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FEDERAL LANDS FOR PARKS AND RECREATION ACT OF 1969

GOVERNMENT

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HEARING BEFORE THE SUBCOMMITTEE ON PARKS AND RECREATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE NINETY-FIRST CONGRESS

FIRST SESSION

ON

S. 1708

A BILL TO AMEND TITLE I OF THE LAND AND WATER
CONSERVATION FUND ACT OF 1965 (78 STAT. 897), AND FOR
OTHER PURPOSES

MAY 14, 1969



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FEDERAL LANDS FOR PARKS
AND RECREATION ACT OF 1959

HEARING

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FEDERAL LANDS FOR PARKS AND RECREATION ACT OF 1969

WEDNESDAY, MAY 14, 1969

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

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (committee chairman) presiding.

Present: Senators Jackson, Anderson, Bellmon, Church, Hansen, Hatfield, Fannin, Moss, and Nelson.

Also present: Jerry T. Verkler, staff director; Denny M. Miller, Daniel Dreyfus, and Porter Ward, professional staff members; William Van Ness, special counsel; and Charles Cook, minority counsel.

Senator JACKSON. The committee will come to order.

The purpose of today's hearing is to receive testimony on S. 1708, the Federal Lands for Parks and Recreation Act of 1969 which I introduced on March 27.

The purpose of this legislation is to make surplus Federal property more readily available to State and local governments for park and recreation uses. Under existing law, State and local governments are required to pay a full 50 percent of fair market value for surplus property if the contemplated use is for public park or recreation purposes. This bill would authorize the sale of these lands to State and local governments for these purposes at prices ranging from 0 to 50 percent of fair market value, depending upon certain criteria and standards set out in the bill.

I think we all agree that recreation is certainly a highly justifiable purpose for the use of surplus Federal lands. It is my belief that the sale price structure for these lands should reflect the importance of parks and recreation in our national life.

Under present law, surplus Federal land can be disposed of at no cost if the intended use is for a historic monument, a public airport or for wildlife purposes. Similarly, if the intended use is for public health or for educational purposes, the property may be conveyed at 0 to 50 percent of fair market value.

As a result, many State and local governments are forced to make land-use decisions based on the relative price discounts available, rather than upon the real needs and desires of local people. Land needed for park and recreation purposes, for example, may be dedicated to other competing uses merely because it can be attained at a lower price for these purposes.

The need for this legislation is indicated in a recent report published by the National League of Cities which states in part, and I quote: "Land acquisition (for parks and recreation purposes) has become difficult, if not impossible, in most of the Nation's cities. Even where there is land available, the need for new acreage far outstrips available funds."

Because of escalating land costs, especially in our urban areas, local and State governments have been unable to acquire sufficient property to meet the burgeoning demands for recreation and for open space.

The failure of this administration and the previous administration to request the funds authorized for appropriation to the Land and Water Conservation Fund is another factor which seriously restricts the capability of local government to meet growing recreational demands.

The lack of outdoor recreational facilities where children can play and adults can temporarily escape the daily pressures of urban society is one of the causes of unrest in our cities and the dissatisfaction with urban living. Unless we initiate measures to provide local and State governments with incentives and methods to acquire surplus properties for park and recreational uses, this land will be acquired for other purposes and will be permanently lost as recreational property.

At the present time, there are surplus Federal lands located in 48 of the 50 States as well as the District of Columbia. Some of these properties have great value and great potential as park and recreational assets. We have, I believe, a great opportunity to insure that these lands remain in public ownership and in public use.

I want to emphasize that, although I firmly believe that S. 1708 would be an effective tool in helping our State and local governments attain much needed recreational property, I am certainly receptive to suggestions for improvement of the measure. I have already received helpful suggestions concerning the handling of surplus personal property and the possible need for a reverter clause in the bill. Today I hope we will receive additional comments from the administration and other public and private witnesses on how S. 1708 might be revised to provide the greatest possible recreational benefits to our Nation.

A copy of the bill and the departmental reports will be printed at this point.

(The data referred to follow:)

[S. 1708, 91st Cong., first sess.]

A BILL To amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Lands for Parks and Recreation Act of 1969".

SEC. 2. Section 2(b) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (effective March 31, 1970, section 2(b) becomes section 2(a) pursuant to the provisions of Public Law 90-401, July 15, 1968), is further amended by deleting the last sentence and adding the following new paragraphs:

"Provided, however, That, notwithstanding the provisions of the Surplus Property Act of 1944, as amended, and the Federal Property and Administrative Services Act of 1949, as amended, States and their political subdivisions shall have the right, for a period of five years from the date of enactment of this Act, to acquire from the United States surplus Federal real and personal property for park and recreation purposes by the following methods:

"(1) Where the State or its political subdivision originally donated the property to the United States, the surplus Federal property may be reacquired at no cost;

"(2) Where the United States paid valuable consideration for the property to the State, its political subdivisions, an association, or to an individual, the State or its political subdivision may acquire the surplus Federal property at the original cost of purchase; or

"(3) Where a State or its political subdivision so elects, it may acquire surplus Federal property at zero to 50 per centum of the fair market value as determined by the General Services Administration in accordance with the recommendations of the Secretary of the Interior based on the following standards:

"(i) the suitability of the property for park and recreational uses;

"(ii) the accessibility of the property to major population centers;

"(iii) the need for park and recreational facilities in the immediate geographical area;

"(iv) the highest and best use of the property taking into consideration the need of future generations for parks, open spaces, and recreational opportunities.

"The Secretary of the Interior is directed to prepare and publish guidelines and regulations for implementing these standards in making the price discount determinations set out in this section.

"Except as provided in this section, nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus Federal property to schools, hospitals, States, and their political subdivisions."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1969.

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

DEAR MR. CHAIRMAN: Your Committee has requested a report on S. 1708, a bill "To amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes."

At present under section 13(h) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622(h)), surplus real and related personal property of the Federal Government which the Secretary of the Interior deems suitable and desirable for use as a public park or recreation area may be conveyed to States and their political subdivisions on a discount basis of 50 percent of the fair market value of the property. S. 1708 would enable the States and their political subdivisions to acquire surplus Federal property for such uses on a more discounted basis, if not free of cost.

S. 1708 would authorize the States and their political subdivisions, for a period of 5 years from the date of enactment, to make such acquisitions:

1. At no cost where the property was originally donated to the United States by the involved State or its political subdivisions;

2. At the original purchase price where the United States purchased the property;

3. Or, at their option, at a sliding scale of zero to 50 percent of the fair market value of the property, as determined by the Administrator of General Services upon recommendations of the Secretary of the Interior based on suitability, accessibility, need, and alternative use considerations.

We recognize that escalating land values, particularly in urban areas, have often precluded financially pressed State and local governments from obtaining the benefits of the existing 50-percent discount on acquisitions of surplus Federal property suitable for park and recreational uses. We, therefore, are in favor of the objective of S. 1708 of affording State and local governments substantially cheaper—if not free—means of making such acquisitions. Such action should significantly accelerate the development of sorely needed recreation opportunities in urban areas.

We are concerned, however, that two of the three contemplated means of acquisition do not require any determination that the surplus Federal property is actually needed for park or recreational purposes. Accordingly, we recommend that S. 1708 be amended to make the suitability, accessibility, need, and alternative use considerations now applicable only to the sliding scale conveyances applicable to all conveyances under the bill. Additionally, we believe that the consideration of need should be specifically related to the comprehensive statewide outdoor

recreation plan required under section 5(d) of the Land and Water Conservation Fund Act of 1965.

We also recommend that, as in the case of surplus Federal property conveyed under section 13(h) of the Surplus Property Act of 1944, as amended, provision be made for reversion of title to the property to the United States in the event a State or political subdivision fails to use it for park or recreation purposes.

We wish to point out that section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(k)), authorizes the Secretary of the Interior, with respect to property transferred under section 13(h) of the Act to enforce compliance with deed restrictions and to grant amendatory instruments. Section 203(k) also authorizes the Secretary to grant releases from deed restrictions and to convey any interest reserved to the United States, if he determines that the property so transferred under the 1944 Act no longer serves the purposes for which it was transferred or the release will not prevent accomplishment of the purpose for which the property was transferred. In our judgment, the Secretary should have the identical authorities for property transferred under the proposed legislation.

The reference to "associations" and "individuals" in paragraph (3) on page 2 does not include "corporations". The term "person" is more appropriate.

While we have no basis for projecting the amounts involved, enactment of S. 1708 would obviously reduce proceeds from surplus property sales that have been the primary revenue source for the Land and Water Conservation Fund. In order to maintain the financial stability of the Fund, we recommend that S. 1708 be amended to make the period of its applicability concurrent with the availability of the supplemental revenue sources provided for the Fund under section 2 of the Act of July 15, 1968 (82 Stat. 354, 355).

In order to give effect to the above recommendations, we suggest that line 11, page 1 through line 8, page 3 be revised to read as follows:

Provided however, That, notwithstanding the provisions of the Surplus Property Act of 1944, as amended, and the Federal Property and Administrative Services Act of 1949, as amended, States and their political subdivisions may acquire until June 30, 1973, from the United States for public park and recreation purposes surplus Federal real and personal property that the Secretary of the Interior has recommended for such acquisition based upon the suitability of the property for park and recreational uses; the accessibility of the property to major population centers; the need for park and recreation facilities in the immediate geographical area, as identified in the comprehensive statewide outdoor recreation plan required under section 5(d) of this Act; and the highest and best use of the property taking into consideration the need of future generations for parks, open spaces and recreational opportunities. Conveyances of such property for park or recreation purposes shall be in accordance with one of the following methods as determined by the State or political subdivision thereof:

"(1) Where the State or its political subdivision originally donated the property to the United States, the surplus Federal property may be reacquired without the payment of any consideration; or

"(2) Where a State or its political subdivision so elects, the surplus Federal property may be acquired at zero to 50 per centum of the fair market value, as determined by the Administrator of the General Services Administration in accordance with the recommendations of the Secretary of the Interior; or

"(3) Where the United States paid valuable consideration for the property to the State, its political subdivisions, or to any person, the State or its political subdivision may acquire the surplus Federal property upon the payment of the cost to the United States at the time of such acquisition.

"Deeds conveying any surplus real property disposed of under this authority shall provide that the property shall be used and maintained for the purpose for which it was conveyed, and, in the event that such property ceases to be used or maintained for such purpose, such property shall at the option of the Secretary revert to the United States. The deeds may also contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interest of the United States. The Secretary of the Interior may exercise all of his existing authorities under section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended, as to property transferred under this Act."

