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LAND AND WATER CONSERVATION FUND

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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



SECOND SESSION
ON

S. 3505

A BILL TO AMEND THE LAND AND WATER CONSERVATION
FUND ACT

MAY 18, 1970

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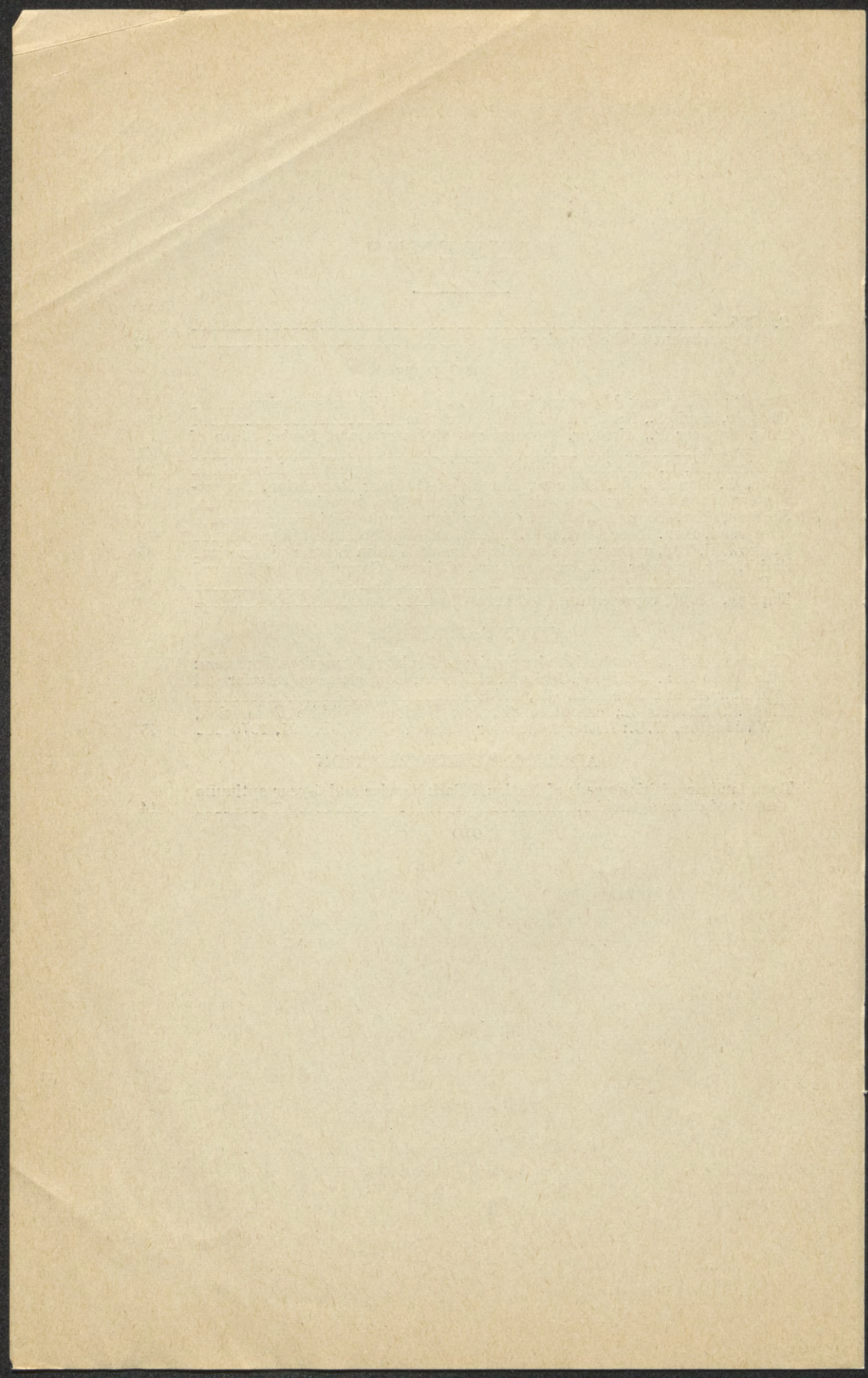
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LAND AND WATER CONSERVATION FUND ACT

MONDAY, MAY 18, 1970

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

The subcommittee met, pursuant to call, at 10:15 a.m., in room 3110, New Senate Office Building, Senator Alan Bible (chairman of the subcommittee) presiding.

Present: Senators Bible, Anderson, Moss, Hansen, Fannin, and Bellmon.

Also present: Jerre T. Veckler, staff director; Bernard C. Hartung, Denny Miller, professional staff members; and Charles Cook, minority counsel.

Senator BIBLE. Gentlemen, the subcommittee will come to order.

I am delighted to see so many fellow members of the subcommittee here this morning. I am sorry that I am running just a bit late but we had a Small Business Committee meeting, of which I also happen to be a chairman, which detained me there.

This is bill S. 3505, to amend the Land and Water Conservation Fund Act introduced by Senators Jackson and Allott and subsequently cosponsored by every member of the Senate Interior Committee. It will be made a part of the record at this point.

We also have the view of the Office of the Secretary under a letter signed by Acting Secretary Fred Russell, dated May 15, 1970, which will also be made a part of the record. It recommends the enactment of the bill with amendments in the letter of transmittal and the official position of the Department.

We also have a statement from the chairman of the committee, Senator Jackson.

(The bill under consideration, S. 3505, the report thereon and Senator Jackson's statement follow:)

[S. 3505, 91st Cong., second sess.]

A BILL To amend the Land and Water Conservation Fund Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) (1) of section 2 of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578; 78 Stat. 897), as amended, is further amended to read as follows:

“(c) (1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the funds pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropri-

ated such amounts as are necessary to make the income of the fund not less than \$300,000,000 for each fiscal year beginning July 1, 1970.

"(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to \$300,000,000 for each fiscal year, an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That, notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1970.

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

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 3505, a bill "To amend the Land and Water Conservation Fund Act, and for other purposes."

We recommend the enactment of the bill with amendments recommended herein.

S. 3505 would increase the \$200 million deposited in the Land and Water Conservation Fund under section 2(c) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) as amended, to \$300 million for each fiscal year beginning July 1, 1970. The additional \$100 million needed to reach the proposed funding levels would come from appropriations from the general fund of the Treasury or, in the absence of such appropriations, from the mineral leasing receipts under the Outer Continental Shelf Lands Act.

This Department has carefully considered the need for an increase in the authorization level of the Land and Water Conservation Fund to allow establishment of recreational facilities, with urban areas having a first priority. As President Nixon said in his Environmental Message to Congress: "Increasing population, increasing mobility, increasing incomes, and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up."

In support of the President's statement, Secretary Hickel recently stated: "Three-quarters of the population live in and around our major cities and that concentration is increasing. We must bring more 'parks to the people' to relieve the social pressures in these crowded areas."

Secretary Hickel has expressed concern that the past practice of simply authorizing new Federal areas without the money to pay for them has left us sitting on a backlog of "parks" that exist only on paper, while their cost skyrockets. We feel that we must keep our authorizations and appropriations parallel, so that we can pay for recreation areas at the same time we select them.

In addition, Secretary Hickel said: "In order to provide needed lands and waters at minimum cost, we recommend that the assured authorized level of the Fund be raised to \$300 million."

We recommend that on line 4, page 2, the year "1970" be deleted and the words "1971 and for each fiscal year thereafter" be inserted. The President has already requested in his 1971 budget that the amount of \$357.4 million be appropriated from the Fund.

The Bureau of the Budget advises that there is no objection to the presentation of this report and that enactment of S. 3505, if amended as recommended above, would be in accord with the program of the President.

Sincerely yours,

FRED J. RUSSELL,
Acting Secretary of the Interior.

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

On February 25 of this year, I was joined by Senator Allott in sponsoring S. 3505, a bill to add a full 50% additional financing authority to the Land and Water Conservation Fund beginning in fiscal year 1971. I should emphasize that the additional financing is not intended as a temporary measure but would continue for the life of the fund. I firmly believe that the additional revenues which would be generated if this legislation became law are badly needed to meet the burgeoning outdoor recreation needs of this country.

I am very pleased with the bipartisan support which Senator Allott and I have received in the cosponsorship of this legislation. On April 8, 1970, I inserted a statement in the Congressional Record in which I noted that every member of the Senate Interior Committee had asked to cosponsor S. 3505. I regard this action as highly significant in that it reflects the belief by Committee members that we must provide additional park and recreation land now, instead of delaying action until land price escalation has diluted our ability to acquire and develop high quality outdoor recreation properties.

As the author of the original Land and Water Conservation Fund Act, I would like to take a moment to review its progress. During the first three years of its existence, the Fund received nearly \$300 million in revenue which was used for land acquisition, development and planning. Without a doubt, the investiture of these funds was successful in providing additional recreational outlets for millions of Americans. However, I felt that the monies generated by the Fund were not adequate to fulfill the objectives of the law, and unless new revenues were provided, State and Federal outdoor recreation property acquisitions would be jeopardized.

Because of this deficiency in funds, and the tremendous increase both in the recreation demand and land price escalation, I sponsored an amendment to the Land and Water Conservation Fund Act to authorize a minimum annual expenditure of \$200 million for five fiscal years beginning in FY 1969. I recognized that even this increase in funds would not fully meet the future recreational requirements of the states and Federal agencies. However, I also was aware of the multiplicity of other demands on our National budget. Therefore we had to be realistic regarding priorities and the appropriation limitations which would have to be imposed on our recreation program. Therefore we limited the authority to \$200 million.

I introduced S. 3505 because I believe further delays in acquiring and developing lands, will only mean that less and less land can be acquired in the future for outdoor recreation purposes. Recent statistics indicate that land values are increasing annually on the average of 5-10 percent. The rate has been significantly higher for recreation lands, especially for water-oriented lands. The demand for outdoor recreation use has accelerated at a rate greater than the population increase, and the suitable lands for recreation are more scarce relative to land use generally, causing a greater acceleration in recreation land prices.

The fact remains inescapable that if future recreation needs are to be met, the land base must be acquired within 5 to 10 years. After such time either the cost of recreation lands will be prohibitive, or the lands will become committed to other competitive uses. We already know, through a report on land price escalation prepared last year by the Department of the Interior, that total Federal and State needs under the Land and Water Conservation Fund for the next 10 years is about \$3.6 billion. On a 5-year projection, the need is estimated at \$1.5 billion.

I feel it is incumbent upon Congress to move expeditiously in the enactment of this legislation if we hope to provide present and future generations of Americans with an opportunity to participate in quality recreation in a quality environment.

Senator BIBLE. Our first witness this morning is Mr. G. Douglas Hofe, Jr., Director of the Bureau of Outdoor Recreation.

Mr. Hofe, will you come forward with your supporting witnesses? Identify yourself and tell us about this particular bill.

**STATEMENT OF G. DOUGLAS HOFE, JR., DIRECTOR, BUREAU OF
OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR; AC-
COMPANIED BY HARRY RICE, ASSOCIATE DIRECTOR**

Mr. HOFE. Thank you very much.

Mr. Chairman, I have with me the Acting Associate Director of the Bureau of Outdoor Recreation, Mr. Harry Rice.

I do have a statement which I would like to read for the record.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to testify on S. 3505 which further amends section 2(c) of the Land and Water Conservation Fund Act of 1965.

Essentially, the bill would increase from \$200 million to \$300 million the annual income guaranteed to the Land and Water Conservation Fund. Beginning with fiscal year 1971, the additional moneys necessary to reach this increased income level would come from appropriations from the general fund of the Treasury or, in the absence thereof, from mineral leasing receipts under the Outer Continental Shelf Lands Act.

This administration has given careful consideration to the need for an increase in the authorized level of the Fund and has concluded the need is acute. As aptly expressed by President Nixon in his Environmental Message to the Congress:

Increasing population, increasing mobility, increasing incomes and increasing leisure will all combine in the years ahead to rank recreational facilities among the most vital of our public resources. Yet land suitable for such facilities, especially near heavily populated areas, is being rapidly swallowed up. . . . Plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years.

The crux of the matter is land. Ever-mounting urbanization, industrialization, and commercialization all are competing for our dwindling supply of open spaces. Such competition has in turn given rise to a rapid escalation of land prices. Under these circumstances, we cannot afford to delay the acquisition of additional lands for recreational use, particularly in urban areas.

In recognition of this plight, the President's budget request for fiscal year 1971 provides for full funding of the Land and Water Conservation Fund under present law and also appropriation of all carry-over moneys in the Fund from prior years, totaling \$357.4 million. At the same time, the administration has recommended that the guaranteed annual income to the Fund be increased to \$300 million.

Illustrative of the urgent need for such increase to provide additional recreation opportunities in our cities, the Bureau of Outdoor Recreation reports that only 25 percent of public recreation facilities and only 3 percent of public recreation lands are reasonably accessible to urban dwellers.

Tentatively identified urban-oriented recreation areas that might be suitable for Federal administration would require substantial Federal funds. Even after a thorough screening of these areas has been accomplished, it is readily apparent that those remaining will create a heavy demand on the Federal portion of the Land and Water Conservation Fund program.

It should be emphasized in this connection that the higher level of funding proposed will also enable acceleration of action to remove the substantial backlog of authorized but unacquired Federal areas.

Increased income to the Land and Water Conservation Fund is also necessary to keep pace with the expanding requirements of the State portion of the Fund program. The financial resources of State and local governments have been heavily strained in meeting mounting costs of government operations, and they will require more help in meeting the pressing recreational needs of urban populations.

A number of considerations have led to the conclusion that the major part of additional funds available should be requested for the assistance to States program. The States and local units of government are closer to the people and in a better position to move quickly to meet the most pressing needs. Such needs can also be met more effectively at the level on which they arise—by State, county, city, and other local units of government.

The principle that State and local governments should handle matters that primarily affect State or local interests has become a classic tenet of American Government. State and local governments have a much greater capability to obligate funds. Further, increased reliance on State and local governments is consistent with administration policy to give States a pivotal role.

The expanding State and local recreation needs are dramatically reflected in the sharp changes in the "obligation rates" since the beginning of the Fund program. For fiscal years 1965 through 1970 the percentage of total appropriations obligated under the State portion of the Fund program has been as follows:

Fiscal year:	<i>Percent</i>
1965 -----	1.97
1966 -----	15.37
1967 -----	64.13
1968 -----	79.29
1969 -----	93.68
1970 (Estimated) -----	100.00

In summary, the Department fully endorses S. 3505 and recommends its enactment with the amendment described in the departmental report.

