HUDSON RIVER MORATORIUM

HEARING

BEFORE THE

SUBCOMMITTEE ON
WATER AND POWER RESOURCES

OF THE

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

H.R. 13106

A BILL TO CONTINUE HUDSON RIVER LICENSE MORATORIUM

MARCH 13, 1970

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HUDSON RIVER MORATORIUM

FRIDAY, MARCH 13, 1970

U.S. SENATE,
SUBCOMMITTEE ON WATER AND POWER RESOURCES,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10 a.m., in room 3110, New Senate Office Building, Senator Clinton P. Anderson (chairman of the subcommittee) presiding.

Present: Senators Anderson, Jordan, and Hansen.

Also present: Daniel Dreyfus, professional staff member; Charles Cook, minority counsel.

Senator ANDERSON. The subcommittee will come to order.

We are holding hearings today on H.R. 13106, a bill to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes.

The purpose of H.R. 13106 is to extend for an additional 4 years—until 1973—provisions of the act of September 26, 1966 (80 Stat. 847), which expired on September 26, 1969. These provisions required all Federal agencies contemplating actions which affect the resources of the Hudson Riverway to consult with the Secretary of the Interior and in the case of license applications to notify the Secretary and allow him 90 days to comment before taking final action.

The bill would further amend the act to amend the date of the Secretary's report on the progress of negotiations on the Hudson River Compact from July 1, 1968, to "July 1, 1970, and annually thereafter."

H.R. 13106 was introduced by Representative Ottinger. An identical bill (H.R. 13944) was introduced by Representative Ryan. The bill passed the House on February 2, 1970.

No companion bill has been introduced in the Senate.

The Department of the Interior strongly recommended enactment of the measure, and the Bureau of the Budget expressed no objection to the report.

The text of H.R. 13106 and the report of the Department of the Interior recommending enactment will be included in the record at this point.

(The documents referred to follow:)

[H.R. 13106, 91st Cong., second sess.]

AN ACT To extend for four years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of September 26, 1966 (Public Law 89–605; 80 Stat. 848), is amended by striking out "three years after the date of this Act" and inserting in lieu thereof "seven years after the date of this Act".

SEC. 2. Section 3 of such Act of September 26, 1966 (Public Law 89–605; 80 Stat. 848), is amended by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970, and annually thereafter,".

Passed the House of Representatives February 2, 1970.

Attest: W. PAT JENNINGS,
Clerk.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 19, 1969.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 13106, a bill to extend for 3 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes.

We strongly recommend enactment of the bill.

The bill would amend sections 3 and 5 of the act of September 26, 1966 (80 Stat. 847, 848). Section 3 of the act grants congressional consent to the States of New York, New Jersey, Connecticut, Massachusetts, and Vermont to negotiate a compact with the United States to preserve and promote the natural, scenic, historic, and recreational resources of the Hudson River Basin. The section also appoints the Secretary of the Interior as the representative of the United States in such negotiations and directs him to report to the President by July 1, 1968, on the progress thereof. H.R. 13106 would extend the deadline for the Secretary's report to July 1, 1970.

Section 5 of the act requires all Federal departments, agencies, and instrumentalities to consult with the Secretary concerning plans, programs, projects, and grants under their jurisdiction within or affecting the Hudson Riverway. The section also requires the Secretary to be notified of pending applications involving activities that may affect the riverway's resources and to be given 90 days to comment before final action thereon is taken. Such requirements formally terminated on September 26, 1969. The bill would extend their application for another 3 years or until a compact has been approved by the Congress, whichever occurs first.

We believe the Department's temporary authority to review federally licensed projects that may affect the resources of the Hudson Riverway has had a significant effect in preserving the environmental quality of the riverway and should be continued as provided by the bill.

We support the approach of the act which grants congressional consent to the negotiations between representatives of the States and the Federal Government. This approach should prove valuable in determining the need for new institutional arrangements and procedures, and thereby avoid later difficulties, confusion or misunderstanding. In view of the complex and time-consuming nature of such negotiations, we endorse section 2 of the bill which would extend the time within which the Secretary is to submit a progress report to the President. If H.R. 13106 is enacted, the Secretary, in his capacity as the Federal representative to the negotiations, will undertake jointly with the State representatives a full evaluation of existing institutions with jurisdiction in the Hudson Riverway, in order to determine whether there is a need to change existing institutions or create new ones. This will insure that, if any new institution is proposed, it will be fully justified.

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

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

Senator ANDERSON. Our first witness this morning was to have been the Honorable Richard L. Ottinger, a Representative in Congress from the State of New York. But I understand he has a problem getting an airplane connection out of New York City.

