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# INTERIOR NOMINATION

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## HEARING

BEFORE THE

## COMMITTEE ON

## INTERIOR AND INSULAR AFFAIRS

## UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST SESSION

ON

THE NOMINATION OF RUSSELL E. TRAIN, OF THE DISTRICT  
OF COLUMBIA, TO BE UNDER SECRETARY  
OF THE INTERIOR

FEBRUARY 4, 1969



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(II)

## NOMINATION OF RUSSELL E. TRAIN TO BE UNDER SECRETARY OF THE INTERIOR

TUESDAY, FEBRUARY 4, 1969

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, Senate Office Building, Senator Clinton P. Anderson presiding.

Present: Senators Clinton P. Anderson (New Mexico), Frank Church (Idaho), Frank E. Moss (Utah), Quentin N. Burdick (North Dakota), George S. McGovern (South Dakota), Gaylord Nelson (Wisconsin), Lee Metcalf (Montana), Mike Gravel (Alaska), Gordon Allott (Colorado), Len B. Jordan (Idaho), Paul J. Fannin (Arizona), Clifford P. Hansen (Wyoming), Mark O. Hatfield (Oregon), and Ted Stevens (Alaska).

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; William Van Ness, special counsel; Roy Whitacre, James Gamble, and Porter Ward, professional staff members; and Charles Cook, minority counsel.

Senator ANDERSON. The committee will come to order.

This is an open, public hearing on President Nixon's nomination of Mr. Russell E. Train to the post of Under Secretary of the Interior.

Those of us who are acquainted with Mr. Train and his background recognize what a fine appointment this is, and have every confidence in his ability to do an outstanding job.

The Department of the Interior has a primary responsibility for the stewardship of the Nation's natural resources and for enhancing the quality of our environment. Mr. Train has long been active in the field of conservation, and since 1965 has served as president of the Conservation Foundation, with headquarters here in Washington, D.C.

Before that he was a judge on the Tax Court of the United States, having been appointed to that position in 1957 by President Eisenhower.

I will place the biographical sketch of Mr. Train in the record at this point, and before we call on him to answer questions, I will ask if any of my colleagues would like to make any statements.

(The biographical sketch follows:)

### BIOGRAPHICAL SKETCH OF RUSSELL E. TRAIN

Russell E. Train became president of The Conservation Foundation on August 1, 1965, when he resigned as a judge of the U.S. Tax Court to direct the non-profit research, education and information organization created in 1948.

Born in 1920, Train is a lifelong resident of the District of Columbia. He graduated from St. Albans School in Washington in 1937 and received his B.A. from

Princeton University in 1941. He served in the Army from 1941 to 1946, rising to the rank of major. He earned a L.L.B. degree from Columbia University in 1948 and was admitted to the District of Columbia bar in 1949.

Train then specialized in tax law and served as an attorney for the Congressional Joint Committee on Internal Revenue Taxation (1947-1953) and as Clerk and then Minority Advisor to the House Ways and Means Committee (1953-1954). Train then headed the Treasury Department's legal advisory staff (1956-1957).

In 1957 Train was appointed to the Tax Court of the United States by President Eisenhower and was reappointed to a full 12-year term in 1959.

Train founded and became the first president of the African Wildlife Leadership Foundation, AWLF started the first wildlife management school in Africa, gives scholarships to Africans at U.S. universities, conducts research and education programs in African schools, and is now the major source of U.S. support for wildlife conservation and national park development in Africa.

Train's interests in conservation and environmental problems also led him into participation in other conservation organizations in the United States and abroad. In addition to serving as president and a trustee of The Conservation Foundation and African Wildlife Leadership Foundation, Train's other positions include: executive board member of the International Union for the Conservation of Nature and Natural Resources; trustee and vice president of the World Wildlife Fund; honorary trustee of the Tanzania, Kenya and Uganda National Parks; and a trustee of the American Conservation Association.

Train has also served on governmental advisory committees, including a National Academy of Sciences committee on SST-Sonic Boom, and an Interior Department committee on the international water for peace conference.

In 1968 Train was appointed by President Johnson to the new National Water Commission, a seven-member body created by Congress. The Commission will review the nation's long-term water resource needs and make final recommendations to the President and Congress by 1973. Train serves as vice chairman of the Commission.

After the 1968 Presidential election, Train was asked by President-elect Nixon to serve as Chairman of a Special Task Force on Resources and the Environment to advise the incoming Administration.

Train is Senior Warden at St. John's Church (Lafayette Square); a trustee of the Washington Cathedral and a member of its executive committee; a trustee of Recordings for the Blind, and is active in other civic organizations.

Train is married to the former Aileen Bowdoin; they have four children. He is the son of the late Rear Admiral and Mrs. Charles R. Train, U.S.N. (Ret.). He resides at 3101 Woodland Drive, N.W., Washington, D.C. and has a farm on the eastern shore of Maryland at Bozman.

Senator ANDERSON. Senator Jackson cannot be here this morning. His remarks will be inserted into the record at this point as if read.

#### STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator JACKSON. I sincerely regret that because of the illness of a member of my family, it is not possible for me to attend these hearings. Today, the committee will take testimony concerning President Nixon's appointment of Mr. Russell E. Train to the position of Under Secretary of the Department of the Interior.

The Under Secretary is the principal assistant to the Secretary of the Interior and has a scope of interest which encompasses the jurisdiction of the entire Department. He will participate with the Secretary in a wide variety of decisions of national importance and will, at times, act for him on critical issues. My comments concerning the importance of the Department of the Interior's mission at the initiation of Secretary Hickel's confirmation hearings are hardly less applicable today.

The man who serves as Secretary of the Interior occupies the position of "people's trustee for the total environment." The man who serves as Under Secretary must be the closest adviser and best support of that trustee.

Mr. Train has long been active in conservation matters. I know that the committee will find him to be interested and knowledgeable concerning the Department's responsibilities. I am sure that the members attach great importance, as I do, to this examination.

Senator ANDERSON. Senator Nelson?

Senator NELSON. Mr. Chairman, I would like to say that I wholeheartedly endorse the appointment of Mr. Train. He has a dedication in the field of conservation that is unexcelled around the Nation. I think he will serve the Department, the Secretary, the Congress, and the country with great distinction.

I am personally very pleased with this appointment. I have no questions to ask him. I know where he stands on conservation.

Senator ANDERSON. Senator Church?

Senator CHURCH. I just want to say that I am very happy to endorse Mr. Train. I am also familiar with his general record. I know that he will serve in this post with distinction. Although I have no questions now, I would like to read over the material that I have before me and then I may have a few questions.

Senator ANDERSON. Senator Jordan?

Senator JORDAN. Thank you, Mr. Chairman.

I want to welcome the Under Secretary-elect before the committee, and to express my approval of the nomination. He has a very impressive background in conservation matters and I think he will make a great contribution to the effort of the Department of the Interior and this committee in endeavoring to have sound conservation. Thank you.

Senator ANDERSON. Senator Hatfield?

Senator HATFIELD. I have no questions, Mr. Chairman.

I think the country is very fortunate to have the services of Mr. Train. He is highly qualified. He has a very impressive list of credentials. I feel that we are most fortunate and I welcome him into this position.

Senator ANDERSON. Mr. Train, we will be very happy to have your statement at this time, if you wish.

#### STATEMENT OF RUSSELL E. TRAIN, UNDER SECRETARY OF THE INTERIOR-DESIGNATE

Mr. TRAIN. I have no prepared statement, Mr. Chairman. I would just say very briefly that I am greatly honored by the confidence reposed in me by the President through his nomination to the post of Under Secretary. I look forward to working in the Department and I look forward to working with this committee.

I will be happy to answer any questions the members of your committee might have.