In addition, we recommend that the committee consider adding to S. 3505 the additional provisions in the legislation which the Department submitted to the Congress on February 10, 1970, and which was introduced in the Senate as S. 3467. These additional provisions would:

(1) Authorize this Department, subject to the approval of the Administrator of General Services, to convey surplus property to State and local governments for park and recreation purposes at public benefit discounts of up to 100 percent, that is, the conveyance may constitute a donation; and

(2) Revise existing procedures to encourage Federal agencies to relinquish present sites, which could be put to more efficient use, and move to new sites.

The enactment of such additional provisions would result in substantial surplus properties becoming available to State and local governments for park and recreation purposes. At the same time these

provisions should also result in substantial surplus Federal properties being sold to nongovernmental purchasers and the proceeds therefrom deposited in the Land and Water Conservation Fund to assist in acquiring additional park and recreation areas.

The enactment of S. 3505 with these additional provisions would provide for a more effective utilization of surplus Federal property in implementation of the park and recreation program outlined in the President's recent environmental message to the Congress.

It should be noted that only last week the House Committee on Interior and Insular Affairs ordered reported to the House H.R. 15913 which combines the proposed \$300 million annual funding for the Land and Water Conservation Fund with a proposal authorizing this Department, subject to the approval of the Administrator of General Services, to convey excess property to State and local governments for park and recreation purposes.

We believe this committee should give serious consideration to adding to S. 3505 the additional provisions in S. 3467.

This concludes my formal statement. I shall be happy to answer any questions you may have.

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

Tell me what the amendments that are contained in the Secretary's letter of May 15, 1970, do.

Mr. HOFE. The amendment suggested in the Secretary's letter would make the increase in level of funding to \$300 million effective beginning in fiscal year 1972. As the bill is now written the ceiling level increase is effective in fiscal year 1971.

Senator BIBLE. Why did you make that change?

Mr. HOFE. Because the President and the administration have requested for appropriation in fiscal 1971, \$357.4 million which in effect gives us, if the Congress approves, that amount of money during fiscal 1971 and the level then in fiscal 1972 of \$300 million would continue expenditures from the fund at that high a level.

Senator BIBLE. How much money is there in the Land and Water Conservation Fund accumulated to date but unappropriated?

Mr. HOFE. Mr. Chairman, at the present time the unappropriated balance from prior years is \$157.4 million.

Senator BIBLE. \$157.4 million is money which has not been appropriated, as I understand it, in the present appropriation bill which is before the Congress. You are asking that that amount be appropriated?

Mr. HOFE. Yes; we are.

Senator BIBLE. In other words, that is an effective trust fund that is subject to appropriation right now?

Mr. HOFE. That is correct.

Senator BIBLE. In addition to the \$157.4 million, you are asking for an additional \$200 million?

Mr. HOFE. That is correct.

Senator BIBLE. That gives you a total of \$357.4 million. That is how you arrived at that figure?

Mr. HOFE. Yes, Mr. Chairman.

Senator BIBLE. You say you do not want this act to be effective until fiscal year 1972 because of these reasons.

If the Congress appropriates the money for which you are presently asking appropriations authority, the total then will be for expenditure in fiscal year 1971, starting this next July 1, which is just a month away, \$357.4 million.

Mr. HOFE. That is correct.

Senator BIBLE. That is money you will have available to use for both Federal Government and States.

Mr. HOFE. That is true, Mr. Chairman.

Senator BIBLE. How is that divided under your request for this next fiscal year 1971 as between—I am not asking you to break it down according to agencies; I don't want that line item detail; but how is it divided between Federal Government and State? How much does the Federal Government get under your suggestion of the appropriations, and how much do the States get?

Mr. HOFE. Initially, Mr. Chairman, so that the figures add up, \$30 million of the \$357.4 million is for liquidation of advance contract authority.

Senator BIBLE. Does that use up the balance of the contract authority that you have left to you?

Mr. HOFE. Yes.

The apportionment to the States is proposed at \$185.4 million. The Federal then is \$172 million, which includes the \$30 million.

Senator BIBLE. Which includes the \$30 million?

Mr. HOFE. Yes.

Senator BIBLE. That is fairly close to 50-50. A little more to the States than to the Federal Government.

Mr. HOFE. That is correct.

Senator BIBLE. Very well.

You are suggesting that we add the provision of S. 1708 to this legislation. S. 1708, the add-on that you are suggesting, has already passed the Senate.

Mr. HOFE. Yes.

Senator BIBLE. The House Interior Committee took nearly all the language from the Senate passed bill, S. 1708, and added it to the House passed bill. Is my statement correct? If not, correct me.

Mr. HOFE. In general, I believe, Mr. Chairman, that the House added or put a different provision in.

Senator BIBLE. All I am trying to find out is, what the Interior Committee of the House did with S. 1708, the bill the Senate passed earlier. Will you tell us what they did with this bill?

Mr. HOFE. They utilized portions of S. 1708 in amending the bill that the committee has now reported out.

Senator BIBLE. Insofar as the surplus property is concerned, did they take our provision intact or did they make changes?

Mr. HOFE. They took the provisions which would allow the disposition of surplus property to local governments at up to 100 percent discount; virtually intact.

Senator BIBLE. Virtually the Senate passed bill.

Mr. HOFE. Yes; virtually so.

Senator BIBLE. Are there any major differences?

Mr. HOFE. I don't believe so, Mr. Chairman.

Senator BIBLE. In other words, the House Interior Committee has taken the bill which we have before us today and they have added it

onto the bill which we previously passed. This bill has been ordered reported and is awaiting a rule.

Mr. HOFFE. Mr. Chairman, may I extend my comments on S. 1708?

The bill reported out by the House committee treats the property at the excess level and not at the surplus level, as the Senate bill did.

Senator BIBLE. Draw that distinction. What is the difference?

Mr. HOFFE. When property becomes unused or not needed by a Federal agency, it reports that property as excess to its needs and the General Services Administration then inquires of other Federal agencies whether or not any one of those agencies could use the property.

Senator BIBLE. That is the present law.

Mr. HOFFE. In the event that the answers are negative and no other Federal agency is able to utilize the property it is then declared surplus by General Services.

Senator BIBLE. In that case, I think the State and the counties have certain preferences, don't they?

Mr. HOFFE. At that time, when it is surplus property under present law State and local governments may acquire the property for park or recreation purposes at 50 percent of fair market value.

Senator BIBLE. Now, what does the bill do that we have passed and the House has reported out?

Mr. HOFFE. The bill that the House has reported out would treat the property at the excess level, allowing the Secretary of the Interior together with the Administrator of General Services to determine that the property may go to a local governmental agency for park or recreation purposes at up to 100 percent discount. This is at the excess level.

Now, the Senate bill to which you referred would have treated this at the surplus level.

Senator BIBLE. I think that does speed it up. Isn't that the effect of it?

Mr. HOFFE. Yes; it does.

Senator BIBLE. The Senator from New Mexico.

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

Senator BIBLE. The Senator from Utah.

Senator MOSS. Is not the effect of the amendment proposed by the Department to S. 3505 really to cut down \$100 million on the amount of money in the Fund by postponing for a year's time the \$300 million amount and having only \$200 million this coming fiscal year?

Mr. HOFFE. Senator Moss, I would prefer to say it does not cut down; it postpones until 1 year later the raising of the level of income into the Fund.

Senator MOSS. But the net effect is that the Fund will shrink by \$100 million by reason of that amendment.

Mr. HOFFE. There will be \$100 million less in the Fund if the amendment is accepted.

Senator MOSS. Of course, what is appropriated out of the Fund is controlled each year. If the \$100 million were in there and it is not appropriated out it would simply be carried over and be available at a later date for appropriations.

Mr. HOFFE. It would be available.

Senator Moss. What the House has done is pass the bill that keeps the \$100 million in; is that right? We would be cutting \$100 million below the House figure if we took this amendment?

Mr. HOFE. It is not my recollection, and we are checking now, Senator. Yes; the House would begin with fiscal 1971, the House bill.

Senator Moss. To save going to conference, I would like to see the \$100 million stay in there and therefore I would hope that we do not accept this amendment. I think the needs for the fund are sufficiently great that we ought to go along with the House and begin putting \$300 million in there starting this fiscal year.

That is the only question I have, Mr. Chairman.

Senator BIBLE. The Senator from Wyoming.

Senator HANSEN. I have before me a copy of the "Land and Water Conservation Fund Act, as amended," and I would like to direct your attention to that section on page 6 entitled "Apportionment to the States." I am particularly interested in getting your comments on the language which would amend this section that was proposed in an amendment to S. 1708 by Congressman Saylor of Pennsylvania if this amendment is enacted into law, b(2), would then read:

"Three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgement will best accomplish the purposes of this act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States," and after that word "States" has been inserted a comma. The next two words "and of" have been stricken and then the language continues:

"the use of outdoor recreation resources of individual States by persons from outside the State,"—insert a comma and strike "as well as a consideration of," and then continue—"the Federal resources and programs in the particular States"—insert a comma in place of the period and add to that sentence "and any conveyance of excess Federal property pursuant to section 10 of this act."

What is intended, if you know, by the amendment proposed by Congressman Saylor?

Mr. HOFE. Senator Hansen, this was the subject of discussion between the members of the subcommittee and Assistant Secretary Loesch in the hearings on the House bill. It was raised by a question of an offset in the event a city, for instance, were to receive some Federal property for park use. Would the market value of that land which they were given be offset against the apportionment to the State within which the city was located? And during the dialog the Assistant Secretary took the position that the administration did not favor that.

Senator HANSEN. Did not favor the offset?

Mr. HOFE. The direct offset.

Taking, for example, Fort Lawton in Seattle, which, if it were to become a city-owned recreation facility, its worth may be \$50 million which would, if offset against apportionment to that State, eliminate any money to the State for many years to come. The Assistant Secretary pointed out that the administration would not favor such a situation.

I gather that this language which requires the Secretary to take this into consideration is a way of giving the Secretary flexibility in the event a large amount of surplus property is made available to local governments within a particular State. It is not a mandatory provision as it now stands.

I can give you only the background which I heard in the dialog. I do not know the exact import of it.

Senator HANSEN. Would I be correct in assuming then that what the Department had done is to say that it opposes the concept that a conveyance of excess property to a State would diminish that State's shares of funds under the Land and Water Conservation Fund Act. Where the conveyance of excess property could be made, and obviously would benefit primarily the city and the population concentration nearest, that the rest of the State would not thereby be penalized in having the funds available to the State otherwise being diminished by the value of the property conveyed?

Mr. HOFE. That was the position that Secretary Loesch took.

Senator HANSEN. Mr. Chairman, if I may, let me simply try to clarify that position.

It seems to me that obviously if a piece of property in one city were it to be conveyed to a city, to a municipality, you could do a grave injustice and unfairness to every other town in the State.

Senator BIBLE. In other words, it is your view that it should not be counted as an offset?

Senator HANSEN. That is right.

Senator BIBLE. It should be excluded?

Senator HANSEN. It should be excluded.

Senator BIBLE. Is that the departmental position?

Mr. HOFE. That is, that the property distributed under legislation that is now proposed should not in any way affect the apportionment of the land and water conservation dollars among the States.

Senator BIBLE. What is the effect of the Saylor amendment? That does not seem to be what the Saylor amendment does.

Mr. HOFE. The Saylor amendment, as I interpret it, is permissive, that the Secretary shall take this into account but it is not, as I was outlining to Senator Hansen, a mandatory provision that it must be offset.

Senator BIBLE. What is the difference between "shall be" and "must be"? I thought the words meant just the same.

Mr. HOFE. The Secretary may take into account a particular conveyance of surplus property under the amendment that Congressman Saylor introduced.

Senator BIBLE. It says "Three-fifths shall be apportioned on the basis of need to the individual by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include, among other things," and then it delineates them and then the Saylor amendment says: "and any conveyance of excess Federal property pursuant to section 10 of this Act."

All I am trying to find out is, must that be taken into consideration or should it not?

Mr. HOFE. The Secretary must take it into consideration but he is not under an obligation to deduct the dollar value of a particular piece of surplus property.

Senator BIBLE. What is the distinction? If he has to take it into consideration, it doesn't make any difference in the allocation. I want to avoid future misunderstanding. I can see where we could be arguing this one point for a long period of time. All I want to do is get a very clear position as to the Department viewpoint on this. Will you make it very clear for me?

Let me use an example. As I understand it, there is up for consideration the release of a certain amount of land at Camp Pendleton Marine Base. I think it makes a pretty good example. I understand that there was before the Secretary and before the various governmental agencies involved, a proposal that certain amounts of the Pendleton Marine Base be released for beach use as a higher use for recreational purposes. I don't know whether they will release that to the Federal Government or to the State. For the purpose of my question, I don't think it makes much difference.

But, if they were to release 2 miles of beach front at the Pendleton Marine Base, under the amendment that Congressman Saylor has in the bill at the present time before the House of Representatives, would that be considered or would it not be considered? Let us put a value on that beach property and say it is worth a million dollars.

Mr. HOFE. Under the amendment, as I interpret it, Mr. Chairman, the Secretary would give consideration to such a release. He could say, "Well, I am still going to apportion. I have thought about it and I have considered it but there is a need in that State for the full apportionment and I will continue to apportion, not giving regard to that million dollars." He could make that decision.

Senator BIBLE. Or he could make a different decision. Or he could say, "The value is a million dollars. Therefore, we will give the State of California a million dollars less because we have given them a million dollars in beaches."

Is that correct?

Mr. HOFE. Yes; or in between, Mr. Chairman.

Senator BIBLE. I am not getting into the values. Maybe he could say, well, we will only give \$100,000 value to it or \$200,000. But your position, under the Saylor amendment is that he can still either deduct it from the State's share or not, there is still that discretion.

Mr. HOFE. That is discretionary. The effective word in this section is "need", and these are factors listed among many other factors all pointing to the need.

Senator BIBLE. The determination is that he shall include this factor among other things. I want to have a clear record.

If we are mixed up now as to what the departmental position is about this offset problem I know it will be mixed up in the future as we try to move this bill forward. I think we had better be abundantly clear and state in unequivocal language whether you count a million dollars of beaches in or out of California's share. I am using that as an example.

Senator Moss. Mr. Chairman.

Senator BIBLE. The Senator from Utah.