Congressman Ottinger's statement will be included in the record at this point.

STATEMENT OF HON. RICHARD L. OTTINGER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. OTTINGER. Mr. Chairman, I am honored to have the opportunity to come before this distinguished subcommittee to urge enactment of H.R. 13106. The measure, of which I was the original sponsor, would extend for 4 years the provisions of the Hudson River Compact Act (Public Law 89–605).

As a Representative of a leading Hudson River district and the author of the original legislation, which was enacted in 1965, I am particularly aware of the importance of H.R. 13106 and of the vital role played by the program which it would extend.

The Hudson is one of this Nation's greatest and most abused rivers. Its 315-mile course from its source at the Lake Tear-of-the-Clouds offers incomparable scenic variety. Springing from the rugged wilderness of the eastern Adirondacks, it passes rolling farmlands, to reach the famed Hudson Gorge and Highlands, and the majestic Palisades, whose weathered stone cliffs rise more than 500 feet straight up from the water.

In spite of these abuses, the Hudson remains a potential resource of incalculable value. If we can meet the challenge of pollution abatement, it can be an abundant source of fresh water to meet the growing needs of the metropolitan centers of New York—needs which may be critical in a few years.

If we will act to halt our despoliation and repair the damage that we have done, the riverway can provide the natural, scenic, and recreation resources essential to preserving a livable environment in our growing urban culture.

If we can improve and expand its important marine values, the Hudson can continue and perhaps enlarge its vital role in supporting our coastal fisheries.

The Hudson River Compact Act, which the legislation before this subcommittee today will extend, was the first Federal effort to realize this great potential and, in fact, was the first Federal effort to come to grips with the whole spectrum of problems that beset the urban river.

The legislation would do this in two ways.

First, it encouraged New York, New Jersey, and such other Hudson River Basin States as may be interested, to join in the formation of a Federal-interstate compact.

The need for a Federal-interstate compact is clear. Without such a mechanism, there will be no way to coordinate the numerous and

varied authorities and responsibilities that bear upon the river's resources and their development.

A review of the various political jurisdictions affecting the Hudson River Basin gives a clear picture of how complex this problem is. In addition to nine Federal agencies with authority over various aspects of the river's resources, there are five States, about 950 political subdivisions, and lesser agencies and instrumentalities too numerous to mention. All of these entities make some demand upon the basin's resources—whether it be for fresh water to drink, or water as a source of power generation, for commerce, for recreation, or for disposing of the growing volume of urban waste. And many of these demands conflict with each other. The only way I know to provide the kind of coordination that will enable us to resolve these conflicts while still protecting the interests and autonomy of the various political entities is a Federal-interstate compact.

The original act called for such a compact and allowed 3 years for the States to work out acceptable terms. While we did not make as much progress as we had hoped for over the first 3-year period, the signs are very good for the future. I am optimistic that we will be able to achieve it within the 4 years allowed under this extension. For this reason alone, the act merits the extension.

The second provision of the act is perhaps its most important feature. This vests the Secretary of the Interior with certain responsibilities to protect the resources of the Hudson from adverse effects as a result of Federal programs or projects until such time as the compact has been completed.

In early 1967, pursuant to the authority of the act, the Interior Department established a special Hudson River Compact Staff, drawing upon the very best of the Department's resources, to discharge the Department's responsibilities to protect the riverway. After several months of negotiations with other Federal agencies by the staff, the Secretary of the Interior concluded memorandums of agreement with the six other Cabinet departments and the three independent agencies with responsibilities bearing upon the riverway. Under these agreements, the Hudson Staff reviewed all Federal projects which could conceivably affect the resources of the Hudson Riverway and made such recommendations as were deemed necessary to protect and enhance its resources.

Let me give you some examples of what has been achieved under this agreement.

In 1969, the board of education of the city of New York proposed the construction of a badly needed new school facility, the Beach Channel High School on Jamaica Bay, a tidal estuary within the Hudson Basin, as defined in this act. The construction involved substantial dredging of an area known as Giant Bar Marsh in the bay. Before the enactment of the Hudson River Compact Act there would have been no question as to the impact of this project on the natural resources of the Hudson. However, under the authority of this act, the staff investigated and discovered that the marsh area was extensively used for wild-fowl feeding and was vital to the maintenance of the Atlantic coastal fisheries.

In addition, after an on-site inspection, Interior officials pointed out that the plans as drawn up would have destroyed one of the few available recreation fishing sites along Jamaica Bay.

