

Storage

C. & O. CANAL NATIONAL HISTORICAL PARK

9114
In 8/13
C42/970

Y4
.In 8/13
C42/970

MAR 11 1971

LIBRARY
THE UNIVERSITY

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. 1859 and H.R. 19342

CHESAPEAKE & OHIO CANAL NATIONAL HISTORICAL PARK

DECEMBER 15, 1970

KSU LIBRARIES



111900 825432



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

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1971

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

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

GORDON ALLOTT, Colorado
LEN B. JORDAN, Idaho
PAUL J. FANNIN, Arizona
CLIFFORD P. HANSEN, Wyoming
MARK O. HATFIELD, Oregon
TED STEVENS, Alaska
HENRY BELLMON, Oklahoma

JERRY T. VERKLER, *Staff Director*

STEWART FRENCH, *Chief Counsel*

BERNARD C. HARTUNG, *Professional Staff Member*

CHARLES COOK, *Minority Counsel*

SUBCOMMITTEE ON PARKS AND RECREATION

ALAN BIBLE, Nevada, *Chairman*

HENRY M. JACKSON, Washington
CLINTON P. ANDERSON, New Mexico
FRANK CHURCH, Idaho
FRANK E. MOSS, Utah
GAYLORD NELSON, Wisconsin

CLIFFORD P. HANSEN, Wyoming
PAUL J. FANNIN, Arizona
MARK O. HATFIELD, Oregon
HENRY BELLMON, Oklahoma

CONTENTS

	Page
S. 1859.....	1
H.R. 19342.....	4
Departmental reports:	
Budget.....	11
Interior.....	11

STATEMENTS

Beall, Hon. J. Glenn, Jr., a U.S. Representative in Congress from the State of Maryland.....	27
Browne, Barbara Moulton, Washington, D.C.....	106
Banzhoff, Amos, Washington County, Md.....	111
Charles, Bernhard G., Big Spring, Md.....	84
Charles, Janet, Big Springs, Md.....	116
Conlin, Thomas F., Cumberland, Md.....	114
Conroy, Dennis, chairman, Canoe Cruiser Association.....	82
Conway, Grant, representing the Potomac Appalachian Trail Club.....	100
Coulter, James B., deputy secretary, Maryland Department of Natural Resources; accompanied by Tom Downs, assistant attorney general, State of Maryland, and Herbert Sacks, assistant secretary, Maryland Department of Natural Resources.....	59
Courter, Anson, chairman, Conservation Committee, Potomac Appalachian Trail Club.....	101
Davis, Joseph C., vice president, Wanderbirds Hiking Club.....	78
Dickerman, Ernest M., eastern regional director, The Wilderness Society.....	99
Ellis, Spencer P., director, Department of Forests and Parks, State of Maryland.....	74
Frush, Donald R., representative, county commissioners of Washington County, Md.....	92
Gigeous, Mason, Potomac Fish and Game Club, Williamsport, Md.....	79
Goulding, Claire, Shepherdstown, W. Va.....	87
Gower, Eleanor Stehl, representing homeowners of the Merchantsville area, Washington County, Md.....	88
Gude, Hon. Gilbert, a U.S. Representative in Congress from the State of Maryland.....	23
Hartzog, George B., Jr., Director, National Park Service; accompanied by Le Royal Rowell, park planner, and Mike Lambe, legislative division.....	31
Henderson, Adelaide, Lutherville, Md.....	112
Hewins, John S., Government relations coordinator, Maryland-National Capital Park and Planning Commission, Washington, D.C.....	56
Howard, Joe, Montgomery County Public Schools; accompanied by Gabriel Jacobs.....	76
Ishee, Tommy C., president, Potomac Basin Federation.....	80
Jex, Walter, West Virginia Eastern Panhandle Land and Rivers Protective Association.....	89
Johnson, Alan F., executive director, Potomac Area Council of the American Youth Hostels.....	103
Knode, Jo Ann, Sharpsburg, Md.....	89
Lahn, Richard, Sierra Club.....	79
Macgargle, Mrs. Hal, Audubon Naturalist Society of Central Atlantic States.....	90
Mathias, Hon. Charles McC., Jr., a U.S. Senator from the State of Maryland.....	18
Mills, Hon. Herman, mayor, city of Hagerstown, Md.....	56
Miltonberger, Marv, Preservation Society, C. & O. Canal Chapter, Allegheny County, Md.....	117