Senator Moss. Is it not possible that a State might even have need for more money when they are given a piece of excess Federal property because of the need for development? A State may use its part of the apportionment under the land and water conservation fund act for the development of recreation lands acquired from the Federal Government, as well as those obtained from other sources.

But taking the same example the chairman has been using, assume the State acquired 2 miles of beach in California that had been used by the Marine Corps. The State really might have more need for its share of the money to develop the beach for recreational purposes than it would have had, had it never gotten the beach.

Mr. HOFE. That is right, Senator.

Senator MOSS. I just wanted to make that clear so that it fits in with the interpretation you gave, saying that the Secretary may consider all of these factors. He might very well come to a mental process such as that, saying, now that the State has gotten \$2 million worth of beach they should get their money, too, so as to make the 2 miles of beach available for recreation purposes.

Mr. HOFE. That is correct.

Senator BIBLE. The Senator from Wyoming.

Senator HANSEN. Mr. Chairman, first of all, let me say that I appreciate the observations you have made and those made by Senator Moss, as well. I think what you have said, Mr. Chairman, underscores my concern in being as certain as we can be that the desires and intentions of this committee not be misunderstood because this is a very critical area.

I do not object at all to the Secretary being called upon to consider a factor. It is one thing to consider a factor and it is another thing for the State's allocation to be reduced by the value of lands that would be passing from Federal into State or local ownership.

I think it is worth while in this connection to underscore the point made by the Senator from Utah. I have before me a report of the Senate Interior Committee on S. 1708, "The Federal Lands for Parks and Recreation Act." This report makes the very point that the Senator from Utah mentioned. For example, under the Federal Property and Administrative Services Act of 1949, as amended, land for historical monuments can be transferred, at no cost, from Federal to State ownership. The fact is if that is done in all likelihood the State will need more, not fewer, dollars to administer these lands properly.

The same thing is true with public airports which can be transferred to States or the political subdivisions at no cost. If an airport passes from Federal to State or municipal ownership, automatically the expense of administration increases and more funds rather than fewer are needed. The same is true with lands for wildlife conservation which can be transferred free of cost. It is also equally true with lands which could be transferred for health or education purposes at discounts up to 100 percent under the 1949 act.

Further, when such properties are transferred to the State or their political subdivisions, there is no requirement whatsoever that the Federal Government must consider this "benefit" in determining the amount of assistance they should receive for land development. For example, just because a State receives surplus land at no cost for a public airport, it does not mean that the Department of Transportation must take into consideration, with the possible result that the States will receive a reduction in assistance for airport development, because of the "windfall" they received.

I would hope that we did not go so far in the Saylor amendment so as to leave the impression that there would be a diminution in the funds available to a State under this act simply because Federal excess or surplus property had been transferred.

As a matter of fact, I would be inclined to say with every such transfer there immediately will go an escalation of the demand in the need for local or State funds. So, I say again I support very much what has been said by the chairman and by the Senator from Utah.

Senator BIBLE. I think it is very obvious that this is something that we must clear up. It is not too clear right now. It is rather unclear, it seems to me. I think I understand the Department position but I am not sure.

I want to next yield to the Senator from Arizona. Before I do, let me ask a question which I intended to ask earlier.

As of today, how much money would it cost to acquire all of the property for which the Federal Government has authorized acquisitions in the recreation area, excluding the \$357.4 million which is in this year's budget? Excluding that or including, whichever way you put it, wherever figures are more readily available to you, how much money would it cost to acquire all of the park lands that this committee has authorized to date, that are now in the law? And give relevance to that \$172 million. I don't care whether you put it in or out, \$172 million is the money that is in this year's budget, the budget that will come over from the House Interior Appropriations Committee, I think tomorrow, and we will have it before us immediately thereafter.

Do I make the question clear?

Mr. HOFÉ. I will try to be responsive, Mr. Chairman.

Our figures indicate that the acquisition needs of the Park Service and the 5-year optimum needs of other agencies are as follows:

Senator BIBLE. What do you mean by "5-year optimum needs"?

Mr. HOFÉ. When we are talking about the Forest Service, Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management, we are in a somewhat different category.

Senator BIBLE. I recognize that. Maybe we had better break them apart.

To give the Park Service specifically the amount of money that would be required to purchase all of the lands. Point Reyes, Cape Cod, Assateague, Indiana Dunes, Padre Island, et cetera, how much money would it take, Park Service, all by itself?

Mr. HOFÉ. \$171.1 million.

Senator BIBLE. That is without relationship to the amount in this year's appropriation bill?

Mr. HOFÉ. This is the amount of money needed after 1971.

Senator BIBLE. Assuming you get everything that you are asking the Appropriations Committee for in this fiscal year, you will still need \$171.1 million, as best you estimate it, to acquire the remaining park lands and recreation area lands, seashore lands, which this committee has authorized. Is that a correct statement?

Mr. HOFÉ. That is correct, Mr. Chairman.

Senator BIBLE. Does that include all of the in-holdings outstanding?

Mr. HOFÉ. Yes.

Senator BIBLE. The Gettysburg in-holdings and the Grand Teton in-holdings?

Mr. HOFÉ. All of those in-holdings.

Senator BIBLE. So, if we had \$171 million, optimistically assuming that the Appropriations Committee will allow it, and the Congress

will authorize \$171 million this year, we will need that money again to clean up all of the land titles for the Park Service alone?

Mr. HOFE. That is correct. And, of course, the chairman is aware that the in-holding program in areas authorized before 1960 is on an opportunity purchase basis.

Senator BIBLE. I understand that and I realize it will take some years to pick it up because some of it is under the Cape Cod formula and some of it is pretty sacrosanct for other reasons. But these are authorized acquisitions as of today?

Mr. HOFE. That is correct, Mr. Chairman.

Mr. RICE. Mr. Chairman, it includes the amount of additional ceilings that would be required on certain areas where we have run out of appropriation ceilings. So, the \$171 million includes the total funding requirement to liquidate all of the National Park Service holdings, including additional legislation to raise ceilings where required.

Senator BIBLE. For example, we have increased the authorization for Point Reyes and Cape Cod.

Mr. RICE. Yes.

Senator BIBLE. That takes into effect the two increases in the ceilings.

Mr. RICE. That is correct.

Senator BIBLE. That is one of the figures I was looking for.

Now, give me this next one.

Mr. HOFE. The next figure is on Forest Service projecting an optimum 5-year program.

Senator BIBLE. This is Forest Service?

Mr. HOFE. This is Forest Service, over a period of 5 years, \$296.9 million.

Senator BIBLE. \$296.9?

Mr. HOFE. That is correct.

Senator BIBLE. That is to acquire in 5 years optimum—

What does that mean?

Mr. HOFE. To acquire those lands within existing national forest boundaries within 5 years.

Senator BIBLE. It will cost \$296.9 million?

Mr. HOFE. That is correct.

Senator BIBLE. Could we have a breakdown on how you arrive at these figures?

Mr. HOFE. I shall be pleased to submit it for the record.

Senator BIBLE. Give us the backup for that figure as well as the Park Service figure of \$171 million.

Mr. HOFE. We will be pleased to do so, Mr. Chairman.

(The figures to be furnished follow:)

Total land acquisition needs of National Park Service and 5-year optimum needs of other agencies

	<i>Millions</i>
National Park Service-----	\$171.1
Forest Service-----	296.9
Bureau of Sport Fisheries and Wildlife-----	29.7
Bureau of Land Management-----	3.0
Total all agencies-----	500.7

Land and Water Conservation Fund—National Park Service land acquisition needs after fiscal year 1971 budget amendment (\$61.7 million) and fiscal year 1970 supplemental (\$7.1 million)

Newly authorized areas—fiscal year 1960 and later: Balance of authorized ceilings (see attachment)-----	¹ \$26,949,288
Inholdings—Areas authorized prior to fiscal year 1960-----	86,828,461
Total needs within currently authorized ceilings-----	113,777,749
Additional ceiling needs (requires legislative action):	
Areas authorized fiscal year 1960 and later (see attachment) --	11,646,370
Areas authorized prior to fiscal year 1960-----	45,679,379
Total, additional ceiling needs-----	57,325,749
Total National Park Service needs-----	171,103,498

¹ Portion of ceilings which may not be required for acquisition not included.

NATIONAL PARK SERVICE—ESTIMATED NEEDS FOR LAND ACQUISITION FOR AREAS AUTHORIZED, FISCAL YEAR 1960 AND LATER

Area	Statutory ceiling	Less proposed budget amendment (\$61,700,000) and fiscal year 1970 supplement (\$7,100,000)	Balance of ceiling	Additional ceiling needs
Bighorn Canyon	\$355,000	\$255,000	\$100,000	
Biscayne NM	24,575,000	21,630,000	2,945,000	
Canyonlands NP		(7,755)		\$20,000
Cape Cod NS	33,500,000	24,391,000	9,109,000	
Cape Lookout	265,000	97,743	167,257	
Delaware Water Gap	37,412,000	35,412,000	2,000,000	
Fort Smith	319,000	246,399	72,601	806,370
Lake Mead	1,200,000	1,200,000		4,600,000
Lincoln Boyhood	75,000	74,286	714	320,000
Minute Man	5,000,000	5,000,000		5,900,000
Point Reyes	57,500,000	53,241,000	4,259,000	
National wild and scenic rivers	10,710,700	7,049,984	3,660,716	
Nationwide system of trails	5,000,000	365,000	4,635,000	
Total	175,911,700	148,962,412	26,949,288	11,646,370

FOREST SERVICE NEEDS AFTER FISCAL YEAR 1971

FOREST SERVICE IDENTIFIED SHORT-RANGE NEEDS

Within administrative boundaries and legislative ceilings:	<i>Thousands</i>
Wilderness and primitive areas-----	\$60,000
National recreation areas:	
Whiskeytown-Shasta-Trinity, Calif-----	5,772
Mount Rogers, Va-----	5,758
Spruce Knob-Seneca Rocks, W. Va-----	15,000
Flaming Gorge, Utah-----	7,500
Subtotal, NRA's-----	34,030
Wild rivers and trails-----	11,000
Intensive public use areas-----	151,900
Key recreation lands in existing NF units-----	40,000
Total-----	296,900

BUREAU OF SPORT FISHERIES AND WILDLIFE NEEDS AFTER FISCAL YEAR 1971

[In millions of dollars]

	Amount	Rounded figures
Within legislative ceilings:		
Endangered species:		
Statutory ceiling.....	15.000	
Less appropriated:		
National key deer.....	1.900	
Mason Neck.....	2.458	
Patuxent.....	1.050	
Okefenokee.....	1.590	
Tenasillahe Island.....	1.000	
Attwater prairie chicken.....	.415	
Subtotal balance.....	6.587	6.6
Recreation areas (short-range needs under Public Law 87-714).....	3.513	3.5
Subtotal.....	10.100	10.1
Additional legislative ceiling required: Endangered species.....	19.600	19.6
Total Bureau of Sport Fisheries and Wildlife needs.....	29.700	29.7

Bureau of Land Management identified short-range needs

	<i>Thousands</i>
Within administrative boundaries and legislative ceilings:	
Wild and scenic rivers: Rogue River, Oreg.....	\$1.0
Additional administrative or legislative ceiling required:	
Wild and scenic rivers: Rogue River, Oreg.....	2.0
Total BLM needs.....	3.0

Senator BIBLE. How much money are you allowing BLM? I am talking only about land acquisition, not development.

Mr. HOFE. \$3 million for Bureau of Land Management over 5 years. That is basically wild rivers, Mr. Chairman.

The other agencies: Bureau of Sports Fisheries and Wildlife, \$29.7 million.

Senator BIBLE. Give us an example of that. Is that the wild lands?

Mr. HOFE. Wildlife refuges, recreation areas adjacent to wildlife refuges and endangered species.

Senator BIBLE. Do you have others for which there are projections?

Mr. HOFE. There are no other Federal agencies at the present that use land and water conservation funds.

Senator BIBLE. I think that gives us an idea of the breadth of the cost required.

The Senator from Oklahoma.

Senator BELLMON. Do these figures have anything to do with the wetlands?

Mr. HOFE. No; they do not.

Senator BIBLE. That is not included in those figures?

Mr. HOFE. That is not included, Mr. Chairman.

Senator BIBLE. I wanted to get that before the committee.

I now recognize the Senator from Arizona.

Senator FANNIN. Thank you, Mr. Chairman.

Mr. Hofe, do we have a contractual agreement whereby these figures will hold? In other words, you give us these figures on the acquisitions over this period of time. We don't have any contractual agreement that would hold these figures, do we?

Mr. HOFE. No; not over this span of time, though we do come in for appropriations. We have on the Forest Service side today options or know the particular tracts.

Senator FANNIN. It will hold those figures?

Mr. HOFE. That is correct.

Senator FANNIN. One clarification.

For instance, we have, near the city of Phoenix, a complex proposal involving a river that is going to be channelized. And then a park is to be built on land over the channelized river. My question is in arriving at the distribution of these funds, what formula is used? Or is there a formula to be used? In other words, you have some way to arrive at a dollar amount which, under this legislation, could be used?

Mr. HOFE. The initial decision in requesting appropriations from the Fund each year is the amount of money to be requested for Federal grants in aid and the amount of money to be requested for Federal acquisition by the agencies we have just been referring to. That is the initial decision that is made. That is made on a number of factors: how best to solve the need, how best to spend the money available, and what can be absorbed by the States, how much can the States effectively use, how much does the Federal Government need within the limits of the amount of money being appropriated.

Once having made that determination, that breakout, then on the Federal side the Bureau of Outdoor Recreation working with the Federal agencies we have mentioned proposes a breakdown among those agencies and submits that to the Secretary. It is his decision to be made on how much of the Federal side goes to the Park Service, for instance, or to the Forest Service.

On the State side, the grants in aid, by statute 40 percent of the funds must be distributed equally among the 50 States. The balance of funds, 60 percent, is to be apportioned on the basis of need.

Now, the way this has worked in the recent past, 5 percent of the money has been retained by the Secretary in a contingency fund for outstanding cases of need in particular States that cannot be satisfied by their apportionment. Then the balance, or 55 percent, is apportioned among the States under a formula which is a formula designed to satisfy the statutory requirement of apportioning according to need.

Population is perhaps the most important factor and we do have a particular formula which is applied to these moneys and this gives us the respective State figures.

Senator FANNIN. You answered the question better than I submitted it.

I am just wondering if the particular locality and the population consideration is important, the nearest population area is one of the factors which you state is very much involved.

Mr. HOFE. Yes; population is perhaps the largest factor in the apportionment.