It should be pointed out that the third alternative relative to the acquisition of surplus Federal property whereby the State may elect to acquire at the original

cost would apply in situations where the United States has acquired the property from private individuals or organizations in addition to acquisitions from a State or local subdivision of the State. We support this approach because it will make available more Federal property for park and recreational purposes.

Lastly, in connection with the authority to acquire surplus property at 0-50 percent of the fair market value, we assume that this would include the value of the improvements. In the cases, however, where the State or subdivision is permitted to acquire the land that was donated by them or land which was sold to the United States, the value of the improvements would not be considered and the State or local subdivision would not have to make any payments for such improvements. In some cases these improvements could, of course, be substantial. We believe, however, that this approach is reasonable in light of the general policy of the bill which is to provide additional park and recreational land.

The Bureau of the Budget has advised that while there is no objection to the presentation of this report, the Bureau and other interested agencies are concerned with certain effects of the bill and are unable to recommend enactment of S. 1708.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 13, 1969.

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

DEAR MR. CHAIRMAN: This is in response to your request of April 14, 1969, for the views of the Bureau of the Budget on S. 1708, a bill "To amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes."

The bill would give the States and their political subdivisions the right to acquire surplus Federal real and personal property for park and recreational purposes for a period of five years, notwithstanding provisions of the Surplus Property Act of 1944, and the Federal Property and Administrative Services Act of 1949, as amended, under the following methods:

(a) Where the State or political subdivision originally donated the property to the Government, the property could be reacquired at no cost.

(b) Where the Federal Government paid for the property, the State or political subdivision could acquire the property, at its election, either at the original purchase price or at a price ranging from zero to 50 percent of fair market value as determined by the Administrator of General Services in accordance with specified recommendations of the Secretary of the Interior.

The bill's apparent intent, with which we are sympathetic, is to encourage State and local governments to acquire and develop additional lands for parks and recreational opportunities.

With respect to the provision which would allow States and their political subdivisions that have donated property to the Federal Government the right to reacquire the property without charge, we generally do not object to such reacquisitions when it can be demonstrated to the Congress that such action is equitable. However, there are a number of other provisions in the bill which, in our view, involve difficulties as to approach and concept.

First, by giving the States the *right* to acquire surplus real and personal property for park and recreational purposes, S. 1708 appears to establish a priority for such use, regardless of the highest and best use of the property. The highest and best use might be for schools, hospitals, housing, industry to increase opportunity for economic development, or for a number of other purposes. We believe that the principle of highest and best use should be retained in the disposal of surplus real and personal property.

Second, the availability of surplus Federal land in a donation or partial donation program tends to encourage State and local governments not to use sound judgment by acquiring such real property even when it is not the most suitable property for the purpose acquired. Property having an extremely high current market value has occasionally been donated for a purpose which might have been served with less valuable property. Such situations are aggravated when the sale of such property could have increased local tax revenues and helped the economy

of the community. To provide a further reduction in the price to be paid for park and recreational conveyances might well tend to encourage local governments to acquire less suitable land in the locality than could be acquired through the use of Land and Water Conservation Fund Act grants.

Third, the provision that conveyances of surplus property to the States and their political subdivisions at the price the Federal Government originally paid for the property would be a departure from a fair value standard. This method of price determination might result in enormous windfalls to some States and political subdivisions while others would be afforded little or no advantage. Some surplus lands were acquired many years ago at what would now be considered nominal cost. More recent land acquisitions would have been at prices more closely reflecting present values.

In addition, under paragraphs (1) and (2) of the provision in S. 1708, it is not clear how Federal improvements to the property would be disposed of. If it is intended that such improvements would be conveyed with the property originally donated or sold by the State or locality, further windfall could result. Where the State or political subdivision donated the property to the United States, it could reacquire the property at no cost regardless of the value of Federal construction or other improvements. Under paragraph (2), were the United States paid valuable consideration for the property, the State or political subdivision could acquire the property at the original purchase cost, with no compensation to the United States for valuable Federal improvements on the property.

Fourth, S. 1708 would authorize a departure from the general standard of 50 percent Federal assistance for State and local recreation project costs. At present, a discount equal to 50 percent of fair value is authorized by the Surplus Property Act of 1944, as amended, for Federal surplus property sold to public agencies for park and recreational purposes. In addition, 50 percent Federal assistance for the capital costs of State and local recreation projects is available under the following major Federal programs: (1) the Land and Water Conservation Fund State assistance program, (2) the Open Space Land program, (3) the separable recreation costs for small watershed program (P.L. 566), (4) the Community Action Programs authorized by the Economic Opportunity Act of 1964, and (5) the separable recreation costs for Federal water projects built by the Corps of Engineers and the Bureau of Reclamation.

Fifth, the bill does not include a provision to require that the property will revert to the United States if the Secretary of the Interior determines that the property is not being used for the purpose for which it was conveyed.

Sixth, Federal surplus property is not distributed evenly or necessarily located where shortages of park and recreational opportunities exist. While equity might be improved by adjusting the distribution of grant assistance among the States under the Land and Water Conservation Fund grant program, such adjustments would be extremely difficult to make and would likely be only partially successful.

In view of these concerns, we are unable to recommend enactment of S. 1708. However, we recognize that the general structure of our system of Federal real property disposal needs improvement because of some inequities in Federal surplus property disposals under various public use authorities. We have worked with the major program and property disposal agencies to perfect the system, and are still interested in improving the disposal program. We would be happy to work with the Committee to develop appropriate legislation to achieve that objective.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

Senator JACKSON. Do any members of the committee have a comment before I call the first witness?

Senator Hansen?

STATEMENT OF HON. CLIFFORD P. HANSEN, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator HANSEN. Mr. Chairman, I am proud to be a cosponsor of S. 1708, the bill you introduced to make surplus properties available to States and their political subdivisions for parks and recreational purposes at less than 50 percent of fair market value required under

present law. This legislation will be an effective means to insure that surplus Federal property particularly suitable for recreation is used to provide the public with needed recreational facilities.

Under the present law State and local governments often have not been able to acquire needed lands for recreation because of a shortage of funds at the local, State, or Federal level. If the funds are available for acquisition of needed land, sometimes there is nothing left in the budget for the development and improvement of those lands so that the public can enjoy the full recreational value of the area.

This legislation will make suitable Federal lands available at little or no cost and thereby insure the devotion of that property to recreational use.

In addition, the State and local governments will have more funds available for the proper development and improvement of lands acquired for park and recreational purposes.

Mr. Chairman, I hope that the hearings today will lead to an early enactment of the Federal Lands for Parks and Recreation Act of 1969.

Senator JACKSON. Thank you, Senator Hansen, for a very fine statement.

Any other comments? Senator Moss?

Senator Moss. Mr. Chairman, as a cosponsor of this legislation, I wish merely to reiterate my strong support for this legislation. I have a letter here from F. C. Kozoil, director of the Division of Parks and Recreation, State of Utah, showing my State's support of the bill. I ask that this letter be included in the hearing record at this point.

(The letter referred to follows:)

STATE OF UTAH,
DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF PARKS AND RECREATION,
Salt Lake City, Utah., May 12, 1969.

Re S. 1708.

Hon. FRANK E. MOSS,
Committee on Interior and Insular Affairs, U.S. Senate,
Senate Office Building, Washington, D.C.

DEAR SENATOR MOSS: It has come to the attention of our Division of Parks and Recreation in the Utah Department of Natural Resources that Senator Henry M. Jackson, chairman of the Interior and Insular Affairs Committee, has introduced S. 1708, "The Federal Lands for Parks and Recreation Act of 1969." As we read the bill and the comments by Senator Jackson we understand that the purpose of this measure is to make surplus federal property available to state and local governments for park and recreational purposes at prices which reflect the important role recreation and open space play in our contemporary life.

We understand that the hearing on S. 1708 is scheduled by the above-mentioned committee on May 14 to get support for the measure and to seek its early passage. Our Division has felt for a long time that state and local agencies were not receiving adequate recognition from federal agencies in the disposal of surplus real estate and other properties for the benefit of advancing progress and development of recreation areas. We are, therefore, very pleased that Senator Jackson has introduced this bill to liberalize federal policies in this regard, particularly because at the present time there has been a severe contemplated cut-back in the allocation of Land and Water Conservation funds to the Bureau of Outdoor Recreation for distribution to federal, state, and local agencies. Particularly of deep concern to the states are the rapidly escalating land prices where acquisition of private and other property is sought for recreational developments. We think that the implementation of S. 1708 at this time, particularly in connection with the large number of surplus federal real estate areas that are listed by the G.S.A., would be extremely timely and would go a long way towards meeting important local problems insofar as suitable land area for recreational purposes is concerned.

We note that the G.S.A. listing of properties as of December 31, 1968, includes a tract of 357.83 acres of unimproved land in the Moab area. It is possible that this land may be suitable for development as a state or city recreation area.

We are not familiar with its specific location or description. In any event, we would like to urge your support at the hearing on May 14 on S. 1708 and urge its early passage.

Speaking of availability of federal surplus property, we would also like to have you explore the possibilities of broadening federal surplus property legislation to include personal property, equipment, supplies, and vehicles to state and local agencies for recreational purposes. I believe that this has been a matter under some consideration in Congressional legislation. Such broadening authorization would be very helpful in providing the things that are needed for the development and operation of state and local recreation areas.

At the conclusion of the May 14 hearing our Division would be interested in being informed briefly as to the nature of testimony rendered there and the possibility of early passage of S. 1708. We would also be interested in having your office pursue information relative to the accurate land description of the surplus tract listed near Moab. We would then make an investigation of the suitability of this land for recreational purposes.

Sincerely yours,

F. C. KOZIOL, *Director.*

Senator JACKSON. Senator Magnuson, my colleague from the State of Washington and chairman of the Senate Commerce Committee, has submitted a statement for the record.

STATEMENT OF HON. WARREN G. MAGNUSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator MAGNUSON. Mr. Chairman, I appreciate the opportunity today to lend my encouragement and support to S. 1708, the Federal Lands for Parks and Recreation Act of 1969. The purpose of S. 1708 is to make surplus Federal property more easily obtainable by State and local governments for park and recreation use.