I want to stress that, in the absence of the Hudson River Compact Act, these issues would probably never have been raised. Even if they had been raised, the entire project could have bogged down in a protracted public dispute with no promise that the conflict would ever be resolved. The role of the Hudson River Compact Staff, however, did not end with merely pointing out the existence of the problems. The staff worked jointly with the officials of the city of New York and the Corps of Engineers to revise the plans so as to protect and actually enhance the resource.

Under the new plan, the amount of dredging at Giant Bar Marsh was vastly reduced. Furthermore, the city and corps agreed to use fill material obtained to expand the marsh and thus make the entire project a cooperative effort with the U.S. Fish and Wildlife Service to demonstrate the practicability of enlarging and improving our dwindling marine resources.

In addition, the design of the school grounds was changed so as to provide a new, more accessible public fishing facility, thus vastly enhancing the recreation value of the area for the low-income families in the vicinity.

This is an outstanding example of the new conservation, but it is only one of the many successes.

In reviewing nearly 350 projects over the past 3 years pursuant to this legislation, the Hudson Staff has won a number of significant conservation and environmental victories throughout the entire 315-mile stretch of the Hudson.

At Little Falls in the northern stretch, it saved an island with rare geological and historical significance from destruction by a State highway.

At Buchanan in suburban Westchester, the staff won the first conditions on a corps permit that provide protection from thermal pollution from a nuclear powerplant.

Twice it has prevented a utility from desecrating the famed Hudson Highlands with overhead powerlines.

Mr. Chairman, I come before this committee to urge that this promising first step toward resolving the problems of the Hudson Riverway be given more time. I respectfully request that the committee act as quickly as possible in order to sustain the forward motion generated by this legislation over the past 3 years.

Unfortunately, due to the administration's delay in reporting on this measure, the authority of the act was allowed to expire on September 26 of last year. This delay is particularly difficult to understand in light of the administration's strong recommendations that the legislation be extended.

It need not, however, be fatal. Officials of the Interior Department believe so strongly in the value of this Hudson program that they have maintained the Hudson River Compact Staff and its activities over the past 6 months since the legislation expired.

At the hearings in the House of Representatives, on December 9, Interior officials promised the chairman of the House Interior Committee that they would continue this program to give Congress time to act. The delay, nonetheless, cost us dearly, for the Hudson River Compact Staff is significantly less effective in the absence of specific mandate of Congress.

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The House responded to the problem in a timely manner by passing H.R. 13106 with two excellent committee amendments on February 2, and this distinguished subcommittee has also helped to meet the problem by scheduling this hearing so expeditiously.

On behalf of the citizens of New York and all those Americans who are concerned with the fate of our great rivers, I thank you and respectfully urge quick and favorable Senate action on H.R. 13106.

Senator ANDERSON. We also have received a statement for the record from Senator Harrison A. Williams of New Jersey.

(The statement referred to follows:)

STATEMENT OF HON. HARRISON A. WILLIAMS, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

Mr. Chairman and members of the committee, thank you for this opportunity to express to the Subcommittee my support of a bill which is of direct importance to many people in the State of New York and my own State of New Jersey, and of collateral concern to many more people who may visit those states.

H.R. 13106 will help to insure that the irreplaceable resources of one of this nation's most historic rivers will be preserved for generations yet unborn. As you know, it will extend for another four years the provisions of the Hudson Riverway Act passed by Congress in 1966.

That Act, which I had the privilege of sponsoring in the Senate, established a protective zone along the length of the Hudson River in New York and New Jersey. It gave the Secretary of the Interior authority to recommend withholding of federal funds from any construction project which could have an "adverse effect" on the river or its shoreline. However, that authority expired last September and it is important that it be extended.

Let me stress that I support this arrangement only as an interim measure until the states of New York and New Jersey can work out their own plan for protecting the river. Under the terms of the Act, the Interior Secretary's project review function expires when the two states, and Congress, have approved an interstate compact on the river.

I am informed that negotiations on such a compact have been held and most of the major points agreed to. Both states are anxious to proceed, but as you know these things often take more time than we might wish. Therefore, it is essential that we extend the Interior Secretary's authority to protect this important natural and historical resource until the interstate compact can be put into force.

If we fail to extend Federal protection of the Hudson Riverway, there might soon be nothing left to protect. Every year in America we pollute our rivers with 50 trillion gallons of human and industrial waste. We are destroying our greenery at the rate of one million acres a year. We are paving more than two acres of open space every minute.

Once scenic landmarks are now little more than sewers. The Ohio River, famous as the beautiful water-highway which helped open America's West, is now so polluted that its oxygen content is zero. Right here in Washington, Rock Creek, once a famous and scenic stream, is now little more than a dump. The zoo uses it for a sewer.