Senator ANDERSON. Do you wish to refer a little bit to your record in conservation?

Mr. TRAIN. Mr. Chairman, I have distributed to the committee, through the staff, both a biographical résumé, which I can summarize

for you, if that is desired, and also a brief description of the Conservation Foundation, as I thought the committee might be curious as to the kinds of activities I have been most recently engaged in.

As to my own background, I grew up here in the city of Washington. I have lived here all my life. That perhaps makes me a little unusual in Government. I went to school here and then went to Princeton University. I served in the war from 1941 to 1946. I went to Columbia Law School, and after law school I came to work here on Capitol Hill as an attorney on the staff of the Joint Committee on Internal Revenue Taxation.

Subsequently, I became clerk of the Ways and Means Committee in 1953-54, and minority counsel, and then went to the Treasury in 1956 as an assistant to the Secretary and head of the Legal Advisory Staff, which before and since has been known as the Tax Legislative Counsel's Office.

In 1957 I was appointed by President Eisenhower to an unexpired term on the U.S. Tax Court and then reappointed in 1959 to a full 12-year term. Then in 1965, with some 6 years still to go of my term, I resigned to become president of the Conservation Foundation.

The short, 4-page summary which has been distributed to the committee will inform you about the work of the Conservation Foundation. It is somewhat different, I think, than most of the conservation groups with which you are familiar.

It is a nonmembership organization. It is both domestic and international in its interests. I think perhaps the range of its concerns and activities is what has distinguished it more than anything else. It has been involved in human population matters and pesticide studies. It sponsored last autumn a conference on international development, particularly our own AID program and the environmental impacts it is producing in the developing countries around the world.

It is an unendowed organization, and the financing for it is produced annually by a relatively small group of endowed foundations and some individuals. It has a public Board of Trustees.

Again, Mr. Chairman, I will be happy to answer any questions.

Senator ANDERSON. I am sure that most of us are well aware of your fine service. I will place the statement concerning the foundation into the record at this point.

(The statement referred to follows:)

#### THE CONSERVATION FOUNDATION

The Conservation Foundation is a privately financed non-profit research, education and information organization incorporated in 1948 under the laws of the State of New York.

It is not a membership organization. Nor does it have an endowment. Rather, it is financed by grants from endowed foundations and other organizations, and by philanthropic contributions from individuals.

The Foundation is dedicated to a wide range of conservation concerns, and tends to define "conservation" as "the rational use of the earth's resources to achieve the highest quality of living for mankind."

The Foundation operates through its own professional staff of 20, and through grants to individuals and other organizations.

Its program includes:

Conducting environmental studies and demonstration projects designed to test the use of ecologically-based planning in integrating environmental values into urban development, and

Providing conservation and information services designed to increase public awareness of environmental issues and to support citizen involvement.

The following specific programs are illustrative of the Foundation's work in the first of these two categories—what might be called applied ecology:

1. A current series of demonstration projects designed to show how planning based on ecological knowledge can help landowners and developers integrate environmental values in attractive and profitable urban developments in a variety of shoreline situations. The first of these projects, located on the Gulf Coast of Florida, recommends ways to reconcile conservation and development needs. It is the subject of a 1968 Foundation report, "Rookery Bay Area Project."

2. A 1967 conference on metropolitan development and the environment, sponsored by the Foundation in cooperation with the National Association of Home Builders, American Institute of Architects, American Institute of Planners and American Society of Landscape Architects. This conference brought together mortgage bankers, realtors, land developers, natural scientists and conservationists.

3. A project carried out through a grant to Harvard University's Department of Landscape Architecture to field-test different approaches to natural resource analysis as a basis for development planning. The results have been published as "Three Approaches to Environmental Resource Analysis" (1967).

4. An interdisciplinary conference on "The Future Environments of North America," the proceedings of which were published under that title in 1966.

5. A report on the impact of human use on the National Park System, published in 1967 as "Man and Nature in the National Parks."

6. The support of such studies on the relation of human population to environmental quality as Fairfield Osborn's "Our Plundered Planet" (1948 and 1968): Philip Appleman's "The Silent Explosion" (1965), and Daniel O. Price's "The 99th Hour—The Population Crisis in the United States" (1967). In 1969 the Foundation will sponsor a conference on effects of human numbers on human behavior.

7. The support of such studies on environmental pollution as Dr. Robert Rudd's "Pesticides and the Living Landscape," University of Wisconsin Press (1964).

To further the Foundation's education, information and conservation services goals, it also:

1. Publishes "CF Letter," a periodic newsletter on environmental issues.

2. Sponsors regional conferences on how university extension services can develop more effective educational programs to help solve community environmental problems.

3. Sponsors, in cooperation with a number of civic organizations, a citizen education and information program on alternatives for the future of the Potomac River Basin.

4. Sponsors, in cooperation with a number of citizen organizations, regional workshops on air quality control. This project, assisted by a grant from the National Air Pollution Control Administration, also includes production of a manual on citizen action in this new field of air conservation.

5. Encourages the formation by citizen and professional groups of regional conservation service centers.

6. Will sponsor in 1969, in cooperation with representatives of a number of university law schools as well as practicing lawyers, a conference on the law and the environment.

The Foundation has been active in international conservation from its beginning in 1948 when it helped to launch the International Union for the Conservation of Nature and Natural Resources.

In the international field the Foundation's recent activities include:

1. Sponsorship, in cooperation with Washington University's Center for the Study of Biological Systems, of a conference in 1968 on "The Ecological Aspects of International Development Programs."

2. Sponsorship, in cooperation with the African Wildlife Leadership Foundation and New York Zoological Society, of a field survey and report on "Marine Parks for Tanzania" at the request of the government of that East African country.

3. Support of Anthony Netboy's book—"The Atlantic Salmon—A Vanishing Species?"—based on studies of the species in Europe and North America.

4. Sponsorship, in cooperation with the national park services of the United States and Canada, and with the University of Michigan, of a summer training course for professional managers of wildlife and park areas from other nations, particularly from the developing countries.

5. Assisting UNESCO with preparations for its 1968 world conference on "The Scientific Bases for Rational Use of the Biosphere," co-sponsored with two other

UN organizations—the Food & Agricultural Organization and the World Health Organization. A paper on "Conservation and Rational Use of the Environment," written by Dr. Raymond F. Dasmann of the Foundation staff under contract with UNESCO, served as the basic working document for the conference—which helped set the stage for a UN conference on environmental pollution which is now being planned.

Contributions to The Conservation Foundation are deductible for tax purposes under section 501 (c) (3) of the Internal Revenue Code. The Foundation is assisted by an Advisory Council and is governed by a Board of Trustees chaired by Fairfield Osborn, one of its founders.

Senator ANDERSON. Senator Church?

Senator CHURCH. Mr. Train, the Bureau of Reclamation, as you know, has constructed many water resource and irrigation projects which have contributed to the growth and prosperity of many areas of the West.

There remain substantial opportunities for the development of additional irrigation projects in many of the Western States. The Bureau has a role to play both in regard to these specific opportunities and with regard to planning for the best use of water and related land resources in the West.

Are you aware of the important expertise and ability of the Bureau of Reclamation's organization and do you have any views concerning its role in the future?

Mr. TRAIN. I am well aware, Senator, of the contribution that the reclamation program has made to the development of the western part of this Nation, and I am fully sensitive to the importance of this program and its continuing importance.

I cannot speak with any expertise personally concerning the program or the organization of the Bureau of Reclamation itself, because I have not worked with it in the past. I look forward to informing myself speedily on meeting with the Director of the Bureau of Reclamation this week, and I look forward to knowing much more about the program.

