund to the Land and Water Conservation Fund, as proposed in S. 1401, or in the modified proposal presented by Secretary of the Interior Stewart L. Udall, in order to finance an expanded land purchase program.

In support of this position we respectfully submit the following considerations:

1. We need not review the current fiscal situation. We believe it is imperative that federal expenditures be reduced substantially as an alternative to, or at least prior to, consideration of increases in federal income taxes. We believe we share the view of the majority of the people of the United States who are looking to the Congress to cut federal spending substantially.

2. The enactment of the legislation would reduce the effectiveness of Congressional review of budgets and spending policy. Included in Secretary Udall's statement was a revealing paragraph in which Secretary Udall said: "There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small." In other words, because Congress has been unwilling to appropriate funds of the desired size for land purchases, let us use a method whereby we will reduce effective scrutiny by the Congress of expenditures for this purpose. We, of course, recognize that money in the Land and Water Conservation Fund is also appropriated by Act of Congress. Nevertheless, the fact that the money is in the Fund tends to insulate appropriations thereof from the rigorous Congressional scrutiny and the appropriate attention to comparative priorities that would otherwise be given.

3. It should be noted that the Land and Water Conservation Fund is not the only source of federal funds for land purchase programs. Thus, the Department of Interior Press Release of February 5, 1968 says in part:

"Citing statistics gathered by the Bureau of Outdoor Recreation, Secretary Udall revealed that during 1967 some 1,715,000 acres of land and water were acquired for permanent public use in forest, park, open space, fish and game, and multi-purpose reservoir areas, compared with about 750,000 acres converted to urban and highway development.

"This marks the third successive year, Secretary Udall noted, that despite rising land prices, the Nation has set aside more undeveloped acres for conservation than for urban and other development.

"Of the total 1,715,000 acres conserved in 1967, Udall said Federal agencies acquired an estimated 810,000 acres and States and their political subdivisions, approximately 905,000 acres."

An acquisition of 1,715,000 acres in one year is not exactly "dismally small", when we consider that as of 1964 the federal government already owned (excluding Indian lands and public lands in Alaska) 407 million acres, state governments owned 102 million acres and local units of government 19 million acres. (1967 Statistical Abstract, Tables 283 and 284).

4. It is appreciated that much of the land owned by local, state and federal governments is not suitable for recreational use. It is also true, however, that much of such publicly owned land is suitable for such use. Of that which is suitable for development for recreational use, a large percentage has not been developed by the construction of roads, trails, picnic and camping areas, etc. This is true even in major National Parks.

We don't need to acquire additional land as much as we need to develop for public use that which is already available. We should not overlook the development of private land by private interests, for public use, which is becoming of increasing significance in many areas.

It will be appreciated if you will include this letter in the hearing record.

Sincerely yours,

JOHN C. LYNN,
Legislative Director.

THE KANSAS STATE PARK AND RESOURCES AUTHORITY,
Topeka, Kans., February 16, 1968.

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

DEAR SIR: On behalf of the Kansas Park and Resources Authority, we wish to submit a supporting statement on S. 1401 providing for additional revenues to the Land and Water Conservation Fund.

Kansas, as many other states, has experienced profound interest by the various levels of government in this grant program for land acquisition and development for outdoor recreation. We would submit there is a need for higher level funding based on the following reasons.

1. The past three years the State of Kansas has appropriated $4,629,926 for recreation purposes that would qualify for funding. The extent of Land and Water Funds utilized to match these appropriations is $1,141,006. In addition, the local units of government have submitted applications for $2,718,931 and to date $1,597,043 has been assigned for this purpose. I believe this indicates strong response to Kansas participation in the Land and Water Conservation Fund and certainly indicates a higher level of development if such additional funds were available.

2. As we now re-evaluate our Comprehensive Outdoor Recreation Plan, the land needs and attendant costs to serve areas of Kansas clearly indicate that if additional federal dollars are not available to match, the intent and purpose of the fund will not be achieved. It is a correct statement to say that these lands in most part will not be obtained without Land and Water Conservation Fund assistance.

We are aware that the Administration has recommended that S. 1401 be amended to provide an amount sufficient to bring the fund up to $200,000,000 annually. It has also been recommended that the fund be divided equally between the state and federal agencies.

It is gratifying to us to see the positive reaction in Kansas to the Land and Water Conservation Fund program and the excellent facilities being provided that otherwise would not have been accomplished at such an early date. The Fund has truly stimulated activities at all levels of government. On the basis of the local community project applications, we see good evidence of an enlightened citizenry to the need for expanded and improved outdoor recreation opportunities.

Yours truly,

LYNN BURRIS, Jr., *Director.*

THE STATE OF KANSAS,
THE JOINT COUNCIL ON RECREATION,
Topeka, Kans., February 19, 1968.

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

DEAR SIR: On behalf of the Kansas Joint Council on Recreation, we recommend favorable consideration on S. 1401 (or H.R. 8578) to strengthen the revenues to the Land and Water Conservation Fund.

The past three years the Joint Council has approved 85 projects—13 land acquisition projects, 43 local development projects, and 29 state development projects. The total cost for these projects is $5,476,218, and with $2,738,109 being the Land and Water Conservation Fund share.

On the basis of the above, we find the Fund has stimulated both land acquisition and development that might not otherwise have been accomplished. On the basis of present applications, the total requested federal assistance is reaching nearly three times that which is presently apportioned to Kansas from the Land and Water Conservation Fund. Thus, additional revenues which would be provided by S. 1401 (or H.R. 8578) will bring direct response in Kansas from the local communities and better serve the purposes and objectives promulgated in the Land and Water Conservation Fund Act.

Yours very truly,

PAUL AYLWARD, *Chairman.*

RIVERS & HARBORS ASSOCIATION OF MISSISSIPPI,
February 3, 1968.

Senator HENRY M. JACKSON,
Chairman of the Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As Executive Director-Secretary of the Pat Harrison Waterway District and President of the Mississippi Rivers and Harbors Association, I have been appointed by the Mississippi State Park System to be the spokesman for the State of Mississippi concerning Senate Bill 1401.

ENDORSEMENT OF BILL S. 1401

The State of Mississippi strongly endorses Bill S. 1401, entitled "To Amend Title I of the Land and Water Conservation Fund Act of 1965, and for Other Purposes". The state strongly supports both the objectives of the bill and the methods it provides for obtaining funds for attaining the objectives.

MISSISSIPPI'S INADEQUATE RECREATIONAL FACILITIES

At the present time Mississippi's recreational facilities are inadequate for the needs of Mississippians and cannot begin to provide Mississippi's share of attractions for tourists from across the nation although there is great potential for development if adequate financial resources become available.

Present facilities are too few in number and the few parks and other facilities available have not been developed to the minimum level needed to make them attractive to possible users. Furthermore, the present facilities are improperly distributed about the state. Most of them are more than fifty miles from major urbanized areas.

Bill S. 1401, by providing substantially increased funds quickly, would enable Mississippi to purchase large tracts near its rapidly growing urban areas. The movement of population from the rural to the urban areas in Mississippi has proceeded at a rapid pace since World War II, and is expected to continue. Thus, although desirable recreational sites are now available near the growing population centers, this condition cannot be expected to continue for more than a few years. Immediate acquisition will not only result in substantial savings, but will permit acquisition of areas with outstanding potential for development—areas that are not likely to be available a few years hence.

MISSISSIPPI'S INADEQUATE FINANCIAL RESOURCES

In 1956 the state legislature established a State Parks Board. Since that year the number of state parks has increased substantially. Usage of these parks has

increased, but at a slow rate because sufficient attractive facilities have not been provided. The budgets approved for the Board have barely permitted maintenance and operation. For the 1962–64 biennium, the budget was only $542,726. In 1964–66, it was only $686,166. Although it increased to $797,088 for 1966–68, it was quite inadequate for the tremendous development job needed. The budget of $850,251 requested for 1968–70 again falls short of providing for the minimum needs. Many states have available annually for one of their facilities more funds than are provided annually for the entire State of Mississippi.

The problem of inadequacy of funds provided by the state has been compounded by the contingent nature of the development funds provided by the law now in effect. The formation of long range plans has been hampered by uncertainty about the amounts of funds that would become available. Implementation of plans, especially acquisition of lands, has also been hampered. Bill S. 1401, by providing a stabilized minimum annual sum for development for five years, would largely solve this problem.

Mississippi's failure to provide adequate recreational facilities has not been due to lack of interest on the part of its leadership. On the contrary, the interest has been steady and intense. The need has been recognized, but the resources available could not be stretched to cover recreational needs.

The fact that the per capita income in Mississippi is the lowest in the nation is well known. Actually, its per captia income is only sixty per cent of that for the United States.

The pressure of basic needs, especially those of education and the highway system, upon the state's resources are great. The percentage of per capita income spent on education in Mississippi ranks high among the several states; however, Mississippi's expenditure per student places it at the bottom of the array of states. Educational needs for the next biennium are estimated by educational leaders to exceed the recommended budget by eighty million dollars.

The state highway system was built, for the most part, in the 1930's. Not only have additions to the system been too few to meet the growing demands, but maintenance of the existing system has been substandard. The pressure of these highway needs has made difficult the allocation of funds for recreational purposes. In fact, pressures of education, the highway system and operation of the state government have kept the state's recreational developments at the survival level.

POTENTIAL DEVELOPMENTS

Many of Mississippi's potential recreational facilities offer promise of becoming attractive to tourists from all corners of the nation. The undeveloped offshore islands in the Gulf of Mexico and the proposed Great River Road Scenic Highway along the Mississippi River are examples. Mississippi has water resources, both streams and lakes, to an extent equalled in few states. Preservation of and development of these resources will provide the state and the nation with an outstanding recreational resource. These streams and lakes are now largely in their natural state, but cannot remain thus for long. In a short time the public may well be excluded from their use, unless action is planned now and plans implemented quickly.

Bill S. 1401 may provide for Mississippi the only hope for preservation for the enjoyment of all of the people the great opportunities that are now available for development within its boundaries.

Sincerely,

SWEP T. DAVIS, *President.*

WESTERN FORESTRY & CONSERVATION ASSOCIATION,
Portland, Oreg., February 21, 1968.