Now, of course, the apportionment goes only as far as determining how much money is available to a particular State. At that point, the State through its State liaison officer, who is appointed by the Governor in each State, submits to the Bureau of Outdoor Recreation proposals for funding particular projects, be they acquisition or development. These must be consistent with the State outdoor recreation plan. Each State has a statewide plan.

Then, on the recommendation of the State liaison officer, we review an application and determine whether or not to fund it. In that regard, more and more we are emphasizing the need to acquire and develop recreation facilities in and near concentrations of population without, of course, turning our backs on the need for areas outside and away from population centers that have to be preserved both on the Federal side and State side.

Senator FANNIN. The proposed plan under consideration by the State or by the municipals they would submit it to you and be able to have a determination made as to the percentage in which you would be participating?

Mr. HOFE. No; we participate if at all on a matching basis of 50 percent. The other funds may be raised at the State or city level or a combination. Many times there is a combination where the Federal Government puts in 50, the State 30, and the county 20 percent.

Senator FANNIN. I know we have a very complex situation in this instance. But the recreation part is the ultimate goal. But, they would be able to make a determination of the amount of funds that could be available?

Mr. HOFE. Yes; they could. Of course, we fund the recreation part. By statute, we do not go beyond.

Senator FANNIN. Thank you.

Senator BIBLE. The Senator from Oklahoma.

Senator BELLMON. Thank you, Mr. Chairman.

I notice in the letter we have from Mr. Russell of the Department of the Interior he makes the comment that we must bring more parks to the people to relieve social pressures in these crowded areas.

In your comment on page 2 in the second paragraph you say that only 3 percent of the public recreation lands are reasonably accessible to urban dwellers.

Could you be a little more specific in defining what you mean by "reasonably accessible"?

Mr. HOFE. Yes.

Of course, reasonably accessible is a term open to much interpretation. What we mean is that if lands and facilities are available to those people living within cities or concentrations of population within, let us say, a one-day outing area, in other words, the people could get to this, enjoy the day, and come back home. Day use is perhaps the best way to explain it.

Senator BELLMON. Could you in a general way give us an idea of what the distance might be? You talk about a park within 100 miles of the city or 50 miles or 2 hours' driving time? What general rule do you use to say it is within a day's use?

Mr. HOFE. No more than 120 miles.

Senator BELLMON. In the use of these terms, "urban dwellers" and "crowded areas," what size cities do you have in mind? Are you talking just about New York City?

Mr. HOFE. No. In our studies and in our reviews we have been using cities of 250,000 or more. As they go up, we get different breakdowns. But it is not New York City and Los Angeles and Chicago alone. There are needs in all urban areas and we look to about 250,000.

Senator BELLMON. So then the main impact of this legislation would be to secure park areas within 120 miles of cities of 250,000 or more?

Mr. HOFE. In a sense, yes, and sometimes even closer.

Now, I want to make it clear that it is not intended that the entire amounts of these moneys be placed in this category. There are areas both on the stateside and on the Federal side which are more than 120 miles from an urban area which are to be and must be preserved for their natural beauty, enhancement of environment, and people do have a need for more than day use activities, weekend use, 1 week vacation. So, we are not turning our backs on this but we are giving greater emphasis to where the real crucial needs are and that is day use near the city.

Senator BELLMON. Thank you.

Senator BIBLE. Any further questions of Mr. Hofe?

Senator HANSEN. Yes, Mr. Chairman.

I do have one question, Mr. Hofe.

Do you know how much money was collected last year under the golden eagle program?

Mr. HOFE. Our figures indicate that for the fiscal year 1969, \$4,763,832 were collected under the golden eagle program.

Senator HANSEN. We have a unique situation in the western part of Wyoming. At the present time there seems to be some confusion as to what sort of arrangement will be worked out. I was hoping that I could find a reference in the local paper but I am unable to do that.

As I get the picture, golden eagle stamps are not available at the present time? Is this right?

Mr. HOFE. They are not available, Senator. There is no legislation.

Senator HANSEN. A number of people live within the exterior boundaries of Grand Teton National Park. Technically, they would have to buy a permit on a day basis to enter the park, at least that seems to be the impression that some have.

Mr. HOFE. That is correct. We are looking hopefully to passage of the golden eagle bill in the House.

Senator MOSS. Has not the House Interior Committee reported the bill and it is ready for the floor now?

Mr. HOFE. It is, Senator.

Senator HANSEN. At the present time, these persons have to buy a dollar permit each time they go in. Isn't that correct?

Mr. HOFE. That is correct, Senator.

Senator HANSEN. I mention that because when the park was established, though I realize full well that one individual can't bind his successors, I know that assurances were given to those people living within the areas they would not have to buy permits there. I can say that there are still oldtimers who live there who are not altogether happy and I think understandably so, with the Federal Government with the imposition of the situation that I understand now obtains.

Mr. HOFE. I understand, Senator.

Senator HANSEN. Thank you, Mr. Chairman.

Senator BIBLE. Are there any further questions of the witness?

Mr. Hofe and Mr. Rice, you have made a fine presentation this morning. You have obviously done your homework. We are glad to see witnesses come up who have the information at their fingertips. I congratulate you. I thought you made a very credible statement.

Mr. HOFE. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is an old friend of the committee, Pinky Gutermuth. Knowing you the way I do, we will just confine you to your statement, Mr. Gutermuth. Go ahead.

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE
MANAGEMENT INSTITUTE

Mr. GUTERMUTH. That is all right except that they discussed one amendment here.

Senator BIBLE. Oh, you can discuss that in your time.

Mr. GUTERMUTH. It is a short statement, however, Mr. Chairman. I am C. R. Gutermuth, vice president of the Wildlife Management Institute, one of the older national conservation organizations. Its program has been devoted to the restoration and improved management of natural resources in the public interest for more than 50 years.

Like the other conservation organizations, the Institute is pleased that the committee has been able to schedule this hearing on S. 3505. We believe there is a compelling urgency for its enactment, a view that obviously is shared by more and more people, here in Congress and in the executive branch.

The administration is among the most recent recruits to this viewpoint, and one which the conservationists were happy to see support this plan to increase the base of the Land and Water Conservation Fund. Spokesmen for the administration, as the committee knows, expressed favor of the Jackson-Allott plan in their appearance before the House committee. We are greatly pleased, too, that the bill now is being cosponsored by every member of this committee.

Mr. Chairman, I am not going to attempt to recite the fiscal inadequacies of the Land and Water Conservation Fund program and the many reasons why S. 3505 should be approved. The case is documented fully in the records of this committee, and there is widespread agreement that the \$200 million authorization in current law, even if appropriated in full, would be insufficient to reduce the backlog of land acquisition, planning, and development and to make satisfactory progress in rounding out the new park and recreation area projects authorized in recent years.

The National Park Service, in particular, has serious inholdings problems in existing parks that have not been resolved because of the demand for funding new project acquisitions. It is hoped that the Service will be encouraged to embark on a realistic timetable for acquiring inholdings and eliminating the serious problems they pose. Few people seem to know or care, for example, that townsites are being erected on private lands within the boundaries of Glacier, Sequoia, and Yosemite National Parks.

Without sufficient funds to acquire the lands, the Service is powerless to prevent the development of these privately owned and completely inconsistent projects within the confines of some of our greatest national parks.

Senator BIBLE. What do you mean by that?

Mr. GUTERMUTH. I mean they are actually in the process of developing townsites within those parks because the land has not been acquired by the Federal Government.

Senator BIBLE. I know, but what are they doing on the townsites? You say townsites are being erected. Are they putting dwellings up?

Mr. GUTERMUTH. They have built dwellings and they have built various kinds of commercial enterprises within these areas. The longer

we delay it is going to become that much more costly to get them out of there.

Senator BIBLE. I am amazed that they are building in those many parks. I will ask the Park Service about Glacier, Sequoia, and Yosemite Parks.

Are they expensive homes?

Mr. GUTERMUTH. There are various kinds of homes but there are private residences in there.

Senator BIBLE. Do you know how many there are in total?

Mr. GUTERMUTH. No.

Senator BIBLE. We can get that from the Park Service.

Mr. GUTERMUTH. Yes.

I was as amazed as you were here a couple of years ago in meeting with the Park Service to discover that this actually is going on. It is obvious to me that very few people realize it. This is a serious situation.

Senator BIBLE. I am happy to have you call this to our attention. We will check this out.

You may proceed.

Mr. GUTERMUTH. It is for this and other reasons, Mr. Chairman, that the Institute hopes S. 3505 will be enacted.

We hope, too, that the \$300 million will be regarded as an annual appropriations floor and not a ceiling, and that full funding will be requested and appropriated.

We also urge that the Federal agencies participating in the fund program be encouraged to move first against the backlog problems that have developed because of past inadequate funding, rather than investing all of their share of the fund in new acquisitions.

Senator BIBLE. Let me ask a question there because as chairman of this subcommittee I am delighted to have full membership of the subcommittee here this morning. Does your last statement mean that as these new park proposals come forward we should put them in deep freeze until we have acquired what we have already authorized? Is that what you are saying? I am interested in your thinking on it.

It always bothers me when we keep authorizing new recreation areas and new parks and now seashores and lakeshores where we are falling further and further behind with some of the older authorizations.

What should we as a committee do when we have these new bills before us? We have them every day. We all introduce them.

Mr. GUTERMUTH. Of course, my answer to that is really going to have to do, I guess, with this proposed amendment. I am very much opposed to this suggestion that we delay this to cut down another \$100 million from the amount that is made available to help clean up this backlog.

Senator BIBLE. That still does not answer my question. Maybe you prefer not to.

As an old friend of mine, I would like to be able to quote you, "Mr. Gutermuth says let us get the acquisition matter cleared up." I would not hesitate to use your name if it would help me. [Laughter.] The problem is a vexing one to me. Right now, therefore, we have four or five proposals, all of which cost lots of money. I know just as sure as we pass them we will get the request to put up the dollars to acquire

the land. These older ones that we have authorized on earlier dates are falling further and further behind.

You don't need to answer that question.

Mr. GUTERMUTH. This is right. What disturbs me is that when we deny in acquiring already authorized land, it is well-known that the Government is interested in these areas and consequently the price keeps escalating all the time. This is the reason that I think an effort ought to be made to provide enough funds to clear out all of these areas in which the Government has already manifested an interest in.

Senator MOSS. Therefore, you would not like to cut out that \$100 million?

Mr. GUTERMUTH. Yes, sir; I want that \$100 million. The fact of the matter is that I believe we should have full funding in this field.

Senator BIBLE. All right.

You may proceed.

Mr. GUTERMUTH. Congress should require that substantial progress is made in this direction. Even an annual funding level of \$300 million would appear to be inadequate, in our opinion, if the approval of S. 3505 stimulated the authorization of still more costly projects at this time. Effort should be made to bring our recreational books into balance by investing initially in authorized, but inadequately funded, projects.

We believe that new projects are desirable and inevitable, especially in urban or near-urban areas where most of the people seek their recreation. But we hope first that Federal agencies be permitted and required to get on top of their current programs before receiving directives to acquire, develop, and staff more new areas.

Senator BIBLE. Obviously, I can use that sentence in answer to my question. That seems to be the response to the question I asked earlier. I will quote you when some of my beloved colleagues of the Congress introduce a bill to create a new park.

All right. You may proceed.

Mr. GUTERMUTH. This concludes my statement, Mr. Chairman.

We believe that S. 3505 should be reported and acted upon promptly.

Incidentally, I wanted to bring out it was announced in the paper this morning that the House is voting today on the Golden Eagle bill.

Senator BIBLE. Yes; I read in the paper that they were having the Golden Eagle up for vote today. I am delighted with that.

Any questions of Mr. Gutermuth?

Senator ANDERSON. I do hope we can get around some day to not authorizing a park until we have some money. Every time you pass a bill authorizing it you have to pay three or four times for it.

Senator BIBLE. The Senator from Utah.

Senator MOSS. The fact that we are carrying over \$157.4 million in the fund that was not appropriated would indicate that we are not spending the money we have on hand. So, we not only need the extra \$100 million that would be dropped out if we took this amendment from the fund in the next fiscal year but we need to appropriate the money we have there.

I agree with you, Mr. Gutermuth. I think we ought to clean up the backlog as fast as we can. But that does not mean that we should not also be pushing on into areas that will be lost to us and destroyed perhaps unless they are taken in and made recreational or park areas at the earliest possible time.

Mr. GUTERMUTH. I am a firm believer that we should be acquiring those lands today that we know positively are going to be needed for public purposes in the years ahead. There is no cheaper time in the world to buy this land than now. Much of it should have been bought long ago.

Senator Moss. We, of course, always have the classic example of Point Reyes in our minds. We put off acquiring that land. The cost of acquisition went right out through the roof in price just because we did not appropriate the money and acquire it when we first decided to make it a national recreation area.

Mr. GUTERMUTH. Of course, in my testimony before some of the meetings of the Public Land Law Review Commission I advocated that there should be a procedure, gentlemen, that when the Federal Government manifests an interest in a piece of property like Point Reyes there ought to be a freeze put on that property as of that time. Now, how do you do this?

Well, perhaps we have to pay interest to the people who own it or something of that nature. The idea of letting it go, for years and letting the prices escalate is foolish, when it is very well known that the Government is going to take it, ultimately.

Senator BIBLE. That is what we did in the Redwoods National Park. We filed a legislative taking at the time we created the Redwoods. Of course, we did have to pay interest for it.

The other side of the coin is that if they drag out negotiations and drag out the court settlements, the interest keeps running at 6 percent. But the financial or fiscal market being what it is today, they are in no hurry at all to try to negotiate it because they can get more than 6 percent anywhere now.

Mr. GUTERMUTH. Even at 8 or 10 percent, it would be a bargain for the Federal Government in accordance with what they have to pay for some of these holdings.

Senator BIBLE. Are there any further questions?

The Senator from Wyoming.

Senator HANSEN. I have no questions.

Senator BIBLE. The Senator from Arizona.

Senator FANNIN. Thank you, Mr. Chairman.

I am wondering about the statement you made that few people seem to care about townsites in existing national parks. What are you speaking of as far as townsites are concerned? New townsites that are being established?

Mr. GUTERMUTH. What is happening, according to my discussions with the Director of the National Park Service, is that on those inholdings in these parks that I have mentioned here, townsites virtually are being created there. This occurred because the Federal Government has not acquired the land and has not been able to stop the development of inholdings. By that, I means private residences are going in, various kinds like filling stations; in other words, a whole little community is being created in those areas, right in the middle of these parks.