One of the great and important goals of our country is to provide open spaces in our cities and urban areas. It is extremely important that the Federal Government play a central role in seeing that this goal is achieved. One way that this can be accomplished is to modify the standards laid down in the Surplus Property Act of 1944.

Particularly important is the provision in this bill which will allow local governments to purchase available surplus Federal property at a price less than 50 percent of fair market value—50 percent was the magic number under the Surplus Property Act of 1944. I particularly am impressed with the provision which states that if a State or political subdivision originally donated the property to the Federal Government, that this same political subdivision or State may reacquire it at no cost. I think that there are strong policy reasons for supporting this bill and I give it my wholehearted endorsement today.

Hopefully, this will set a trend which will prompt our local governments to acquire surplus property for open spaces which they so desperately need if the children of the future are to have places where they can enjoy our country in all its beauty.

Senator JACKSON. Senator Kennedy, of Massachusetts, has sent a letter endorsing this legislation. Without objection, it will be printed at this point.

(The letter referred to follows:)

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., May 14, 1969.

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

DEAR MR. CHAIRMAN: I am sorry that Hearings of the Select Committee on Nutrition and Human Needs prevented my attendance at your hearings today on S. 1708, the "Federal Lands for Parks and Recreation Act of 1969".

I am happy to add my name as a co-sponsor of this measure for I am well aware of the real need for assistance to state and local governments in their efforts to secure land for open-space and recreational development.

I want to thank you for providing me with copies of the statements made by the witnesses who appeared before you today and I was, of course, impressed with the support evidenced for S. 1708 by the organizations they represent: The National Governor's Conference, The National Association of Counties, the American Institute of Planners, the National Recreation and Park Association, and the National Wildlife Federation.

S. 1708, designed to amend and supplement the Land and Water Conservation Fund Act, would provide another incentive for state and local governments to provide for the preservation of open-spaces in urban and rural areas for recreational purposes. Certainly, the investigation and study of our cities over the past decade has proved the importance and value of the development of open-space recreational facilities.

At the same time, however, we have become aware of the fantastic cost of such efforts. Increased value of land and increased demand for land for commercial and residential purposes have, in the past, frustrated the attempts of local communities to set aside large tracts of land for recreation or conservation purposes. The passage of the Land and Water Conservation Fund Act was the first indication of an awareness of this situation by the Congress and the Federal government. It was also the first step in our National effort to assist local communities and states to bring recreational land acquisition programs within their budgetary limits.

Again, as pointed out in the testimony of David Baker of the National Association of Counties, we learn that cost figures for acquisition are still prohibitive. Therefore, passage of S. 1708 with its provision to make surplus Federal property available to state and local governments for park and recreational purposes at less than 50 percent of fair-market value, is the next step in our National effort.

In joining as a co-sponsor of this measure, I take this opportunity to commend you for your continued effective leadership in this area of National concern and commitment. I appreciate the opportunity to join with you in this effort.

With best regards,

Sincerely,

EDWARD M. KENNEDY.

**STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM THE
STATE OF ALASKA**

Senator STEVENS. Mr. Chairman, I would just like to make a very brief statement today, in support of S. 1708, the Federal Lands for Parks and Recreation Act of 1969.

This is a piece of legislation that is potentially valuable for all the States. Alaska, in particular, because of the large amount of Federal land within the State, will benefit from the provisions of the bill. Too often, Federal land of recreational potential has been sold without consideration of its park or recreational value. This is particularly true of Federal lands in the vicinity of large metropolitan centers where the need for such recreational facilities are the greatest.

The provisions of this act provide an extremely inexpensive and simple method for the Federal Government to aid in the development

of recreational areas within the States. I do not think such an opportunity should be passed up, and I hope that S. 1708 will be affirmatively acted upon by the committee.

Senator JACKSON. The Chair would like to ask Congressman Brock Adams, from Seattle, to come forward. We are delighted to have you, Congressman Adams, and we welcome you to the committee for your comments.

STATEMENT OF HON. BROCK ADAMS, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. ADAMS. Thank you, Senator Jackson and members of the committee.

I appreciate very much the opportunity this morning to be here and testify in support of S. 1708, the Federal Lands for Parks and Recreation Act of 1969.

Those of us who represent metropolitan areas welcome the introduction of this bill because it will allow communities to utilize surplus Federal lands for park and recreational purposes without being required in each case to pay the General Services Administration 50 percent of the full and fair market value for the properties.

With rapidly increasing land prices in the major city areas, the problem of maintaining open spaces for the crowded urban populations has simply become impossible. I have had some personal experience with the matter in the city of Seattle recently. It was proposed that a former coast artillery fort be declared surplus, and the city hoped that a portion of its beautiful grounds might become a city park.

I might say parenthetically this is one of the last coast artillery forts in the United States. The citizens had many years ago gathered this property together and donated it to the Federal Government on the basis of the Federal Government building a fort, this being, in the old days, a good attraction for a city to have in that they could bring a payroll in, and so forth.

Now, if this property were declared to be surplus tomorrow, however, it would be absolutely impossible for the city to purchase it, because it is surrounded on three sides by a very expensive residential area, and the cost of the property, even at a 50-percent figure, is astronomical. We are dealing with about a thousand acres, and the land was originally donated. It is now valued at anywhere from \$10,000 to \$50,000 an acre. So even at 50 percent of the fair market value it is impossible to obtain it.

This property not only has the potential for being a park but also for having its tidelands utilized by educational institutions.

I certainly would like to join with Senator Jackson in his statement that part of the utilization of property can be distorted by the manner in which you can buy it. What might properly may be a park might become an educational institution or campus, because you can buy it with less money. What we are trying to do with this bill is to give flexibility to the cities and to the General Services Administration and to the other parties that deal with Federal surplus lands so that valid decisions can be made in each individual case rather than having to use the more artificial statements and systems that are presently in existence.

In conclusion, I would just like to say that as our military position has shifted from the day of coastal defense forces and Army cavalry posts to modern bases for the more modern technological defense, there are a lot of open space properties such as forts existing in metropolitan areas. We would hope that these can be properly utilized by the cities and the Federal Government, working together, in order not to squander this resources, but rather simply to turn it into another part of the city that could become an open space.

I very much hope that the committee will consider this bill and pass it. Many of us are in support of it and I would like to particularly compliment my Senator from the State of Washington for having moved on this matter and brought it to the Senate, because many of us are very hopeful that this type of a vehicle can be made available. I know all of us feel the same way that Senator Jackson did when he made the remark on improvements in the legislation. If the Bureau of the Budget wants to discuss a payment for improvements as opposed to land costs, or for some type of flexibility as opposed to absolute standards, I am certain all of us would support that. Our idea is to get flexibility so that you can build a park as easily as you can build a school so that we can preserve our open spaces.

Thank you.

Senator JACKSON. Thank you, Congressman Adams, for a very fine statement.

Any questions?

Thank you very much.

Mr. ADAMS. Thank you, sir.

Senator JACKSON. I appreciate having your testimony, it is very helpful.

The next witness is Mr. Harrison Loesch, Assistant Secretary of the Interior, Public Land Management. Mr. Loesch, we are delighted to welcome you to the committee this morning. You have a prepared statement, I believe. Why don't you just go ahead? It is rather short and to the point.

STATEMENT OF HON. HARRISON LOESCH, ASSISTANT SECRETARY FOR PUBLIC LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. LOESCH. Thank you, Mr. Chairman.

Before I do I would like to state to the committee and introduce to the committee Mr. Larry Stevens, the Director of the Bureau of Outdoor Recreation, who sits on my left, and Mr. Morrison of the Bureau on my right.

Mr. Chairman and members of the subcommittee, we appreciate the opportunity to appear before you today to testify on S. 1708, the proposed Federal Lands for Parks and Recreation Act of 1960.

As has been stated in our opening remarks, Mr. Chairman, and by Congressman Adams, it enables the States and their political subdivisions to acquire surplus Federal property for park or recreational purposes at less cost than at present. Under the Surplus Property Act of 1944, as amended, they are now able to acquire surplus Federal property, but only on the discounted basis of 50 percent of fair market value. The bill would permit them to make such acquisitions without

charge in cases where they had donated the property to the Federal Government. In other cases, where the Federal Government had purchased the property, the State and local governments could acquire it at the original purchase price or at a sliding charge from zero to 50 percent of current fair market value.

For some time we have been concerned about an everworsening financial dilemma confronting State and local governments. While they readily recognize the importance of acquiring and developing park and recreation areas, their financial resources are being overtaxed by urban undertakings with even higher priorities, such as combatting crime, hunger, and disease and providing adequate housing, education, and transportation. This economic plight has been greatly aggravated by the constant escalation of land values, especially in urban areas, which has frequently negated any Federal assistance available because of the inability of such local governments to take advantage of opportunities at that price.

Some indication of the failure of State and local governments to utilize the existing discount authority under section 13(h) of the Surplus Property Act of 1944, as amended, is reflected in the fact that for fiscal year 1968 only 22 properties, totalling 2,740 acres, were conveyed to State and local governments for park and recreational purposes. As a matter of fact, since the enactment of that section, State and local governments have received an average of less than \$1 million annual assistance thereunder.

We believe S. 1708 represents an effective immediate means of achieving significant long term benefits. We believe enactment of the bill will provide a substantial impetus for sorely needed open space and recreational development in urban areas.

In the departmental report on the bill, we recommend certain amendments to S. 1708 primarily to assure that any property conveyed thereunder would be needed for park and recreational purposes, as those needs are identified in the comprehensive statewide outdoor recreation plan required under the Land and Water Conservation Fund Act of 1965, and to make such conveyance conform to certain existing provisions of the Surplus Property Act of 1944, as amended. In addition, we recommend that the 5-year period of applicability proposed in S. 1708 be changed to make this period coterminous with the availability of the supplemental revenue sources provided for the fund in recent legislation. Such change would maintain the financial stability of the fund after June 30, 1973.

This, Mr. Chairman, concludes my formal statement. We would be glad to answer any questions you may have.

Thank you.

Senator JACKSON. Mr. Loesch, I want to compliment you on a very fine statement that is right to the point. I think your suggested amendments are certainly in order.

I had the impression that the basic act would take care of the reversion problem, but I don't think there should be any question about it. A reverter clause certainly should be put in this bill, because if States or their subdivisions are receiving the property for free, and if they use it for another purpose then it ought to revert to the Federal Government. Likewise, I think there is a lot of merit in your suggestion that the 5-year period of applicability proposed in the bill be changed to make this period coterminous with the availability of the supple-

mental revenue sources provided for the fund in recent legislation, Public Law 90-401. I think you have made some very constructive suggestions. I just have a couple of questions.