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

DEAR SENATOR JACKSON: Reference is made to S. 1401, a bill to amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Western Forestry and Conservation Association submitted a statement to your Committee in a letter to you under date of March 5, 1963, in which the general idea of recreation user fees was supported and the establishment of a Land and Water Conservation Fund approved. In this testimony, however, a strong plea was made for consideration of the use of such funds in developing recreation areas and for maintenance of facilities and administration of these

areas. In line with recommendations of the Outdoor Recreation Resources Review Commission, we suggested that where the Fund was used for land acquisition, this be accomplished in areas of heavy population concentration so as to make recreation facilities more accessible to a greater number of people.

Since the passage of the original Land and Water Conservation Fund Act (PL 88–578), a number of developments have evolved. First, the user fee part of the law has not been popular and to date less than 20 percent of anticipated revenue has been collected. While the Fund has been used for recreation planning and land acquisition on a state and municipal level, at the same time the Federal share has gone primarily into the acquisition of additional national park and national forest lands. Recreation facility development on these parks and forests progresses slowly, even though the use of the areas has increased greatly during the life of the Act. Another important point is that the legislation has been used as a device for the acquisition of many more national park areas and land acquisition prices have escalated tremendously in some of these. About $500 million is already committed to this acquisition.

Western Forestry and Conservation Association opposes the amendments to the Land and Water Conservation Fund Act contemplated in S. 1401 because these amendments earmark, in addition to the receipts already so designated, National Forest Miscellaneous Receipts which, if earmarked at all, should be designated for purposes related to the production of forest resources. We believe that each Federal land acquisition must be made after most careful study and with great restraint and that the appropriations process applied to individual cases in this area by the Congress provides this restraint. We further believe that the full recreational potential of lands already government-held should be realized before vast outlays are made to acquire additional private lands. If this bill is approved, we urge that it be amended to provide for development of existing recreational areas.

The Association respectfully requests that these remarks be made a part of the record of the Senate Interior and Insular Affairs Committee on S. 1401.

Sincerely,

ARTHUR M. ROBERTS, *Forest Counsel.*

WESTERN WOOD PRODUCTS ASSOCIATION,
Portland, Oreg., February 23, 1968.

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

DEAR SENATOR JACKSON: Reference is made to S. 1401 on which you are holding hearings.

We are concerned with those aspects of S. 1401 which we feel would unnecessarily increase funds available for the Land and Water Conservation Fund, and would also set up questionable innovations in federal land acquisition and management practices.

We oppose the earmarkings of Forest Service receipts and Interior Department's Mineral Leasing receipts from the Outer Continental Shelf lands for a use which is not directly controlled by the appropriation process of the Congress.

If the Land and Water Conservation Fund Act of 1965 is amended at all such amendment should contain provision for developing existing recreational areas. As we have previously testified, a substantial portion of this fund should be used for the planning and development of recreational facilities on the many publicly owned sites that qualify for such treatment.

Since Congress has been most liberal in making monies available to the fund it would seem most inadvisable to authorize advance contractual authority to the Secretary of Interior as provided in S. 1401 even for the limited two year period. While this is intended to be a potential source of saving to the government, it may, on the other hand, pervert the appropriation process at a time when the public interest may require the use of our monetary resources more effectively elsewhere.

Sincerely yours,

ERNEST L. KOLBE,
Director, Forestry Services.

WASHINGTON STATE PARKS ASSOCIATION,
Bremerton, Wash.

Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SIRS: I will be grateful if you will make these comments and also the Resolution attached, a part of the public hearing held February 5th and 6th conecrning Senator Jackson's Bill 1401 amending the Land and Water Conservation Fund Act of 1965.

At the 20th annual Washington State Parks Association convention held September 30, 1967 in Wenatchee, Washington, the delegates unanimously endorsed Senate Bill 1401 and adopted a Resolution to fully support this measure, urging its backing by State and local governmental recreation agencies, state legislators and our Congressional delegation.

The grants made available by the Land & Water Conservation Fund Act as matching funds to states and their political sub-divisions for acquiring and developing outdoor recreation for the public is vital. It is equally vital that funds be made available for federal land acquisition from private interests. Many of our National Parks have, within their boundaries, private inholdings which should be purchased by the Federal Government. Olympic National Park is a prime example, having numerous inholdings. These privately held lands are a constant threat to the integrity of the park as real estate promoters are generally interested in obtaining them.

Revenue made available from the Land & Water Conservation Act through 1401 will be most important in setting up a nationwide system of trails which will be constructed, operated and maintained.

Because of the demand and need for more outdoor recreation by the public, present sources of revenue from the Land & Water Conservation Act will not be adequate to fulfill these needs. To help solve the problem I feel that Senator Jackson's Bill 1401 is a must.

Thank you,

S. P. "PAT" CAREY,
Past President.

RESOLUTION OF THE WASHINGTON STATE PARKS ASSOCIATION

Whereas, S. 1401 provides that from July 1, 1967 through June 30, 1972 all receipts of the Dept. of Interior from mineral leasing of public lands and the outer continental shelf lands that currently go into Miscellaneous receipts of the Treasury shall be deposited in the Land and Water Conservation Fund, and,

Whereas, lands in recently authorized recreation areas cannot generally be bought immediately because of inadequate funds and in the meantime the prices go up on an average of from 10 to 20 percent per year, and,

Whereas, the funds made available by the present Land and Water Conservation Act will not be adequate to take care of minimum public needs for outdoor recreation for the near future and additional funds must be provided now, and,

Whereas, S. 1401 would provide an additional fund of about $150 million a year for the purchase and development of land. Senator Jackson says this bill will have no effect on those revenues from National Forests or from leasing of minerals on public lands which now support other specified programs such as the reclamation fund or National Forest roads and trails, nor would it affect present provisions of law governing the sharing of mineral revenues and National Forest receipts with the State, now therefore,

Be it resolved, that the Washington State Parks Association fully support Senator Jackson's S. 1401 and strongly urge the backing of state and local governmental recreation agencies, State Legislators, and our Congressional delegation.

Passed in session Sept. 30th, 1967.

WASHINGTON STATE SPORTSMEN'S COUNCIL, INC.,
Vacouver, Wash., January 30, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: While we agree there is a very real need for additional funds for the Land, Water and Conservation Fund Act, we will have to oppose S. 1401 on the grounds it includes monies derived from U.S. Forest Service receipts.

The Council, in December of 1967, passed a resolution "to oppose any transfer of U.S. Forest Service lands or State Forest Preserves for trading stock or sale for the purpose of bolstering the Department of the Interior, National Park Service holdings".

S. 1401 would enable the National Park Service to use funds from the agency whose lands they covet for parks, and should those lands (Forest Service) come under Park Service jurisdiction, we as a Council, would have contributed to further emasculation of the Service, were we not to oppose the bill.

Section 2, (a) would authorize the Secretary of the Interior, and him, alone, to decide just what "use" would be compatible to the park service system. Our interpretation of this section is that anyone who qualified as a "highest bidder" would be permitted to build a summer home, etc. within park boundaries. We submit this is not the reason for establishing new parks, nor for development of national parks for ALL of the people.

We respectfully request this statement be read into the record.

Very truly yours,

ADAH WERKEMA, *Chairman*

THE MOUNTAINEERS,
Seattle, Wash., February 1, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Washington, D.C.

MY DEAR SENATOR JACKSON: The Mountaineers, an organization of over 5,000 members, whose purposes include the encouragement of protective legislation to preserve the beauty of Northwest America, are deeply interested in your considered modifications to the Land and Water Conservation Fund Act.

The attached resolution of the Federation of Western Outdoor Clubs has been thoroughly studied and has been adopted as the policy of this organization. You will note that we fully support S. 1401, and are further interested in all measures which my improve the sources of funds available for procurement, maintenance, and protection of recreation lands, wilderness and parks. Since the cost of lands is increasing at such a rapid rate, we are very encouraged that you are considering these problems at this time.

Respectfully yours,

JESSE EPSTEIN, *President.*

(Attachment)

RESOLUTION OF THE FEDERATION OF WESTERN OUTDOOR CLUBS

FINANCING OF NATIONAL OUTDOOR RECREATION FACILITIES

At a time of unprecedented individual prosperity but also of great external commitments, the demand and need for acquisition and development of land for its recreational and scenic benefits outstrips allocations of federal funds. The problem is compounded by inflationary land prices. It has not been resolved by a national program of user fees.

IT IS THEREFORE RESOLVED that the Federation of Western Outdoor Clubs urges that new sources of income for the Land and Water Conservation Fund be provided to accelerate purchase of inholdings within existing National Parks and Forests and of land for new parks. The Federation endorses proposals, as for example S. 1401 as introduced by Senator Jackson, to include receipts from offshore oil and other federal mineral leases, timber sales, and grazing permits.

IT IS FURTHER RESOLVED that, to maximize benefits, acquisition funds be made available quickly after authorization, and that development be deferred to land acquisition. Bonding, borrowing, advance appropriations to the Fund, or intervention by The Nature Conservancy may be effective aids.

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Fort Wayne, Ind., February 8, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Public Lands Committee of the Izaak Walton League of America strongly endorsed increased financing of the Land and Water Conservation Fund which was proposed in the previous session of Congress. Essentially similar proposals are now under consideration, and we hope this new expression of support may be entered in the record on S. 1401. This measure would provide approximately $100,000,000 a year for the Fund over a five-year period, from Federal revenues realized under the Outer Continental Shelf Act of 1953.

Past sessions of Congress have authorized an important system of new national parks, seashores and lakeshores in recent years. While it is not entirely unprecedented that implementation sometimes falls short of authorization, I think it is a fair assessment to say that many of the recent authorizations are in jeopardy of almost total loss if ways are not found to increase funding, especially for acquisition.

It is hardly necessary to review the problems: rapidly increasing land values, rezoning of authorized lands placing them in enormously escalated price ranges, construction of various types on authorized lands which destroys the purposes for which they were authorized, local hardship problems and the community relations problems which attend uncertainties, and myriads of other problems.

Also, there is important work yet ahead, among the more important of them being the Redwoods National Park, Apostle Islands, North Cascades.

As one who has long dealt with these questions, I know you are fully aware of the needs, as is the full Committee which has favorably reported so many important parks, seashores and lakeshores. You are also aware that delays in funding will in a number of cases produce fatal results, and not merely commensurate delays.

Beyond the national projects, I think it is reasonable to say that the states and the counties face similar problems of shrinking outdoor resources and the loss of great plans. At all levels of participation in the Land and Water Conservation Fund, our country is faced with last chances, which in the absence of substantial funding increases will become lost chances.