Senator CHURCH. As the sponsor in the Senate of the National Wild and Scenic Rivers Act, and also comanager of the Wilderness Act, I have been one who has recognized that there are places on the rivers of this country where dams ought not to be built, as there are other places where dams should be built. I felt that the proper objective is one of balanced development, taking all interests into account.

You have had many years of devoted service in the field of conservation, and sometimes conservationists become adamant opponents of dam building, as such. I am wondering how your attitude is with respect to dams and how that might affect your activities as Under Secretary of the Interior.

Mr. TRAIN. Well, for what light this might throw on the subject, I have, as yet, to my knowledge, never been involved in a dam dispute one way or the other. That is not really responsive to your question.

Senator CHURCH. That blissful experience is about to come to an end.

Mr. TRAIN. Perhaps I can get at that question better by giving you a little bit of my own philosophy about conservation.

I have frequently defined "conservation" as meaning, to me, the rational—and I emphasize "rational"—use of the earth's resources to produce the highest quality of living for mankind. As this bears upon dam building, it is obvious to me that conservation cannot be anti-development. This makes no sense to me at all as a generalization.

If my statistics are reasonably correct, we have some 100 million more people to expect in the United States over the next 35 or so years. Obviously, there is going to have to be a great deal of development—new jobs, new factories, new homes, new towns, new production of all sorts—if we are going to be able to bring that number of people into a decent life.

This means, of course, that there is going to have to be development. I think that the challenge we have before us from now on is to do a better job of development than we have done before. Develop we must; but let's do it well.

Some of the factors which I think we should increasingly bring into account and weigh in the balance in our planning process are environmental factors. This does not necessarily mean you won't build a dam, but it means that when you do build a dam you carefully select the site, and you build multiple-use factors into your plan and design.

None of this, I think, adds up to being either for or against dams. It means doing a good job of planning.

Senator CHURCH. Thank you very much.

I have no further questions at the moment, Mr. Chairman.

Senator ANDERSON. Senator Allott?

Senator ALLOTT. Judge, I am very happy to welcome you to this committee. You have a very interesting and distinguished background, which we welcome in this committee and also in the Department of the Interior.

I want to join my colleagues, who I understand welcomed you here before I came into the room. But I want to take this opportunity to do so.

I am sure that my colleagues have several questions in various areas they would like to ask you about, one of which has been touched upon by Senator Church, so I will confine my questions to just one aspect.

I think you qualified your answer as to the rational use of the earth's resources. You said you believed this did not forestall development. I think the so-called clash that comes between conservationists and others really is a breakdown of the English language and a breakdown of communications.

In this respect, I spoke to you once about the cause of multiple use that we have on our Federal statute books, a multiple-use statute which includes recreation as one of the uses.

In your administration as Under Secretary of the Interior, would you regard all of the elements named in the multiple-use statute as legitimate and distinct uses without segregating one, for example recreation? I ask this question because you have been so strong in this one area.

Mr. TRAIN. I certainly would consider all of the elements specified, Senator. I think it would be a mistake to elevate any one element of use to a priority as a general matter higher than that accorded other elements. I believe that the priorities doubtless will be different in different circumstances.

I think in the use of maybe one area, recreation would be perhaps the highest and most important use. In another area, it may be the lowest use.

I think this would turn upon the circumstances, necessarily, of the individual case.

Senator ALLOTT. But because recreation is included in the multiple-use statute, it would not mean that you would give it any higher emphasis than the other uses enumerated in the multiple-use statute?

Mr. TRAIN. That is correct.

Senator ALLOTT. The reason I asked this is that many people do not realize the extent to which the ownership of public lands is a burden on the so-called reclamation States, those that are west of the 100th parallel in this country. This is the opinion, I believe, of members of the committee who belong to what are known as public land States.

In just one area, for example, it has been very generally recognized, the burden that is cast upon the State, for example, in road construction, with 40 percent Federal ownership of land in a State. Ours in Colorado is almost 40 percent, although Federal ownership in the States of some of the gentlemen here go up, I believe, as high as 85 percent, or close to 85 percent, public land ownership.

Of course, development, resources development, which produces wealth is a necessity if those States are just to keep pace with the other States of the Union in every way of their economic life, their political life, their social life, their environmental life. These people cannot be left without an opportunity to develop their resources while they are called upon to provide all of the things at the same level that the rest of the country is providing in education, in urban planning, urban advancement, roads, communications, all of the rest of these things. This is the reason I place this emphasis upon this particular matter.

There is also upon the statute books a statute which I believe was sponsored by our chairman, but I am not sure about that. It is called the Sustained-yield Act. In order that I not be misunderstood, I think I understand the wilderness bill fairly adequately, Mr. Chairman. I understand the purposes of that bill. It has a specific purpose with which I am in accord.

But while the Forest Service is chiefly concerned with this, do you support or do you have any reservations in supporting, as far as it would come under your jurisdiction, the principle of sustained yield on forestlands and on BLM lands which have been assigned to the Forest Service for administration?

Mr. TRAIN. I certainly support the principle of sustained yield, and would expect to support it in the exercise of my responsibilities to the extent such a policy would not be inconsistent with the requirements of statute with respect to specific areas, such as wilderness areas.

Senator ALLOTT. I perhaps ought to make a differentiation, too, with respect to multiple use, which I did not make in my question. I was not referring in my question to national parks. I am sure you understood that, did you not?

Mr. TRAIN. Yes, sir.

Senator ALLOTT. I want to clear the record on that point. We are not talking about multiple use of national parks. You understood my question in that way?

Mr. TRAIN. Yes, sir; I did.

Senator ALLOTT. I think that is all at this time, Mr. Chairman, because I know my colleagues have other questions.

Senator ANDERSON. Senator Moss?

Senator Moss. Thank you, Mr. Chairman.

Welcome, Mr. Train. I am sure all of us are delighted that you have been nominated for this very important position. We have had an opportunity to visit a little, and I assure you that I feel you are eminently qualified to take on this position for which you have been nominated and for which this committee is considering you.

Your record in the field of conservation is outstanding, and all of us know it because we work in this field. Just as my two colleagues who have already queried you, my only concern, really, is balance. The point is whether or not we might be overbalanced in recognizing that there are many other demands upon our resources and our public domain other than conservation.

As one of the Senators on this committee who voted against confirmation of Secretary Hickel, it might seem that I would fit into the category of what you might call a purist on conservation and cast a jaundiced eye on other development. I do not so catalog myself. In fact, I am quite concerned about balanced development.

I just want assurance from you that you have that feeling, too; that there is an area of conservation that involves preservation, but there is a large area that involves development and usage in a reasonable way so that we don't damage or destroy the environment. I would like to hear just a few words from you on that subject.

Mr. TRAIN. I think another well-established definition of conservation, and one to which I subscribe, is that it means the wise use and management of natural resources. I am fully aware of the responsibilities of the Department of the Interior and, therefore, myself, for the development, and I emphasize the wise development, of the natural resources of this country—minerals, public lands, and forests to the extent that they are within the purview of the Department.

As I said earlier, I thoroughly understand the need for development in this country, and that certainly includes the development of our natural resources. I look forward in my job to having responsibilities that cut across the entire range of the Department's programs and activities.

I do not see myself as simply occupying a niche as the conservationist in the Department. I have been assured of this by the Secretary. My responsibilities will cut across the entire Department and, of course, these will include the development of water power, the management and development of our public lands and mineral resources thereon, including those on the Outer Continental Shelf.

These are matters in which I am exceedingly interested. I assure you. My experience has not been in this area, but I am very interested and I share your concern for their development in proper fashion.