Mr. Secretary, it is my understanding that last year the President's Council on Recreation and Natural Beauty prepared a report entitled "Utilization and Disposition of Federal Lands for Recreation." This report supposedly recommends legislation on the subject of surplus Federal lands for park and recreational purposes. It is my understanding that this report has not been released and I do not know what specific legislative recommendations it proposes. I would appreciate information on the status of this report, because it would be useful to consider the administration's proposed legislation along with the pending bill. I wonder if you could make available a copy of this to the committee? Maybe Mr. Stevens can respond to that.

Mr. STEVENS. Yes, Senator Jackson. The report was prepared last year under the auspices of the President's Council on Recreational and Natural Beauty. It has been before the Council since last August, but it was never officially acted upon by the Council. With the change in administration it is awaiting organization of the proposed Council as indicated by President Nixon. I think it could be made available to the committee with the understanding that that is the status.

Senator JACKSON. If you do that it will be greatly appreciated.

Last week a current list of all surplus Federal properties in the United States was reprinted in the Congressional Record. Although many of these properties have park and recreational value, they are not now classified with regard to potential use for these purposes. It is my understanding that the Bureau of Outdoor Recreation is preparing a national list of those properties which could be acquired for parks and recreational uses. I would appreciate seeing that this evaluation is completed as soon as possible and that a copy is provided for the review of the committee when that has been accomplished.

Mr. LOESCH. I certainly will do so, Mr. Chairman.

Senator JACKSON. Thank you very much.

The problem posed by Congressman Adams is illustrative of the kind of situations we run up against from time to time. Fort Lawton is in the heart of a very fine residential area. The value of that land—over 1,100 acres—for its highest and best use, which is the standard that would normally apply, has been informally estimated in the millions. This illustrates the financial problems the city or any other entity within the State faces in acquiring this area for recreational purposes. In other words, they would have to pay one-half of the fair market value for the property.

Mr. LOESCH. Mr. Chairman, if I may interject, I might say that this seems particularly inequitable when, as Congressman Adams stated, this land was gathered together and donated to the Federal Government.

Senator JACKSON. That is right.

Senator Anderson. Under existing law they must pay 50 percent of the appraised value? The law stipulates that; am I right?

Mr. LOESCH. Yes, you are, Mr. Chairman.

Senator JACKSON. There is no minimum. It is an absolute 50 percent. It isn't less than 50 percent or more than 50 percent. It is 50 percent of the fair market value.

Senator Anderson, for educational purposes and for wildlife purposes and for natural history purposes, land can be acquired at no cost. That is the law now. All we are saying is that for parks and recreational uses it ought to be on the same standard that is now applicable for educational, historic site, and wildlife purposes.

Senator ANDERSON. Couldn't this be done at our own expense?

Senator JACKSON. No; we have to change the law. We have no authority to make a gift, and here is a case where the land was donated by local citizens to the Federal Government. There was no reverter clause in that transfer. If there had been, of course, there wouldn't be any problem. This has happened on other occasions, too.

But there is one thing that will have to be put in the bill, which would relate to improvements upon the property that are not related to park and recreational purposes. I think they should be disposed of separately.

Senator CHURCH. Do I understand, Mr. Chairman, that this particular land in Seattle was donated to the Federal Government by the community?

Senator JACKSON. By individual citizens.

Senator CHURCH. By individual citizens?

Senator JACKSON. It was a chamber of commerce effort, but it was a gift outright, with no reverter clause in the deeds of conveyance. Instead, they made a straight deed with no restrictions.

Senator CHURCH. Does the administration endorse this measure?

Mr. LOESCH. Senator Church, you will note the Bureau of the Budget's statement, or the attitude of the Bureau of the Budget, simply says they have no objection to our presenting the report, but they are concerned with certain facts of the bill and are unable to recommend enactment.

Senator CHURCH. What is the position of the Interior Department?

Mr. LOESCH. We are in favor of it, Senator Church.

Senator CHURCH. So then we really are in a position here where the Interior Department favors the enactment of the bill and the Bureau of the Budget does not recommend enactment?

Mr. LOESCH. That is correct, Senator.

Senator JACKSON. Are there any further questions of Secretary Loesch?

Senator HANSEN. No questions.

Senator JACKSON. Thank you, gentlemen, for a very helpful presentation.

The next witness is Mr. Freeman Holmer, assistant director, Office of Federal-State Relations, National Governors Conference.

Mr. Holmer?

Senator HATFIELD. Mr. Chairman, may I have the privilege of introducing Mr. Holmer this morning?

Senator JACKSON. You certainly may.

Senator HATFIELD. Mr. Chairman, 20 years ago, in 1949, Mr. Holmer and I became members of the faculty of Willamette University, Salem, Oreg. In 1956, following my election as Secretary of State of Oregon, Mr. Holmer became my assistant secretary of state. He was also very important in the Little Hoover Commission program in the State of Oregon. Upon my becoming Governor of the State of Oregon, Mr. Holmer became my director of finance.

When we established a Western Governors' Council on Water Resources, he became executive director of that. He helped reorganize the program during my administration which was followed by legislation.

After leaving the office of Governor, he was enticed to the State of Wisconsin to become Governor Knowles director of development. He has now come to the Council of State Governments, and I am very happy to say that he is returning to Oregon as the vice chancellor of Oregon's System of Higher Education very shortly.

I thought these items of background might give you a little better understanding of the capability and the record of this man. I know few men, if any, who have had a more distinguished record in public service and have exhibited over the years as much judgment and understanding as Mr. Holmer, and I am awfully proud to have him here this morning.

Senator JACKSON. Mr. Holmer, with that kind of introduction maybe you don't want to talk.

Mr. HOLMER. I can only go downhill from here.

Senator JACKSON. You should quit while you are ahead.

We do want to welcome you to the committee. You have a statement and you may proceed.

STATEMENT OF FREEMAN HOLMER, ASSISTANT DIRECTOR, OFFICE OF FEDERAL-STATE RELATIONS, NATIONAL GOVERNORS CONFERENCE

Mr. HOLMER. Thank you, Senator Jackson, Senator Hatfield, and members of the committee.

I am fortunate to be here today speaking at least on behalf of Gov. William Guy, who is chairman of the National Governors Conference Committee on Natural Resources, Environmental Management, and Agriculture, who indicates he believes that his view of S. 1708 reflects generally the views of his fellow Governors.

The Land and Water Conservation Act of 1965 was a substantial step forward in the spirit of constructive federalism. It provided significant national assistance in the achievement of a shared responsibility.

It is no secret that State governments and their political subdivisions are caught in a fiscal crisis of massive and intensifying proportions. Although the States have responded to the invitation of the 1965 act, it is clear that future action under the act faces stern competition for increasingly scarce State resources. The pressures for support of education, the health and welfare programs, law enforcement, and other programs seem likely to cause many States to forgo for the time being the longer range investments in open spaces that we owe to future generations.

We knew, too, that the same pressures compete for dollars in the Federal budget. A proposal to utilize for public purposes property identified as surplus to Federal needs offers a means of serving the future without additional direct Federal appropriations at this time.

The proposal of S. 1708 is, therefore, timely and equitable. The tabulation of surplus Federal real properties entered in the Congressional Record for May 5, beginning at page S4648, is clear indication of the national implications and reality of the proposed "Federal Lands and Parks and Recreation Act of 1969."

The right of a State or local government to reacquire at no cost the property it originally donated for national use is, on its face, a simple matter of equity, once the national need no longer exists.

The right to acquire other surplus properties at Federal acquisition cost seems equally equitable.

The only question that may be appropriately directed to these two provisions is whether they should be limited to State and local acquisitions "for park and recreation purposes." As an amendment to the Land and Water Conservation Fund Act, however, S. 1708 could not be expected to do more.

The provisions of subsection (3) of section 2 appear to offer a more effective sharing of resources and responsibility. If the guidelines prepared by the Secretary of the Interior, pursuant to this act, are in conformity with the statutory standards, and if the guidelines are adopted only after the intergovernmental consultations required by Bureau of the Budget Circular A-85, the results should be in the public interest.

It is our understanding that the option of proceeding under subsections (1) or (2), rather than (3), rests with the State or local government, and that too appears to be proper. In other words, these may be circumstances where the donated land return would be preferable to the State paying any amount of money under a zero to 50 percent formula to be developed and so on.

The common interest of the Nation and its constituent governments in providing for parks, open spaces, and recreational opportunities—for this and for future generations—is clearly served by S. 1708. Delay in taking this constructive step will not do so.

With respect to the amendments which have been previously discussed by Mr. Loesch and Senator Jackson, we would find no difficulty in accepting those.

Senator JACKSON. Thank you for your very fine statement.

I have no questions. Are there any questions of Mr. Holmer?

Senator HANSEN. Mr. Chairman, I would just like to compliment Mr. Holmer for his very excellent statement. It has been my privilege to know and be associated with him for a number of years. I share the rather high regard of my colleague, the Senator from Oregon, for this gentleman.

Senator JACKSON. We have three Governors here at the table. Any other Governors wish to comment?

You have presented a very fine presentation, Mr. Holmer. We thank you very much for your helpful statement.

The Chair will ask the distinguished Senator from Wyoming to introduce the next witness.

Senator HANSEN. Thank you, Mr. Chairman.

It was my privilege and opportunity in 1965 to appoint Harry Thorson the first chairman of our then newly created Wyoming Land and Water Conservation Commission. In 1967, when the Land and

Water Conservation Commission was merged with the State Park Service to create the Wyoming Recreation Commission, Mr. Thorson became an advisory member of the Recreation Commission.

During the past 2 years he has served as chairman of the Governors Commission on the Reorganization of State Government, and I might add parenthetically that his efforts in that undertaking were most noteworthy and I think through his dedication and understanding and commitment he really advanced the useful purposes of State government. He has served very markedly as chairman of that commission.

This commission was successful in having its recommendations enacted by the Wyoming State Legislature earlier this year. Mr. Thorson is a business and a civic leader and has served as State chairman of the Wyoming Land and Water Conservation Commission.

It is my privilege to introduce, Mr. Chairman, Harry Thorson.

Senator JACKSON. Thank you, Senator Hansen.

Mr. Thorson, we are delighted to have you with us, and with that kind of recommendation, again you have the option of speaking or not speaking.