We do hope that S. 1401 can be moved ahead at the earliest date to help fulfill already large national, state and local commitments, and to provide resources for important authorizations yet ahead.

Sincerely yours,

THOMAS E. DUSTIN,
Chairman, Public Lands Committee.

THE APPALACHIAN TRAIL CONFERENCE, INC.,
Roanoke, Va., January 31, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

The following has reference to your bill S. 1401, for which public hearings are scheduled on February 5, 1968.

The conservation-minded organization of which I am a part will strongly support this proposed legislation, and will urge support by all others who hold the hope for future preservation and extension of recreation areas in this country.

We are particularly pleased with that section of S. 1401 providing for the speedy acquisition of authorized property. Experience has taught only too well of ensuing price increase stimulation when the probability of a government purchase becomes common knowledge in any specified areas.

Sincerely yours,

THOMAS H. CAMPBELL, *Vice Chairman.*

OXON HILL, MD., *February 7, 1968.*

Hon. HENRY M. JACKSON,
Senate Interior Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As a citizen's group of home and property owners we strongly protest the provisions of the proposed bill S. 1401, allocating $200 million annually from the Outer Continental Shelf Lands receipts to the Land and Water Conservation Fund for the purpose of land acquisition by the Interior Department, as well as by the individual states.

The right of a family to own land is as basic as any of the rights which are inherent to our American way of life, and the condemnation of private property should be exercised *only* where thoroughly justified in the interests of the public good. Under Senate Bill 1401 the decision of vast condemnations would rest in the hands of an appointed official, responsible only to the President. Projects which have been repeatedly denied funds by Congress could be initiated at the whim ("discretion") of the Secretary of the Interior who would, in effect, become a monarch in the real estate and land speculation business.

The concept of the sell-back, lease-back provision included in this bill indicates not only a total lack of respect for private property rights, but also an admitted lack of need for some of the lands to be condemned. We feel that there is great injustice in a bill that would allow condemnation of a private property under the expressed intention of selling back or leasing back parcels to whomever, and for whatever price, the Interior Department deems appropriate. We have, however, no quarrel with the Interior Department, or any agency or individual, if land acquisition is restricted to fair purchases from willing sellers, or if, with public hearings, it is thoroughly justified to be in the public need. We do not believe that projected estimates of the future generations' needs for recreation facilities can justify the jeopardy and fear under which to-day's generation of property owners must live, wondering whose homes and lands will be the next to be swallowed up by the Interior Department.

We strongly urge that Senate Bill 1401 and its counterparts be drastically revised to provide protection for the private property owner, or that it be denied. We request that this protest be entered into the record.

Sincerely,

JOHN W. CHESLEY, Jr.,
Chairman, South Potomac Citizens' Council.

HUTCHINSON RECREATION COMMISSION,
Hutchinson, Kans., February 9, 1968.

Hon. HENRY JACKSON,
Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SIR: The Hutchinson Recreation Commission at its February meeting voted unanimously in support of Amendment S–1401 and H.R. 8578 to the Land Water Conservation Bill. In view of increasing demands for recreation programs and resources on the local, state and national level, the Recreation Commission urges your support for this amendment.

Sincerely,

MARIETTA GOERING, *Chairman,*
ARTHUR J. COLLINS, *Commissioner,*
HOD HUMISTON, *Commissioner,*
FRED SHAFFER, Jr., *Commissioner,*
E. VICTOR WILSON, *Commissioner.*

CONCORD, N.H., *February 2, 1968.*

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

Urge passage of S. 1401. Since enactment of the Land and Water Conservation Fund Act New Hampshire has been apportioned $2.3 million. Our needs for

Federal aid are in excess of $5 million. Passage of this bill would enable New Hampshire to move its outdoor recreation program forward.

R. J. CROWLEY, Jr.,
Department of Recreation and Economic Development.

TALLAHASSEE, FLA. *February 5, 1968.*

Hon. HENRY M.. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
U.S. Senate,
Washington, D.C.:

The Land and water conservation fund has been entirely inadequate to meet our recreation land acquisition needs. We earnestly solicit your support of S. 1401 particularly its provision for increased funding with Federal oil revenue.

N. E. BILL MILLER,
Florida State Parks Director.

TUPELO, MISS., *February 5, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.:

The Tombigbee River Valley Water Management District, a State agency operating within the Tombigbee River Basin, comprising 18 counties in northeast Mississippi, was created by the Mississippi Legislature regular session, 1962 as "An act authorizing the creation of the Tombigbee River Valley Water Management District; to provide for a board of directors and prescribe the duties and power's thereof; to provide for a plan of conservation, recreation, water control and utilization; agricultural development, industrial and economic advancement; to include navigation within the plans of the Tombigbee River Valley Water Management District; and related purposes"—strongly endorses Senate bill 1401, and urge that additional revenues from outer Continental Shelf receipts be added to current revenue resources in order to make more funds available for the development of more outdoor recreation facilities, which are badly needed through the country.

This endorsement approved by our executive committee regular monthly meeting February 1, 1968.

THOMPSON POUND,
Executive Director,
Tombigbee River Valley Water Management District.

WASHINGTON STATE UNIVERSITY,
DEPARTMENT OF PHYSICAL EDUCATION FOR WOMEN,
Pullman, Wash., February 9, 1968.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

MY DEAR MR. JACKSON: By this letter I wish to express my personal interest in S. 1401 and strongly recommend that this bill be enacted. As an educator and as a citizen, I firmly believe that if we are to have recreation lands adequate to meet the needs of the future, we must secure these lands now. Realizing that land prices are escalating at an alarming rate, it is imperative that additional monies be made available to the Land and Water Conservation Fund by enacting S. 1401 so that revenues from mineral leasing on the Outer Continental Shelf would be made available to the Fund.

I urge enactment of S. 1401.

Cordially yours,

AGNES M. MCQUARRIE,
Associate Professor,
Coordinator, Recreation Curriculum.

SEATTLE, WASH., *February 2, 1968.*

Re: S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As of December 31, 1967, I completed a three-year term as chairman of the Washington State Interagency Committee for Outdoor Recreation. During this period, I also served as liaison officer for the State for purposes of the Land and Water Conservation Fund. Since it is not possible for me to appear in person at the hearings on S. 1401, which would amend the Land and Water Conservation Fund Act, I would like to have this letter favoring changes in the Act made a part of the record.

The Land and Water Conservation Fund has been a real "shot in the arm" for outdoor recreation in the State of Washington. Even so, sufficient money has not been available soon enough to meet the growing demand. Accumulated requests for State and local matching grant assistance since the Fund became operative are much greater than funds available. More money is badly needed now. I also feel that it is important to stabilize the Fund so that each State will be able to program the revenues allocated to it each year. This is not now possible because yearly revenue into the Fund has not equaled the amounts appropriated.

The Fund was established to meet critical outdoor recreation deficiencies. It should, therefore, be within the intent of the Act to consider the State obligation rate as a major indicator of need. I suggest that Congressional consideration of S. 1401 should take into account the extent to which individual States, such as Washington, have obligated apportionments during the three-year period that the program has been in operation.

Between the time that the act became operative early in 1966 and January 12, 1968, $2,871,152 from the Fund has been obligated in Washington State for 48 acquisition and development, and two planning projects. On the 50–50 Federal matching grant basis, this represents a total expenditure for Land and Water Conservation Fund assisted projects in the State of $5,742,304.

During this 1965–68 period, the State's allocated share of the Fund was approximately $3 million.

Much time and effort was spent in setting priorities as the money available from all sources could not cover all of the worthwhile requests received. Even as this was being accomplished, prime outdoor recreation land was disappearing before our eyes, land prices were spiraling, and development costs rising. Dollars not put to work for outdoor recreation today are losing purchasing power tomorrow.

After studying the suggested new revenue sources in S. 1401, I believe that the moneys accruing under the Outer Continental Shelf Lands Act of 1953, including funds held in escrow, offer the best source of relief at the present time. I would also like to suggest that S. 1401 be amended so that the Fund can be stabilized at at least $400 million yearly, using only that portion of Outer Continental Shelf Lands revenue needed to reach the amount established by the amendment. Indeed, I believe use of the entire revenues of the Outer Continental Shelf Lands would be justified, but I suggest stabilizing the fund at $400 million yearly as a compromise step.

In the west, emphasis should also be given to outdoor recreation developments on Federal areas convenient to urban complexes to relieve some of the pressure on States and local governments for more facilities.

I sincerely hope that provision can be made this year for increasing the Land and Water Conservation Fund so that it can meet the great need for outdoor recreation areas and facilities more realistically.

Respectfully,

MARVIN B. DURNING,
Attorney at Law.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., March 4, 1968.

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

DEAR MR. CHAIRMAN: On behalf of the AFL–CIO, I wish to express our support for S. 1401, a bill to amend the Land and Water Conservation Fund Act of 1965 in order to provide additional revenues to acquire land for recreational purposes.

The Fund is falling short of expected collections from the $7 recreation area stamp, the sale of certain federal property, and the motor boat fuel tax. Receipts into the Fund as of Jan. 31, 1968 were about $290 million but Congress has appropriated some $370 million since the Act was passed.

Furthermore, land speculation escalating land prices has thrown all previous estimates of financial requirements out of balance. For example, the original estimated cost of lands for the Point Reyes (Calif.) National Seashore Area has risen from $14 million to $57.5 million.

In 1966, according to Bureau of Land Management data, total receipts under the Minerals Leasing Act of 1920 were $107 million, while those obtained from Outer Continental Shelf leasing were in excess of $248 million.

Estimates by the Department of the Interior anticipate that the increasing tempo of offshore leasing could bring total proceeds from such activities to more than $3 billion over the five-year program contemplated by S. 1401. We note, for example, that recent oil company bids for oil and gas leases off the California coast alone came to $603 million.

We conclude, therefore, that the five-year program in this legislation would, in its final three years of operation, make available a large part of the money needed to secure for the American people the lands they must have in order to enjoy leisure with their families in America's out of doors.

Mr. Chairman, I would appreciate your bringing these views to the attention of the members of your Committee. Thank you.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation and Chairman, AFL–CIO Staff Committee on Atomic Energy and Natural Resources.