Senator FANNIN. By townsites, you mean there are new communities being established in those areas?

Mr. GUTERMUTH. That is right.

Senator FANNIN. Thank you.

Senator BIBLE. We are certainly going to go into that.

The Senator from Oklahoma.

Senator BELLMON. Thank you, Mr. Chairman.

Is there no zoning of the land inside these parks so that there can be some control by Government of even private investment?

Mr. GUTERMUTH. No; I know of no zoning that would actually prohibit the use of the inholdings by the private owners who own that land. You may have in some particular places. For example, in the boundary waters canoe area and places of that kind there have been some restrictions placed on the activities that can be carried on in there, but I don't believe they have controls such as you are talking about.

Senator HANSEN. Mr. Chairman, if I could interrupt in order to assist Senator Bellmon, let me say it is my understanding within the exterior boundaries of Grand Teton National Park where there are a number of inholdings that the Park Service there has said they will continue to tolerate or permit the ownership of private property within the park so long as the use to which those lands are put does not violate the basic park concept.

Now, I think it would only be fair to say that as far as Grand Teton is concerned, if some landowner there were to signify his intention to create a townsite I think the Park Service would move right in. That is my understanding. That is responsive to your question.

Senator BELLMON. Thank you, Senator.

Mr. GUTERMUTH. That is not a legal requirement or any thing of that kind. Their only alternative in the case of the area in Grand Teton is for them to go in there and exercise their condemnation rights. There is no prohibition against their doing this. This is only by agreement.

Senator BELLMON. It seems to me that if one park administrator could use this system the others could do the same to stop these townsite developments taking place.

Mr. GUTERMUTH. The trouble is that none of these land administering agencies can condemn this property and exercise their authority of taking unless they have both the authority and the money.

Senator BELLMON. There is always a certain amount of money available. It is a matter of where it is used. It seems to me to stop an undesirable townsite we could give this kind of acquisition priority.

Mr. GUTERMUTH. The answer is, though, that they must have both of these things, both the authority for taking in that particular case in question and the money to do it. In order to condemn under a declaration of taking, it is necessary to make deposits to the Federal courts before they can exercise their right of taking.

Senator BELLMON. I would assume that the Department has authority to acquire any of these inholdings any time they choose if they choose to use the money for that purpose.

Mr. GUTERMUTH. Yes; I think this is generally true except for the fact that they don't have the money.

Senator BELLMON. They have a certain amount of money. It is a matter of where they choose to use it.

Mr. GUTERMUTH. Yes; I can't argue that point. They do have some money available but the fact still remains that they have not had sufficient funds in the overall to accomplish the acquisition of these in-

holdings and consequently they have not been able to get them. That is what presented our problem.

Senator BELLMON. The Department is buying some of the inholdings.

Mr. GUTERMUTH. Yes; I think they are. Of course, the national forest authority is a little different. In the case of the Bureau of Sports Fisheries and Wildlife, I think they have to have pretty specific authority before they can step in on many of the properties.

Senator BELLMON. Let me ask you your opinion.

The testimony by Mr. Hofe on behalf of the Department of the Interior indicated that it was the intention of the Department to acquire mostly property that is within a 2-hour drive of cities of 250,000 or more.

Do you generally agree with this concept?

Mr. GUTERMUTH. Well, certainly we cannot meet the recreational requirements of the bulk of the people, for example, in the large metropolitan centers of the East, by establishing more national parks in the West. So, I think we have to have a real honest-to-goodness balance in this. I think we have an urgent need. While the word "planning" is despised by some people, I still think there should be a great planning program for the United States to determine where we have these needs.

I believe that there is an imperative need at this time for the acquisition of more land around the large population concentration centers to meet the recreational needs of the people and to get the kids off the streets.

Senator BELLMON. Is that somewhat in conflict with the statement in your testimony that you hope that the Federal agencies should be permitted to acquire to get on top of the programs? You state they should go ahead and finish the job we have started before we start buying new parks.

Mr. GUTERMUTH. I certainly do not mean that I want any slowdown in the acquisition of land that is definitely needed for these purposes.

What I am trying to say is that I think the Congress at the time that it authorizes the acquisition of land ought to find a way to finance it. Today we have a tremendous buildup of authorized projects, but we have insufficient funds to acquire the land. We have gotten ourselves into a situation here where I think it is costing us in some cases twice as much money than it would if we would at the time we acquired this land in one way or another fund it.

Now, this could be done by making adequate funds available. As rapidly as they could acquire title, if they don't have the money and want to pay for it, then I contend, as I said a little bit ago, I would rather pay 10 percent interest rather than see the prices escalate the way they have. I think it is cheaper.

Senator BELLMON. Do you feel that the government—State, local, and Federal—will ever be able to own as much land as we need for recreation purposes in this country?

My reason for asking the question is to inquire whether or not the Wildlife Management Institute has done anything in the direction of working out more acceptable and successful ways of securing multiple public use of privately owned lands.

Mr. GUTERMUTH. This is something you can't generalize on but I think that we must find ways of meeting the needs of the people.

Now, this in many cases can be done under a very sound private enterprise system. There is no reason under the sun why private enterprise cannot meet many of the recreational needs and they are doing it.

As evidence, consider the ski lifts and all types of similar developments. Some of it is on Federal land, but by agreement and by contract and lease and whatnot.

I don't think we need to own every acre of land on which we are going to provide recreational facilities for the people. But we do need to own that portion of it, particularly that portion that we now have, which is not needed immediately for other more important purposes.

Senator BELLMON. My reason for asking the question is that I serve on this committee and also on the Agriculture Committee. We are in the process of writing a farm bill. It seems to me rather ridiculous that we have a large amount of agricultural land, something like 58 million acres, that is not needed for crop production. Yet we have this tremendous unfilled need for recreational facilities close to cities and all across the country, particularly not so much in the Western States as in the more densely populated areas.

It occurs to me that organizations such as yours could perform a real service if you could take a look at the agricultural legislation to see if we cannot wind into these programs some means of meeting at least part of the outdoor recreational needs of this country.

Mr. GUTERMUTH. We have been one of the strongest supporters of the agricultural appropriations for the setting aside of this land which is not needed for crop production and preserving it in its present status. We have supported the waterbank bill, the wetlands acquisitions bill, and the wetlands leasing bill.

In answer to your question, practically all of the Federal land that is in public ownership today is definitely being used for not one but many kinds of recreation purposes. So I do not believe that we have any land, for example, that is presently in Federal ownership that is not being used in many ways. Much of it has watershed value; much of it has value for hunting, fishing, and various other forms of recreation.

Senator BELLMON. My point is that there is not any fundamental reason why privately owned ranch land or farmland cannot also be highly productive of recreational opportunities.

Mr. GUTERMUTH. We have been advocating that, and it is very true, as you say, this is available in many cases. The ranchers and the farmers are asking for some kind of compensation for the use of the land. We are not opposed to that.

Senator BELLMON. Thank you, Mr. Chairman.

Senator BIBLE. The Senator from New Mexico, I think, has a question.

Senator ANDERSON. Mr. Gutermuth, I have an idea that if we cleaned up this backlog of about \$300 million and acquired the land immediately it would save millions of dollars. Some of these tracts have already been approved.

What is your answer to that?

Mr. GUTERMUTH. I think that I, in effect, agree with this. I do think that there is an imperative need to clean up this backlog that we have. On the other hand, I do not quite want to make this as a

positive complete thing for the simple reason that I believe there are areas which if we don't take advantage of the fact that they are available at this time may not ever again be available unless we have to pay through the nose to get them.

So, I think that, generally speaking, I would like to see this backlog cleaned up but I would not want to shut off completely the acquisition of some additional tracts.

Senator ANDERSON. It would only be for 1 year. It would take only 1 year to clean it up.

Mr. GUTERMUTH. I certainly am in favor of something like that. I figured it up this morning. It is roughly \$329 million. This is what we are talking about.

Senator ANDERSON. Make the appropriations and close it up.

Senator BIBLE. It would not close it up. That is where the real problem comes.

Mr. Gutermuth puts his finger on it. We want to acquire those lands that may go into private subdivisions and go up in cost. There you are opening the door for new parks. You are right back to that kind of vicious circle. I don't know how you close it down. It is difficult.

Any further questions of Mr. Gutermuth?

Always good to see you.

Mr. GUTERMUTH. Thank you, Mr. Chairman.

(Mr. Gutermuth's prepared statement follows:)

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, one of the older national conservation organizations. Its program has been devoted to the restoration and improved management of natural resources in the public interest for more than 50 years.

Like the other conservation organizations, the Institute is pleased that the committee has been able to schedule this hearing on S. 3505. We believe there is a compelling urgency for its enactment, a view that obviously is shared by more and more people, here in Congress and in the Executive Branch. The Administration is among the most recent recruits to this viewpoint, and one which the conservationists were happy to see support this plan to increase the base of the Land and Water Conservation Fund. Spokesmen for the Administration, as the committee knows, expressed favor of the Jackson-Allott plan in their appearance before the House committee. We are greatly pleased, too, that the bill now is being co-sponsored by every member of this committee.

Mr. Chairman, I am not going to attempt to recite the fiscal inadequacies of the Land and Water Conservation Fund program and the many reasons why S. 3505 should be approved. The case is documented fully in the records of this committee, and there is widespread agreement that the \$200 million authorization in current law, even if appropriated in full, would be insufficient to reduce the backlog of land acquisition, planning, and development and to make satisfactory progress in rounding out the new park and recreation area projects authorized in recent years.

The National Park Service, in particular, has serious inholdings problems in existing parks that have not been resolved because of the demand for funding new project acquisitions. It is hoped that the Service will be encouraged to embark on a realistic time table for acquiring inholdings and eliminating the serious problems they pose. Few people seem to know or care, for example, that townsites are being erected on private lands within the boundaries of Glacier, Sequoia, and Yosemite National Parks. Without sufficient funds to acquire the lands, the Service is powerless to prevent the development of these privately owned and completely inconsistent projects within the confines of some of our greatest national parks.

It is for this and other reasons, Mr. Chairman, that the Institute hopes S. 3505 will be enacted. We hope, too, that the \$300 million will be regarded as an annual appropriations floor and not a ceiling, and that full funding will be requested and appropriated. We also urge that the Federal agencies participating in the Fund program be encouraged to move first against the backlog problems that have developed because of past inadequate funding, rather than investing all of their share of the Fund in new acquisitions. Congress should require that substantial progress is made in this direction. Even an annual funding level of \$300 million would appear to be inadequate, in our opinion, if the approval of S. 3505 stimulated the authorization of still more costly projects at this time. Effort should be made to bring our recreational books into balance by investing initially in authorized, but inadequately funded, projects.

We believe that new projects are desirable and inevitable, especially in urban or near-urban areas where most of the people seek their recreation. But we hope first that Federal agencies be permitted and required to get on top of their current programs before receiving directives to acquire, develop and staff more new areas.

The Institute strongly endorses S. 3505, Mr. Chairman, and we hope that it can be reported from the committee and approved without delay.

Senator BIBLE. The next witness is Dr. Smith.

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

DR. SMITH. I am Dr. Spencer M. Smith.

If I may, I will file my statement, it is brief. I will not extend it before the patience of the chairman nor the committee.

I simply want to refer to several items that are now pending and are very critical, in my judgment, in properly implementing and supporting 3505.

One concerns the colloquy we had earlier in regard to the so-called Saylor amendment in the House version of 1708.

I am very concerned about this matter, Mr. Chairman, because under section 5 of the act of the Saylor amendment that Senator Hansen raised it is my understanding that this is a sort of compromise.

As you recall in S. 1708, once the lands are declared excess and go to a particular State, they are of two minds. One is that the value of this land be deducted from the State's allotment; the other is that this will have no effect whatsoever.

It is my understanding that the Saylor amendment left the matter in a permissive state to the Secretary of Interior in order that he make a judgment based upon need and all other circumstances as to what this may figure in the final determination of allocation of funds under the section 5 item 2 statute.

Senator BIBLE. Is that the position you think it should be?

Dr. SMITH. This is our recommendation. It is my understanding that this is what the Saylor amendment purports to do.

Senator BIBLE. If it does, we should be abundantly clear in both the statutory language and in the supporting report that if this is to be permissive and left to the discretion of the Secretary, it is very, very clear that is the end result. I think that is what we are trying to arrive at.

Dr. SMITH. That is our understanding. That is what we hope the language says. This is not without precedent because within the same section of the land and water conservation fund, we discuss the same matter with Housing and Home Finance Agency where moneys are made available under that legislation. The act states:

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State regional and local plans.

So, I think there is adequate precedent for that interpretation.

The next item that worries me somewhat is Senator Hansen's commentary on the golden eagle in regard to the fees that some individuals have to pay. We recall very vividly the debate in the 1965 act, where in section 2 regarding the separate fund and user fees we state:

No such fee shall be charged any person who travels by private non-commercial vehicle over any road or highway to and from any land in which such person has any property right if his land is without any such designated area.

So, it occurred to me that the golden eagle legislation that is now pending has this reiterated. And the statute we have now, even though the golden eagle is out of existence, still prohibits charging anybody any fee. This is not only the intent but it is clearly spelled out in the statute.

Senator HANSEN. Mr. Chairman, in that respect, if I may make an observation. Let me get better light on the facts.

I attended an environmental congress in Casper, Wyo., on Saturday. I am not sure that the information that reached me is quite complete or accurate, and I would like to check it out better with the Grand Teton National Park personnel out there to find out the exact facts. You know, it is awfully easy sometimes for a story to be out and for it not to be complete. I would like to check it out more completely and then I will be back in touch with our staff here.

Dr. SMITH. Thank you very much, Senator.

There is one other thing I want to call attention to the chairman who wears both interior and appropriation committee hats. Last year I testified in front of you as chairman of the Subcommittee on Natural Resources and you admonished me, "Go back to the Budget Bureau and get the Budget Bureau to ask the full funding for the land and water conservation fund, full funding of the land and water conservation fund including that amount that is authorized now and including the amount we have in the backlog."

Well, while the Senator did not say that the Appropriations Committee would give full attention and automatically agree to this full funding, I more or less was left with the implication we would be a lot further down the road in the event this should take place. I am very happy to report that pending before the Subcommittee on Natural Resources appropriations at the present time, sent up by the administration, is the full funding of the backlog in the present authorization. So, we are going to look forward—and we have already testified before that good body—to the full funding appropriated on the floor of the Senate. [Laughter.]