IV

	Page
Norwood, Harold B., Laurel, Md.....	112
Ritter, Colin, president, C. & O. Canal Association, Alexandria, Va.....	96
Robbins, Eleanor C., Laurel, Md.....	99
Sheaffer, Alan D., scout executive, Mason-Dixon Council, Boy Scouts of America, and chairman, C. & O. Canal Historic Trail Committee.....	104
Sheedy, Daniel M., president, Land Planning and Development Co., Inc., Washington County, Md.....	113
Shipman, Lee Warren, Montgomery County Council.....	117
Stover, Mark, Life Scout.....	24
Stratton, Hon. Samuel S., a U.S. Representative in Congress from the State of New York.....	30
Trask, Alfred F., American University Park Citizens Association, Federation of Citizens Associations of the District of Columbia.....	77
Tydings, Hon. Joseph D., a U.S. Senator from the State of Maryland.....	17
Wachter, Frank C., representative, Pennsylvania Glass Sand Corp., Hancock, Md.....	95
Wesley, Edwin F., Jr., representative, the Rockville Alliance for a Better Environment.....	95
Willis, John, eagle scout.....	23
Wisdom, Donald F., Potomac Valley League.....	102

COMMUNICATIONS

Mathias, Hon. Charles McC. Jr., a U.S. Senator from the State of Maryland: Letter to Bernhard G. Charles, dated September 2, 1970.....	85
Mozer, Bernard, president, Montgomery County Citizens Planning Association: Letter to Senator Bible, dated December 14, 1970.....	103
Tydings, Hon. Joseph D., a U.S. Senator from the State of Maryland: Letter to Senator Bible, dated December 11, 1970.....	17

ADDITIONAL INFORMATION

"Action Line," from the Washington Star, May 29, 1970.....	111
"C. & O. Canal Park Comments," from the Martinsburg, W. Va. Journal, August 22, 1970.....	110
C. & O. Canal National Park (proposed) development schedule.....	45
Montgomery County and Prince Georges County, resolution of.....	57
Public Law 184—83d Congress on H.R. 5804.....	93

APPENDIX

Cannon, Jonathan Z., Williamsport, Md.....	122
Chambers, Larry, vice president, Potomac Basin Federation; statement of Smith, Anthony Wayne, president and general counsel, National Parks and Conservation Association, Washington, D.C.....	120
Smith, Dr. Spencer M., Jr., secretary of the Citizens Committee on Natural Resources, Washington, D.C.....	119
Statement signed by many concerned citizens of the Washington metropolitan area.....	122
Stoneberger, Jack L., Taylors Landing, Sharpsburg, Md.....	123

CHESAPEAKE & OHIO CANAL NATIONAL HISTORICAL PARK

TUESDAY, DECEMBER 15, 1970

U.S. 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 a.m. in room 3110, New Senate Office Building, Senator Alan S. Bible (chairman of the subcommittee) presiding.

Present: Senators Bible, Anderson, and Moss.

Also present: Jerry Verkler, staff director; Stewart French, chief counsel; Bernard Hartung, professional staff member; and Tom Nelson, assistant minority counsel.

Senator BIBLE. The hearing will come to order.

Senator Mathias, please have a seat right there.

This is the time that we have duly noticed and set for an open hearing by the Senate Parks and Recreation Subcommittee on S. 1859 and H.R. 19342 which authorizes the establishment of the Chesapeake and Ohio Canal National Historical Park in the District of Columbia and the States of Maryland and West Virginia. I direct, at this point, that the text of the bills and departmental reports on the same be made part of the record.

(The bills and reports referred to follow:)

[S. 1859, 91st Cong., first sess.]

A BILL To establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Chesapeake and Ohio Canal Act of 1969."

SEC. 2. As used in this Act—

(a) "Park" means the Chesapeake and Ohio Canal National Historical Park, as herein established.

(b) "Canal" means the Chesapeake and Ohio Canal, including its towpath.

(c) "Secretary" means the Secretary of the Interior.

(d) "State" means any State, and includes the District of Columbia.

(e) "Local government" means any political subdivision of a State, including a county, municipality, city, town, or a school or other special district created pursuant to State law.

(f) "Person" means any individual, partnership, corporation, private nonprofit organization, or club.

(g) "Landowner" means any person, local government, or State owning, or on reasonable grounds professing to own, lands or interests in lands adjacent to or in the vicinity of the park.