We must protect and preserve what natural and historical resources we have left, and one of the foremost of these is the Hudson River. In the three years the Hudson Riverway Act has been in effect, it has had exactly that effect.

The Bureau of Outdoor Recreation has reviewed 341 proposed projects in areas abutting the river in behalf of the Secretary of the Interior. In many cases it found the proposal would be detrimental and succeeded in either blocking or changing the project.

For instance, two years ago, when a proposed realignment for a county road in Duchess County, New York, threatened to destroy a house overlooking the river which had historical importance dating back to the American Revolution, the Bureau stepped in. Local officials, threatened with the loss of funds from the Bureau of Public Roads, have now agreed to an alternate plan which will leave the house standing.

The waterways, greenspaces and historic landmarks we have left in this country are too precious for us to allow them to go unprotected any longer. I urge you to act quickly on this bill, and to report it favorably.

Senator ANDERSON. We have a letter from Senator Case of New Jersey to be included in the record.

(The letter referred to follows:)

U.S. SENATE,
Washington, D.C., March 20, 1970.

Hon. CLINTON P. ANDERSON,
Chairman, Subcommittee on Water and Power Resources, Senate Interior and Insular Affairs Committee, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I urge favorable action on legislation (H.R. 13106) now before your Subcommittee extending the authority of the Secretary of the Interior to review all federal actions affecting the Hudson River.

The review authority was incorporated in the Hudson River Compact law (P.L. 89–605) which Congress approved in 1966.

This law authorizes New Jersey and New York to conduct negotiations on an interstate compact providing for protection of the Hudson River which forms part of the boundary between our two states.

Unfortunately, more than three years have passed without the negotiations bearing fruit. Last September saw expiration of the review authority which the act granted the Secretary and which has been used to protect the river and adjacent lands from harm.

The pending legislation would extend the Secretary's review powers for an additional four years. On February 2, the House of Representatives approved H.R. 13106 providing for such an extension. The Administration already is on record as strongly recommending enactment of the bill.

Under Section 5 of the law the Secretary of the Interior is given authority to keep the Hudson River region in substantially its present condition until a compact is negotiated and the resulting instrumentality of government can take over.

To accomplish this, the act provides for two forms of review. One requires agencies of the Federal Government to consult with the Secretary before making decisions or taking actions which could affect the Riverway and its natural and historic resources.

The other review procedure requires that the Secretary's views be obtained on the potential environmental impact of pending applications for federal licenses, such as those required for hydroelectric or nuclear power plants.

Under color of this authority, the Secretary has reviewed 341 federal or federally assisted projects affecting the Hudson. These reviews have led to a number of project modifications related to environmental quality.

In one instance, Interior was able to persuade a power company to relocate a power line from a scenic portion of the Hudson to one already spanned by a bridge. Other actions have resulted in saving a Revolution-era house and in conversion of surplus federal property into a waterfront park.

In my own state, the Secretary has worked to prevent further destruction of the majestic New Jersey Palisades across the Hudson from Manhattan. Of particular help was the Secretary's support for our successful efforts to prevent sale of a Hudson County park, located atop the Palisades, for use as the site of a high rise apartment.

The review authority is not a veto and should not be so construed. It does, however, give the Secretary leverage to secure change and effect compromise, where possible.

Far preferable would be outright authority to hold up projects endangering the environment while needed changes are made. Under my Department of the Environment bill, the Secretary would have such authority.

In the absence of stronger controls the Secretary's review procedure is needed as an interim bulwark against federal actions in the Hudson River region.

Since, at the moment, even this protection is denied the Hudson, I urge that your Subcommittee, and then the full Interior Committee, act to restore the Secretary's authority in this area.

With best wishes,

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

Senator ANDERSON. Our next witness is Mr. Harrison Loesch, Assistant Secretary, Public Land Management, Department of the

Interior. And he is accompanied by Mr. Lawrence N. Stevens, Acting Director, Bureau of Outdoor Recreation, Department of the Interior.

Mr. Loesch, you may proceed as you wish.

STATEMENT OF HARRISON LOESCH, ASSISTANT SECRETARY, PUBLIC LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY LAWRENCE N. STEVENS, ACTING DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

Mr. LOESCH. I am pleased to be here this morning. I should say that I hadn't expected to be the first witness. Congressman Ottinger is stranded in upper New York on a Mohawk plane that hasn't flown, I guess, and consequently will be unable to be here.

We are, of course, here to testify on H.R. 13106, as passed by the House of Representatives, a bill to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes.

We strongly recommend enactment of this legislation as passed by the House of Representatives on February 2, 1970. The bill would amend sections 3 and 5 of the act of September 26, 1966 (80 Stat. 847), the Hudson River Basin Compact Act.