ROANOKE APPALACHIAN TRAIL CLUB,
Roanoke, Va., February 6, 1968.

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

DEAR SIR: The Roanoke Appalachian Trail Club takes great interest in your bill S 1401. We are part of a large private, non-profit organization, dedicated to the preservation of America's great out-of-doors.

I, as president of the Roanoke Appalachian Trail Club, have been authorized to notify you, that this organization does appreciate, and does fully endorse your bill S 1401.

Yours Sincerely,

Dr. KENNETH P. FITZGERALD, *President.*

MILWAUKEE COUNTY PARK COMMISSION,
Milwaukee, Wis., February 2, 1968.

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

DEAR SENATOR JACKSON: I have been informed that the Interior & Insular Affairs Committee of the United States Senate will be holding a hearing on your Bill (S. 1401), which proposes an increase in the authorized income of the Land & Water Conservation Fund.

Since the original law was enacted some three years ago, the Milwaukee County Park Commission has utilized to the fullest advantage its proportionate share of the LAWCON funds in acquiring and developing park lands for the over one million people residing in Milwaukee County and environs. Projects completed or under way with LAWCON assistance are, a 306 acre metropolitan park on Lake Michigan; a 4½ mile bike trail in the heart of Milwaukee County; and, a paved play area in one of our existing neighborhood parks.

Our "Guide for Growth," a master plan of land acquisition for Milwaukee County projects the needs for some 4,000 additional acres of park land for the present and future residents of Metropolitan Milwaukee, and it is our contention that, although Milwaukee County has been a leader in acquiring and developing parks and open spaces, it cannot continue to "go it alone" without outside financial assistance.

Please add our pleas to those of the thousand other local municipalities to have the Interior & Insular Affairs Committee give affirmative consideration to your bill to increase the Land and Water Conservation Fund.

Sincerely,

HOWARD GREGG,
General Manager, Parks.

UTAH RECREATION & PARKS ASSOCIATION,
Murray, Utah, February 2, 1968.

Re S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: Our State Recreation and Parks Association would like to go on record with your committee as favoring the passage of S. 1401, on which you have scheduled hearings in Washington on February 5 and 6.

Our state association, representing a broad cross-section of recreation interests of every kind in the State of Utah, has studied the purpose and objectives of this measure and find that its passage is urgently needed not only for the benefit of the recreation program in the State of Utah; but it would also affect in a similar way all other states. As you well know, the present available funds under the Land and Water Conservation Fund Act are falling far below the original estimates when the act was passed in 1965. In our state, for example, the funding has reached an average level of only about 50 per cent of that anticipated three years ago. This has sharply curtailed the matching participation by local communities, counties, and municipalities and thus has delayed the progress in a much needed recreation program development.

We would, therefore, hope that favorable consideration by your committee, the Senate, and the House will be given to this important measure or the others of a similar nature which are presently pending in the House. We hope that if the bill does pass, that the additional funding can be made effective immediately so that the benefits would begin to accrue to the Fund in fiscal year 1969.

We want to express our appreciation to you and your committee for taking the initiative in advancing this important legislation.

Sincerely yours,

CHARLES C. BAUGH, *President.*

KIMBALL CITY AND COUNTY PARK AND RECREATION BOARD,
Kimball, Nebr., January 26, 1968.

Hon. HENRY M. JACKSON,
Chairman of the Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

MR. CHAIRMAN: We are writing this letter to urge your consideration and ultimate passage of S. 1401 presently under consideration by your Committee.

We are presently in the process of developing approximately 260 acres for numerous outdoor recreation facilities for the use of Kimball, Nebraska, City and County residents, and the general public.

Included in this area will be a nine-hole grass greens golf course, four baseball, softball, and combined softball and little league diamonds, archery, trapshooting, tennis courts, picnic area and many other related facilities.

Our cost for the completion of this entire project will be in the sum of $320,000.00. To date we have completed better than 50% of the project, and without the generous aid afforded by both Federal and State funds under the Land and Water Conservation Fund Act it would have been virtually impossible for this community to have developed such an area.

Again, we urge your passage of this bill to give other communities the splendid opportunity that we have experienced to fully develop such a fine recreational area.

Donald R. Deboody, Acting Mayor, Kimball, Nebr. Joan H. Lutey, Chairman, Board of County Commissioners, Kimball County, Nebr.; L. V. Lane, Chairman, Board of Public Works; Harry R. Meister, Chairman, Kimball City and County Park and Recreation Board; J. Vogler, Secretary, Kimball City and County Park and Recreation Board; Bruce Gualand, Treasurer, Kimball City and County Park and Recreation Board; Wayne Adamson, Board Member, Kimball City and County Park and Recreation Board; Robert G. Sandridge, Board Member, Kimball City and County Park and Recreation Board; Lyle Shaw, Board Member, Kimball City and County Park and Recreation Board.

SMOKY MOUNTAINS HIKING CLUB,
Knoxville, Tenn., January 30, 1968.

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

DEAR SENATOR JACKSON: The Smoky Mountains Hiking Club, by action today of the Board of Directors, endorses and supports your S. 1401, a bill to amend Title I of the Land and Water Conservation Fund Act of 1965. However, we recommend that the substance of Secretary Stewart L. Udall's proposed further amendments to S. 1401, as mentioned to you in his letter of January 4, 1968, be incorporated into S. 1401.

We appreciate your concern in conservation and recreational development. We shall follow with interest the progress of S. 1401. If we can add further support for this bill, amended as proposed by Mr. Udall, please let us know.

Sincerely yours,

O. K. SERGEANT, *President.*

ANCHORAGE, ALASKA, *February 5, 1968.*

Senator ERNEST GRUENING,
Senate Office Building, Washington, D.C.:

The City of Anchorage is benefiting greatly through funds received from the land and water conservation funded Bureau of Outdoor Recreation matching grant program. The Jackson bill, S. 1401, and its companion, the Foley H.R. 8575, will establish an additional revenue source for the land and water conservation fund. An increase in the appropriations from this fund is sorely needed both at the Alaska State and local levels. Your active support S. 1401 at the February 5–6 hearings by the Interior and Insular Affairs Committee will be highly beneficial to Alaska. Such support is respectfully requested.

GEORGE M. SULLIVAN, *Mayor.*

PITTSBURG, KANS., *February 6, 1968.*

Hon. HENRY JACKSON,
U.S. Senate, Chairman, Senate Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: Word has come to my office regarding the proposed amending of the Land and Water Conservation Fund Act of 1965 in order to provide the Federal Government, the several states, and local communities with additional funds for recreation and park development. It is my understanding that this amendment is designated as S–1401.

The City of Pittsburg has been fortunate in receiving some $45,000 in federal funds for the acquisition of additional park space and the renovation of certain

recreation facilities through the fine cooperation of the Bureau of Outdoor Recreation and the Kansas State Park and Resources Authority, the administering agency of land and water conservation funds in Kansas.

This program has provided a tremendous impetus to the development of our park and recreation system and, in fact, has been in great part responsible for our first real progress along these lines since the early 1930's. I am pleased to enclose a copy of our GOALS IN RECREATION brochure which describes in greater detail the accomplishments we have been able to make with the assistance of such federal programs.

We wholeheartedly endorse the passage of this legislation and earnestly seek your support of this measure.

Very truly yours,

HARRY C. SHUTE, *Mayor.*

CITY OF SCOTTSBLUFF, NEBR.,
January 29, 1968.

Re Senate Bill 1401.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR COMMITTEE MEMBERS: I am writing in reference to your hearing on the above bills which will be held on February 5, 1968. It is our understanding that this bill would provide additional revenues for the Land and Water Conservation Fund, thus enabling state and local governmental subdivisions to provide improved recreational facilities for our Nation's citizens.

As you probably know, the State of Nebraska presently matches a portion of the federal funds assigned to it with an additional grant representing 25% of the total project cost. Under this arrangement the local governmental subdivision is able to provide park and recreation facilities for an additional 25% of the total cost of the project. This has been of tremendous assistance to the City of Scottsbluff in acquiring and developing new facilities. During the past year we have been able to acquire and develop a badly needed neighborhood park as well as develop a campground for use by persons from Western Nebraska as well as those passing through the community.

In addition, we have presently in process two projects. One of these involving twenty acres of park land is now funded. The second project involving the development of baseball facilities for the youth of the community is tentatively scheduled for funding in the next fiscal year. In addition, we have proposed additional projects to the State which would result in substantial beautification and recreational development of the river bottom lands along the North Platte river. Development of this area would depend substantially on the availability of outside funds since the project would serve a region considerably larger than the City of Scottsbluff in fact, considerably larger than even Scotts Bluff County.

On behalf of the City of Scottsbluff I would like to urge you to give favorable consideration to this bill.

Very truly yours,

C. A. THOMAS, *Mayor.*

CITY OF SCHUYLER,
Schuyler, Nebr., January 31, 1968.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate, Senate Office Building,
Washington, D.C.

GENTLEMEN: The City of Schuyler, Nebraska, is in sympathy with Senate Bill 1401 and House Bill 8578, a companion bill, that provides for the transfer of monies from the "Off Shore Oil Funds" into "Watershed Funds."

The 3,100 citizens of Schuyler are in sympathy with this transfer for the reason that our City is in the process of acquisition and the development of outdoor recreation facilities and feel that your support of these bills will be necessary to enable our community to participate and complete our program.

Our community is growing and there is a gradual increasing demand for outdoor recreation facilities from our citizens that must be met, and we will need to have assistance of Federal and State Funds to assure our programs becoming a reality.

Your support and assistance will be appreciated by the folks that call Schuyler, Nebraska their place to do business and call home.

Sincerely,

RUSSELL D. SALAK, *Mayor.*

VILLAGE OF MULLEN,
Mullen, Nebr., January 26, 1968.

U.S. CONGRESS,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

HONORABLE MEMBERS: The purpose of this letter is to express our opinion in favor of the Bill S. 1401. We believe that the chanelling of some of the Mineral Rights revenue into an Outdoor Recreation Fund will help continue the very worth-while program initiated three years ago as the Land and Water Conservation Fund.

The Village of Mullen is just now completing a much-needed swimming pool and park; made possible through the matching Federal and State funds under the Land and Water Conservation Program. We have had no swimming pool and only an inadequate park, so we do greatly appreciate Federal assistance in this development. This is, like much of the Great Plains Region, a thinly populated area. Due to this lack of population, we are unable to finance some of those facilities which we feel are sorely needed for the beautification of the area and for outdoor recreation.