STATEMENT OF HARRY THORSON, CHAIRMAN, GOVERNORS COMMISSION ON REORGANIZATION OF STATE GOVERNMENT

Mr. THORSON. I thank you, Mr. Chairman, I will take this opportunity to read a prepared statement, if I may.

Mr. Chairman, Senator Hansen, and other members of the committee, I want to thank you for the opportunity to appear before you today as a representative of the State of Wyoming.

I want to testify in support of S. 1708, a bill to make surplus Federal property available to States and their political subdivisions for park and recreational purposes at less than 50 percent of fair market value required under present law.

Wyoming is a State which is recreation oriented. We have recognized the great benefits which are derived from setting aside areas of the State as park and recreation areas. We have worked hard to insure that recreational facilities are available for the enjoyment of citizens of Wyoming and of other States. In fact, the cities and counties of Wyoming have acquired more land per capita for park and recreational purposes than the cities and counties of any other State. We are proud of our record.

In 1965, the State of Wyoming, under the leadership of Senator Hansen, then Governor of Wyoming, created the Land and Water Conservation Commission. As the first chairman of that commission, I had an opportunity to work with state agencies, counties, and cities in developing a comprehensive recreational plan for the State of Wyoming.

The Land and Water Conservation Fund Act has been most useful to our State. The fund has provided \$1,247,208 to the State of Wyoming and its political subdivisions for the purchase of parks and recreation lands. But this program is not without its difficulties. Over a period of 5 years, it was estimated that the State of Wyoming would receive \$2,551,706 as its share of the Land and Water Conservation

Funds. Presently, Wyoming has projects valued at \$1,015,921 which have been approved. However, funds are not available at this time. It is obvious that the funds received by the State of Wyoming over the first 5-year period will not be even close to the amount anticipated.

In addition, oftentimes the States, counties, and cities are hard pressed to raise the money necessary to match the Federal funds, as is required under present law. If the funds can be found to match the Federal funds and property is purchased, the State and its subdivisions then find it difficult to make additional funds available for the necessary improvement and development of the park or recreational facilities. Passage of S. 1708, the Federal Lands for Parks and Recreation Act of 1969, will be a partial solution to these problems which have hindered the acquisition of lands for parks and recreation at the state and local level.

We all recognize the need for more land for recreational purposes. The proposed legislation being considered today is an effective means of insuring that surplus land now held by the Government will be available for parks and recreational use if it is suitable for that purpose. Many times State and local governments are not able to come up with the money to pay 50 percent of the fair market value of surplus Federal property which is suitable for recreational purposes. The property is sold for other uses and the opportunity to devote the property to recreation is lost. S. 1708 would solve this problem.

Surplus Federal property especially well suited for recreational purposes could be acquired by the State or political subdivision at little or no cost. In this manner property already in Government hands would be used to implement our policy to provide recreational facilities for our citizens instead of being devoted to other and possibly conflicting uses.

Another great benefit of this legislation is that it would allow the State and local governments to devote more of the limited funds available to them to the development and improvement rather than the acquisition of land. Instead of having to pay 50 percent of the fair market value of land which has greatly appreciated over the years, the State or local government could reacquire property which it had donated to the Federal Government at no cost; acquire property at the original purchase price paid by the Federal Government; or pay a price ranging from 0 to 50 percent of fair market value. The money saved by the State and local governments in this manner could then be used to make the improvements necessary for the land to be used by the public for recreational purposes.

All levels of government find it necessary to limit the amount of funds which can be used to meet one particular need of its citizens. State and local governments have only so much money which they can devote to meet recreational needs. If most of the money available must be spent to acquire land, then funds are short to develop and maintain the land in the condition necessary for the enjoyment of the public. The public will benefit if more of the State and local funds can be used to provide the facilities necessary for recreational enjoyment.

Federal surplus property is oftentimes particularly well suited for recreational purposes. Its location in or adjacent to centers of population means that it is available where recreational needs are the

greatest. In addition, surplus Federal property becomes available in all parts of the country. This means that the people in all of the States have an opportunity to benefit from this legislation.

When Government surplus property suited for recreation becomes available, adjustment of State comprehensive recreational development plans to include such property will provide the public with additional much-needed recreational areas.

Mr. Chairman, I thank you and the Senators of your committee for the opportunity to appear before you today.

Thank you.

Senator JACKSON. Mr. Thorson, I must say I think your statement has given the committee an excellent description of the problems that your State faces under existing law in trying to do something about parks, open spaces, and recreation programs. I want to compliment you for giving us the benefit of your experience in this area, which I gather has been a long one in Wyoming. This has been most helpful to me as chairman of the committee, and I want to compliment you.

Mr. THORSON. Thank you, Mr. Chairman.

Senator JACKSON. Any questions of Mr. Thorson?

Senator HATFIELD. Mr. Chairman, I just want to use this opportunity to compliment Governor Hansen on his fine record in Wyoming for outdoor recreation development, for which he was well known both in the Governors' conference and elsewhere. I think this testimony and other evidence of that fine record show how fortunate we are in having him on this committee.

Senator JACKSON. Both Governors used good judgment in selecting witnesses today. This is an all-Governors' conference.

Senator HANSEN. I have just one question, if I may, Mr. Chairman.

In Cheyenne, our State capital, Mr. Thorson, there are some 30 acres of land declared surplus which was used by the Veterans' Administration. Under this bill is it your understanding that this land could be made available to the city of Cheyenne for park and recreation purposes?

Mr. THORSON. This is my understanding, and I also want to say that this land is needed for this purpose, to supplement the other recreation facilities that there are in Cheyenne. I understand that the city of Cheyenne is very anxious to acquire this land, but their finances are such that they are not in a position to put up the money needed to acquire it based on fair market value.

Senator HANSEN. That is precisely the information I have, and I think it underscores the thrust of this bill, which strikes right at the major problem as you so eloquently observed in the very brief but effective statement you made initially and in which I subscribe wholeheartedly. Cheyenne and its mayor and city and chamber of commerce, I think about every organization, every civic body I know of endorses the concept of this bill; you would agree with that?

Mr. THORSON. Yes, sir; and I feel it would be unfortunate if this land were diverted to some other purpose.

Senator JACKSON. This is a problem I think that many cities face. If the land were to be sold to a nongovernmental entity, in this instance it probably would be turned into a housing development of some kind, which would run counter, I am sure, to good planning.

This bill provides an opportunity for cities to adjust in meeting the obvious need for open spaces and recreational areas. I think we can all say that problems in our large metropolitan areas have a high degree of relevancy to the lack of adequate open space and adequate park and recreation facilities.

Thank you very much. I appreciate having your statement.

Mr. THORSON. Thank you.

Senator JACKSON. The next witness is Mr. Robert Williams, executive director, American Institute of Planners.

**STATEMENT OF ROBERT L. WILLIAMS, EXECUTIVE DIRECTOR,
AMERICAN INSTITUTE OF PLANNERS**

Mr. WILLIAMS. Mr. Chairman, and members of the committee, on behalf of the American Institute of Planners, which I represent, I want to thank you for the invitation and the opportunity to testify today on S. 1708.

Our institute represents over 5,000 professional planners in the United States. A majority of these individuals serve as staff members in local or metropolitan planning agencies. It is from the metropolitan planners that we receive the most significant insights regarding the shortage of adequate park and recreational lands in proximity to large urban centers. Part of the problem historically has been a lack of open space criteria and standards for measuring need at the metropolitan scale. With the advent of formal metropolitan planning agencies during the past 10 years this lack of standards has been materially overcome.

Improved methods for estimating recreation demands in metropolitan regions has recently received further attention through a HUD research grant sponsored by the Planning Foundation of America with two cooperating national organizations, the National Recreation & Parks Association and the American Institute of Planners.

Inadequate measurement and documentation of park and recreational needs has blunted and delayed efforts in the past to secure sufficient public open space in expanding urban areas. From a land use standpoint, open space has therefore been given low priority as an aspect of urban life. The rising value of land in the impact area of urbanization has further frustrated open space acquisitions.

The provisions of S. 1708 now give the American cities a second chance. I was particularly struck by the sensible options afforded by the bill and the clear public purposes served. If I have any question on the bill at all it would be to propose clarification of the third acquisition method related to the 0 to 50 percent of fair market value determination. The bill indicates that the General Services Administration will determine the fair market value based on standards established by the Secretary of Interior. The language is not clear, however, as to whether the GSA also determines the 0 to 50 acquisition percentage. Later language does indicate the Secretary will also prepare and publish guidelines for implementing standards related to price discount determinations. I would anticipate that the states and localities would want to know explicitly who will determine the ultimate transfer price.

In summary, Mr. Chairman, the American Institute of Planners fully supports the purpose and provisions of S. 1708 and congratulates its sponsors in taking the initiative in this matter of such direct value to the American public.

Thank you.

Senator JACKSON. Thank you, Mr. Williams, for your statement. I want to especially thank you for the comment in your last paragraph.

Under the language that is now applicable in the disposition of excess Federal property, in the case of property for educational purposes, HEW determines whether the land is suitable for these purposes. If it is, they certify this to the head of the General Service Administration. The General Services Administration then basically follows the recommendation made by that department, in the disposal of the property.

Mr. WILLIAMS. I see.

Senator JACKSON. We are in general, following the basic provisions in the existing law as it relates to disposition for educational and other purposes.

Mr. WILLIAMS. Certainly, Mr. Chairman. Then if it is working well in these other programs we would have no objection, just for clarification, of explicit language in this amendment.

Senator JACKSON. In this case the Interior Department will make the basic certification.

Mr. WILLIAMS. As to the territory?

Senator JACKSON. Right, surplus Federal lands having potential value for park and recreational purposes could be transferred at a small cost. But if, for example, part of it were suitable for some other purpose, then they would pay the price required under the existing law. I think they would have to pay the full market value, would they not, for non-public purposes, am I correct?

Senator HATFIELD. That is right.

Mr. WILLIAMS. Fine. Thank you.

Senator JACKSON. Any questions?

Thank you very much for your very fine statement.

The Chair is glad to welcome Congressman Hanna to the committee, and he will introduce Mr. David Baker, Supervisor, Orange County, Calif., representing the National Association of County Officials.