Senator BIBLE. You have a second bite at the apple. [Laughter.]

Dr. SMITH. I don't very often have, Mr. Chairman.

Senator BIBLE. I know it. You are on your toes.

We will extrapolate this from the Legislative Committee and we will put it over into the Appropriations Committee.

Dr. SMITH. Thank you.

The last thing is that we very much hope that the committee does not reduce the fund.

Senator BIBLE. Your position is the same as Senator Moss.

Dr. SMITH. Exactly. In terms of the money that has been authorized and not appropriated, I think we can get rid of Mr. Gutermuth's backlog and we can get the necessary acquisition if we get this funded. I think the second bite at the apple might be worth while.

Thank you.

Senator BIBLE. Thank you, Dr. Smith.

Are there any questions?

Senator MOSS. Except to say that it is good to have Dr. Smith before us again. Over the years, you have done a great job. I am delighted to have you here this morning.

Dr. SMITH. Thank you very much.

Senator BIBLE. We appreciate your appearance.

(The complete statement of Dr. Smith follows:)

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.

As the members of the Committee are aware, the Citizens Committee on Natural Resources supported the establishment of the Bureau of Outdoor Recreation, the creation of the Land and Water Conservation Fund, the subsequent strengthening amendments, and have never failed to appear before the Appropriations Committees in support of funding these programs.

The record is so replete as to the provisions of the original act and the subsequent amendments, which authorize 200 million dollars annually to be allocated to the Land and Water Conservation Fund, that I shall not relate the legislative history as to the manner that this and related provisions were achieved. Rather, I would urge the Committee to act favorably on S. 3505, which would increase the amount authorized to be appropriated to \$300 million for the life of the Land and Water Conservation Fund or 1989.

Under the leadership of the Chairman of the full Committee the \$100 million originally provided for in the Land and Water Conservation Fund was increased to \$200 million . . . "for each of the five fiscal years beginning July 1, 1968 and ending June 30, 1973." The additional \$100 million would be allocated to the fund from the general treasury but . . . "to the extent that such sums so appropriated are not sufficient to make the total annual income of the fund amount to \$200 million for each of such fiscal years, an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act."

The actual appropriations have never fully reflected the amounts authorized and the Chairman of the full Committee indicated the further inadequacy of the fund at the time he introduced S. 3505.

". . . The Bureau of Outdoor Recreation had information available showing that a \$400 million annual level for five years was needed—and that recreation lands were showing a 10% average price increase each year. . . . Despite these indicators only \$200 million was authorized for five years instead of the needed \$400 million. This was an insufficient amount, but we recognized it as a stop gap emergency funding measure."

The importance of the proposal of increasing the Land and Water Conservation Fund to \$300 million annually for the life of the fund, as provided for in S. 3505, is evident. Since we will be shortly in fiscal year 1971, and the \$200 million, though authorized but never fully appropriated, will expire at the end of fiscal year 1973, it is obvious an increased and sustained effort must be effected if our recreation needs are to have a chance to be realized.

The Senate has acted favorably upon S. 1708, June 26, 1969, which would utilize Federal surplus lands for Parks and Recreation as a means of further aiding the localities in fulfilling their recreation needs.

On May 13, 1970, the House Interior and Insular Affairs Committee ordered favorably reported HR 15913 as amended to include essentially the provisions of Senate-passed S. 1708, combined with the provisions of S. 3505. While a

Committee Print of the House action is not available, it would appear that an accord has been reached in the House Committee with the two aforementioned Senate measures.

Also, we support the amendment offered by the Administration to increase their budget request for the Land and Water Conservation Fund from the \$135.041 million to \$322.641 million. This will have the effect of accelerating recreation programs at all levels of government.

Every member of this Committee has our profound gratitude for the manner in which they have sustained their efforts in achieving needed recreation programs. The House Interior Committee has been most effective in imaginatively shortening the procedure by which these needed proposals may be expedited. Certainly, the cooperation of the Administration in urging a full funding of the program, is most helpful to an early realization of our recreation goals.

Senator BIBLE. Our next witness is Louis Clapper of National Wildlife Federation.

STATEMENT OF LOUIS S. CLAPPER, NATIONAL WILDLIFE FEDERATION

Mr. CLAPPER. Good morning, Mr. Chairman.

I am Louis S. Clapper, director of conservation for the National Wildlife Federation which has its national headquarters at 1412 16th Street NW., here in Washington, D.C.

Ours is a nongovernmental organization which seeks to attain conservation goals through educational means. The federation has affiliates in all 50 States and the Virgin Islands. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the federation, number an estimated two and a half million persons.

We welcome the invitation to make these comments upon S. 3505.

Mr. Chairman, our organization long has been concerned about the inadequacy of the land and water conservation fund and we congratulate the chairman, Senator Henry M. Jackson, and the ranking minority member, Senator Gordon Allott, for initiating a plan which will help alleviate this difficulty. It is our purpose here today to express our approval of the principles outlined in S. 3505.

As early as 1967, in our annual convention, the federation went on record as emphasizing its concern about the inadequacy of the land and water conservation fund to provide for matching moneys both for State outdoor programs and for financing by the Federal Government of the acquisition of suitable lands for conservation purposes.

We did not view the original legislation establishing the land and water conservation fund as meaning it should be the only source of moneys for the acquisition of Federal parks and monuments, seashores and lakeshores, and recreational areas, and wildlife refuges. In other words, we have deplored the "full funding" concept imposed by the Bureau of the Budget and have believed that the land and water conservation fund should be supplemented by receipts or general tax revenues to provide for these public facilities.

We were heartened when legislation subsequently was enacted to use mineral receipts to supplement the three primary sources of income up to the maximum of \$200 million per year. However, not even this maximum was appropriated and we were distressed to find that the Nation had fallen into a situation where no more new units were

being authorized because of a lack of funding for the tremendous backlogs of needed acquisitions of projects already authorized. In other words, a stalemate had resulted and outstanding areas which needed protection and preservation in the highest public interest were not even programed for acquisition in the immediate future.

Therefore, it was with considerable elation that we applauded the President's decision to ask for the full appropriation for the land and water conservation fund and to go beyond to recommend an even higher amount.

However, like some of the earlier witnesses we would hope that this could be made effective in the full amount as soon as possible.

Mr. Chairman, conservationists who have been struggling for so many decades to get the public's attention and to create a sense of awareness to the magnitude of natural resources problems have been encouraged by the new surge of interest. We must admit, however, that we are somewhat distressed that some people are making a marked differentiation between problems relating to pollution of the environment of various sorts, and the overall concept of conservation or wise use of natural resources.

In other words, we are dismayed that concern about pollution is tending to overshadow the important needs for proper land, water, forest, and wildlife management, for improvements in our methods of mining, for safeguarding natural areas from highway and airport construction, and in a multitude of other ways.

While we most certainly appreciate the difficulties relating to contamination of the environment by air, water, pesticides, and noise pollution, we believe that additional projects must be pursued to maintain or create the type of quality environment which we need to make life worth living. For this reason, we view acquisition of suitable land and water areas with outstanding and scenic natural values in the same priority of importance as we do the curtailment of water and air pollution.

All of these are in one package and should be so considered by the Federal Government. In fact, in appeals to the various Appropriations subcommittees this year, we have recommended that the overall conservation movement be given a much higher priority in the overall consideration of national needs.

In the President's 1971 budget, natural resources programs are maintained at levels similar to those effective in fiscal 1970, with some important improvements. The 1970 budget contained about \$2.5 billion for natural resource programs of the Federal Government and even some of these projects might be of questionable conservation value.

In 1971, the natural resource programs represent an expenditure of about 1.2 percent of the total—a figure equivalent to the cost of about one-sixth of the interest on the national debt. The Bureau of the Budget booklet describing the expenditure of Federal tax dollars by 13 functional categories lists natural resources at the very bottom.

To conclude, Mr. Chairman, we are convinced that there is a dire need for the enactment of S. 3505 and we commend the authors of this bill for proposing that the ceiling be raised to \$300 million for the life of the land and water conservation fund. There is no question of the need to acquire areas as soon as possible to prevent their loss from the public area into some type of competitive function.

Equally, it is urgent that these areas be acquired as soon as possible due to the accelerated price difficulties with which this committee is so familiar. In fact, we hope that the Congress will adopt as regular practice the policy of "legislative taking," whereby title to private timber lands within park boundaries can be frozen at the prices existing when authorization was enacted.

We recommend that the committee give its early approval of S. 3505 in order that it may become another conservation accomplishment of the 91st Congress.

Thank you again for the opportunity of making these remarks.

Senator BIBLE. Very fine statement, Mr. Clapper.

I have no questions of you.

Senator ANDERSON.

Senator ANDERSON. No questions.

Senator BIBLE. Senator Moss.

Senator MOSS. No questions. Thank you very much.

Senator BIBLE. Senator Hansen.

Senator HANSEN. I do have one question.

Your last statement, "In fact, we hope that the Congress will adopt as regular practice the policy of 'legislative taking,' whereby title to private timberlands within park boundaries can be frozen at the prices existing when authorization was enacted."

Do you have any feeling about the urgency of completing the deal so as not to leave a person with property in a park which would be timberland where he can't sell it an anybody else? Sometimes I understand there has been quite a lapse of time between the legislative taking and when the family actually gets some money. Even a death might occur and it poses a lot of problems.

What is your feeling about that?

Mr. CLAPPER. Certainly we would like to accelerate a solution to this kind of difficulty when possible; however, we would not want to see the entire program of future authorizations stopped in order to phase out all of these interior holdings, if that is what you mean, Senator.

Senator HANSEN. I am not talking about all of the holdings. I thought you were speaking specifically about timberlands.

Mr. CLAPPER. This would be, of course, the major areas of concern but there are other areas. I think of seashores like Cape Cod and some other places where there are some other types of inholdings, too, that should be phased out, perhaps not in the same urgency as some of the lands you are speaking about where it is causing a hardship on those who are being held up.

The principle is what we are trying to say, sir. We would like to freeze the prices at the same amount as when the projects are authorized so that they will avoid this escalation that is a major cause of our difficulties such as the Point Reyes and Tocks Island and some of those other projects.

Senator HANSEN. If I may make this observation, Mr. Chairman, I subscribe wholeheartedly to the concept that these holdings be acquired but I don't think it is proper for the Federal Government to create a park and thereby under this concept freeze the value of the inholdings and let the property holder go without his money for 10 years and say you are going to pay him 10 years later for what it was worth at the time you took it.

Do you think that is fair?

Mr. CLAPPER. We agree those should be acted upon and acquired as soon as absolutely possible, as soon as the Federal Government can complete the process to acquire them, they should be acquired and the landowners taken care of.

Senator HANSEN. I certainly feel that way.

Senator BIBLE. Senator Fannin.

Senator FANNIN. No questions.

Senator BIBLE. Senator Bellmon.

Senator BELLMON. Thank you, Mr. Chairman.

I have one question that I would like to ask.

I have before me here a copy of the resolutions adopted at the National Wildlife Federation convention in Chicago on March 22.

Are you familiar with these?

Mr. CLAPPER. Yes, sir; I helped write them.

Senator BELLMON. On page 26, Resolution No. 24 relates to the act of 1970. I can read the paragraph:

To be eligible for cropland and payment, farmers should be encouraged to set aside acreages to approved conservation practices with additional payments being authorized for additional voluntary diversions and for use of the land by the public for hiking, trapping, fishing.

Your resolution seems to include possibly the set aside acreages and payments for additional voluntary diversions. It did not seem to me you really got to the point of trying to get the private landowners to open up their land to public use; that is, their total holdings, not just diverted acreage.

Was this your intention?

Mr. CLAPPER. I think this resolution was adopted primarily in line with the so-called consensus bill that is being circulated among some people in the Congress on the new agricultural program. We were speaking specifically to the set-aside acres in this regard. However, in previous years we have gone on record as favoring incentives for the landowners to try to open their lands, all their lands, for public use.

Senator BELLMON. What kind of incentives do you have in mind?

Mr. CLAPPER. I think immediately of the kind of incentives whereby they are offered cost sharing on good land practices, including the establishment of ponds. As I recall in some of the Public Law 566 small watershed programs there are provisions there for cost sharing some of the recreational programs. In the past, our organization has supported the old cropland adjustment program, the conservation reserve program. I think this concept has some application in respect to what you are asking about.

Senator BELLMON. When you talk multiple land use, you are thinking of something different than I am. I am a farmer and landowner. Every time I go home I see additional "No Hunting," "No Trespassing," "Keep Out" signs being put up by landowners all over our State. The result is that those landowners who don't post their lands get additional pressure from the public for the use of these lands for recreational purposes. The result is that sooner or later, even out of self-defense, all the land in this country is going to wind up with "Keep Out" signs on them.

Unless a person is lucky enough to go out and pay for a hunting or fishing lease on some private property, he won't have any place to go in case he wants to take his family out for outdoor recreation.

I am curious to know if the National Wildlife Federation would approve an amendment in the farm bill that would allow the Federal Government to pay a farmer who will take down his "No Trespassing" signs and put up a sign that the public is welcome to use this land. Is that the kind of incentive you would agree to?

Mr. CLAPPER. I don't think our organization has ever taken a position on this, Senator. I would like to confer with my executive director on that and provide the answer for the record or for your personal information, if I may. I don't want to make a commitment for the organization that I am not really sure of.

Senator BELLMON. Do you take the position that sooner or later the Federal Government, State government, or municipal government, will be able to hold enough land that we will be able to take care of the recreational needs on publicly owned property?

Mr. CLAPPER. Or secure easements on some, as you have spoken about.

Senator BELLMON. You said you have no position on these easements?

Mr. CLAPPER. Well, we don't have a position on easements as far as outright leasing for hunting and fishing rights for the Federal Government. Now, many States have done this in the past and we have approved this type of program.

The State of Wisconsin, for example, has gone into quite an extensive effort in this regard. And some others. New York State has gone into this. We have applauded this kind of approach.

But from the Federal Government point of view, I am not sure we are on record, sir; but I would like to check it out with my executive director.

Senator BELLMON. I would appreciate it if you would and let the committee know how you stand, particularly when we are writing the farm bill. If we can get some language in the farm bill and some money in the appropriation, I believe we can meet a great deal of the recreation needs of the country without buying the land.

Mr. CLAPPER. It will certainly help.

Senator BIBLE. Thank you very much, Mr. Clapper. We are delighted to have you here today.