Although our immediate needs have now been filled, we are sure that there are still many communities, such as ours, which could benefit greatly through this program. There are many places of scenic beauty throughout the State of Nebraska where parks might be installed, which are yet undeveloped. We are sure that this applies to many other States as well. We are proud of the progress that has been made and enthused by the prospects of future developments.

The State of Nebraska, in granting the 25% matching fund to the Political Sub-divisions, has cooperated 100% with the Federal Program. We are assured that our State will continue to extend its full support.

For these reasons we urge the passage of S. 1401 and the continuance of the Land and Water Conservation Fund Program.

Respectfully yours,

J. D. CARLSON,
Chairman of the Board.

VILLAGE OF PAXTON,
Paxton, Nebr., January 25, 1968.

Re Bills in the Senate S. 1401 and S. 8578.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR SIR: In reference to the funds we received to help build the swimming pool in Paxton, which were acquired through the State of Nebraska, Game and Forestration Department, we feel that our community has been benefited by these funds. We believe that due to lack of recreation facilities many of our people had to drive some distance on crowded Highway 30 for entertainment.

We feel that the handling of these funds at the state level instead of the federal level is more satisfactory due to the fact that they understand problems in local areas much better.

On this project we received 25% assistance from the State Game and Forestration Department and hope this assistance can be continued in the future so that other communities like us can receive this help in improving their recreation facilities and their communities.

Sincerely,

ROBERT J. DICKENSON, Sr., *Mayor.*

CITY OF VALENTINE, NEBR.,
January 24, 1968.

CHAIRMAN,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is written in support of Senate Bill No. S–1401 now in your committee for consideration. It is my understanding that this bill proposes the diversion of funds received from mineral and off shore oil royalties as well as from Forest Service losses and timber harvests to support land and water conservation programs throughout the United States.

In my opinion there is no more critical need for our Congress to consider than that of the development, conservation, and preservation of our nation's water resources for human use as well as for recreational purposes. Any non-tax funds which could be made available for these purposes could not be spent more wisely. Our vast natural resources are our nation's greatest heritage and should be developed and preserved at all costs.

This small community of 3,000 people received a great asset for its citizens during 1967 through funds made available through the State of Nebraska and the Federal Land and Water Conservation programs. The State of Nebraska provided $25,000 and the Federal Government provided $50,000 to provide the community with an excellent swimming pool and park area for the use of the residents of the area. This facility will be a source of pleasure and pride for residents of the community for many years to come.

Your committee's very serious favorable consideration to the above referenced Senate Bill is highly recommended.

Very truly yours,

ROBERT L. GASS,
President of the Council.

CITY OF PAPILLION, NEBR.,
January 30, 1968.

CHAIRMAN,
Interior and Insular Affairs, Committee,
Senate of the United States, Washington, D.C.

DEAR SENATOR JACKSON: This is written in support of Senate Bill 1401 introduced by Senator Jackson and the passage of Senate Bill 1401.

We understand that the purpose of this bill is to provide additional funding for the Land and Water Conservation program to bring total funding in line with 1965 estimates by providing additional revenue from offshore gas, oil and mineral rights and from Forest Service receipts.

For your information, the State of Nebraska considers this program so important that in addition to the 50 percent Federal share the state provides 25% of the cost of acquisition of land and development of facilities. As a result, the local subdivisions provide 25% of the total costs. Because of this program, we were able to acquire 77 acres of Papillion creek flood plain for the expansion of our park system. We are a city of 4700 population in the Omaha Metropolitan area and have tripled our population in the last ten years. Because we anticipate continuation of this rapid growth, it was important that land available for open air recreation use be acquired before it was developed in another manner.

We feel that this program is being administered by both federal and state authorities in a very effective and impartial manner. It enables both large and small government entities to provide adequate future outdoor recreation.

Because the current program is a beneficial one, we feel that everything should be done to enable it to function at the rate it was first planned. We strongly support the passage of Senate Bill 1401.

Respectfully yours,

LYNN L. LANDGREN, *Mayor.*

CITY OF LINCOLN, NEBRASKA,
January 24, 1968.

Re Senate Bill 1401.

CHAIRMAN,
Senate Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

HONORABLE SIR: I am writing in my capaicty as Mayor of the City of Lincoln to request that you give favorable consideration to Senate Bill 1401 earmarking

the receipts from Tidelands oil and the receipts of the U.S. Forest Service for the next five years to supplement the Land and Waters Conservation Fund.

This fund has been of the utmost importance to the City of Lincoln and the communities of Nebraska in accomplishing a job for which there are never enough local tax dollars.

The legislature of the State of Nebraska has indicated that they too feel this is extremely important in that they have made available to the cities and towns of Nebraska, Twenty-five percent of total projects involving Land and Waters Funds.

The City of Lincoln has used Land and Waters Funds for the development of 530 acre Holmes Park. This project is now well over half done and at least four years ahead of any schedule we might have had were it not for the Land and Waters money.

Our long range projection on park development includes other projects which will not be possible to do without this aid. So again I am asking that you please consider this bill favorably.

Sincerely,

SAM SCHWARTZKOPF, *Mayor.*

CITY OF RENO, NEV.,
January 31, 1968.

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

DEAR SENATOR JACKSON: I have studied Senate bill 1401 in detail and urge, in principle, its passage. The bill will greatly increase the benefit of the Land and Water Conservation Fund program.

In Nevada, as well as other states, various levels of government are depending on the Land and Water Conservation Fund program to assist in acquiring and developing needed park and recreation areas.

May I also point out that Nevada, as well as the other states and also the federal resource agencies, are receiving demands for Land and Water Conservation funds far in excess of the funds now available. This demonstrates the fact that if the intent of the Land and Water Conservation Fund act is to be fully utilized, a new source of funding must be found to increase present state and federal allotments.

I question the Department of the Interior's proposal that the Land and Water Conservation Fund be stabilized at $200 million or that the federal-state distribution ratio of 40–60 be changed to 50% federal and 50% state.

In as much as Bill S. 1401 will substantially benefit the program, urgency in the enactment of the Bill and the retention of the present state-federal distribution ratio of 60–40 is recommended.

Sincerely,

ROCCO L. SPINA,
Park and Recreation Director,
Nevada Outdoor Recreation Coordinating Committee.

STUHR MUSEUM OF THE PRAIRIE PIONEER,
Grand Island, Nebr., January 30, 1968.

CHAIRMAN,
Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C. 20510.

DEAR MR. CHAIRMAN: It has come to our attention that there is a bill before the Senate S. 1401 which would change the funding of the water and soil conservation fund, so that monies to support the program could be obtained from off shore oil fees. We favor this bill since it would apparently make the funding of this program more stable than it has in the past. As you are aware, this program involves federal money and matching money from the States and in our case from a county. Our particular project has been delayed several years because federal money has not been available when state money has been available.

This is a very fine program for the political subdivisions: an example is the case of our project. We have a project here which involves an area which we would like to turn into a recreation area. The county in this case has no funds available for establishment of such a park but the need is very great here. The

state does maintain another small park of about this size several miles from here but during the summer particularly, the load is very heavy and cannot accommodate all of the people. While many of these are visitors it is also a community used park. We propose here with our project which amounts to 126 thousand dollars to develop a park area with picnic tables, nature trails, shelters and other recreational facilities. This will be a great asset to the community and to the surrounding area as well as providing as rest stop off the Interstate for tourists going through the area.

We also like the funding aspect of this that it comes through the state to the local people because they understand our problems and we can deal with them directly any time it is necessary to do so. We are therefore, heartily in favor of the passage of S. 1401.

Sincerely,

HALL COUNTY MUSEUM BOARD,
S. N. WOLBACH, *President.*

AINSWORTH, NEBR., *January 29, 1963.*

Senator HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR MR. JACKSON: I am writing this letter on behalf of the City of Ainsworth in support of S. 1401.

The City of Ainsworth is familiar with the programs which this bill is intended to fund, in fact the City of Ainsworth has been working in cooperation with the State of Nebraska in connection with a Land and Water Conservation Fund project for our city. This project has been recently approved through the fine cooperation of the State of Nebraska and the Federal Government.

It has been my observation that other communities that have participitated in this program and have been receiving funds in connection with it have greatly benefited by the program. It is my feeling that the continued funding of this program would be beneficial to many cities and communities throughout the nation.

I therefore earnestly solicit the favorable consideration of your Committee of this legislative bill.

Very truly yours,

E. E. COPES,
Mayor, City of Ainsworth.

BUTLER UNIVERSITY,
Indianapolis, Ind., January 26, 1968.

SENATE SUBCOMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate, Washington, D.C.

GENTLEMEN: I am writing to support Senator H. M. Jackson's bill S 1401 to put revenue from offshore oil receipts into the land and water conservation fund.

The "ecological crisis" which this nation and the world is facing deserves much more attention than it is now receiving, and this bill is one small step in this recognition.

Sincerely,

JOHN PELTON, *Head.*

VILLAGE OF HENDERSON,
Henderson, Nebr., January 30, 1968.

INTERIOR AND INSULAR AFFAIRS COMMITTEE,
Senate Office Building, Washington, D.C.

GENTLEMEN: We want to urge your committee to support Senate Bill S 1401, which would designated funds to go to the Land and Water Conservation Fund, that have previously been put into the General Fund.

Money from the Land and Water Conservation Fund has been used by our community for a park and recreation program, which has helped build up our community. Without this money supplied us through the Land and Water Conservation Fund, it would not have been possible for us to have done it alone.

Again we ask that you support S 1401.

Thank you.

Sincerely yours,

HENDERSON VILLAGE BOARD,
D. P. RATZLAFF, *Chairman.*

JANUARY 28, 1968.

Re bill 1401.

SENATE COMMITTEE ON INTERIOR & INSULAR AFFAIRS,
Washington, D.C.

GENTLEMEN: The Cambridge City Council wishes to go on record in support of bill 1401.

Respectfully yours,

CITY OF CAMBRIDGE, NEBR.,
By HAROLD HILTON, *Mayor.*

BOARD OF PARK AND RECREATION COMMISSIONERS,
Kansas City, Mo., January 29, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As Director of Parks and Recreation for Kansas City, Missouri, I have been following your S. 1401 very closely. We here in Kansas City have taken advantage of the Land and Water Conservation Fund provisions and consider it imperative the program continue and expand, if possible.