SEC. 3. (a) In order to realize the full potential of the Chesapeake and Ohio Canal for public recreational use and enjoyment, and to preserve, restore, and interpret the historic, scenic and natural features of the canal, there is hereby

established the Chesapeake and Ohio Canal National Historical Park, in the States of Maryland and West Virginia and in the District of Columbia. The park as initially established shall comprise those particular properties in Federal ownership, containing approximately five thousand two hundred and fifty acres, including those properties along the long the line of the canal in the State of Maryland and appurtenances in the State of West Virginia designated by Presidential Proclamation numbered 3391 (75 Stat. 1023) as the Chesapeake and Ohio Canal National Monument, and those properties along the line of the canal between Rock Creek in the District of Columbia and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The park shall also include such additional lands and interests in lands as may be acquired by the Secretary pursuant to this Act.

(b) The Secretary is hereby authorized to acquire through donation, purchase, easement, lease for terms of up to fifty years, or exchange such lands and interests in lands adjacent to or in the vicinity of the park as he deems appropriate for the development and expansion of public recreational facilities, for the restoration and interpretation of major historical and engineering features of the Canal, and for the protection of scenic and natural values: *Provided*, That the total land area of such park, including land already in Federal ownership, shall not exceed fifteen thousand acres.

(c) In keeping with the purposes of this Act, the Secretary is authorized to convey such lands presently in Federal ownership which may be determined surplus to the needs of the park in exchange for other lands or interests therein of approximately equal value, except that in no instance may the continuity of the Canal be interrupted. The Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(d) Any portion of the lands and interests in lands comprising the park shall be made available upon specific Federal statutory authorization for public non-park uses when such uses shall have been found to have a greater public necessity than the uses authorized by this Act.

SEC. 4. (a) As soon as possible after the enactment of this Act, the Secretary, in cooperation with appropriate local authorities, shall initiate a comprehensive title search and survey to determine the exact boundaries of the Federal lands initially comprising the park. The results of said search and survey, with accompanying maps, shall be made available for public inspection, and the Secretary shall allow the public at least one hundred and twenty days to comment on or question any of the findings, and shall attempt to resolve any conflicts before filing the results of the survey with the Administrator of the General Services Administration.

(b) Nothing in this section shall preclude or restrict a landowner or the Secretary in seeking adjudication or resolution of conflicting claims to land in connection with any donation, purchase, easement, lease, exchange, or agreement authorized by this Act.

SEC. 5. (a) The Secretary is authorized to enter into cooperative programs and agreements with persons, local governments, and States to carry out and promote the purposes of this Act, including public recreation, historic restoration and interpretation, conservation of agricultural or forest lands, preservation of scenic values, wildlife propagation, and related objectives.

(b) In carrying out the purposes of this Act, the Secretary shall take into account local and State development, land use, conservation, and recreational plans affecting or relating to areas in the vicinity of the canal, and shall, consistent with the purposes of this Act, exercise the authority granted by this Act in a manner that will not conflict with such local or State plans.

SEC. 6. (a) The enactment of this Act shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the park.

(b) The authority granted in the Act of August 1, 1953 (67 Stat. 359), to grant easements for rights-of-way through, over, or under lands along the line of the Chesapeake and Ohio Canal is hereby continued and shall hereafter be exercised by the Secretary with respect to lands included in the park.

(c) Where privately owned lands are located between the park and the Potomac River, the owners of those lands shall have access to their lands, subject only to such restrictions or requirements as the Secretary may find essential to the preservation and sound management of the park.

(d) Authority is hereby granted for individuals to cross the park by foot and by the most direct route at any point for the purpose of gaining access to the Potomac River or to nonpark lands for hunting purposes, in accord with State law: *Provided*, That while such individuals are on park lands firearms are unloaded, bows are unstrung, and dogs are on leash.

SEC. 7. (a) Except as otherwise provided in this Act, the Secretary shall administer the park under the general laws and requirements governing areas of the national park system, in such manner as to advance the purposes of this Act: *Provided*, That the Secretary, after consultation with the Chesapeake and Ohio Canal National Historical Park Commission established by section 8 of this Act, may make such modifications and changes in the general regulations and requirements as are within his statutory discretion, and are made appropriate or necessary by the unique character of the park.

(b) No fees shall be charged by the Secretary for public day use of the park for recreational purposes.

SEC. 8. (a) There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of twenty-one members appointed for terms of five years each, as follows:

(1) Eight members to be appointed by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, two members to be appointed by each such board or council, as the case may be.