Senator Moss. Thank you very much. That, of course, is the sort of balance this committee has to maintain. I am chairman of the Minerals, Materials, and Fuels Subcommittee. Of course, its chief concern is how do we develop our minerals and our fuels and extract them, and at the same time give every concern about preserving the environment and keeping beautiful areas set aside for scenic beauty and regeneration of our population. So we do have a very broad jurisdiction.

You, as the Under Secretary, would have to cover that whole broad spectrum. I am glad to hear you say you do not intend to be pigeon-holed into the conservation area alone, conservation as used in the more accepted sense. I agree with you that conservation really has a

much broader definition than the ordinary use of it in everyday language would connote.

Just one more question.

As did Senator Church, I very strongly supported the Wilderness Act and I believe in the preservation of wilderness areas left untouched and untrammled by man. I think we must have some of them. But I have had some concern in recent times that this wilderness concept seems to be expanded unduly, in large areas, by the lack of roads in our national parks. I have a specific example in Canyonlands National Park in my own State.

A national park, in my concept, is set aside and preserved to be made available for people to see. I think that all people ought to have an opportunity to get there whether they have to come in a little car with the kids in the back seat or whether they are people who can come with pack gear, jeeps, or any other means of transportation.

One of the problems we have had is a great reluctance to open areas of the parks for people to see. I wonder about your concept of this. It seems to me that, had the Congress decided it should be a wilderness, it would have been put into wilderness. But they didn't. The Congress decided it should be a national park. I think a national park is something quite different from a wilderness. What do you think?

Mr. TRAIN. I believe that the national park experience that is available to the American people is one of the great experiences that this Government and this Congress have provided. In that connection, I am hopeful that we can provide more of that experience for our people closer to where they live.

That is not entirely responsive to your question, but I wanted to make that point.

I believe that in our national parks we have a kind of dual objective. We must make them available for the use and enjoyment and education—and I would emphasize the word "education"—of as many of our people as is possible and practical.

At the same time, we have the duty imposed by law, and I think desired by the American people, to maintain these really extraordinary and exceptional elements of our American landscape in as natural a condition as possible.

Obviously, these two objectives can run afoul of one another. Too little use, too few facilities, too few roads can mean that an area really is not available for the use and enjoyment of the people, and this should be avoided. Too many facilities, too many roads, may mean that the natural quality of the area is threatened, impaired, if not destroyed, and we run the danger then of really doing away with the very values which the people have come to see in the first place.

So I think here, as in so many things, what we need is a good balance. Just what that balance is, I think, will shift and be different in different situations. But that is my general view on the subject.

Senator Moss. Thank you. I think we are in agreement on that. I agree you have to have balance. If you don't preserve the great scenic wonders that are there, then the park is soon gone, it has been destroyed. On the other hand, if you make it inaccessible, it just sits off by itself and only the very few can walk in far enough or backpack in to see it and have the real park experience.

Goodness knows, our national parks are overcrowded now. We have more visitations each year. In fact, we are having great problems in

some of our better known national parks due to crowding. We need to determine how we can accommodate all the people who want to see them and still preserve them.

But I don't think the answer is simply to lock the doors and say, "Nobody comes in here unless he can walk in on foot." I am glad to hear that you concur with the idea that you must have a balanced approach to their development and that parks are indeed for people. We wouldn't create them if we didn't want people to see them, it seems to me.

When we say "people," I think that means all people. All the citizens own those parks and have a right to come and see them under regulations so they don't destroy them.

I am sure from your response and from the work that you have done already in this field that you will indeed be one of those who urges appropriate protection and preservation, but also wide utilization. That is the theme that I am trying to make.

Mr. TRAIN. I think that is right. Again, it is very hard to generalize, because the circumstances will differ in different cases.

I would not want to leave a misconception in your mind, Senator. I think it is quite appropriate in some areas of the national parks that there be areas that one has to get to not by automobile, but perhaps on foot. I think this is a kind of experience not necessarily easily available to everyone in the country, but it is a high quality kind of experience which is also an obligation of the National Park Service to provide under appropriate circumstances.

We collect in our museums paintings of great value which, to many people, I suspect, are relatively meaningless; but to a few they provide an experience of very high quality. I think we have this kind of diversity of interest among our people and we should provide them with a diversity of experience and certainly not seek the lowest common denominator. I am sure you would agree with that.

Senator Moss. Certainly there would be areas that would not be accessible at all, perhaps, to anybody. Then there would be other areas which would be accessible only by foot or packhorse. But the great, general features that caused that park to be set aside in the first place should be available to the fellow who comes there in his car, who doesn't have the time or the wealth, or he has other members of the family with him, which precludes him from getting very far from his car or very far from the road.

Mr. TRAIN. I think we are in agreement.

Senator Moss. Thank you, sir.

Thank you, Mr. Chairman.

Senator ANDERSON. Senator Jordan.

Senator JORDAN. Thank you, Mr. Chairman.

Mr. Train, your duties will cover a wide range of problems, we all agree. One area in which your background shows you have had less experience than in a great many other fields is in the area of reclamation. Whether you run into it now, or whether you will in the future, I am sure one problem will come up.

That is the continuing controversy and the unresolved conflict that keeps cropping up having to do with the issue of the validity of State water rights as adjudicated under Western States water laws. You can't be expected to have a thorough knowledge and background in

reclamation, I am sure, but I would ask you, Have you any prejudice against the authority of the States in this area?

Mr. TRAIN. I can certainly say I have no prejudice. I am really not familiar with the problem or the subject. I am fully aware, as I assured Senator Church, of the importance of water in the arid States of the West, and fully aware of the great significance and contribution of the reclamation program to those areas.

Senator JORDAN. Just as a further assurance, to put it another way, would you be inclined, or do you have any preconceived notion—and I am sure you don't—to assert the Federal supremacy over State water rights should the issue come before you?

Mr. TRAIN. I have no preconceived ideas on the subject at all, Senator.

Senator JORDAN. You would keep an open mind?

Mr. TRAIN. I would have absolutely an open mind.

Senator JORDAN. You would not align yourself with the federalists who are always telling us, because of the streams being navigable—and navigation is a matter of Federal control—that they can assert a supremacy for navigation, perhaps, over waters for use on the land for irrigation? You have no notion about that?

Mr. TRAIN. I could not answer that at this time, Senator. I just do not know how I would view that problem. I would look at it very carefully and get the best advice from all concerned, including, hopefully, yourself. At this time I could not give an answer to that question, but I would have a completely open mind.

Senator JORDAN. Thank you.

Thank you, Mr. Chairman.

Senator ANDERSON. Senator Burdick?

Senator BURDICK. I welcome you before the committee, Mr. Train. I find you have a very impressive résumé.

I come from the part of the country that is known as where the West begins, where the Middle West leaves off and the foothills of the mountain area start, so I am familiar with both areas.

One of the big problems I want to zero in on, one of the big problems that I see in regard to conservation in my area, is the overenrichment of our great fresh water lakes. The fresh water lakes in Wisconsin, Minnesota, and North Dakota, are an attribute of great value, a great asset to this country, both economically and environmentally, as well as for recreation purposes. A period of death for many of these lakes is occurring very rapidly. It starts with the nutrients entering the lake, fortified material, weed growth, and so on.

Do you believe this problem is of such serious nature that it requires immediate attention on your part?

Mr. TRAIN. I think it is one of the most serious problems we have in the country, as far as our landscape and our natural resources, are concerned. It has been a very rapidly emerging problem.

Up until a very short while ago we weren't aware of this at all. All of a sudden, all over the country, from your part of the United States and the northern tier of States, down into Florida, I know for a fact, we are finding the fresh water lakes of this country, which have given not only so much pleasure, but which support so much water for various uses, are rapidly dying through this process of eutrophication. It is a very important problem and I think it is one that we ought to get at very rapidly.

Senator BURDICK. Would you lend your offices and your energies to this area?