Land acquisition for outdoor recreation must not be delayed. The escalation of prices will merely put more and more needed land beyond the financial feasibility and capability of Municipal, County, State and Federal agencies to obtain.

Our department, therefore, supports your bill and requests prompt committee action so it may proceed for action by the Senate.

Very truly yours,

FRANK VAYDIK,
Director, Parks and Recreation Department.

THE CITY OF ALLIANCE,
Alliance, Nebr., January 29, 1968.

Re S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: In behalf of City of Alliance, Nebraska, I would like to make this expression to your Committee and urge the support to and adoption of S. 1401 which will dedicate certain miscellaneous funds from tideland oil receipts and from certain forest fees to the Land and Water Conservation Fund for the next five years.

If this is done we believe the appropriations and amounts of funds made available to Nebraska, and other states, for recreational purposes (programing matching funds) will be stabilized. With such stabilization, the proper state agency, in our case the Nebraska Game and Parks Commission, would know with greater assurance the appropriations to the state for recreational purposes would not be cut. This would make planning more effective and insure the fulfillment of the state plan which to a great extent is a response to the total local reqeusts for aid. The Recreation Users' fees which now determine fulfillment of such federal appropriations to the state are inadequate, resulting in an extensive appropriation cut.

We think passage of this proposed bill would be good legislation and therefore strongly urge the Committee to give it favorable action and that it be advanced to a successful passage.

Respectfully yours,

WALTER A. MISCHNICK, *Mayor.*

CITY OF CHAPPELL, NEBR.,
January 25, 1968.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR SIRS: We are very grateful for your assistance in enabling us to acquire real property adjacent to Chappell and Interstate 80 so that we can develop a recreational area containing a 38 acre lake, a golf course, and a park area. We

are currently in the process of negotiating for the land acquisition which is soon to be consummated.

Our community plans to add an Air strip, a trailer park, a motel and service complex, and other useful features to supplement this recreational area. We are definitely of the opinion that the new recreational area will attract a substantial number of tourists and benefit our local economy.

We think that Senate bill S 1401 and House Bill HR 8578 will assist in our own project and others similar to ours.

The cost of our recreational area will be also supplemented by a 25% contribution by the State of Nebraska.

We are real pleased with the successful manner in which the entire project has been handled; and we prefer that the recreational area program be administered on the State level.

Thank you very sincerely for your helpful participation in our recreational area development.

Very sincerely yours,

R. L. SMITH, *Mayor.*

ROLLINS COLLEGE,
Winter Park, Fla., February 1, 1968.

Senator HENRY JACKSON,
Chairman, Committee on Insular & Interior Affairs,
U.S. Senate Building, Washington, D.C.

DEAR MR. JACKSON: As a trustee of the National Park and Recreation Association, and as one who is deeply interested in the preservation of our natural resources, I wish to express to you my appreciation for the introduction of Bill 1401 which would add revenues accruing under the Outer Continental Land Shelf Act of 1953, and earmark revenues from the Mineral Leasing Act of 1920, as well as funds from the national forests which are now deposited in the miscellaneous receipts of the United States Treasury. I think this bill is one of the most important pieces of legislation that has been introduced.

Sincerely,

PAUL DOUGLASS,
Professor of Government.

SAVE THE DUNES COUNCIL,
Munster, Ind., January 30, 1968.

HON. HENRY JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We wish to indicate our whole-hearted support for S–1401. The funds presently available to the Land and Water Conservation Fund are inadequate and new sources of monies are needed. It is entirely fitting, indeed most logical and appropriate, that receipts from the use of a natural resource—namely revenues from off-shore oil—should be used for conservation purposes to preserve some of our natural heritage.

We are most concerned with the Indiana Dunes National Lakeshore. Very limited funds were appropriated for the acquisition of land and land costs in this area are rapidly rising. Some encroachments of inappropriate uses are being attempted and if sufficient funds were available these threatened areas could be purchased by the National Park Service.

May we respectfully urge approval of S–1401 as written.

Yours very truly,

SYLVIA TROY,
Assistant to the President.

THE CATTLE NATIONAL BANK,
Seward, Nebr., January 31, 1968.

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Building, Washington, D.C.

DEAR SIR: The Park Board of Seward, Nebraska wishes to support Senate Bill 1401 and its companion H.B. 8578.

Seward is scheduled for funding of our Centennial Park project in Fiscal Year 1969. If it were not for Land and Water Conservation Fund money, it would

have been many years before the project could have been completed. If there had been more Land and Water Conservation Fund money we could have been using our new park area for the last two years.

We are preparing a project for further development of our park system, which will include the addition of more park area and the development of more outdoor recreation facilities in our present parks.

We hope you will give this matter your favorable consideration.

Sincerely,

A. C. BEK,
Chairman, Seward Park Board.

NATIONAL CAMPERS & HIKERS ASSOCIATION,
Carbon Hill, Ala., January 31, 1968.

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

DEAR SENATOR JACKSON: In the capacity of Southeastern Regional Conservation Director of the National Campers and Hikers Association, I wish to assure you that I am encouraged and pleased to further your efforts in favor of S. 1401.

It is my feeling that Secretary Udall's recommendation to you with his suggested amendments are wise and favorable.

Information concerning this bill reached me too late to circularize it to the various chapters, however I will advise the several State Associations of the NCHA in this SE Region of the action you have made, and of course, your continuing effort to provide for an effective functioning of the Land and Water Conservation Fund Act.

Sincerely yours,

BERNARD L. PELZ,
Southeastern Regional Conservation Director.

NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.
Atlanta, Ga., February 2, 1968.

Hon. HERMAN E. TALMADGE,
U.S. Senate, Washington, D.C.

DEAR SENATOR TALMADGE: As you know, Senator Jackson, Chairman of the Committee Interior and Insular Affairs Committee, will hold hearings on Senate Bill 1401 which amends Title 1 of the Land and Water Conservation Fund Act of 1965. The National Council of State Garden Clubs would appreciate your help in getting a favorable Committee report. We prefer that only revenues from the Outer Continental Shelf receipts be added to make a total of $200 million annually for the next 5 years.

Garden Club members have long been in favor of the acquisition of land for public recreation purposes. It must be done now as land prices are escalating rapidly. Senate Bill 1401 will help establish 23 new Federal recreation areas. This legislation will make is possible for our State of Georgia to have more state parks and recreation areas.

I hope you will support S. 1401 and make this letter part of the public hearing record.

Sincerely yours,

ELIZABETH MASON,
Conservation Chairman.

GREENWOOD COUNTY, S.C., *February 22, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: This letter is in reference to Senate Bill 1401, pertaining to amending the Land and Water Conservation Fund Act of 1965. May I take this opportunity to inform you that at a recent meeting of the Executive Board of the South Carolina Recreation and Park Society, the vote was 100% in support of your amendment to the bill.

We are sincerely grateful for you service to the recreation profession within the State of South Carolina and throughout the nation. If our Society can be of assistance, please afford us the opportunity.

Sincerely,

W. M. WILBANKS,
Legislative Chairman, South Carolina Recreation and Park Society.

BEVERLY SHORES, IND., *February 20, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SIR: With man seemingly bent on destroying himself and everything about him, it is encouraging to know that there are some who will work toward conservation of a small portion of our beautiful land.

The threat to our tiny speck of Indiana which was supposedly saved for a National Lakeshore is so great and immediate. A bill such as S. 1401 is apparently the only thing which can halt the greedy destrution of the Indiana Dunes and other threatened areas of the country.

Sincerely,

MIRIAM BUHMAN.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

Whereas, the United States Department of the Interior has just received bids totaling $603,000,000.00 for the lease of certain Federal tracts of land in the Santa Barbara Channel for the development of petroleum resources; and

Whereas, it makes good common sense to allocate funds derived from the depletion of one natural resource, namely offshore petroleum resources, to the development of another natural resource, such as acquisition of coastal lands for creation of a sea-shore recreational area for all the public to enjoy; and

Whereas, to this end Senate Bill 1401, co-authored by Senators Thomas H. Kuchel of California and Henry M. Jackson of Washington proposes allocation of all Federal off-shore income during the next five years to the Land and Water Conservation Fund, a fund established in 1965 for purchase of recreational lands by Federal and State governments; and

Whereas, President Lyndon B. Johnson has informed Congress that he will recommend that approximately $100 million of off-shore petroleum lease income be used for the Land and Water Conservation Fund;

Now, therefore, be it and it is hereby ordered and resolved that the Board of Supervisors does endorse the SB 1401 and does urge the United States Department of the Interior to expend monies so derived from the Land and Water Conservation Fund for the purchase of those coastal lands west of the area known as "Gaviota" in Santa Barbara County, California, for the creation of a national sea-shore recreational area.

It is further ordered and resolved that copies of this resolution be transmitted to U.S. Senator Henry M. Jackson, U.S. Senator Thomas H. Kuchel, Congressman Charles Teague, Assistant Secretary of the Interior Stanley Cain, State Senator Robert Lagomarsino, and Assemblyman Winfield A. Shoemaker, urging their support of this resolution.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of February, 1968, by the following vote:

Ayres: George H. Clyde, Joe J. Callahan, Daniel G. Grant, F. H. Beattie, and Curtis Tunnell.

Noes: None.

Absent: None.

CURTIS TUNNELL,
Chairman, Board of Supervisors.

LAS VEGAS, NEV., *February 4, 1963.*

Subject: S. 1401.
Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee,
Senate Office Bldg., Washington, D.C.

DEAR SENATOR JACKSON: Because the experience of the brief operation of the Land and Water Conservation Fund has shown it to be woefully inadequate. I am in favor of substantially increasing the fund by some means such as provided in S. 1401. I also favor retention of the 60–40 federal-state ratio.

Thank you for sponsoring this forward-looking legislation.

Sincerely yours,

VIRLIS L. FISCHER,
Vice President Nevada Wildlife Federation.

WINNETKA, ILL., *February 6, 1968.*

Hon. HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I am writing to add my voice to others who support S. 1401 to put revenue from off-shore oil receipts into the Land and Water Conservation Fund and thereby help provide funds for the purchase of additional national park land.

My support can only have meaning in that I may be typical of a great portion of the silent vote which does not keep intimate watch on every advance or retreat of conservation legislation but which is in full sympathy with every effort being made not only to maintain but to expand and improve the parks and outdoor resources of this country.