Mr. HANNA. Thank you, gentlemen. It is a privilege for me to bring to the committee one of my old friends and a fellow worker in the county of Orange, one who represents one of the suburban districts of that county, to testify. Mr. Baker is not only a leader in our county, but has been given recognition as the chairman of SCAG, which is an area group in the Los Angeles Basin and is currently the chairman, I believe, of the Environmental Committee for the State. He is well qualified, as you know, to speak on this subject. He and I worked together in arranging for the release of some excess property from a Marine base in our county for park use.

Our area, at the time I moved into it, gentlemen, was an area that would have been considered recreation and park rich, but over the last 20 years the picture has been completely reversed. It has been one of those great urban growth areas, and we are not now on any scale recreationally and we are park poor in terms of the population we seek to serve. This challenge of trying to bring the quality of life,

which this bill addresses itself to, into action in this typical urban sprawl condition is one that I think Mr. Baker is eminently qualified to speak on, and I am very pleased to be able to introduce him to this great committee.

Thank you.

Senator JACKSON. Thank you, Congressman.

Mr. Baker, we will be delighted to have your comments. You may hit the highlights in the statement and put it all in the record in the interest of time if you wish.

STATEMENT OF DAVID L. BAKER, NATIONAL ASSOCIATION OF COUNTIES

Mr. BAKER. Yes. I have the assistance of Joe Hennessey of our department who has some exhibits and will assist me.

My name is David L. Baker, supervisor, Orange County, Calif. I am here today in behalf of the National Association of Counties (NACO) to endorse this bill, S. 1708.

We have for many years supported this kind of program. We have made innovations in park and recreation use. We will talk briefly, if I may, in support of this bill, and if I may use as illustration the kinds of things which this bill will do.

We have listed on our map the location of the military installations within our county, potential land to be reduced to park and recreation use. We have developed a master plan encompassing some 18 regional park sites in our county, three of which are currently being used by the military.

If I may depart for a moment, Mr. Chairman, to the context of the bill and touch for a moment on joint use. There are many areas in our county, three particularly in reference, and about I should suspect 20 in California which are airfields, ammunition fields, and so forth, which lands are not excess but are conducive to being leased for agriculture.

Mr. Hennessey, would you present the members of the committee with the statements?

Senator JACKSON. Thank you Mr. Hennessey.

Mr. BAKER. Some years ago in 1953 we initiated a proposal to use a facility in our county, an outlying helicopter landing field. The center portion was used for helicopter training. The outlying 460-plus acres was agricultural use, lying mostly idle. We attempted to negotiate with the military to acquire this land for a regional park but under the terms of the law then existing we were unable to do so except for the full market value. The land was not excessive, the land was not needed for the operational capability of the facility, but it was compatible to agriculture.

We have indication from Mr. Udall, the former Secretary of the Interior, from the Secretary of the Navy, and from the commanding officer of the Southwest Bureau of Yards and Docks in San Diego, that they support the joint use concept.

While these lands there are needed and essential to the operation of the facilities against urban encroachment, they are not essential to the operation or the capability of that installation. I suggest that we consider, in this act, amending this, also perhaps consider that the lands of this kind which are not necessarily required for the oper-

ation, but are needed to prevent urban encroachment forcing the installation away, be considered for joint use under military and civil park and recreation purposes.

I don't in any way suggest that we do anything that would interfere with the operational capability of these installations. They are needed. We can go with that. But there is indeed an opportunity for joint use.

Now, as to the bill, we recognize this as important. The National Association of Counties endorses it. We are prepared to endorse it by whatever means we can.

As to the proposed legislation, I would like to reiterate with amplification with reference to lands which were purchased by the Federal Government, I would recommend, Mr. Chairman, and gentlemen, that the 5-year limitation be deleted. There should be no time limit on this opportunity, as no one can predict when Federal lands will be declared surplus.

Surplus Federal land should be conveyed without charge to local government for park and recreation use. If the criteria which is set forth in the proposed legislation is met to the satisfaction of the Secretary of the Interior, it would seem that the case has been established for zero consideration.

Under the existing laws there are certain conditions for park and recreation purposes which might be desirable for inclusion here.

All lands conveyed for park and recreation use to local government without charge should be required to be used as such forever—as opposed to the present 20-year requirement. It would seem that in the interest of insuring the preservation of recreational facilities for future generations, that such lands be maintained for recreational purposes or forfeited to the Federal Government.

The standards to be followed by the Secretary of Interior should include consideration of the dual use of local government along with Federal; i.e., airport clear zones, blast area clear zones, etc. There are numerous occasions where the Federal Government may be able to permit dual use of Federal lands for recreational purposes without affecting the primary use of the Federal Government. Our experience at Mile Square and discussions with the Navy concerning its facilities at the Seal Beach Weapon Station strongly suggests that this is an area with great potential.

I believe there are some photographs in your enclosure. If not, Mr. Hennessey will present those to the committee. These are aerial photographs showing the growth development surrounding these installations. This Mile Square field which I referred to lies within a 20-minute drive of over a million citizens and within a 45-minute drive of about 3 million.

The Seal Beach Weapon Station, the photograph shows—in the enclosure there—is within a 45-minute drive of 14 percent of the population of the State of California.

We believe that public lands are held in public trust by the Federal Government and public trust represents all levels of government, and so it seems there would be very little difference which level of government holds this public trust.

In summary, gentlemen, the proposed legislation has great meaning to us. The competition for the tax dollar at the local level is a fierce struggle. Recreation tends to suffer and come out second best in this struggle. If we are to meet the ever-increasing demands for recreational

facilities in our urban communities, innovating steps must be taken. In our judgment, the proposed legislation is imaginative and sorely needed; it is the hope of the National Association of Counties that you will strengthen the bill by adoption of the recommendations which we, based on local experience, have offered.

Mr. HANNA. This, Mr. Chairman, is an exhibit. I might point out, this field lying in the center is still in use. This is a training center by the Marine Corps at El Toro Marine Station in our county. These lands which surround it are in the process of development. The air above is restricted to use—the Marine Corps continues to use that. The ground use is available for public park and recreation use. They have about 20 percent of this completed at this time. The outlying developments surrounding the center represent about \$6.5 million investment of private capital and county funds.

Senator JACKSON. Well, thank you very much, Mr. Baker. I think you have made a real contribution here in your discussion about joint use. I think this is something we will want to explore in the full committee, and we will discuss it when we take it up next week in the executive session. I think this is a very helpful suggestion.

Mr. HANNA. Mr. Chairman, would it be helpful to leave these photographs showing the planned use and a full exposure of the planned investment of the county?

Senator JACKSON. Will the staff take that so we will have it for the benefit of the full committee?

Any questions?

Thank you, gentlemen, for your very helpful presentation. Your prepared statement will be included at this point.

(The statement referred to follows:)

STATEMENT OF DAVID L. BAKER, SUPERVISOR, ORANGE COUNTY, CALIF.

Mr. Chairman and members of the committee, my name is David L. Baker, Supervisor, Orange County, California. I am here today in behalf of the National Association of Counties (NACO), representing some 20,000 county officials in the 3,049 counties of the United States, to testify in support of S. 1708, the "Federal Lands for Parks and Recreation Act of 1969." NACO has, for many years, been actively involved in support of outdoor recreation programs and facilities throughout the United States. We have supported 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 recreation.

We have consistently urged county governments to take the steps necessary to enable them to assume local leadership in furnishing adequate outdoor recreation opportunities and facilities for the people of their communities and the Nation. To assist counties in playing a local leadership roll, NACO developed, in cooperation with the Bureau of Outdoor Recreation in the U.S. Department of the Interior, a series of ten "Outdoor Recreation Community Action Guides for Public Officials." These, along with the thirty statewide outdoor Recreation Institutes that followed, were designed to provide county officials and other community leaders with guidelines for establishing a comprehensive outdoor recreation program for the present and future citizens of this country. All the guides pointed to the need to protect our natural environment, our scenic wonders and our historic sites. The guides were also quick to point out that our densely populated metropolitan areas should not be devoid of open spaces and parks.

One of these guides (number 8) was devoted entirely to the subject of "Land Acquisition", and proceeds on the premise that: "acquiring adequate park, recreation and open space acreage to meet the needs of tomorrow's population presents a challenge to all city and county officials. This challenge will not diminish. The amount of land available for all uses is essentially fixed, but demands for it continue to increase. As our population expands, so does the need to use the same tract of land for competing purposes".

The demands from our citizens for parks is so great that the obstacle of fierce competition for land combined with high prices must be overcome. Competition for natural resources makes immediate purchase of substantial open space imperative. If public officials fail to act now, the opportunity to preserve our natural heritage for future generations will be lost forever.

The same metropolitan counties that are experiencing a scarcity of open space lands for park and recreation use are also finding that acquisition of these lands is extremely expensive. We know that land values are generally rising throughout the country. Finding a source of income large enough to sustain a continuous, ever-expanding land acquisition program is a problem for local governments, and it is aggravated by the rapid pace at which the price of land rises.

S. 1708, making land available at 0-50% of fair market value, would offer partial help to many local governments that find themselves in this situation. Yearly, thousands of acres of Federal surplus lands are being made available to state and local governments for park and recreation purposes and other public purposes. However, whereas some surplus federal properties are transferred at no cost, land for public park and recreation use is made available at 50% of fair market value. Even 50% of fair market value may be prohibitive for many counties and local governments that find themselves in a financial crisis. Is not the preservation of open space, in this rapidly expanding nation of ours, an important public concern? S. 1078 would encourage a careful and equitable disposition of surplus federal properties so that local governments could continue to assume the leadership in furnishing adequate outdoor recreation opportunities and facilities for the people of their communities and the nation.

We support S. 1708, Mr. Chairman, but we do urge that you strengthen the bill with these four (4) Amendments:

1. The 5 year limitation should be deleted—there should be no time limit to this opportunity.
2. Surplus Federal land should be conveyed without charge to local government for park and recreation use.
3. All lands conveyed for park and recreation use to local government without charge should be required to be used as such forever—as opposed to the present 20 year requirement.
4. The standards to be followed by the Secretary of Interior should include consideration of the dual use of local government along with Federal; i.e., airport clear zones, blast area clear zones, etc.

To vividly illustrate some of the problems faced by local governments in providing outdoor recreation space, and to demonstrate why we support S. 1708 with the strengthening amendments we have suggested, I would like to tell you a little about some of our experience in my own county, Orange County, California.

We are a relatively small county—some 780 square miles in size and a part of the Southern California megalopolis which stretches from Santa Barbara to the Mexican border.

Our population has exploded from 216,000 in 1950 to our present 1,400,000. We expect to double our population before the turn of the century.