Mr. TRAIN. I certainly will.

Senator BURDICK. Thank you.

Thank you, Mr. Chairman.

Senator ANDERSON. Senator Fannin.

Senator FANNIN. Thank you, Mr. Chairman.

Mr. Train, it is a pleasure to welcome you here this morning, and I join my colleagues in doing so.

Because of the outstanding record you have in conservation, even internationally, I think perhaps you will be given greater scrutiny from those who look at multiple use of the public domain as a great necessity rather than the conservationists.

I would like to refer to a speech you made to the American Forestry Association in 1965 and get your expanded thoughts on a statement you made. You said—

Perhaps we should create a new sort of national park within urban areas themselves. Again, perhaps, outstanding examples of rural landscapes should be given a type of nationally protected status which would, at the same time, permit continuation of their basic agricultural function.

I assume that you are referring to privately owned lands in making that statement. I know you said you would like to see park areas close to urban areas. I am concerned about this nationally protected status.

Mr. TRAIN. About this what, sir?

Senator FANNIN. "Nationally protected status." In other words, you talk about privately owned lands and putting them in a nationally protected status.

Mr. TRAIN. In all honesty, I don't think I have thought much about that statement since I made it in the summer of 1965. I think what I had on my mind then was, first, as I said earlier this morning, the very great need, as I see it, to bring open spaces closer to where people live. It is hard to be more specific than that.

Whether these, in fact, should be national parks, I am not too sure. The national park concept is a rather rigid concept which, when you try to import it into thickly populated regions, may not have sufficient flexibility. I am not sure.

But I am anxious to see our National Park Service and other elements in the Department of the Interior, the Bureau of Outdoor Recreation, the Fish and Wildlife Service, bring their activities and efforts into these urban areas. As part of that, I have watched, over the years, and I think all of us have, the disappearance of agricultural land around our cities, the urban sprawl extending out endlessly into the countryside so that eventually for anybody living in town to see a few trees and a field becomes a matter of a day's journey, even if then.

I believe that the thought I had was that if we can somehow maintain some economically productive agricultural land in its natural use near to centers of population, that, first, I would think some of our rural people would be very happy to have this happen; and secondly, it would provide a diversity of experience for our urban people. I don't think I had anything much more in mind than that.

Senator FANNIN. I agree from the standpoint of having these areas available, but don't you think it should be done through the local and State authorities, and not from the standpoint of the National Government?

Mr. TRAIN. I have no opinion on that.

Senator FANNIN. You said, though, at that time—and I realize this was in a talk, and certainly I don't want to take anything out of context—"nationally protected status." That is what concerned me.

Mr. TRAIN. I would think that things of this sort generally can be done better by local agencies, and obviously would require a real community effort and community understanding of such a program if it were to be successful. I think this is hard to achieve by a national program.

Senator FANNIN. Mr. Train, in speaking of the rights-of-way for interstate highways, you stated:

Let's suppose that instead of rights-of-way measured in hundreds of feet, they became measured, where practical, in thousands of feet; that there would be protected landscape extended for perhaps a mile on either side of an interstate highway.

Do you feel that that is practical? My question would be, Mr. Train: Is this an exception or do you think this could be a rule? Is this to be applied only in certain areas where it would be practical?

This is a broad statement that you make. As I say, it rather frightens me because I would not like to think that you would promote a program to go beyond the limits that are practical in many areas of the country.

Mr. TRAIN. Of course, the highway program is not within the purview of the Department of the Interior, so I wouldn't have much chance to push this.

Senator FANNIN. But you were talking about setting aside land, though. The Federal lands are within your jurisdiction.

Mr. TRAIN. I think the point I was trying to make is that we have an opportunity in this country for more imaginative use of such facilities as highways than we have perhaps taken advantage of in the past. I think I was trying to suggest a multiple-use function for highways, as we have used the concept in other areas in the Nation.

Senator FANNIN. But you called it a protected landscape for a mile on each side. That wouldn't necessarily be multiple use.

Mr. TRAIN. Again, I have not looked at this for 3 years, Senator. But I think the thought I expressed was that in addition to utilizing a highway as a means of driving from point A to point B, and recognizing that a highway necessarily does disrupt a landscape, inevitably, that there also could be provided, as an adjunct to highway use, campgrounds, recreation sites, fishing areas.

We have already started to do this with the small rest areas that are provided on State and national highways. I think all I was suggesting is that this could be expanded in some areas to give the people more value for their money out of their highways.

Senator FANNIN. Mr. Train, I agree with the objective you state at this time. But when we think about the magnitude of the acreage involved, if it were carried through to the point you discussed in this talk, it would really be of great concern to my people in the State of Arizona, and I think to most of the people in the West.

You said, "I do not suggest that we turn the earth into some sort of natural preserve." I realize that throughout the article you are talking generally and certainly not in specifics. But at the same time, it seemed to be a specific recommendation as far as the Interstate Highway System is concerned. That is really of concern to me.

Thank you very much.

Senator ANDERSON. Senator McGovern?

Senator MCGOVERN. Thank you, Mr. Chairman.

Mr. Train, I share the pleasure that my colleagues have already expressed over your nomination. I think of all the nominations that have been announced in the new administration, there isn't anyone who has brought me more personal gratification than yours. Your credentials in the field of conservation and resources are certainly well known and respected by all of us.

There is one question that I wanted to raise for any comment you might want to make on it with reference to Indian affairs. I am going to have some special interest in this area as chairman of the Subcommittee on Indian Affairs.

As you know, our Indian people and Alaskan natives, judged by the criteria of health, longevity, education, and housing, are probably as depressed as any group in the country, if not the most depressed group in the country. Some people would argue that that is because of too much Government paternalism. Others feel it is the opposite; it is a failure on the part of the Government to meet its responsibility in these areas to develop this very important human resource in our country.

I am wondering if you could just comment generally as to your thinking in this area.

Mr. TRAIN. I would be happy to, Senator. As you know, I have had no direct experience with the needs of our Indian people or with the administration of the Bureau of Indian Affairs.

I recognize that this is a very important aspect of the Department of the Interior's responsibility. I have also come to have the impression, at least, that the record of the United States with respect to its Indian peoples is not one of the proudest pages in our history, and that after some 100 years of dealing with this problem, we have made remarkably little progress. I find this is of great concern, as I know it is to many of you.

I have also come to recognize some of the problems involved. I think you have expressed a portion of this, whether there is too much paternalism or too little. I also am aware that the Indian peoples themselves are by no means unanimous in what they conceive to be their own best interests.

I am not by any means really familiar with the problems. I hope to become so. I am personally deeply interested. I think we have not only a major obligation here on the part of the Department and the Government, but also a very exciting challenge to the capacity of the American people to deal with this problem.

Senator MCGOVERN. Thank you very much.

Thank you, Mr. Chairman.

Senator ANDERSON. Mr. Hansen?

Senator HANSEN. Thank you, Mr. Chairman.

Mr. Train, as you know, two bills were introduced in the Senate last year dealing with the question of jurisdiction and control of fish and wildlife. I cosponsored those bills. They were S. 2951 and S. 3212.

At the request of the chairman of the Commerce Committee, it is my understanding that the Conservation Foundation submitted a statement to the Commerce Committee in opposition to at least the first of these bills, S. 2951, concerning fish and wildlife jurisdiction.

The position which your foundation took is disturbing to a number of State game and fish authorities in the West. Specifically, our State game and fish commissioner, Mr. James B. White, who is also the president of the Western Association of Game and Fish Commissioners, has written to me expressing his concern.