I can only hope that you are successful with this bill and with others of similar intent which may follow.

Sincerely,

ROBERT BRADNER.

BEVERLY SHORES, IND., *February 5, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: Please support S. 1401 to amend the Land and Water Conservation Fund Act to put revenue from off-shore oil receipts into the Land and Water Conservation Fund, amounting to $200 million annually for the next five years, in order that money from this fund can be used to purchase land in National Parks.

The threats and encroachments to the Indiana Dunes National Lakeshore necessitate the purchase of some of this land immediately. The west end of Beverly Shores, an area of about 340 acres, is threatened by the Indiana Dunes State Park. The state park intends to level the most beautiful dunes and woods for 3,200 parking spaces and a sewerage disposal plant that will spoil the water system just put in for the town of Beverly Shores, and it will condemn the 50 homes in the area, forcing the people to move. The National Lakeshore has conservation in its program and will save these beautiful dunes and woods and allow the homeowners to keep their homes if they wish.

The town of Beverly Shores is as a unit against the state park take-over, and since this is at a critical stage now, we desperately need your help. We will support the National Lakeshore, if only we are allowed to do so.

Yours very truly,

Mr. and Mrs. PHILLIP RAPHAEL.

CONCORD, CALIF., *January 20, 1968.*

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We strongly support your bill, S. 1401, amending the Land and Water Conservation Fund Act.

This bill will make it possible to acquire future National Parks and outdoor recreation systems.

We are very happy to see this important piece of legislation.

We ask that this letter be made a part of the hearing record.

Very truly yours,

WILLIAM SATTLER.
GENEVIEVE SATTLER.

GRETNA STATE BANK,
Gretna, Nebr., February 7, 1968.

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

DEAR SENATOR JACKSON: We would certainly appreciate your support to arrange that proceeds of offshore oil drilling should be directed to the Land and Water Conservation fund so as to preserve the capital assets of this great nation and in connection with the hearings on bill 1401.

We, as a nation, can only benefit from the oil depletion by re-investment for future generations, who certainly will have a much greater need than do we today.

Sincerely,

MARVIN L. KILLION, *President.*

ASHEVILLE, N.C., *June 7, 1968.*

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

DEAR SENATOR: I would like to urge enactment of S. 1401 to amend title I of the Land and Water Conservation Act of 1965.

I also recommend that the bill should have suitable amendments thereto as proposed by the Secretary of Interior to add receipts from the Outer Continental Shelf to the current revenue resources and provide adequate funding.

Respectfully,

ARCH NICHOLS.

CHESTERTON, IND., *February 6, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs
Washington, D.C.

DEAR SENATOR: May I impress upon you the importance of your support of S. 1401.

Its passage, amending the Land and Water Conservation Act, will make funds for immediate acquisition of the areas already designated for Indiana Dunes National Lakeshore available without the long delay which would bring encroachment on these areas.

Your help is needed, and thank you.

LOUISE M. BROWN.

CHESTERTON, IND., *February 7, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

MY DEAR SENATOR: I urgently request that you support Senate Bill S. 1401, that would enable the Department of Interior to obtain additional monies for the purchase of land in National Parks; specifically, for the Indiana Dunes National Lakeshore which land is being purchased by speculators for other than conservation purposes.

Sincerely,

CHESTER R. BRONSKI.

CHESTERTON, IND., *February 7, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR: This note is being sent to again impress upon you the importance of your giving all pressure possible to the passage and support of S. 1401.

Its passage will mean help for this area in acquiring the land immediately for the National Indiana Dunes Lakeshore.

Most sincerely,

HELEN BROWN.

CHESTERTON, IND., *February 6, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR: Your support of Bill S. 1401 is most important.

Its passage to amend the Land and Water Conservation Fund Act will, as you know, make available more funds for acquiring the areas already designated for the Indiana Dunes National Lakeshore. Further delay will mean encroachment on these areas.

Most sincerely,

OLGA ADAMS.

WASHINGTON, D.C., *February 12, 1968.*

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

DEAR SENATOR JACKSON: My wife and I, as land and home owners in Maryland, with to urge you most strongly to reconsider your bill S. 1401 which has in mind to turn over hundreds of millions of dollars to the Land and Water Conservation Fund of the Department of the Interior. This money, we understand, would be used to purchase land for additional parks and more recreational facilities.

As interested citizens, we are appalled at the tremendous problems facing our country today, and it is incomprehensible to us that such huge sums of money should be considered for parkland at a time when the war in Vietnam is worsening, crime is rampant all over America, and the slum conditions of the poor are intolerable. (In fact, the parks now in existence are not safe because the criminal elements appears to go unchecked!) Surely, additional support for our boys who are dying on foreign soil, better-trained and larger police forces, and jobs and job-training for the unemployed supersede any programs for buying more parks.

Obviously, the purchase of additional property for such parkland would be from private property owners, taking that much more land off of the tax rolls. This appears to us to be an ill-considered proposal in the light of the country's already beleaguered economy.

We request again that you and your committee take another look at the true value of S. 1401, and we hope that you will recommend instead, that this money be put to a more vital use. Thank you.

Yours truly,

ARNO AND MABEL VIEHOEVER.

ARCATA, CALIF., *February 12, 1968.*

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

DEAR SENATOR JACKSON: I oppose S. 1401 and similar bills both as an individual and as a member of the Landowners Protective Association. My reasons for opposing this type of legislation are:

(1) It is poor practice to earmark the revenues from specific tax resources for certain uses. The Congress should retain control of the public purse.

(2) Now that the federal government has begun to recognize that it cannot provide free recreation to the public it is time for the government to begin withdrawing from the recreation business. Without excessive competition

from the government, private enterprise would meet all real recreational needs. This would be done better than it is now being done by the government.

(3) There is too much land in government ownership now. If additional government funds are to be spent on recreation they should be spent on development, not on acquisition.

(4) Overbuying land by the government is more likely to cause than to avoid land price escalation.

In view of the foregoing, I hope that your Committee will not report favorably on S. 1401 and similar legislation.

Would you please have this letter included in the printed record of the hearings on S. 1401.

Sincerely,

WILLARD E. PRATT.

PINDER'S RESORT,
Protem, Mo., February 3, 1968.

DEAR SIRS: We do not think it fair or equitable for the Corps of Engineers to develop these campgrounds around commercial docks or public lakes, built with taxpayers monies for floods, not recreation.

If resorts with boats were allowed to rent boats for the day, there would be plenty of camp grounds built at no cost to the government. They are holding back improvements on private ground with their unevorkable rules. And, thereby depriving counties of taxes.

Sincerely yours.

Mrs. WALTER J. PINDER.

MOUNTAIN HOME, ARK., *January 27, 1968.*

SENATE PUBLIC WORKS COMMITTEE,
U.S. Senate, Washington, D.C.

GENTLEMEN: As the emphasis seems to be on the fees charged on the lake docks, we are wondering if they are the only consideration.

As bad as their situation is, The Golden Eagle fee has been far more desructive for those affected by it. We have gone on record many times as to the gross discrimination created by the Golden Eagle, so I'll not repeat it here.

What I can report, after one full year of the Golden Eagle is—that of the eight resorts on Cranfield Road, one has been sold, one has a for sale sign displayed, and one has been closed completely.

The small resort now returns such a small profit that it doesn't take much to bankrupt it.

Our gross returns were off as 30% last year in some instances. The traffic count-down about 33%. If we are contacting the wrong committee, please forgive us, but the situation is desperate and the 1968 tourist season is rapidly approaching.

Sincerely yours,

CECIL PILGER.

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Concurrent resolution memorializing Congress to enact proposed legislation amending the Land and Water Conservation Fund Act of 1965

Whereas, outdoor recreation is necessary for physical development and is a re-creation of one's sense of purpose and a re-juvenation of one's awareness of himself and others around him; and

Whereas, the United States and South Carolina have an abundance of natural resources, effective federal, state and local action is necessary to assure the people of America a place in which to re-create; and

Whereas, it is evident that population will double in the United States by the year 2000 with demand for recreational opportunity tripling during the same period; and

Whereas, outdoor recreation lands and facilities are deficient in most urban areas; and

Whereas, high quality non-urban areas must be acquired and preserved now for recreational use by future generations; and

Whereas, we in South Carolina recognize that in our heritage our Country and State offer many recreational opportunities; and

Whereas, without proper planning for orderly acquisition and development there is no assurance that needs will be met; and

Whereas, local communities as well as some states do not presently have the fiscal resources to undertake a planning, acquisition or development program of the magnitude recreation requires; and

Whereas, we in South Carolina are using the resources of the land and water conservation fund as one of the federal programs which we believe will contribute in a large measure to meeting recreation needs; and

Whereas, the land and water conservation fund is inadequate in some areas to sufficiently fulfill its purpose of an incentive for recreational acquisition and development: Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Congress be memorialized to enact, without delay Senate Bill 1401 which proposes to amend Title 1 of the Land and Water Conservation Fund Act of 1965 to provide for additional revenues to accrue to the fund.

Be it further resolved, That a copy of this Resolution be forwarded to each United States Senator and member of the House of Representatives from South Carolina and to the President of the United States Senate and to the Speaker of the United States House of Representatives.

Attest:

[SEAL]

INEZ WATSON,
Clerk of the House."

PORTLAND, OREG., *February 6, 1968.*

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

MY DEAR SENATOR JACKSON: Would you be good enough to include this letter in the record of the February 5 and 6, 1968 hearings on S. 1401, amending the Land and Water Conservation Fund Act.

I urge that Congress take favorable action on S. 1401.

My work as Parks and Recreation Chairman of the Portland Metropolitan Study Commission, as Secretary of Oregon's 800-member Committee to Save the Beaches, and as General Chairman of the 1967 Convention of the Federation of Western Outdoor Clubs, has convinced me that we need more financing for recreation now. More funds must be readily available to purchase authorized park lands promptly, before speculation causes land costs to sky-rocket and before conflicting land uses develop.

In Oregon, where tourism and recreation will be our second industry in a few years, and our premier industry by the year 2000, we are increasingly aware of the need to protect more land for public recreation. It is widely conceded that our magnificient coastline is threatened unless public funds can be found now to preserve for all time its unique, undeveloped character. We have authorized a bold and far-reaching Willamette River Greenway park project to establish a greensward through that part of Oregon which sustains 80 percent of our population. Increasing the amount of Land and Water Conservation Funds for projects such as these would immeasurably enrich the heritage of coming generations of Americans everywhere in our country.