Senator BIBLE. Our next witness is Mr. Ted Pankowski of the Izaak Walton League.

STATEMENT OF TED PANKOWSKI, CONSERVATION ASSOCIATE, IZAAK WALTON LEAGUE OF AMERICA

Mr. PANKOWSKI. Thank you, Mr. Chairman.

If it please the Chairman, in the interest of time, may my statement be put in the record without my reading it?

Senator BIBLE. Without objection.

(The full statement of Ted Pankowski follows:)

STATEMENT OF TED PANKOWSKI, CONSERVATION ASSOCIATE, IZAAK WALTON LEAGUE OF AMERICA

Mr. Chairman, I am Ted Pankowski, Conservation Associate for the Izaak Walton League of America. I appreciate the opportunity to be here today in behalf of my organization to support S. 3505 and an increase to \$300 million of annual funds credited to the Land and Water Conservation Fund.

As the Committee knows, since its founding 48 years ago, the League has voluntarily committed its energies and resources to ensuring the availability of public outdoor recreation opportunities and to the preservation of outstanding and unique environments. These efforts have included such measures as creation of a National Endowment by which we purchase land for eventual sale or transfer to public agencies participation in the ORRRC Report leading to creation of the Land and Water Conservation Fund and of the Bureau of Outdoor Recreation and support for S. 1401 which this Committee farsightedly took to Congress in 1968.

There is no question in our view that this increment to the Fund is desperately needed for the indefinite future. In fact, it was needed in 1968 when our Conservation Director, J. W. Penfold, expressed the hope that "the Fund should not make an upper limit on total Federal recreation expenditures", a hope we still share today even with the increment. Moreover, the Chairman of the Committee correctly stated in 1968 that S. 1401 represented a compromise in view of overwhelming evidence that the \$200 million level annually "would not be adequate to meet the needs of the States and Federal program".

Since that time, all of us have seen firsthand that our national recreational land and development program, until most recently, had come to a virtual standstill. It was caused by nothing more than a lack of determination to set realistic goals and to appropriate the funds necessary to accomplish them. The present Administration in particular should recognize that the bewildering and shortsighted treatment given by the Bureau of the Budget to Point Reyes last September will be repeated time and again, resulting in unnecessary costs and the loss of opportunities, both economic and social, until "paper" commitments are matched with deeds and dollars.

Mr. Chairman, your Committee and our resource agencies know better than we the approximate dollar amounts which will be necessary to get the ball rolling again. But we and other private citizens know well the frustrations of watching our national program languish, of working for and worrying over Voyageurs, Apostle Islands, the Connecticut River Plan and Sleeping Bear Dunes, all stuck for lack of adequate funds; over serious inholding problems in our National Parks and Forests; and over commendable plans such as Secretary Hickel's "urban parks" idea, put on the drawing boards but seldom accomplished. We also believe it is part of the frustration which is shared by students on campus and by inner city people who feel the need most . . . and who are questioning as never before whether the federal government—torn between pressures for SST's and basic human and environmental necessities—will ever be responsive.

In addition, on the State level, the inadequacy of the Fund and of appropriations from it has precluded upgrading in many of the State Outdoor Comprehensive Plans to account for emerging needs for accelerated wetlands and marineland acquisitions, additional wildlife refuges and for implementation of State scenic rivers proposals. With inadequate funds at their disposal, little wonder that State assistance has been heavily biased toward the smaller development grant rather than toward acquisition. BOR advised us recently that since the programs inception to March 31, 1970, it approved 4,511 applications totalling \$266,583,247. Of these 96 were for planning at a cost of \$5.3 million; 1,687 were for land acquisition at a cost of \$111 million; while more than 50% or 2,992 grants were for development at a cost of \$150 million. Match this record against the rising demand for private recreational real estate, and we speculate the public land acquisition program will soon be competing in an unprecedented and expensive market.

Mr. Chairman, we don't know whether \$300 million annually will do the job. We tend to doubt it. But S. 3505 will give the National a far better capability than it has now. Until the day when both the Congress and the Administration decides once and for all that investments in natural resources and in the lives of the people they can serve are worth adequate funding, S. 3505 has our wholehearted support.

Mr. PANKOWSKI. I would like to bring to your attention one paragraph on pages 2 and 3.

With respect to State assistance, we feel that the inadequacy of the Fund and of appropriations from it has precluded upgrading in many of the State outdoor comprehensive plans to account for emerging needs for accelerated wetlands and marineland acquisitions, additional wildlife refuges and for implementation of State scenic rivers pro-

posals. With inadequate funds at their disposal, little wonder that State assistance has been heavily biased toward the smaller development grant rather than toward acquisition. BOR advised us recently that since the program's inception to March 31, 1970, it approved 4,511 applications totalling \$266,583,247. Of these, 96 were for planning at a cost of \$5.3 million; 1,687 were for land acquisition at a cost of \$111 million; while more than 50 percent of 2,992 grants were for development at a cost of \$150 million. Match this record against the rising demand for private recreational real estate, and we speculate the public land acquisition program will soon be competing in an unprecedented and expensive market.

Mr. Chairman, I picked this paragraph out because it was vividly brought home to me in the last few days. I had the opportunity to tour the marshlands and wetlands and seashore areas of New Jersey. Those are areas running from Cape May up north to New York City. Mr. Chairman, these areas, in addition to being unique and irreplaceable environment for much of our marine life and for oysters and shellfisheries and for wild flowers, offer an unprecedented recreation opportunity for the cities of New York, Philadelphia, Newark, Scranton, and so forth. And yet these areas are being destroyed daily by the hundreds of acres by the private recreational suburb which is springing up along that whole coast.

Mr. Chairman, a way must be found to put these areas into public ownership or offer some sort of protection. They are the only meaningful recreational opportunities that we have in the East.

We find the same situation all along the Atlantic coast, in many places along the gulf coast and in areas along the Great Lakes.

When we see more than 50 percent of the State assistance program going for development rather than for the acquisition of these unique and irreplaceable areas, Mr. Chairman, we really question whether we are ever going to have the kind of opportunities we need in the heavily urbanized areas of the country. I wanted to emphasize that for the committee.

The irony in New Jersey, Mr. Chairman, is that many of the marshes, many of these seashore areas are being diked and drained with Federal Government money coming out of an agricultural appropriation for mosquito control. I think it is a tragic situation and one that the committee should be cognizant of.

Senator BIBLE. I wish you would elaborate on the last. You say that they are draining the swamps and areas in New Jersey under an agricultural program and spending Federal dollars to kill mosquitoes?

Mr. PANKOWSKI. That is right.

Senator BIBLE. Are you objecting to their killing mosquitoes?

Mr. PANKOWSKI. Not at all but in reality, however, it has had the opposite effect. The areas are subject to the flow of the tide twice a day. When you dike them off you stop the flow of the tide, marsh grass grows where there are no salt marshes. This in turn creates a mosquito-infested area. We then go in with Federal funds and offer assistance to kill the mosquitoes. It is a vicious circle.

I am saying we ought to have an accelerated or emergency or stepped up land acquisition specifically for wetlands and seashore areas.

Senator BIBLE. You are saying they should acquire these swamps and these ocean shore areas and river areas in New Jersey for the wet-

lands program rather than spending Federal dollars trying to kill mosquitoes.

Mr. PANKOWSKI. Absolutely.

Senator BIBLE. The Senator from Oklahoma is on the Agricultural Committee. I will defer to him.

Mr. PANKOWSKI. I took advantage of that fact, Mr. Chairman.

Senator BELLMON. If I could comment, Mr. Chairman.

This strikes me as one of the inconsistencies in our Federal programs. We have, as I mentioned, a vast unused amount of farmland that the Government spends a lot of money to keep out of production as every member of the committee knows. Yet, at the same time we continually spend money bringing new farmlands into production. That is what is going on there.

Mr. PANKOWSKI. The situation there is that the agricultural lands are used to grow hay, salt hay, marsh hay. We use this to stabilize embankments and highway construction. It is a very short coarse grass. Many of the farmers along the coastal areas of New Jersey have thousands of acres at their disposal for the growing of hay. They in turn dike these areas off so that they can fluctuate the water levels to accommodate the growth.

What this does, though, Senator, is that it cuts off from the fisheries which depend on these estuaries the necessary link in the food chain which are the mollusks and crustacia and other organisms which rely on these marshes for their very existence. We are literally driving the fisheries industry out of business up there as well as the recreational industry, for the sake of bales of hay.

Senator BELLMON. Are these dikes built with USDA money?

Mr. PANKOWSKI. I am not sure if the dikes are built with USDA money or not. I believe so. But I will be glad to provide that for the record, Senator Bellmon.

Senator BIBLE. The Senator from Arizona.

Senator FANNIN. I have one question.

I understand some of those projects were for stabilization of the coastal area. Isn't that one reason?

Mr. PANKOWSKI. I don't know what they call them, Mr. Chairman. In my tour of the area there, there is no question in my mind that the manmade changes which are going on there, some of which are financed with Federal funds, are changing the entire environment of that coastline into something which we will not want to live with in the next 20 years.

We have stabilization projects going on. What this does in effect is that it makes dry fast land where formerly there were beaches and wetlands. We have not only cut off available recreation opportunities but we have provided the cheap real estate, Senator, so that the recreational slums, the summer houses, can be built much as they are built in the suburbs around Washington, one on the other. People believe that they are buying value which is not going to be present in the very near future unless something is done.

When we see State assistance funds going for development rather than the acquisition of these areas, it is very disturbing.

I received a letter from our affiliate in Ohio in the city of Hamilton. They are wondering how the city of Hamilton, Ohio, can apply for \$40,000 to water a golf course under the Land and Water Conservation

Fund when we see urgent land acquisition needs going unmet. I think it is time that someone faced this question squarely, particularly in unique areas which are not going to last the decade.

Senator BIBLE. As I understand it, though, and I have been puzzled by the statement you have just made about these golf courses, but I believe the Board of Outdoor Recreation representatives indicate that they do not go behind the needs.

The State of Ohio, we will use that as an example, sets up their priorities for their requirement. They indicate that if that is where they want to use the money they feel they were bound by the State determination.

Is that how it works?

Mr. PANKOWSKI. As I understand it, it is up to the State to determine where the money should go. We feel that given the inadequacy of the Fund there is no incentive for them to undertake upgrading of the master plans to include or to accommodate the fact that many of the States are now developing State scenic river systems, that there is a new emphasis in the country today on the preservation of shore lands, marsh lands, wet land areas. We are dealing with scarcity of the land. I have nothing against golfers but we can always build a golf course if we have the land as a resource and it is going at an alarming rate, particularly in the East.

Senator BIBLE. I thought that properly was a State determination and cities and counties within the State and that is where you need to do work, at the State and county level rather than the Federal level.

Senator BELLMON. Mr. Chairman, I would like to ask the same questions I have been asking of other witnesses. That is, whether or not the Izaak Walton League would favor a provision in the new farm bill when we finally get one written that would encourage private landowners to open their property for public use and if you would support an effort to perhaps pay for this kind of easement.

Mr. PANKOWSKI. Yes, Senator; we have had two experiences in this regard. One is a program set up years ago by the Izaak Walton League. It was primarily an education program where we hoped to educate both the landowner and the hunters that their interests come together with respect to opening up private land for hunting and fishing. That program, while it is educational, has only met with some limited success. Because of that fact, the national board of directors has in fact endorsed the water bank program.

Senator BELLMON. I am not sure what the water bank program is.

Mr. PANKOWSKI. The water bank program which I understand is moving through the Agriculture Committees, would require or would offer easements or would offer Federal payments for easements for the preservation of marsh areas and farms, particularly in the Dakotas where we have the great pothole country and on which our duck population rely.

As one of the exchanges in the bargaining between the Federal Government and landowner is the stipulation that these lands shall be made available for public hunting and fishing. Our board of directors has endorsed that concept. It falls short of public ownership which we generally feel is far better than an easement approach but if the public ownership is not possible, or is too expensive, we favor the use of other alternatives such as easements and incentives.

Senator BELLMON. It occurs to me that based on the testimony we have heard here this morning and other information that we get from time to time, that there is very little likelihood that the Federal Government or local government or combination of the three will ever own enough land to meet the recreational needs of the citizens of this country. I would like to suggest that the Izaak Walton League might begin to preach that as a priority and see if they cannot come up with some workable scheme to get private landowners to take down the "No Hunting" and "No Trespassing" signs.

Mr. PANKOWSKI. We have tried to do that through education. It has only met with some limited success.

Senator BELLMON. I don't believe education is the answer. You can educate a farmer or rancher as long as you want but if people come on his land and do damage and he is not compensated for the damage, then he will put up this "No Hunting" sign.

Mr. PANKOWSKI. Many of these alternatives to public land acquisition will fall short because of the fact most of the people live in the cities. When they go out in the countryside and the average landowner thinks of the prospect of having hundreds and perhaps thousands of people crossing his lands, he would be disturbed and close it down. I don't think there is a substitute for land acquisition.

There are things we should be doing short of actual acquisition. There is an open beaches concept which has been introduced in the House by Congressman Eckhart, I also believe in the Senate by Senator Holland, which says that there are common law rights to the open beaches which people have traditionally enjoyed for all time. We think that it is time we start reasserting these rights and prohibiting a private individual from cutting off public access to beaches and in effect cutting off public access to the seashore or to the seas, themselves.

So, there are things that we can do and things which we do support which fall short of public ownership. Obviously, we are going to have to consider all of these mechanisms in tandem.

We feel one particular general need right now is to step up our Federal land acquisition program and step up assistance to the States so that instead of building golf courses, which are needed, they can take a serious look as to whether they have the kind of land they are going to need at the State and local level.

Senator BELLMON. I don't quarrel with your plans to perhaps build golf courses. I am not a golfer but I think you are being shortsighted if you don't recognize the fact that there are such pressures on Congress for money that they will probably not in this decade be able to find the funds to buy enough land to use it for the single purpose of recreation.

At the same time, there are means available for encouraging the multiple use of private lands by removing some of the obstacles that cause private owners to put up "No Trespassing" signs. I do not think this is the place to go into it but I would like to have a chance to visit with you or one of your representatives.

Mr. PANKOWSKI. Senator, we would be delighted to look at such a program that does that. We are interested in it. It is part of our history.

Senator BELLMON. Thank you.

Senator BIBLE. Thank you very much, Mr. Pankowski. You are a very responsive witness. We appreciate it.

Mr. PANKOWSKI. Thank you.