Without going into details, I would like to ask if you might approach a further consideration of the second of these two bills with an open mind. I have read the statement that I understand you submitted on behalf of the Conservation Foundation, and I gather that with reference to S. 2951 you take exception to subsection 2 in that bill, which says:

that under well established law set forth in many court jurisdictions, including the Supreme Court of the United States, that the title and ownership of fish and wildlife resides and rests in the several States in trust for the benefit of their people independent of jurisdiction over or ownership of lands, and that it is the primary duty of the States to conserve and protect these resources.

Having read the statement that you prepared on behalf of the Conservation Foundation, I think you make the point very well and back it up with adequate court citations, in questioning the advisability of the use of the word "ownership" in this sense.

The second bill, which addresses itself to the problem of jurisdiction and control rather than ownership, appears to have considerable merit. It seems to me to strike at the heart of the question causing concern to those of us in the West, and specifically of great concern to game and fish commissioners.

I don't really think that it serves any useful purpose to argue over semantics, to concern ourselves with the use of this word "ownership." What I gather the game and fish commissioners, and a number of people in the West, really are more concerned about is whether they shall have jurisdiction and management over the fish and wildlife.

I think I might add parenthetically that most of the people would agree with the thesis that you have so ably developed in the presentation you made on behalf of the Conservation Foundation, that there can be little question about the right of the Federal Government to take what steps may be necessary in order best to protect the habitat upon which fish and game look to for survival.

My question is: Mr. Train, would you be willing to approach, with an open mind, a consideration of the second bill which avoids the difficulties you called attention to that exist in S. 2951? I assume that it will be reintroduced in this session.

Would you be willing to approach, with an open mind, the problem that we recognize in the West and, certainly, I suspect one which is recognized in most States?

Mr. TRAIN. Could I open my reply by saying I showed remarkably little foresight in choosing to file a statement in opposition to a bill or bills that were cosponsored by most of the members of this committee. Considering that I have only filed about three, four or five such statements in the last 3 years, I don't know how I happened to pick this particular subject.

Of course I would bring an open mind to the consideration of new legislation in this area. I think that, as a general statement, is a very important point to make with respect to all matters that will come before me.

I think it is incumbent upon any individual coming into public office, taking on new responsibilities, to take a fresh look at all problems that come before him and not rely upon past judgments. I will have the benefit of far more expertise in this particular field. I will have the benefit, as I did not have when I wrote that statement, of discussion with the State fish and game people.

Let me say on that particular legislation that much of the thinking which I expressed was based upon theoretical, although I believe sound, views of wildlife management, and particularly that sound management of wildlife cannot really be separated from management of the habitat. This was my main point.

It seemed to me that, while habitat remained under the management of the Federal Government, there was serious doubt about the wisdom of separating the management of the game. However, in re-reading that statement, I can fully appreciate that, followed to its logical conclusion, that principle would suggest that we change existing practice with respect to the public domain, the BLM lands, national forestlands.

I hasten to say this was not my intention. It would not be my intention now to pursue that particular course.

Senator HANSEN. Thank you, Mr. Train.

Let me pursue this area of interest just a bit further.

I agree with you that there is a clear relationship between management of habitat and management of game. I don't think the concern of one without the other will lead to anything but bad results. I happen to have had the opportunity, as you know, to participate, as far as State concern and State management goes, on behalf of one of the States. It was my feeling then, and it continues to be my belief, that cooperation, easy lines of communication, frequent conferences on the part of Federal officials and their counterparts at the State level, can do much to erase most of the perplexing problems that may rear their heads as we move along.

With that thought in mind, it is my feeling that the Federal Government and the administrative agencies in charge of Federal lands can see that their interests, their concerns as custodians of these lands, on behalf of all of the people, will be adequately represented and reasonable management plans implemented as a result of this type of conference. This type of communication, sitting down together to see what the problems are and what can be worked out, and that it doesn't necessarily follow that adequate protection and concern for habitat could only be insured by negation of State responsibility and administrative authority and vesting these rights in Federal hands.

Do you agree with that statement?

Mr. TRAIN. I am not entirely certain, Senator, just exactly what you are asking. I am not trying to evade you on that, as I hope you appreciate. I don't wish to make a commitment to something which I am not quite sure I am committing myself to.

Senator HANSEN. Let me assure you, sir, I don't want to have you do that, either.

I would like to say parenthetically I have appreciated your responses, and that you are entirely right in saying that you should have all the facts before you. I don't mean at all to fence you in on this position.

I do realize there was some unnecessary ambiguity in the way I phrased the question.

May I try once more?

Mr. TRAIN. Yes, sir.

Senator HANSEN. What I am asking you, generally, is: Do you share my feeling that if there is a desire on the part of the Federal Government to express through its agencies along with a similar desire on the part of State agencies to try to resolve mutual problems of concern in the area of wildlife, game, and fish management, a great many of these problems can be resolved through conferences and through a mutual desire to work out the problems; and that it doesn't necessarily follow that the only way you can protect the habitat in the final analysis is to give complete authority and jurisdiction to the Federal Government to manage and control game and fish?

Mr. TRAIN. Yes; I certainly would agree with that statement.

Senator HANSEN. Thank you.

Senator ALLOTT. Would the Senator yield there for a question?

Senator HANSEN. Yes; I will be happy to.

Senator ALLOTT. Judge, section 4(d)(8) of the Wilderness Act reads as follows:

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the National Forests.

This was placed in there specifically by this committee with the feeling, as most of us felt, that the States should manage their own game resources. Is there anything in your thinking which is in contravention to the exception made in the Wilderness Act which I have just read to you?

Mr. TRAIN. No, sir. As I understand it, that section was intended to recognize the existing practice which I believe, if I am not in error, is based upon an agreement entered into by the Forest Service with the various fish and game commissions throughout the United States where there are forest lands.

Senator ALLOTT. Thank you.

Mr. TRAIN. I might say that I think, following Senator Hansen's thought about the importance of consultation and discussion in this area, that the legislation introduced in the last Congress on this matter, and the hearings that followed, provided a very useful forum for discussion of this whole problem. To that extent, I think it was a very constructive effort.

Senator ALLOTT. Would you allow me to follow through on one more thought on this matter?

Senator HANSEN. Yes, Senator.

Senator ALLOTT. I think the important thing here is that I personally feel, and I am sure most of the members of this committee feel, that the individual areas of our States—and there are all types of areas in Wyoming, all types in Nevada, all types in Colorado—can only be administered, as far as wildlife and fish, as to hunting and fishing, on a local basis.

The difficulty is—and we have found entirely too much of this in this country—that in putting it upon a Federal basis, with control at a Federal point, it tends to become stylized and stereotyped, which is simply not applicable, or may become completely inapplicable, not only to one State but with respect to several areas within a State.

I think this is the background from which the majority of the members of this committee from time to time have taken the position that

control of the wildlife and fish should remain in the hands of the State with, of course, always, close correlation with the Federal Government.

The only alternative, though, is regulations manufactured in Washington, and most of us have found that these regulations over the years simply do not fit a substantial part of local situations. They have to be fitted to individual areas within States as well as States themselves.

I wanted to get this thought into the record, because this is the difficulty with the Federal approach to it. Slap one set of regulations on 50 States. It is simply impossible to deliver. It is impossible to advance any. It is impossible to make wise use of your wildlife and fish resources.

Mr. TRAIN. I do think flexibility is very important.

Senator ALLOTT. Thank you, Senator, for yielding.

Senator HANSEN. I want to thank you, Senator Allott, for a very important contribution to the discussion on this point.

Let me say, and I simply am reemphasizing what the distinguished senior Senator from Colorado has so eloquently stated, that there are a great variety of types of Federal administrative control over parks in the several States. We run into this repeatedly as members of this committee. We have scenic areas. We have recreation areas. We have national parks, national monuments. We have forest lands, BLM lands, to mention only a few.