Section 3 of the act granted congressional consent to the States of New York, New Jersey, and—if they wished to participate—Connecticut, Massachusetts, and Vermont, to negotiate with each other and with the United States concerning a compact to protect and enhance the natural, scenic, historic, and recreational resources of the Hudson River Basin. The section appointed the Secretary of the Interior as the representative of the United States in such negotiations and directed him to report to the President of the United States by July 1, 1968, on the progress of the negotiations. There was such a report made.

As passed by the House, H.R. 13106 would require the Secretary to report to the President by July 1, 1970, and annually thereafter, and would thereby provide additional time to pursue negotiations with the concerned States.

During 1967 and 1968, representatives of the Department of the Interior held several meetings to discuss the proposed compact with the Governor of New York and his staff, and representatives of the Governor of New Jersey. The States of Vermont, Massachusetts, and Connecticut declined to participate directly in the negotiations.

These meetings resulted in general agreement on the major provisions of a compact. The Department of the Interior prepared a draft compact based on these discussions, which was reviewed by other Federal agencies and approved by the Water Resources Council after some revision.

As required by law, the former Secretary submitted a report to the President on July 1, 1968, which included a summary of proposed compact provisions. However, the previous administration took no action on the report.

Recently, the Governors of New York and New Jersey notified the Secretary of the Interior of their interest in reviving the compact

negotiations. We are therefore in a position to resume negotiations upon enactment of this bill.

However, negotiations of this type are extremely complex and time consuming. And we believe the additional time which H.R. 13106 would give the Secretary of the Interior to continue negotiations and to submit a progress report to the President is fully warranted.

Section 5 of the 1966 act required all Federal departments, agencies, and instrumentalities to consult with the Secretary of the Interior concerning plans, programs, projects, and grants under their jurisdiction within or affecting the Hudson Riverway. The section also required the above Federal entities to notify the Secretary of license applications pending before them which might affect the riverway's resources and to give the Secretary 90 days to comment on such applications before final action was taken on them.

These requirements formally terminated on September 26, 1969. H.R. 13106 would extend these requirements for an additional 4-year period or until a compact has been approved by Congress, whichever occurs first.

We believe the Department's temporary authority to review Federal and federally assisted or licensed projects within the riverway has had a significant effect in preserving the environmental quality of the riverway. We urge that it be continued.

It is a pleasure to report that the various Federal agencies involved with projects within the Hudson Riverway have cooperated fully with the Department of the Interior in carrying out its responsibilities under section 5 of the 1966 act. We believe that, as a result of the review activities of this Department, the various Federal agencies have become increasingly sensitive to the need to protect the resources of the Hudson Riverway. Prompt action by Congress on the pending bill will insure that the progress we have made in the last 3 years in protecting the resources of the Hudson will continue.

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

Senator ANDERSON. Has very much been done thus far?

Mr. LOESCH. Yes, sir.

I have with me Mr. Larry Stevens of the Bureau of Outdoor Recreation, who could speak specifically to that.

Mr. STEVENS. Good morning, Mr. Chairman.

We have reviewed during the 2-year period some 341 projects that were submitted to the Secretary of the Interior under the original act. And, as Secretary Loesch said, we have had excellent cooperation from the other Federal agencies in submitting them to us and in accepting our views on changes which we thought were desirable.

Senator ANDERSON. Senator Jordan?

Senator JORDAN. Thank you, Mr. Chairman.

I notice that this bill has no section providing for any funding. How do the Federal activities get funded?

Mr. LOESCH. We have a tabulation, Senator Jordan, of expenditures for staff work under the original bill.

Senator JORDAN. You take care of it in your regular appropriations?

Mr. LOESCH. Yes.

Senator JORDAN. So no special funding on this bill is provided and none is required.

Mr. LOESCH. That is right, and none is required.

Senator JORDAN. Thank you, Mr. Chairman.

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

Senator ANDERSON. Thank you very much. We appreciate your testimony.

Senator ANDERSON. Our next witness is Dr. Spencer M. Smith, Jr., secretary, Citizens Committee on Natural Resources.

You may proceed.

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

Dr. SMITH. Thank you, Mr. Chairman.

We strongly support this measure. It is somewhat urgent.

Mr. Chairman, I think we would support this bill without knowing any more than the fact that there are six Government agencies and bureaus that have cooperated on this matter. Whether the executive is in the hands of the Democrats or the Republicans, when you get six executive departments all going down the same road, this is no mean accomplishment.