(2) Eight members to be appointed by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Mayor-Commissioner of the District of Columbia, two members to be appointed by each such Governor or Mayor-Commissioner, as the case may be.

(3) Five members to be appointed by the Secretary, at least three of whom shall be members of regularly constituted conservation organizations, and one of whom shall be designated Chairman of the Commission.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation. The Secretary is authorized to pay, upon vouchers signed by the Commission, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary shall, from time to time but at least semiannually, meet with, report to, and consult with the Commission on general policies and specific matters related to the development and administration of the park. The Secretary shall also consult with the Commission before establishing any regulations or requirements of general applicability pursuant to section 6 or 7 (a) of this Act.

(f) The Commission may advise and consult with other Federal agencies, State agencies, local governments and persons on matters relating to public recreation, historic preservation and interpretation, scenic protection, wildlife propagation, and conservation and protection of natural resources, including water resources, within and in the vicinity of the park.

(g) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(h) (1) Service of an individual as a member of the Commission shall not be considered as service bringing such individual within the provisions of sections 203, 205, 207, or 209 of title 18 of the United States Code.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt or payment of salary in connection with the appointee's government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the United States involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

SEC. 9. (a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

1 (d) "State" means any State, and includes the District
2 of Columbia.

3 (e) "Local government" means any political sub-
4 division of a State, including a county, municipality, city,
5 town, township, or a school or other special district created
6 pursuant to State law.

7 (f) "Person" means any individual, partnership, corpo-
8 ration, private nonprofit organization, or club.

9 (g) "Landowner" means any person, local government,
10 or State owning, or on reasonable grounds professing to own,
11 lands or interests in lands adjacent to or in the vicinity of
12 the park.

13 ESTABLISHMENT OF PARK

14 SEC. 3. (a) In order to preserve and interpret the
15 historic and scenic features of the Chesapeake and Ohio
16 Canal, and to develop the potential of the canal for public
17 recreation, including such restoration as may be needed,
18 there is hereby established the Chesapeake and Ohio Canal
19 National Historical Park, in the States of Maryland and
20 West Virginia and in the District of Columbia. The park
21 as initially established shall comprise those particular prop-
22 erties in Federal ownership, containing approximately five
23 thousand two hundred and fifty acres, including those prop-
24 erties along the line of the Chesapeake and Ohio Canal in
25 the State of Maryland and appurtenances in the State of

1 West Virginia designated as the Chesapeake and Ohio Canal
2 National Monument, and those properties along the line of
3 the Chesapeake and Ohio Canal between Rock Creek in
4 the District of Columbia and the terminus of the Chesapeake
5 and Ohio Canal National Monument near the mouth of Sen-
6 eca Creek in the State of Maryland. The boundaries of the
7 park shall be as generally depicted on the drawing entitled
8 "Boundary Map, Proposed Chesapeake and Ohio Canal
9 National Historical Park," in five sheets, numbered CHOH
10 91,000, and dated October 1969, which is on file and avail-
11 able for public inspection in the offices of the National Park
12 Service, Department of the Interior: *Provided*, That no
13 lands owned by any State shall be included in the boundaries
14 of the park—

15 (1) unless they are donated to the United States, or

16 (2) until a written cooperative agreement is negoti-
17 ated by the Secretary which assures the administration
18 of such lands in accordance with established administra-
19 tive policies for national parks, and

20 (3) until the terms and conditions of such donation
21 or cooperative agreement have been forwarded to the
22 Committees on Interior and Insular Affairs of the United
23 States House of Representatives and Senate at least sixty
24 days prior to being executed.

25 The exact boundaries of the park shall be established, pub-

1 lished, and otherwise publicized within eighteen months after
2 the date of this Act and the owners of property other than
3 property lying between the canal and the Potomac River
4 shall be notified within said period as to the extent of their
5 property included in the park.

6 (b) Within the boundaries of the park, the Secretary
7 is authorized to acquire lands and interests therein by dona-
8 tion, purchase with donated or appropriated funds, or ex-
9 change, but he shall refrain from acquiring, for two years
10 from the date of the enactment of this Act, any lands desig-
11 nated on the boundary map for acquisition by any State if
12 he has negotiated and consummated a written cooperative
13 agreement with such State pursuant to subsection (a) of this
14 section.