I think one of the purposes that was in the minds of the drafters and framers of the legislation—some of which I hope will appear before this committee again this session—is to clarify some of these gray areas that presently exist between the States, insofar as their State authority is concerned; to clarify wherein and how far the Federal Government may wish or seek to exercise Federal authority; and to try to define, as best it can be defined, what the concern, interest, and role of the Federal Government will be on the one hand, and what rightly and properly may be reserved to the States on the other.

It is in this context that I will be interested in seeking a clarification of this issue, because I think it will serve all of us, not only the States but everyone in the country. That really is my purpose in directing your interest at this moment to this question and expressing the hope that you would approach it with an open mind.

May I assure you that I was quite certain I knew what your response would be.

If I may, Mr. Chairman, to reverse the order just a little, let me add my expression of my very real regard for Mr. Train.

I have watched your activities, Mr. Train, for several years. I think that the people of this country recognize in your nomination the appointment of one of the top-flight conservationists not only in this country but in the world as well today.

I am certain that under your guidance we can approach the future with the assurance that the concerns of the people, insofar as conservation and wise use of all of our resources go, will have a very dedicated champion in you, sir. I am pleased, indeed, to see your name before us today.

Mr. TRAIN. Thank you very much, Senator.

Senator HANSEN. I would like to ask unanimous consent that there be included in the record at this point a letter I received from James B.

White, president of the Western Association of State Game and Fish Commissioners, dated January 30, 1969.

Senator ANDERSON. Without objection, it is so ordered.

Senator HANSEN. Thank you, Mr. Chairman.

(The letter referred to follows:)

STATE OF WYOMING,  
GAME AND FISH COMMISSION,  
*Cheyenne, January 30, 1969.*

HON. CLIFFORD P. HANSEN,  
U.S. Senator, Senate Office Building,  
Washington, D.C.

DEAR SENATOR CLIFF: Replying to yours of January 23rd, I wish to state that the Western Association of Game and Fish Commissioners are more deeply disturbed than at any time in recent years with regard to pronouncements arising in the Department of Interior concerning the legal status of fish and resident wildlife. Their main effect appears to us to be that of removing from the people of each state the precious common property equity in fish and resident wildlife.

Through a series of pronouncements, legal memoranda, and administrative actions, the Interior alleges that ownership of land carries with ownership of fish and wildlife.

We in the Western States contend that historically the ownership of wildlife is separate from ownership of land. Our contention has been supported, not alone by long and tried tradition, but by the decisions of the Supreme Court of the land.

We further contend that the wildlife resources can be best managed by the individual western states. Management and regulatory authority by federal or private ownership would be so burdensome, so complicated as to render regulations impossible to administer. For example, there lies within the exterior boundaries of the several western states, federal, state and private lands in checkerboard and intermingled conglomerations, controlled or regulated by many varied bureaus. Imagine the confusion that would be created if the public was burdened with a different and separate set of regulations from the following federal bureaus, the U.S. Forest Service, the Bureau of Land Management, the Bureau of Reclamation, the Park Service, the Naval Reserve, the Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the state and private sector, plus the administrative expense of marking each single sector so that the user would not be in continual trespass and violation of regulation.

The Secretary of the Interior has made several attempts to resolve this dispute through softening of his original position, but remained steadfast in his position that ownership, management and regulatory authority over wildlife is tied directly to land ownership.

For this reason, the Western Association of Game and Fish Commissioners believe that Congress, with their wisdom and authority, should set forth the policy for all to obey and follow.

This Association of Western State Game; and Fish Commissioners does not seek to effect in any way the following controls by federal land management agencies.

1. Any International Treaty involving regulation of migratory birds.
2. Fish and Wildlife now protected by Rare and Endangered Species Act.
3. The Bald Eagle Act.
4. Rights of Indians or natives of Alaska to hunt and fish as established by Treaties or Acts of Congress.
5. The management of lands or control of wildlife species which have been, or may be ceded by any State to the United States.
6. The federal responsibility for managing, conserving, developing and protecting the habitat, soil and watershed on federal lands.

We support proposed legislation now before Congress, S-2951 and S-3212. We believe passage would conclude this dispute once and for all.

Respectfully submitted.

JAMES B. WHITE,  
*President, Western Association.*

Senator ANDERSON. Senator Metcalf?

Senator METCALF. Thank you, Mr. Chairman.

Judge Train, I join with my colleagues in welcoming you before

the committee. Of course, I will be delighted to vote for your confirmation. I am not going to ask any questions. I am just going to make an observation.

When I first came to Congress, you were associated with the Ways and Means Committee in the tax business. I have actually read some of the decisions in which you participated. I know that the readership of that Tax Court is rather limited.

I would vehemently oppose some of your ideas on taxes, but I would certainly as vehemently support you as a conservationist. I congratulate you on your very good judgment in leaving the complexities, ambiguities, and vagaries of the Tax Court and going into the conservation business.

I say it is good judgment because I went through a travail very similar to that the other day and left the Finance Committee, preferring to stay on this more constructive and operational committee. Therefore, I know that you are going to be in trouble with this Senator, just the same as you are in trouble with every other Senator who has interrogated you, before your term has expired. If you aren't in trouble with me, you are not doing a very good job.

I think your background, your ability, and the constructive viewpoints that you bring to the Interior Department will be in the best service of the Nation. I congratulate the President and Secretary Hickel for your appointment. I will be delighted to vote for your confirmation.

Mr. TRAIN. Thank you, Senator, very much.

Senator ANDERSON. Senator Hatfield.

Senator HATFIELD. Mr. Chairman, I have already welcomed Mr. Train to the committee.

I have two brief questions:

In your background, you served with great distinction on the National Water Commission. Therefore, you are quite familiar with some of the water problems of our country. Would you care to comment at this time on your views on interbasin or interregional water transfer?

Mr. TRAIN. The quick answer to that, and the direct answer, is I would not care to comment.

Senator HATFIELD. Will you?

Mr. TRAIN. Let me hasten to say, Senator, that I was only appointed to the Water Commission, I believe, in late November. We have had about two meetings. They were largely organizational in character. I don't feel that I am a great expert on water. I feel that after 5 years on the Water Commission, which is its tenure, if I had remained on it, hopefully I would have been an expert after such a period of time.

I have submitted my resignation to the Water Commission to take effect with my new office, as I believe the statute prohibits a Federal employee from being a member of the Commission.

I really don't know anything about interbasin transfers at all, Senator. I can speak very generally, that I recognize the problems of the arid portions of the country; I recognize the problems of your portion of the country, which presumably wishes to hang onto its water.

I am suspicious of short-term forecasts. I think we need a great deal more knowledge. But I hasten to say that I feel I have no expertise in this field, and really would have nothing further to offer on it.

Senator HATFIELD. Mr. Train, you are aware of the central Arizona project, which includes in it a 10-year moratorium. Because of the feeling on the part of this committee that there is, as you point out, inadequate information, there is a need to get a long-range study, a long-term indication of water needs before transfer or basin transfer.

In order to make it clear in the record, I would like to say that as a member of a delegation from the Northwest, which is oftentimes looked upon as an area of water surplus, that this is part of the very evidence of why such studies are so vitally important, because water surplus is one of the labels which seems to be tied around us. I don't think any person, other than a very provincially minded person, would want to see a waste of any resource when there are other areas in need of that particular resource.

We do not want to hang on merely for the sake of possession, but rather, because of an inadequate distribution that exists there now with the water resource and perhaps inadequate projection of our future needs.

I only brought up the subject not to try to cage you in in any way, but rather, to emphasize the importance of the Department taking this long-term view, which I am sure will be the attitude taken by the National Water Commission. I am sure it will be by all of us who are interested in water.