The activities, I think, that the original bill attempted have been successful. The effort, as you know, has been significantly difficult for all the various States. This is an urban river. There is an effort to try to utilize it for purposes of goods and services as well as to protect the environment. Indeed, these are often not mutually compatible.

But I think the fact that the States and the Federal Government have worked so hard and so cooperatively that it is urgent that the matter be continued.

In the colloquy on the House floor at the time the measure was passed—February 2, 1970—Congressman Aspinall, chairman of the House Interior and Insular Affairs Committee, made the point that in this cooperative effort the respective States had spent 22 times as much as the Federal Government had in trying to work out means and procedures by which the Hudson Riverway could be utilized in an appropriate fashion.

The moratorium on this river essentially expired September 26, 1969, as the Secretary testified to. I think what we are interested in is seeing this reestablished in this cooperative effort.

It has been testified to that the Federal Government isn't asking for additional money and the States have put in a tremendous amount of money, and they have accepted a great deal of the leadership of the Federal Government in planning and in analyzing various projects for the Hudson River.

I think Mr. Stevens mentioned 341. I won't detail them. But they represent a variety of circumstances. Where they want to build a school in one place, instead of building it there they build it somewhere else. It is this kind of coordination and this kind of rationale which I think is very important.

As the chairman knows, we will be considering before this committee, before too long—I think on March 23—Senator Jackson's bill on land use. It occurs to me that this is at least perhaps a small section of the kind of things that he is talking about in that bill. This represents the cooperation of the Federal Government, the agencies within the Federal Government, and the States to do something about an urban river.

I can't think of an urban river in the United States that probably has more conflicting problems than the Hudson. I think they have done a good job. I would like to see them have the opportunity to continue it.

Thank you very much.

Senator ANDERSON. Are there any questions?

There was a time when some representation was made here about the river. Governor Rockefeller had some proposals, and Laurance Rockefeller had some ideas. Are you familiar with their proposals?

Mr. LOESCH. If I understand your question, Mr. Chairman, Laurance Rockefeller, to the best of my knowledge, not only supported the original measure, but I am sure he has been active in the consideration of the various projects that have been on the Hudson. Mr. Rockefeller is in support of this specific measure that is before the committee now.

Senator ANDERSON. I had some discussion with him several years ago on this subject.

Mr. STEVENS. Mr. Chairman, if I may supplement Dr. Smith's comments, the State of New York itself has established by legislation a Hudson River Valley Commission, which has been operating for 3 or 4 years and reviews non-Federal projects, both public and private, which would have an effect upon the environment of the Hudson River. Both the Governor and Laurance Rockefeller have had a major hand in the establishment and support of the State Commission, and they have worked hand-and-glove with us in the review of Hudson River projects.

I think there must be a mutually beneficial effort here. We have certainly valued very highly the cooperation we have had from the State commission.

Senator ANDERSON. Thank you very much.

Our next witness is Mrs. Patricia Clifford Jordan, Citizens Committee for the Hudson Valley.

We are happy to receive your testimony. You may proceed.

STATEMENT OF MRS. PATRICIA CLIFFORD JORDAN, CITIZENS COMMITTEE FOR THE HUDSON VALLEY

Mrs. JORDAN. Thank you.

The Citizens Committee for the Hudson Valley, representing members in 10 communities from Riverdale to Ossining along the eastern shore of the Hudson, believes strong, effective legislation which will provide for local participation in a compact between Federal and State Governments is needed if the precipitous deterioration of the Hudson Valley is to be halted.

Heaped upon the neglect of years are projected, irreversible encroachments which, if realized, will make future efforts to rehabilitate the lower Hudson meaningless. We refer specifically to an expressway proposed by New York State for the eastern bank of the river from Tarrytown to Ossining.

It has been necessary for the Citizens Committee for the Hudson Valley, the Sierra Club, and the village of Tarrytown to bring litigation in an effort to prevent construction of this damaging highway. Additionally, Consolidated Edison continues to press for a powerplant at Storm King Mountain in the scenic Hudson Highlands and for multiple powerplants in the Indian Point-Verplanck region.

The proliferation of high-rise apartment complexes along the Palisades below the George Washington Bridge is obliterating this uniquely beautiful geological formation and threatens to mar the skyline above the Palisades Interstate Park north of the bridge. Widely touted plans to eliminate pollution from the river have proceeded much too slowly, with the result that our remaining marine resources are in constant peril.

The Citizens Committee for the Hudson Valley believes the existing open space along the lower Hudson from Albany to New York City should be preserved for its scenic, ecological, and recreational potential. We also favor a master plan for the orderly, long-range development of the entire Hudson River Basin and hope that such a plan will provide stringent environmental safeguards.