15 COOPERATIVE AGREEMENTS

16 SEC. 4. The Secretary shall take into account compre-
17 hensive local or State development, land use, or recreational
18 plans affecting or relating to areas in the vicinity of the
19 canal, and shall, wherever practicable, consistent with the
20 purposes of this Act, exercise the authority granted by this
21 Act in a manner which he finds will not conflict with such
22 local or State plans.

23 ACCESS

24 SEC. 5. (a) The enactment of this Act shall not affect
25 adversely any valid rights heretofore existing, or any valid

1 permits heretofore issued, within or relating to areas author-
2 ized for inclusion in the park.

3 (b) Other uses of park lands, and utility, highway, and
4 railway crossings, may be authorized under permit by the
5 Secretary, if such uses and crossings are not in conflict with
6 the purposes of the park and are in accord with any require-
7 ments found necessary to preserve park values.

8 (c) Authority is hereby granted for individuals to cross
9 the park by foot at locations designated by the Secretary
10 for the purpose of gaining access to the Potomac River or
11 to non-Federal lands for hunting purposes: *Provided*, That
12 while such individuals are within the boundaries of the park
13 firearms shall be unloaded, bows unstrung, and dogs on leash.

14 ADVISORY COMMISSION

15 SEC. 6. (a) There is hereby established a Chesapeake
16 and Ohio Canal National Historical Park Commission (here-
17 after in this section referred to as the "Commission").

18 (b) The Commission shall be composed of nineteen
19 members appointed by the Secretary for terms of five years
20 each, as follows:

21 (1) Eight members to be appointed from recom-
22 mendations submitted by the boards of commissioners
23 or the county councils, as the case may be, of Mont-
24 gomery, Frederick, Washington, and Allegany Coun-
25 ties, Maryland, of which two members shall be appointed

1 from recommendations submitted by each such board or
2 council, as the case may be;

3 (2) Eight members to be appointed from recom-
4 mendations submitted by the Governor of the State of
5 Maryland, the Governor of the State of West Virginia,
6 the Governor of the Commonwealth of Virginia, and
7 the Commissioner of the District of Columbia, of which
8 two members shall be appointed from recommendations
9 submitted by each such Governor or Commissioner, as
10 the case may be; and

11 (3) Three members to be appointed by the Sec-
12 retary, one of whom shall be designated Chairman of
13 the Commission and two of whom shall be members of
14 regularly constituted conservation organizations.

15 (c) Any vacancy in the Commission shall be filled in
16 the same manner in which the original appointment was
17 made.

18 (d) Members of the Commission shall serve without
19 compensation, as such, but the Secretary is authorized to
20 pay, upon vouchers signed by the Chairman, the expenses
21 reasonably incurred by the Commission and its members in
22 carrying out their responsibilities under this Act.

23 (e) The Secretary, or his designee, shall from time to
24 time but at least annually, meet and consult with the Com-
25 mission on general policies and specific matters related to
26 the administration and development of the park.

1 (f) The Commission shall act and advise by affirmative
2 vote of a majority of the members thereof.

3 (g) The Commission shall cease to exist ten years from
4 the effective date of this Act.

5 ADMINISTRATION AND APPROPRIATIONS

6 SEC. 7. The Chesapeake and Ohio Canal National His-
7 torical Park shall be administered by the Secretary of the
8 Interior in accordance with the Act of August 25, 1916 (30
9 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

10 SEC. 8. (a) Any funds that may be available for pur-
11 poses of administration of the Chesapeake and Ohio Canal
12 property may hereafter be used by the Secretary for the
13 purposes of the park.

14 (b) There are authorized to be appropriated such sums
15 as may be necessary to carry out the provisions of this Act,
16 not to exceed \$20,400,000 for land acquisition and not to
17 exceed \$17,000,000 (1970 prices) for development, plus
18 or minus such amounts, if any, as may be justified by reason
19 of ordinary fluctuations in construction costs as indicated by
20 engineering cost indices applicable to the types of construc-
21 tion involved herein.

Passed the House of Representatives October 5, 1970.

Attest:

W. PAT JENNINGS,

Clerk.

BUREAU OF THE BUDGET,
Washington, D.C., June 5, 1970.

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

DEAR MR. CHAIRMAN: This is in reply to your request of May 20, 1969, for a report of the Bureau of the Budget on S. 1859, a bill to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes.