I am pleased also to note the inclusion in this bill of provisions to permit the Secretary of Interior to protect scenic values without maintaining an exclusive interest in certain lands in or adjacent to parks. We need laws at both the state and federal level to protect in a flexible manner the recreational potential of the greatest possible amount of land, without purchasing a fee interest in all such land, or intruding upon wholesome private uses.

Very truly yours,

JANET MCLENNAN.
Mrs. Wm. S. McLennan.

CHICAGO, ILL., *February 1, 1968.*

SENATOR HENRY M. JACKSON,
Chairman of the Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I have recently received information pertaining to the pending Bill S. 1401 for increasing the authorized income of the Land and Water Conservation Fund.

Along with many others, I regard this as a most important legislative measure in the Public Parks field. Unless adequate funding is provided, many authorized public parks and recreational areas, I am sure, will be seriously jeopardized, or totally ignored. We all know how important this is to our Nation and trust that every possible action will be taken to see that this Bill is passed.

Being identified in the field of recreation as Trustee of the National Recreation and Park Association for a number of years, I have a particular interest in seeing that the response to this Bill is favorable.

Yours very sincerely,

SANGER P. ROBINSON.

WEEPING WATER, NEBR., *January 31, 1968.*

Re S. 1401; H.R. 8578.

Hon. SENATOR HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SIR: We ask your support for these bills because they would direct more money into the Land and Water Conservation Fund Program.

Weeping Water, Nebraska has applied for help to build a swimming pool, out-door tennis and basketball courts, and a foot-bridge across the creek to join the park and lakes, but no funds are available.

We would appreciate your support on these bills.

Sincerely yours,

CHESTER HOPPER, *Secretary.*

RANDOLPH, NEBR., *January 24, 1968.*

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building, Washington, D.C.

DEAR SENATORS: It has come to our attention that there exists a surplus in the off-shore resources revenues funds. It has also been reported that a bill has been offered that would transfer this surplus to the Land and Water Fund.

We write you in urgent support of this action as represented by Senate Bill 1401 and House Bill 8578.

Successful passage of this legislation would assume the further development of our Great State of Nebraska's, and other States' programs, for resources and recreation development for large numbers of culturally and recreationally deprived persons and areas.

Our State, under the able leadership of Mr. Mel Steen, has moved forward in this area with enthusiasm and meaningful support, paying 25% of the cost of these worthwhile and needful projects, and will not be able to continue this development with the present existing shortage, of participating federal monies in the Land and Water Fund.

Our own local project will fill a void that, up to the present, leaves hundreds and hundreds of area people deprived of nature's rewards.

Your positive action in this matter will be greatly appreciated by Nebraska and other needy areas.

Sincerely,

NORBERT OLBERDING, *Mayor.*

CHESTERTON, IND., *February 2, 1968.*

Senator HENRY JACKSON,
Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR JACKSON: My husband and I hereby express our support for S. 1401 which would amend the land and water conservation fund act to put money from off-shore oil receipts into the fund.

It seems highly appropriate that profits derived from the public domain should be plowed back into acquisition of public lands through the land and water conservation fund.

The great disparity between the areas authorized for public parks (and the need for additional parks) and the money presently available in the land and water conservation fund for purchase of land in authorized areas makes this measure a vital one for every American citizen.

Sincerely yours,

CHARLOTTE J. READ.
Mrs. Herbert P. Read.

KNOXVILLE, TENN., *January 30, 1968.*

Senator HENRY JACKSON,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: We hope that you will support the bill S. 1401 and that the Udall amendments be incorporated.

Sincerely,

Mrs. JANE H. ORLEANS, *Girl Scout Leader.*

KNOXVILLE, TENN., *January 31, 1968.*

Senator HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR MR. JACKSON: I wish to express my support for your bill S. 1401 with amendments as proposed by Sec. Udall in his letter to you of Jan. 4, 1968. Considering the increasing demand for outdoor recreation areas the need to reduce costs and provide funds for these is more urgent than ever.

Yours truly,

H. R. PAYNE.

SEATTLE, WASH., *January 16, 1968.*

SENATE COMMITTEE ON INTERIOR AFFAIRS,
U.S. Senate, Washington, D.C.

DEAR SIRS: I am writing this letter as an individual, to express my strong support for S. 1401, amending the Land and Water Conservation Fund Act.

My work as a professional in the field of resource conservation has made me painfully aware that one of the greatest problems in this area is the problem of escalating land values in areas necessary to acquire as part of our National Park and Recreation Ssytems. S. 1401, with its provisions for increasing the revenues of the Land and Water Conservation Fund, would go a long way toward meeting this critical problem. Therefore, I am strongly in favor of this act and urge favorable action upon it by the Committee.

Very truly yours,

M. BROCK EVANS.

BEVERLY SHORES, IND., *February 4, 1968.*

SENATOR HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: Please support S. 1401 to amend the Land and Water Conservation Fund Act. We need money here in Beverly Shores immediately to buy 340 acres in the west end of town for The National Lakeshore. This area is threatened by the State Park of Indiana that intends to raze it for a 3,200 parking space area. It is now beautiful dunes and woods that the National Lakeshore wishes to develop with conservation in mind. Not only the people who live in the 50 houses in this area, but the whole town wants the National Lakeshore; please help all of us now before it is too late.

Yours sincerely,

STEPHEN FRANCIS POLYAK.

OLYMPIC PARK ASSOCIATES,
Everett, Wash., February 4, 1968.

SENATOR HENRY M. JACKSON,
Chairman, Committee of Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

Olympic Park Associates supports S. 1401 to add revenue to the land and water conversation fund from oil receipts of Outer Continental Shelf. Olympic National Park has over 7,000 acres of inholdings in more that 2,000 parcels. These inholdings have caused problems for the park for the 30 years of its existence. They must be purchased in order to preserve the integrity of the park. With expanding land values in Northwest these inholdings become more difficult to obtain. S. 1401 should speed up this process.

PHILLIP ZALESKY, *President.*

HARRISBURG, PA., *February 2, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs,
Washington, D.C.

The Pennsylvania Game Commission supports the intent of S. 1401 and H.R. 8578 and recommends the support of the committee and ultimate enactment.

GLENN L. BOWERS,
Executive Director.

DENVER, COLO., *February 6, 1968.*

Hon. FRANK CHURCH,
Chairman, Subcommittee on Public Lands,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.:

Please include in hearing record for S. 1401: Strongly urge passage of S. 1401 providing three measures for increasing land and water conservation fund moneys and granting preauthorization purchase authority in view of billions appropriated for reclamation and increase in recreation land values. Appropriations for recreation lands must be made available now.

Regional Parks; Aiken Ornithological Society; Rocky Mountain Chapter, Sierra Club; Association for Beautiful Road; Federation of Womens Garden Clubs; Colorado Hawking Association; Colorado Mountain Club; Colorado White Water Association; Colorado Wild Life Federation; Denver Field Ornithologists; Mountain Area Planning Council, Men's Garden Club, Boulder; Plains Conservation Center.

HELENA, MONT., *February 3, 1968.*

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

Further reference our wire urging passage S. 1401. May we reaffirm our interest in this highly important legislation but also express concern regarding apparent administrative recommendation concerning change present 40–60; Federal, State apportionment ratio to 50–50. Thanks for consideration.

FRANK H. DUNKLE,
Director, Montana Fish and Game Department.

HONOLULU, HAWAII, *February 2, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Washington, D.C.:

We in Hawaii are deeply concerned with the implementation of the Land and Water Conservation Fund Act. We are in full accord with the principles embodied in the bill, S. 1401, and hereby indicate our full support for this important legislation.

SHELLEY M. MARK,
Department of Planning and Economic Development.

DENVER, COLO., *February 5, 1968.*

Senator HENRY JACKSON,
Chairman, Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.:

7,000 Colorado Federation of Women club members urge favorable action on S. 1401.

RUTH A. NEWLON.

LAS VEGAS, NEV., *February 5, 1968.*

Senator HENRY JACKSON,
U.S. Senate, Washington, D.C.:

I strongly support S. 1401. Nevada, behind in meeting outdoor recreation needs, would appreciate additional assistance.

Mrs. SAMUEL FORD.

DENVER, COLO., *February 5, 1968.*

Hon. FRANK CHURCH,
Chairman, Subcommittee on Public Land,
Senate Committee on Interior and Insular Affairs, Washington, D.C.:

Urge passage S. 1401 providing increased revenue and preauthorization purchase authority for land water conservation fund.

Mr. and Mrs. KENNETH A. PORTER.

APPENDIX B

(Under authority previously granted, the following Executive order of February 26, 1965, pertaining to user fees under the Land and Water Conservation Fund Act, was ordered printed in the hearing record:)

EXECUTIVE ORDER 11200, PROVIDING FOR ESTABLISHING USER FEES PURSUANT TO THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Whereas it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

Whereas these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

Whereas the Act of May 28, 1963, 77 Stat. 49, vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

Whereas it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

Whereas it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

Whereas the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88–578; 78 Stat. 897 (hereafter in this order referred to as "the Act"):

Now, threefore, by virtue of the authority vested in me by the Act, by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Designation of areas for 1965.* (a) All areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act, as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

SEC. 2. *Designation of areas for years after 1965.* (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, before January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged, or (2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c) (1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

SEC. 3. *Criteria for designation of areas.* (a) Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in Section 1(a) of this Order;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

SEC. 4. *Posting of designated areas.* The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

SEC. 5. *Establishment of fees.* (a) Each official described in Section 1(b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, establish a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fee, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a)(1) of the Act and which, as a result of that exclusion will be subject to the fee described in Section 2(a)(iii) of the Act. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fee. The Secretary of the Interior shall also prescribe the manner in which the Sticker shall be displayed. The conditions under which it may be used shall be determined under the procedures prescribed by Section 6 of this Order.

SEC. 6. *Coordination.* (a) The Secretary of the Interior shall, after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act and the provisions of this Order.

(b)(1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to

be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b)(1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the Act.

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to subsection (b)(1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

SEC. 7. *Review of contracts.* The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which prohibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provisions shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

SEC. 8. *Regulations.* The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 26, 1965.

○