Urbanization continues to devour our lands at an annual rate of 10 square miles.

As part of our effort to plan for the recreational needs of our area, a master plan of regional parks was developed. Three of the proposed facilities are on lands which are presently occupied by the military.

This map, which I shall submit for the Committee record, depicts the military facilities in Orange County—some 12,600 acres.

The Mile Square Site—a helicopter training facility of 640 acres and the Nike base, some 240 acres, are cases in point which illustrate the financing problems of local governments in an urban area.

Mile Square—In 1963 discussions were had with the local Marine Command concerning the possibility of making a dual use of this facility. In this case, only the core of the facility was used for flight training while the surrounding land was used as a buffer and outleased for agricultural purposes. We argued that permitting a recreational use of the non-operational land would solve two problems. It would protect the facility from urban pressures and it would provide a badly needed recreational facility for the community. After 4 years of frustrating negotiations, agreement was reached on a lease on 459 acres. The cost of the lease is based on *fair market value*.

Please note that although there is a provision for sale of land to local governments for recreational purposes at 50% of fair market value, there is no such provision for leasing at a reduced rate for the same purpose.

The Nike base is more in point as it illustrates the magnitude of the financial investments that are involved.

Although the 240 acres of the facility could be developed into an extremely beneficial recreational area, there is little likelihood that existing conditions would permit it.

Land values *at present* are in the range of \$30,000 per acre. Present fair market value is estimated at \$7,200,000. If this land were declared surplus and offered to the county at 50% of market value, acquisition cost would be \$3,600,000. Minimum development costs at \$6,000 per acre would add an additional \$1,440,000. The total capital investment would exceed \$5,000,000.

Please note that federal regulations prohibit the use of federal grant monies for acquisitions of this kind.

We simply cannot afford acquisition costs of this magnitude.

Now as to the proposed legislation, I would like to reiterate with amplifications, with reference to lands which were purchased by the federal government:

1. The 5 year limitation should be deleted—there should be no time limit to this opportunity. No one can predict when federal lands may be declared surplus.

2. Surplus federal land should be conveyed without charge to local government for park and recreation use. If the criteria which is set forth in the proposed legislation is met to the satisfaction of the Secretary of the Interior, it would seem that the case has been established for zero consideration.

3. All lands conveyed for park and recreation use to local government without charge should be required to be used as such forever—as opposed to the present 20 year requirement. It would seem that in the interest of insuring the preservation of recreational facilities for future generations, that it would be in the best interest of the public that such lands be maintained for recreational purposes or forfeited to the federal government.

4. The standards to be followed by the Secretary of Interior should include consideration of the dual use of local government along with federal; i.e., airport clear zones, blast area clear zones, etc. There are numerous occasions where the federal government may be able to permit dual use of federal lands for recreational purposes without affecting the primary use of the federal government. Our experience at Mile Square and discussions with the Navy concerning its facilities at the Seal Beach Weapon Station strongly suggests that this is an area with great potential.

In summary, gentlemen, the proposed legislation has great meaning to us. The competition for the tax dollar at the local level is a fierce struggle. Recreation tends to suffer and come out second best in this struggle. If we are to meet the ever-increasing demands for recreational facilities in our urban communities, innovative steps must be taken. In my judgement, the proposed legislation is imaginative and sorely needed; it is the hope of the National Association of Counties that you will strengthen the bill by adoption of the recommendations which we, based on local experience, have offered.

We appreciate the opportunity to appear before you on this crucial subject; I shall be happy to answer any questions that you may have.

☛ Senator JACKSON. The next witness is Dr. Sal Prezioso, president, National Recreation & Park Association.

Doctor, we are delighted to have you with us this morning, and we welcome your comments.

STATEMENT OF DR. SAL J. PREZIOSO, PRESIDENT, NATIONAL RECREATION & PARK ASSOCIATION

Dr. PREZIOSO. Thank you very much, Mr. Chairman and distinguished members of the committee. My name is Sal J. Prezioso, and I am president of the National Recreation & Park Association, with headquarters at 1700 Pennsylvania Avenue NW., Washington, D.C. The National Recreation & Park Association is a private, nonprofit, educational and service organization dedicated to the wise use of free time, conservation of natural resources, and beautification of the American environment. We are 25,000 members strong.

Mr. Chairman, the background information which you placed in the Congressional Record for March 27, when you introduced this bill, and additionally on May 5, when you announced this hearing, sets forth very clearly the need for assistance to State and local park programs such as this bill would authorize. We strongly support the objectives, for we believe that the program it would authorize is practical and useful.

We want to note particularly the National Conference on State Parks, one of the several branches of the National Recreation & Park Association, has for many years recommended that surplus Federal lands should be transferred without cost for public park and recreation purposes. The National Park Service also has so recommended many times.

The Citizens' Advisory Committee on Recreation and Natural Beauty, of which Mr. Laurance Rockefeller is chairman, in its latest annual report recommended that appropriate steps be taken to authorize the transfer of Federal surplus property without cost for public park and recreation use. City and county park agencies have long supported the proposal.

The National Recreation & Park Association, in a statement and recommendations presented to the Republican and Democratic National platform committees last year, recommended that the " * * * party pledge itself to seek legislation to permit the disposal of surplus lands at no cost to public bodies for park and recreation purposes."

Recognizing, however, that the Congress has not thus far enacted such authorizing legislation, we do strongly support the pending bill, S. 1708, which would authorize for a period of 5 years the acquisition of Federal surplus property by the States and their political subdivisions at less than the presently required 50 percent of the fair market value.

Surplus Federal lands may now be transferred without cost for historic monument and educational purposes. It would be equally justifiable to extend that benefit to public parks and recreation areas.

The population of our country today exceeds 200 million; predictions are that by the year 2000 our population will be 300 million.

The workweek of our Nation has been greatly reduced and predictions are that by the year 1975 we will have a 32-hour workweek.

Estimates are that participation in outdoor recreation during 1965 increased 51 percent over 1960 with projections of a 65-percent increase by 1980.

It is evident, therefore, that every reasonable step must be taken to help the States and their political subdivisions to acquire the necessary park and recreation lands and especially so in and near the centers of population.

The proposed transfer of Federal surplus property under the conditions set forth in this bill would make possible the acquisition of urgently needed public park and recreation lands at costs more reasonable and realistic than the present 50 percent of the fair market value.

We believe that State and local public park agencies would consider this a very practical form of assistance to them in their efforts to acquire the urgently needed and generally costly park lands.

The surplus Federal lands found useful for public park and recreation use are already publicly owned. The program that this bill would authorize would provide a reasonable and, I am convinced, acceptable way to transfer them into the custody of the responsible State and local agencies who would put them to this very important public use.

Parenthetically I must say to you, Mr. Chairman, that our field representatives throughout the country have reported that many of the cities, townships, and State officials throughout the country are generally in favor of the bill. From a personal point of view, in my 30 years of experience in the city, town, and county level, I can say to you I well know the meaning of this bill. I would, therefore, on behalf of the National Recreation and Park Association, Mr. Chairman, urge strongly that your committee report this measure favorably and that it be enacted by the Congress this year. In so doing we believe you will be taking another step in solving the urban crisis.

Thank you.

Senator JACKSON. That is a very fine statement, Dr. Prezioso. I want to compliment you and we appreciate the fine support of your association.

Dr. PREZIOSO. Thank you very much.

Senator JACKSON. Are there any questions?

Thank you very much.

Dr. PREZIOSO. Thank you.

Senator JACKSON. The last witness will be Mr. Louis Clapper, chief, conservation education department, National Wildlife Federation. Mr. Clapper, we are delighted to have you with us this morning.

STATEMENT OF LOUIS S. CLAPPER, CHIEF, CONSERVATION EDUCATION DEPARTMENT, NATIONAL WILDLIFE FEDERATION

Mr. CLAPPER. Thank you, sir.

I am Louis S. Clapper, and I am director of conservation for the National Wildlife Federation.

We are happy to have an invitation to appear here today, because the National Wildlife Federation has been interested and concerned about the welfare of fish and wildlife resources throughout the organization's entire existence. Because almost anything that affects the environment also affects wildlife, we also long have been concerned about water pollution and air pollution, the widespread use of potent and persistent chemical poisons, surface mining, and forest fires. And, because of these concerns, we believe that conservation education is highly important. Only when an informed populace adopts and supports conservation principles will natural resources be husbanded and managed in a wise manner.

Natural resources such as extensive forests, free-flowing streams and clear lakes, lofty mountains, clean beaches, and abundant wildlife make up a quality type of outdoor environment that we believe the American citizens need and deserve. These are needed for a number of beneficial purposes, including education and research. However, for the average person, the outdoors is valued particularly for its recreational opportunities. City dwellers, especially, find in these resources an inspirational and therapeutic change from the hustle-bustle and smog and dirt and din of metropolitan life.

Many who enjoy the outdoors most come from a background of familiarity with it. To them, the forests and streams are inviting places which can provide unforgettable experiences. However, Mr. Chairman, we are deeply concerned about the future and what it may hold for natural resources. What will be the attitude of the residents of inner cities who have seen no other wildlife than pigeons and starlings and rats? Who knows only a stream contaminated with offal and industrial wastes? Or, who has never experienced the quiet darkness of a wilderness night?

These are some of the reasons why we are convinced that every possible effort should be made to acquire lands in or near the metropolitan areas for park and recreational purposes. In our opinion, this is one important benefit of the joint Federal-State approach to outdoor recreation through the Land and Water Conservation Fund Act.

I live in Montgomery County, Md.; within a block of my home is an undeveloped area along Northwest Branch, a picturesque creek. Within an easy drive is the Wheaton Regional Park. Both of these facilities are owned and operated by the Maryland-Virginia National Capital Parks. In either area, I can hike into regions which are remote from other people. While this is not wilderness in the same sense as that in, or being considered for, inclusion in the National Wilderness Preservation System, these are assets of real importance and value. Even parks which are more highly developed, with facilities and installations, provide a significant function in allowing millions of Americans an opportunity to enjoy and appreciate natural resources to those of us who can't get out West to some of the more scenic areas.

Mr. Chairman, we recognize that most parts of the country do not have facilities of this type. The Wheaton Regional Park and Northwest Branch corridor unquestionably could command prices of millions of dollars if placed on the open real estate market and we know that other communities are faced with astronomical costs in their efforts to acquire incity land for park and recreation purposes. Therefore, we believe that S. 1708 can be of significant help and value to metropolitan communities, if enacted.