Senator BIBLE. Our next witness is Spencer P. Ellis, director, Department of Forests and Parks of the State of Maryland.

STATEMENT OF SPENCER P. ELLIS, DIRECTOR, DEPARTMENT OF FORESTS AND PARKS, STATE OF MARYLAND

Mr. ELLIS. I am pinch-hitting this morning for Ney Landram, president of the association, who is the State liaison officer from Florida. His State legislature is in session; therefore, his presence is demanded this morning in Tallahassee.

It is a very definite opportunity, Mr. Chairman, to appear before this committee. I am grateful for the privilege of making a short statement on behalf of the National Associate of State Outdoor Recreation Liaison Officers.

NASORLO, an association composed of the State officials responsible for administering the Land and Water Conservation Fund in the 55 States and territories, supports S. 3505 and any companion legislation that will increase the amount of money available to the States from the fund.

The Land and Water Conservation Fund has materially assisted the several States in acquiring and developing outdoor recreation areas and in providing additional outdoor recreation opportunities for the citizens of these United States. NASORLO, as the "Official Voice" from the States to the Congress on land and water conservation fund matters, is grateful for past assistance from the fund and for the impetus the fund has had on State and local programs.

In spite of the many benefits accruing to the States from the Land and Water Conservation Fund to date, many States have experienced serious problems in utilizing the Federal assistance available.

Two problems are paramount at the State level.

(1) The level of assistance to the States is totally inadequate to meet the needs of a rapidly expanding population. The demands for additional recreation opportunities are so great that the States and their political subdivisions cannot acquire additional lands and construct sorely needed new facilities with their own resources alone. Congress in its wisdom recognized this fact when the Land and Water Conservation Fund was enacted in 1964.

Congress also recognized that the original act did not provide the proper level of funding and, again in its wisdom, modified and amended the act in 1968. Today, Congress is considering legislation that will bring the level of funding up to \$300 million annually.

NASORLO strongly supports such action.

(2) Aside from the relatively low level of assistance available from the Land and Water Conservation Fund, the moneys appropriated by Congress annually has varied with each fiscal year. This variance is indeed a problem for the States.

Since NASORLO is composed of State officials—officials that live with budgets and with the legislative process—we are well aware of the problems the President and the Congress face in meeting the needs of all programs while attempting to balance the budget.

However, an erratic flow of Federal funds makes it virtually impossible for the States to develop an effective plan and absolutely

precludes the implementation of an action program in excess of 1 fiscal year. Some advance planning can be done but a plan cannot be executed until funds are available. And many States depend almost entirely on assistance available from the Land and Water Conservation Fund to make their reaction development programs workable.

Congress should enact legislation that would guarantee a uniform annual appropriation for the Land and Water Conservation Fund. Such an appropriation would permit the States to move forward with dispatch and to follow a logical sequence in acquiring and developing outdoor recreation areas.

NASORLO supports an annual appropriation of \$300 million for at least the next 5 fiscal years, and hopefully for the entire life of the act.

Mr. Chairman, in summary may I reemphasize the recommendations of the National Association of State Outdoor Recreation Liaison Officers.

1. Increase the Land and Water Conservation Fund appropriations to at least \$300 million annually.

2. Guarantee this \$300 million annual appropriation for at least the next 5 fiscal years.

It has been a pleasure to discuss with you today some of the problems the States are experiencing in administering the Land and Water Conservation Fund.

I think you for this opportunity and for your attention.

Are there any questions?

Senator BIBLE. I very much appreciate your appearance and your very fine statement.

I have no questions.

Senator Hansen.

Senator HANSEN. I have no questions.

Senator BIBLE. The Senator from Arizona.

Senator FANNIN. No questions.

Senator BIBLE. Thank you very very much for being here this morning.

The only comment I will make is that we cannot bind the next Congress. You know that as well as I do. That is our problem. We can try to draw some guidelines. We recognize that there is a lot of erratic planning. Those of us who have taken an interest in the impacted school aid bill probably have the best example of the fact that the Federal Government says we will give the State x dollars for impacted aid and we don't live up to that promise. As you well pointed out, we have our budget problems and our fiscal responsibility. It is pretty hard to match all of these priorities to come up with the figures. We will do our best.

Mr. ELLIS. Thank you, sir.

Senator BIBLE. Thank you very much. We are delighted with your presence today.

We will insert in the record at this point a statement from Senator Packwood, and also statements from Lloyd Tupling, and Stewart M. Brandborg.

(The statements referred to follow:)

STATEMENT OF HON. ROBERT W. PACKWOOD, A U.S. SENATOR FROM THE STATE OF OREGON

Mr. Chairman: Thank you for giving me the opportunity to appear before this committee in support of S. 3505—a bill of great importance to Oregonians and to all Americans.

As you know, I eagerly joined with my colleagues in co-sponsoring S. 3467, which would have provided an increase in the Land and Water Conservation funds by adding to an allocation of \$200 million, the proceeds from the sale of certain Federal surplus real property and related personal property.

Since the introduction of that bill, Secretary Hickel has appeared before the House Committee in support of a \$300 million allocation, and the Budget Bureau has given Congress the go-ahead on that amount. The Secretary has consistently emphasized the importance of expanding the "Parks to People" program because he recognizes the immediate need for such a program.

Americans are deeply concerned about the lack of adequate park and recreational facilities. The areas already set aside for parks and recreation are now over-crowded and over-used, resulting in rapid deterioration and exploitation of the little we have preserved. If we are to keep up with the growing population, we must have the authority and financial capability to acquire areas which are adequate and appropriate to fill our needs.

We have the land. Even near our metropolitan boundaries there is land which has somehow escaped the urban sprawl. Secretary Hickel has said that "It is our urban areas where the needs are the most out of balance, where suitable open spaces are getting scarce and land costs are spiraling." If we don't take the initiative to acquire those pieces of land now, we may not be able to do so tomorrow.

And we are not limited to those untouched areas near our cities. Just as we erect industrial and shopping centers, we must provide recreational facilities so that city residents can enjoy the out-of-doors.

Mr. Chairman, I wholeheartedly support S. 3505. In my estimation, \$300 million is an earnest recognition of the needs and a sincere effort to meet them. But I believe we should add to that amount revenues from the sale of surplus Federal real and related properties. I believe we should inventory our Federal holdings by such departments as Defense to see what land can be appropriately released and utilized for recreational purposes.

The need for recreational facilities is not exclusive to middle class conservationists, but is a need of all Americans, urban or rural. We must provide these Americans with an opportunity to enjoy their country. And, we must have the foresight to ensure that posterity is not denied this right.

STATEMENT OF LLOYD TUPLING, REPRESENTING THE SIERRA CLUB

Mr. Chairman and Members of the Committee, I am Lloyd Tupling, Washington representative of the Sierra Club, a national conservation organization with 94,000 members throughout the United States. The Sierra Club supports the objectives of S. 3505. Its passage will hasten the protection of our nation's scenic resources, a major purpose for which the Sierra Club was founded 77 years ago.

The increase in the annual authorization for the Land and Water Fund, as provided in S. 3505, is vital to the success of current efforts to protect and enhance our environment. Unless additional money is available from the fund many unique and scenic areas, many needed recreation areas will be lost through development for incompatible purposes. Many National Park System units authorized in past years have not been completed because of the lack of funds for land acquisition. A review of these authorized park units indicates that one—Mesa Verde National Park—goes back to 1906. Some 35 other National Park units have not been completed because of the lack of funds for purchase of land up to the authorized acreage.

This backlog of land acquisition needs creates problems. The passage of time and pressure of inflation causes land prices to escalate. In many cases this has led to the statutory dollar ceiling being reached before acquisition of the authorized acreage is completed. The existence of this backlog also has slowed decisions on establishment of additional valuable and Apostle Islands National Lakeshore, Voyageurs National Park, and many others.

Funds are also needed for acquisitions of inholdings within our National Forest System and for expansion of the National Wildlife Refuge system. States and local governments, which also share in the Land and Water Conservation Fund, need funds to implement their approved acquisition programs. An expansion of urban and near urban parks and recreation areas will be needed to meet population growth.

An increase in the flow of funds to the Land and Water Conservation Fund will help to resolve these problems. When we consider the vast sum of public monies which go into programs for altering the landscape of America, the amount which would go into the Land and Water Fund for protection of land is little enough.

It must be pointed out, however, that increasing the amount available to the Fund will not in itself meet our land acquisition needs. The Executive Departments will have to program the full funding up to the authorized annual ceiling, and the Congress will need to appropriate the full amount each year. On July 1 of this year, the Treasury will have \$364.5-million in the Land and Water Conservation Fund, assuming that no Fiscal 1970 supplemental appropriation is approved between now and that date. This means that \$364.5-million will be available for expenditure in Fiscal 1971. Yet, the Administration has asked for only \$168.5-million. A balance of \$189-million will be left, assuming that a special appropriation of \$7-million for Point Reyes National Seashore is spent.

Hopefully, the Administration will make a decision for programming and requesting appropriations of this \$189-million in the near future. On February 10, the President sent a message to Congress stating that he will propose full funding in fiscal 1971 of the Land and Water Conservation Fund. We are in complete agreement with President Nixon's statement that "plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years."

The Land and Water Conservation Fund is the principal source of financing for state, local and federal recreation land programs. The pace of land acquisition must be accelerated before suitable land is paved over or priced out of range. The Sierra Club urges the early passage of S. 3505.

STATEMENT OF STEWART M. BRANDBORG, DIRECTOR, THE WILDERNESS SOCIETY

Mr. Chairman, I am Stewart M. Brandborg, Executive Director of The Wilderness Society, 729 15th Street, N.W., Washington, D.C., 20005.

It is a pleasure, on behalf of the Society's 65,000 members, to support and urge action on S. 3505 today. This measure, endorsed by all of the members of this Committee on a bipartisan basis, will be a significant further step in developing an orderly and adequate acquisition program for recreation, park and wilderness lands.

Not so very long ago, this whole field seemed to be in great disorder, and prospects for sound protection of critically needed outdoor recreation lands were dulled by lack of any sound financing base.

The Land and Water Conservation Fund, as it has evolved in recent years through the continued work of this Committee, is helping to meet this problem.

We urge prompt action on this bill, to increase by 50% the authorization level of the Fund. At the same time, we acknowledge the leadership of the Administration in budgeting full use of the Fund and its accumulated revenues. This is welcome recognition that what we must have is not money in the bank—locking up the Fund—but a new bank for these vitally important public purposes. With the cooperation of the Administration and the Appropriations Committee, we see real progress in expediting final acquisition plans for authorized areas, buying out troublesome park and wilderness area inholdings (such as in the Everglades), and assuming a financial base that gives us confidence in authorizing urgently needed additions to the National Park and Wildlife Refuge Systems. The critical need of funds to acquire lands within state and local jurisdictions (state wildlife areas and parks, community recreation areas, etc.) will also be relieved by this program.

S. 3505 is an excellent, responsible and progressive step, and we strongly urge your favorable and timely action in providing a \$300 million annual minimum authorization for the Land and Water Conservation Fund.

SOCIETY OF AMERICAN FORESTERS,
Washington, D.C., May 22, 1970.

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

DEAR SENATOR JACKSON: The Society of American Foresters, as the organization representing the forestry profession in the United States is intensely interested in the appropriation authorization for the Land and Water Conservation Fund.

Recreation is one of the major uses of forestland and related waters. It is the view of the Society of American Foresters that all forest owners should identify and protect the recreational values of their land. Where feasible, these values should be enhanced and made available to the public. The problem posed by the fast mounting pressures for recreational use of the forest is to make land available to many people without impairment of either the resource or the quality of the recreational experience. We support the establishment and use of forest parks, recreation areas and natural areas for scenic, historical, scientific, and inspirational purposes where intensive study demonstrates that the long-term public interest requires sacrifice of alternative uses and values.

The Society of American Foresters endorses your legislation to amend the Land and Water Conservation Fund Act to increase the appropriation authorization for the Fund. We strongly urge that your legislation also amend the Act to permit use of the Federal portion of the Fund for *development* of park and recreation lands in addition to the acquisition of them.

We respectfully request this letter be included in the hearing record conducted May 18, 1970 on this subject.

Sincerely,

H. R. GLASCOCK, JR.,
Executive Vice President.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., May 21, 1970.

HON. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Our Director of Conservation, Louis S. Clapper, has relayed to me the gist of your questions with relation to his testimony before the Senate Committee on Interior and Insular Affairs Monday on S. 3505, increasing the ceiling for the Land and Water Conservation Fund. We were pleased to have your expression of interest on behalf of outdoor recreation, particularly public hunting and fishing opportunities.

As Mr. Clapper related, the National Wildlife Federation long has supported provisions whereby lands placed in the Conservation Reserve, in the Cropland Adjustment Program, and in the proposed "set aside" programs be utilized for public recreational use, including hunting and fishing. We have supported the concept that landowners be given an extra financial incentive to open their properties set aside in these programs for hunting, fishing, trapping, and hiking, as well as other recreational purposes. And, we adopted a resolution relating to the general concept of the so-called "consensus proposal" for agricultural projects, as you noted in your questions to Mr. Clapper.

Your question about whether or not the Federation would support a program whereby Federal funds could be offered to farmers if they open their lands to hunting and fishing is of considerable interest to our organization. While the Federation has not adopted a position specifically on the substance of your question, we seriously doubt that our organization would support such a proposal to apply universally to all private lands. We appreciate that the landowner has the prerogative to charge a trespass fee for any legitimate purpose if he so desires. However, for example, we seriously doubt that our organization would support a Federal program offering to pay landowners in areas where hunters have been able to work out cooperative "no charge" programs for their activities. In addition, some States have endeavored to work out programs whereby open public hunting areas are established on their lands on an easement basis and these have met with mixed success with the general public. Further, incentives were offered under the Cropland Adjustment Program and there was no great

rush on the part of landowners to offer their properties for programs of this sort, even though this project was pursued on a limited basis.

This is not to say that we do not think this suggestion has merit. Perhaps some cooperative arrangement can be worked out with the State wildlife agencies concerned about a program of mutual value in those areas where approaches of this sort might prove attractive. We would be pleased to try to work with you and your fine staff on details of this type or to serve as a catalyst between personnel of Federal and State agencies involved. In fact, we would recommend that the advice of the International Association of Game, Fish, and Conservation Commissioners be sought.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

Senator BIBLE. Unless there is something to come before the committee, we will stand in adjournment.

(Whereupon, at 12:20 p.m., the subcommittee adjourned.)