The second question I would like to ask relates to water resources, too. As you know, the Bonneville Power Administration, which operates the Columbia River power system, provides half of the electric energy for the Northwest and 8 percent of the transmission lines for the Northwest.

Obviously, this is an important key to the continued progress of the Northwest. Recently, the Bonneville Power Administration has been participating in a series of discussions with all of the various form of distribution, utilities, private-public co-ops, rural users, all types, in an effort to get a closer Federal-State coordination in power development and power utilization.

My question is simply that in light of this kind of activity already underway, and in light of projections of population and development for the Pacific Northwest, and the West generally, will you give us your views as to what you think the role of the Department is in meeting the complex problems of the Nation's growing power needs?

Mr. TRAIN. Here, again, let me preface my remarks by saying that I have no expertise in this field. I am aware of the developing power program of the Northwest, based upon the close, cooperative effort of public-private power, cooperatives, municipal agencies, and I think, speaking personally, this is a most constructive development.

We seem to have hopefully left the era of public-private power fights in that area, at least, and I think it is a tremendously constructive and hopeful sign. I would see no reason why the Department should not continue to encourage the development of this particular program.

I am hoping to meet very shortly with the Bonneville Administrator, Mr. Richmond, of whom I have heard very fine things. I will hopefully then know a great deal more about the subject.

Senator HATFIELD. I appreciate your statement.

Thank you, Mr. Chairman.

Senator ANDERSON. Senator Gravel.

Senator GRAVEL. I believe Senator Metcalf will be sending you a book on that subject.

Senator METCALF. I made a note to send you a copy of "Overcharge."

Mr. TRAIN. I will read it with an open mind, Senator.

Senator GRAVEL. I think we have covered the points of interest I had in a private meeting yesterday. It is a pleasure meeting you personally. I will say that I will vote for your confirmation and I know it will come about. I wish you well in your task.

Mr. TRAIN. Thank you very much, sir.

Senator ANDERSON. Senator Stevens.

Senator STEVENS. Thank you, Mr. Chairman.

Mr. Train, I also enjoyed our visit. I am delighted to see that the President has chosen an attorney to be the Under Secretary, having had a little experience down there. I have just two questions. One is for my own information.

Who succeeds you as the President of the Conservation Foundation?

Mr. TRAIN. I am glad you asked that, Senator. I don't know. We are looking for a candidate. Perhaps this question and answer on the record will generate some candidates.

Senator STEVENS. Thank you.

Secondly, I noticed from your biographical sketch that you are honorary trustee of the Tanzania National Parks. That raised in my mind, strangely enough, the question of overnight facilities in the parks that are located in the State of Alaska. I wonder if you have ever expressed yourself concerning the advisability and necessity for overnight facilities within parks where there are no adjacent communities?

Let me tell you I was very disturbed about a proposal to establish additional park areas in Alaska without any advance warning to our people. But basically, in Alaska it is very difficult to visit these park areas without some program for overnight facilities. Have you ever expressed yourself?

Mr. TRAIN. This is a dangerous statement to make, but I don't believe I ever have.

Senator STEVENS. Have you any views on it?

Mr. TRAIN. If you have been in this business for a while, you are apt to have said something on most everything, unfortunately.

I would certainly feel that a national park, particularly one which is a very large area, that is not easily susceptible to visitation from some local community, ought to have accommodations and facilities to make it possible for people to visit the area and under reasonably convenient circumstances.

Senator STEVENS. I am glad to hear you say that. Legislation for a national monument that I understand will be submitted to this committee, the Gateways to the Arctic National Monument, has the problem that in order to get there you have to have probably a twin-engine float plane and a helicopter standing by to lift you over to see the scenic wonders of that part of northern Alaska. I think all Alaskans would like to see those things developed, but we would like to see that John Q. Citizen can see them, and not just those who can afford the type of heavy artillery you have to have to get there under the present circumstances.

There is no program at all to develop certain areas of our State, which I would like to talk to you about some time.

Mr. TRAIN. I will be happy to.

Senator STEVENS. Thank you.

Senator ANDERSON. Are there any further questions?

If not, I have for inclusion in the hearing record letters from W. Lloyd Tupling, of the Sierra Club; J. W. Penfold, of the Izaak Walton League; and Robert J. Bird, a member of the law offices of Alvord & Alvord of this city.

(The letters referred to follow:)

SIERRA CLUB,

Washington, D.C., January 31, 1969.

HON. HENRY M. JACKSON,

Chairman,

Senate Interior and Insular Affairs Committee,

Washington, D.C.

Dear Mr. CHAIRMAN: The Sierra Club supports the nomination of Russell E. Train as Under Secretary of the Department of the Interior.

Mr. Train's background in the law, governmental affairs and conservation will bring unique capabilities to the Department which, more and more, is involved in fixing policies for management of resources that determine the quality of life in our country. As President of The Conservation Foundation, Mr. Train implemented a number of projects to illustrate how development planning based on ecological study can maintain environmental values. As Mr. Train wrote in the introduction of the Foundation's report on Rookery Bay Project: "In some instances conflicts between development and preservation may be irreconcilable. But in many instances they are not". It is important that the Department have in its top echelon a man who thoroughly recognizes these facts.

It is hoped that as Under Secretary, Mr. Train will have authority and influence so as to give reality to a precept he has long espoused as president of the Foundation, namely to encourage human conduct to sustain and enrich life on earth. Prompt confirmation of his nomination is urged. I will appreciate inclusion of this letter in the hearing record. With best wishes, I am

Sincerely,

W. LLOYD TUPLING,

Washington Representative.

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,

January 31, 1969.

HON. HENRY M. JACKSON,

Chairman,

Committee on Interior and Insular Affairs,

U.S. Senate, Washington, D.C.

DEAR "SCOOP": The Izaak Walton League, by traditional policy neither supports nor opposes the confirmation of Presidential nominations. It would be proper for me, however, to inform you of my personal appraisal of Russell E. Train who has been nominated for the position of Under-Secretary, Department of the Interior.

I have known Mr. Train for years and worked with him on a variety of conservation and environmental projects. He has great ability, a sharp and incisive mind, a high degree of fairness and compassion and a willingness to look at issues objectively. He is a man of personal and intellectual integrity. His commitment to the conservation of natural and human resources and to environmental quality is complete. His knowledge of these matters is broad and deep. His personal characteristics are such that his relationships with colleagues and associates at all levels are exemplary.

In my judgment he is eminently qualified to play an important role in the far-fung programs of the Department of Interior and would add stature and wisdom in the policy and decision making that will face Interior the next several years. I earnestly hope that he will be approved by your Committee and confirmed by the Senate.

Sincerely,

J. W. PENFOLD, Executive Director.

ALVORD & ALVORD,  
Washington, D.C., January 30, 1969.

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

Dear Mr. CHAIRMAN: According to the press, the President plans to name Russell E. Train as Underseretary of the Interior. As of the date of this letter, Mr. Train's name has not been submitted to the Senate, but I do want to go on record as urging that your committee endorse him promptly and favorably to this post.

I have known Mr. Train since 1953 professionally and socially, and have the greatest respect for his legal ability and his integrity. He has served in a variety of administrative posts prior to becoming a member of the Tax Court and I know that he will make a great contribution to the Department of the Interior, or in any other capacity to which the President may appoint him. In my judgment, the President could not have made a better selection for a position of the type Mr. Train is being called up to fulfill.

With high respect,

ROBERT J. BIRD.

Senator ANDERSON. Mr. Train, we have a final question we always ask, but we will ask it in executive session. We will recess this session now and ask you to step into the library with the committee.

Mr. TRAIN. Thank you, Mr. Chairman.

(Whereupon, at 11:28 a.m. the committee proceeded in executive session.)

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