Finally, we look forward to the appointment of a highly qualified commission with authority to protect the area from the political and economic forces that have blighted it in the past.

Senator ANDERSON. Are you for or against the bill?

Mrs. JORDAN. We would like to see the Hudson River Compact renewed, extended.

Senator ANDERSON. Is this bill satisfactory to you?

Mrs. JORDAN. Yes, sir.

Senator ANDERSON. Senator Jordan?

Senator JORDAN. Thank you, Mr. Chairman.

You have a good name and an excellent statement. I have a daughter named Patricia, too.

Thank you.

Senator ANDERSON. Senator Hansen?

Senator HANSEN. Thank you, Mr. Chairman.

Mrs. Jordan, I compliment you on a very fine statement.

Let me ask you this. Are the lands to which you refer here those along the Palisades below the George Washington Bridge—I presume these are all privately owned now?

Mrs. JORDAN. Except those that are immediately contingent on the park.

Senator HANSEN. Is the threat that there may be a further invasion of the publicly owned lands by high-rise apartments? Are you talking about publicly owned lands, privately owned lands, or both?

Mrs. JORDAN. If you put a high-rise apartment—now we are getting into my opinion. I am speaking for myself.

Senator HANSEN. I am interested in your opinion.

Mrs. JORDAN. If you put an ugly building on private land immediately adjacent to what is supposed to be wild area, yes; I believe that is an encroachment on the public good.

Senator HANSEN. In order to meet this problem—and it is a very real one and a very vexing one, one I think that is occurring at greater regularity than ever before throughout the country—what can be done, what sort of public policy might be promulgated which, in your judgment would obtain or retain the desired results without unduly restricting the rights of private-land owners?

Does your organization have any recommendation in this area?

Mrs. JORDAN. I would hesitate to speak for the organization. Again, I would be happy to give you my opinion. Planning overall, regional planning, which includes enough citizen participation so that local groups can make themselves heard without having to take

each independent instance into court, this puts a tremendous burden on a local citizens groups.

Of course, there are conflicting interests. But every time there is a road proposed, or a powerplant, or somebody wants to put high-tension wires across the Hudson River, in the past, up until the very recent past, when there has been more interest in regional planning, each one of these things has had to be dealt with individually. This puts a burden not only on the individual citizen who cares about the world he lives in, it also puts a terrible strain on small local governments.

For example, Dobb's Ferry has a riverfront. They have a sanitary landfill, part of which has been turned into a small park, between the railroad lines and the river. They would like in the village of Dobb's Ferry to go ahead and continue their waterfront development. They are willing to spend the money locally. The local people are willing to do the work and make the plans.

But the whole thing comes to a screeching halt because no one yet knows whether or not that miserable expressway is going to cut the village right down the middle. If you can't get to the river, there is not a whole lot of point in putting a park there, or a marina, or cleaning it up.

So I am sorry to have gone on so long. But I feel very strongly about these things.

Senator HANSEN. I am pleased to have your opinions.

I certainly recognize the wide public interest in the extension of the utility lines, whether they be powerlines or sewerlines, whatever it may be, or the extension of a highway.

When you speak of high-rise apartments, this is another problem and gets into a slightly different area, in my opinion.

How may the wide public interest best be protected without unduly penalizing a private-land owner? Let me add this thought. As the pressing population increases and the demand for land expands in the parallel fashion, I suspect we might anticipate the taxes would rise.

In this sort of situation, how do we reconcile the burden that may be placed on a private-land owner and his natural—maybe not natural desire, but oftentimes a present desire at least to try to make the best economic use in his judgment that he can of his property?

What I am trying to say is, what may be done in order not to unduly penalize the private-land owner and yet serve the public interest? Would it be your recommendation that perhaps an easement might be purchased from the private-land owner to bring about his voluntarily surrendering the right to do certain things which might not serve the wider public interest and not present him with punitive, economic hardship?

Mrs. JORDAN. I think there are people who are going to object no matter what project is proposed. But if, in the overall area, people have the feeling that they can make themselves heard, and that one interest is being balanced off against another, there is a good deal more chance of getting people's cooperation and acquiescence in what may appeal to them. If they have the feeling that they are going to be heard the next time, and asked ahead of time—most of these things have happened in the past by fiat. All of a sudden there it is. There is a big article in the paper that such-and-such is going to be done.

Senator HANSEN. Let's say that all of these things have happened and that you are faced, as I suspect you are, in New York State now with the very real probability that within the soon foreseeable future that, unless something is done, there will be some high-rise apartments zooming up. What are you going to do about it?