As we read it, S. 1708 amends the Land and Water Conservation Fund Act to establish procedures whereby State and local governments, under certain conditions, can acquire surplus Federal real and personal property for park and recreational purposes. These governments could acquire surplus Federal property under these conditions:

1. At no cost, if the State or local governments originally donated the property to the Federal Government;
2. At the purchase price which the Federal Government originally paid for the property, thereby avoiding the acceleration which probably occurred in land values; and
3. At a price up to 50 percent of the fair market value, with the figure to be determined on the basis of standards relating to suitability, accessibility, need, and the highest and best use of the property.

We recognize that properties disposed of in this manner would not be sold, thereby resulting in a decrease in the amount of money going into the land and water fund. However, we believe the reduction would be offset many times by the value of park and recreation lands that can be acquired in this manner by communities which otherwise could not afford them, even on a matching basis. In view of the low

amount of money sought by the Budget Bureau from the Land and Water Conservation Fund Act in fiscal 1970, this type of acquisition assumes even greater importance. Therefore, we hope S. 1708 can be enacted.

Thank you again for the opportunity of making these observations.

Senator JACKSON. That was a very fine statement, Mr. Clapper. We want to thank you very much.

Any questions at all of Mr. Clapper?

Senator HANSEN. If I could, Mr. Chairman, I would just like to commend Dr. Clapper for a very excellent statement. I think he underscores at least two very basic considerations with which the bill deals: No. 1, by making lands available where people are, you have made a very great and continuing contribution to the quality of American life and to the solution of some of the problems as Dr. Prezioso called attention to in his testimony; and further, I think in your last, almost last paragraph, you say, when you speak about the slight diminution in money which will be made available to the funds, you say you believe that reduction will be offset many times for the value of park and recreation lands that can be acquired in this manner by communities that cannot afford them.

In my own State of Wyoming this is so precisely true. We have had, I think, upwards of more than 150 applications from communities, and, gee, they have no money. There is no better way in my judgment, and I want to compliment you.

Mr. CLAPPER. Unless more money is allocated in the appropriations bill we are going to be in trouble further.

Senator HANSEN. It is a tough duty.

Senator JACKSON. There is no doubt about it. There are many situations, too, where the Federal land is really surplus and where the State is unable to purchase it at 50 percent of the market value, and it is not being used at all.

Mr. CLAPPER. That is correct.

Senator JACKSON. And it can't be used in the interim under existing law. So it seems to me that this legislation will be of tremendous help to meet the growing problems of the States and the cities. This applies whether it is in the great urban areas of America or in the smaller communities.

Mr. CLAPPER. Correct.

Senator JACKSON. That has, I think, a high degree of relevance in connection with the problems that we are facing among the youngsters everywhere. It is not all in the big cities.

Mr. CLAPPER. We certainly hope that you see fit to report the bill. Mr. Chairman.

Senator JACKSON. Well, we are going to move expeditiously on it. We will start moving right now.

Thank you very much.

Mr. CLAPPER. Thank you.

Senator JACKSON. Dr. Spencer Smith was to be here, but we had indicated that we might go to 12 noon, but we will be adjourning so his statement will be included at this point in the record as if read.

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS
COMMITTEE ON NATURAL RESOURCES

Mr. Chairman and 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. We support S. 1708, which would amend section 2(b) of the Land and Water Conservation Fund Act of 1965, as amended. S. 1708 is cited as the Federal Lands for Parks and Recreation Act of 1969.

It is necessary to call attention to the basic purposes of the Land and Water Conservation Fund Act when it was first enacted in 1964. Anyone familiar with the legislative history of this act is aware of the extended debate as to the need to supplement the activities of State and local governments in meeting the requirements for recreation and open space areas. It was generally agreed—both by supporters and critics alike—that providing the necessary recreation facilities would be an impossible task for the Federal Government alone. It was, therefore, with the philosophy of cooperation and support that the original Land and Water Conservation Fund Act received the approval of Congress and the administration.

The present measure simply extends the abilities of the States and local governments in meeting their recreation needs. It does so especially in one of the most critical cases, that is the metropolitan areas, which find the acquisition of recreation areas almost prohibitive because of costs and yet the need is perhaps the greatest.

This proposal allows cities to take advantage of every available opportunity wherein appropriate property of the Federal Government is declared surplus and is appropriate for parks and open spaces. The proposal is quite clear as to the intent that such use would conform to "the highest and best use of the American public."

The most compelling reason for the enactment of the legislation was stated by the chairman of this committee and author of the bill, "* * * the measure * * * will make it possible for the Congress to insure that the States and units of local government in this Nation have a chance—a financially realistic chance—to acquire these lands for park and recreational purposes."

It is not our purpose to detail the methods of conveying surplus Federal property to the States and localities, which are presented in a straightforward fashion in the proposed legislation, except to indicate that if this proposal is enacted the egregious need, in metropolitan areas especially, for recreation areas will be alleviated to a degree not now possible.

Mr. Chairman, representing an organization that labored at the very outset for the passage of the land and water conservation fund, I can say unequivocally that the amendment of that act as proposed by S. 1708 furthers and extends the basic purposes for which the Land and Water Conservation Fund Act was originally enacted.

Senator JACKSON. There are several additional statements and letters from interested parties which I have received. These materials will be inserted in the record at this point.

(The material referred to follows:)

THE CITIZENS' ADVISORY COMMITTEE ON
RECREATION AND NATURAL BEAUTY,
Washington, D.C., May 13, 1969.

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

DEAR SENATOR JACKSON: I regret that I am unable to accept your invitation to appear before the Interior and Insular Affairs Committee to express my views on S. 1708 to amend the Land and Water Conservation Fund Act of 1965.

The Citizens' Advisory Committee on Recreation and Natural Beauty, which I chair, is on record as supporting the policy of public use of surplus Federal lands. In its second annual report to the President and to the President's Council on Recreation and Natural Beauty, the Committee recommended that "... the Administration seek legislation to permit the disposal of surplus lands at no cost to public bodies for park and recreation purposes."

The Committee recognized that transfers without cost should be contingent upon a determination by the Bureau of Outdoor Recreation "... that the land would provide a needed public recreational opportunity, and would be compatible with the overall regional outdoor recreation plan."

Accordingly, we concur in the objectives of your bill.

We are particularly pleased to note that one of the standards which the Secretary of the Interior is to follow in determining the discount to be applied is "... the accessibility of the property to major population centers." It is our belief that enough emphasis cannot be placed on the need to provide urban recreation opportunities.

Public Law 90-401 dated July 15, 1968, amended the Land and Water Conservation Fund Act of 1965 to provide that—for the five fiscal years ending June 30, 1973—to the extent that appropriated funds and revenues to the Fund are not sufficient to make the total income to the Fund amount to \$200,000,000, the remainder shall be credited from revenues due under the Outer Continental Shelf Lands Act. We note that your bill would extend for five years from the date of enactment. In order that revenues to the Land and Water Conservation Fund would not be adversely affected by the disposal of surplus Federal lands at less than 50 percent of fair market value, it would be preferable if periods covered by your bill and the aforementioned amendment were concurrent.

Thank you for the opportunity to express the views of the Citizens' Advisory Committee on your legislative proposal.

Sincerely,

LAURANCE S. ROCKEFELLER.

STATEMENT OF HONORABLE THOMAS M. PELLY, A U.S. REPRESENTATIVE IN
CONGRESS FROM THE STATE OF WASHINGTON

Mr. Chairman, members of the subcommittee, I am grateful for this opportunity to express my views favoring S. 1708.

We are all aware that the explosive population growth in our metropolitan areas, particularly in the suburban areas, is devouring land at a tremendous rate and the resulting physical expansion has been so rapid as to make the preservation of some remaining land for parks, playgrounds, and recreation areas increasingly difficult.

And, if we are to retain the desirable features of civilized living in densely populated areas, it is imperative that all levels of government undertake immediate programs for the preservation of open space in urban and suburban areas.

The major problem facing these governments in this regard is that prices for recreational lands are escalating at an ever-increasing rate, and I am sure that all of us are well aware of the financial conditions of our cities. They are fighting just to keep up with the every day operation of government.

Yet, today our citizens are having to drive farther and farther to find park and recreational land. Travel time is getting longer and longer making it sometimes impossible for the person who needs the facilities the most to get out of our inner cities and into the out of doors.

S. 1708 would help to solve this problem by making available to States and municipalities Federal land that is declared surplus.

However, Mr. Chairman, may I call the subcommittee's attention to H.R. 504 which I have introduced in the House and which, instead of providing for the sale of property at up to 50% of its value, as one section of S. 1708 would do, it would amend the Surplus Property Act of 1944 so that surplus Federal property could be turned over to States and municipalities at no charge for the purpose of parks and recreation. This legislation, I believe, is a better way of accomplishing the aims of S. 1708, and I respectfully bring H.R. 504 to your attention.

Presently, Mr. Chairman, the Surplus Property Act of 1944 permits the disposition of Federal property at no charge for the purposes of historic monuments, public health, education, wildlife conservation, and for public airports, but not for parks. My bill simply adds the parks and recreation provision by amending the Act.

Let me add that I was gratified to receive the endorsement of more than half of the 50 State Park and Recreation Departments for my bill.

It is obvious, Mr. Chairman, that State and local governments will not meet the needs of the nationwide magnitude over the next decade without Federal assistance. Both S. 1708 and my bill, H.R. 504, would provide the assistance that is needed, and, as I said, I think the provisions of my bill are the most workable. However, I strongly urge a favorable position by the Subcommittee in favor of giving local governments the help they need in developing good and lasting park and recreation facilities.

Again, Mr. Chairman, I thank you for this opportunity to express my views.

Senator JACKSON. The Chair has talked with members who had to leave earlier and they all left their proxies to report the bill to the full committee. The chairman would suggest that the bill be reported to the full committee, with the amendments to be drafted by the staff, and presented to the full committee when we meet in executive session on Wednesday.

Senator HANSEN. I would like to move that that be done, Mr. Chairman.

Senator JACKSON. Second the motion? All right.

All those in favor say "yea."

(A chorus of "yea.")

It looks like it is unanimous. So we will take it up in executive session on Wednesday next with the amendments which will be prepared in the meantime, based on the testimony here and the recommendations of the Department and any other amendments that may be brought up.

Thank you.

(Whereupon, at 11:25 a.m., the subcommittee was adjourned.)