Mrs. JORDAN. That is not necessarily a bad thing. I think what people are looking for is some assurance that it is not random or haphazard, that it is not just going to be done because someone happens to own a piece of property and figures, all right, fine.

I suppose what I am saying is that in most small communities there are zoning commissions, which automatically hold hearings when there is going to be any basic change to a neighborhood. This is a very big neighborhood, but the same sort of thing can be worked out.

Senator HANSEN. I think this situation has happened a number of times. Let's say that some developer goes into a community and buys maybe 160 acres of ground, and it is in farmland. He develops it with a subdivision. Those people there would like very much to see that all of the surrounding area is to remain open.

Mrs. JORDAN. That is true.

Senator HANSEN. And this happens. I have known of a number of instances where it has happened. Do those persons whose property surrounds such a development have some rights, in your judgment, that ought to be considered if a zoning board is to come in and say to them, "No, you can't do what your neighbors have done over here"?

Mrs. JORDAN. Certainly, sir.

Senator HANSEN. How do you resolve this?

Mrs. JORDAN. I think in the same sort of vicious arguments that you have at every zoning board all over the country.

Senator HANSEN. You mean that is how it is resolved?

Mrs. JORDAN. Yes. They generally are.

Senator HANSEN. Is this a satisfactory way of resolving it?

Mrs. JORDAN. It is a microcosm of our government. I think it is a pretty good government. It doesn't always make the decision one would like. But, on the overall, I think this is the only answer to this sort of thing.

If I may, I would like to bring this question back to Dobbs Ferry again, which is the village I know the best. There is a piece of private property on the river. It is now occupied by a defunct factory. A developer has proposed putting two high-rise apartments there. There are people in Dobbs Ferry who dislike the idea of any more apartments, because that makes for school overcrowding and that whole routine.

But the village, having argued this matter through quite thoroughly, the last I heard about it, had decided that if the developers of the high-rise, if the developers of these apartment buildings, would allow use of the waterfront and woods in return for the zoning easement, agree to make available a waterfront park area, then, yes, the village would go for it.

Senator HANSEN. I think you have already experienced in New York State something that many other parts of the country have yet to learn about. I was hoping that perhaps, from the experience

you have there, some valuable lesson could be gained that would have applicability in other areas.

But I run into this situation—and I think that it is a realistic one and one that ought not to be dismissed lightly. It is one thing to say, "We are going to zone the whole area." That is all right. But sometimes a landowner may be caught in a situation of a rising tax impact and yet he is being told, "In the public interest, you are going to keep the land use as it is, but you are going to pay more taxes on it." And it gets to be somewhat of a bind.

Do you think that in order best to serve the full public interest before some restrictions might be placed by a legally organized board, zoning board or whatever, that it would be worth while to give some consideration to easements or something that would recognize the rights of another person perhaps to do what an earlier person has already done and to forgo exercising certain options and privileges in consideration of a payment of some kind or something?

Mrs. JORDAN. Yes, sir. I think each one of these things gets negotiated. No zoning regulations that I know of have ever remained absolute for very long. I don't think any of us is talking about zoning for posterity. We are talking about the balancing of people's needs and desires, and the best use of their lands and tax moneys.

Senator HANSEN. Thank you very much, Mrs. Jordan.

Thank you, Mr. Chairman.

Senator Anderson. You say:

> Additionally, Consolidated Edison continues to press for a powerplant at Storm King Mountain in the scenic Hudson Highlands and for multiple powerplants in the Indian Point-Verplanck region.

They have a powerplant now, don't they? I attended the dedication of that plant. They use atomic power.

Would you like that plant to be built anywhere else? Or would you like to have a coal plant?

Mrs. JORDAN. Once again, sir, I cannot make a definitive judgment. If, for example, in the instance of Storm King, I would far rather see an atomic plant put elsewhere than to see that particular area subject to the sorts of damage that is going to be done if the Consolidated Edison plant is built as presently proposed in the Storm King area.

Senator ANDERSON. Consolidated Edison needs more current throughout Metropolitan New York. Where will they get it?

Mrs. JORDAN. There has been a great deal of argument in favor of the gas turbines in the city, power-producing elements that can be put in the city where the power is needed.

This storage plant that Consolidated Edison has proposed has more detrimental effects than it has positive values, in my opinion.

Senator ANDERSON. Don't you think it has been done satisfactorily?

Mrs. JORDAN. I am not an expert on atomic energy, Mr. Chairman, or on powerplants, for that matter.

Senator ANDERSON. Thank you very much.

The subcommittee is adjourned.

(Whereupon, at 10:25 a.m., the subcommittee recessed, to reconvene at the call of the Chair.)

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