The Interior Department, in a report it is submitting on this bill, recommends certain amendments. The Bureau of the Budget concurs in the Department's report and would favor the enactment of S. 1859 if amended as recommended therein.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 27, 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 this Department's views on S. 1859, a bill to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes.

We recommend the enactment of the bill with the amendments set forth below.

The bill would establish in the District of Columbia and the States of Maryland and West Virginia Chesapeake and Ohio Canal National Historical Park, comprising initially the 5,250 acres of Federal land in the present Chesapeake and Ohio National Monument and additional Federal lands along the canal between Seneca, Md., and Rock Creek in the District of Columbia, together with such additional lands as may be acquired by the Secretary of the Interior. Section 3 (b) limits the total acreage in the park to 15,000 which includes the 5,250 acres already in Federal ownership.

The bill directs the Secretary to initiate a title search and survey to determine the boundaries of the Federal lands initially comprising the park, to distribute the results to all landowners, and to attempt to resolve any conflicts. It authorizes the Secretary to enter into cooperative programs and agreements with individuals, the States, or local governments to promote the purposes of this bill, and it directs the Secretary to take into account local or State plans in carrying out the provisions in the bill. Of course, we intend to confer with the National Capital Planning Commission on matters within its jurisdiction.

Provisions are included in the bill to protect valid existing rights and permits, to authorize crossings of park lands, and to provide access to the Potomac River. The bill also establishes a 21-member commission to consult with the Secretary on general policies and specific matters related to the development of the park.

This Department believes that the scenery and historic and recreational values of the Potomac riverscape must be preserved, protected, and made available as an opportunity for the enjoyment of millions in the fast-growing urbanized Washington metropolitan area. We believe that the establishment of a national historic park, comprising a nucleus of Federal lands and augmented by the acquisition of other adjacent properties, will constitute an essential first step in a continuing program of protection and development of the entire river.

The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, established by the act of August 21, 1935 (49 Stat. 666), to advise the Secretary of the Interior on national park and historic matters, recommended at its meeting on April 21-24, 1969, as follows:

"Because the Chesapeake and Ohio Canal possess national historic significance and because an enlarged national historic park would offer excellent opportunities for recreational development and scenic preservation, the Advisory Board hereby endorses the establishment of a Chesapeake and Ohio Canal National Historic Park at this time. The Board feels it is highly desirable that this first step be taken and that the Department continue its efforts leading to the estab-

ishment of a Potomac National River at an early date. This will achieve full protection of the Chesapeake and Ohio Canal and will insure full utilization of the river's great potential."

The proposed national historical park would extend from Rock Creek in the District of Columbia to the vicinity of Cumberland, Md. It would include the historically significant Chesapeake and Ohio Canal and its towpath, and adjacent lands for the protection of the canal and for needed recreation facilities. Under this proposal, the canal itself will be restored and adjacent lands developed for picnicking and hiking, and other outdoor activities.

We recommend the following amendments to S. 1859:

1. On page 2, line 15, delete the word, "restore", and insert following the word "canal," on line 16 the words "including such restoration as may be needed,".

We believe that the two purposes to be served by establishing this national historic park are to preserve and interpret the area. Restoration of historic facilities will be an important part of the interpretive function, rather than a purpose in itself.

2. On page 3, revise the sentence beginning on line 5 to read: "The boundaries of the park shall be as generally depicted on the drawing entitled 'Boundary Map, Proposed Chesapeake and Ohio Canal National Historic Park,' in five sheets, No. CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."; and lines 8 through 18, revise subsection 3(b) to read as follows:

"(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange."

The amendment incorporates a boundary for the national historic park as depicted on a map; and eliminates specific authority to acquire leasehold interests of up to 50 years.

The effect of the amendment is to establish the boundaries of the park to encompass some 20,239.14 acres, the ownership of which is as follows: Federal, 7,106.64; State of Maryland, 958; clubs and organizations, 18.25; and private 12,156.25.

The increase in acreage that can be purchased is necessary to assure that adequate lands will be available for the purposes stated in the bill. We believe a park of approximately 20,000 acres would be necessary.

We understand that the State of Maryland plans to acquire approximately 2,000 acres within the proposed boundaries for conservation, and recreation purposes. To the extent that the State is able to do so, therefore, less Federal acquisition will be necessary. We do not plan to acquire, except by donation if the State offers them at some future date, any lands now owned by the State or which it acquires within the park. We believe a mutually agreeable management plan can be worked out with the State whereby Federal and State lands within the park can be managed compatibly.

3. On page 3, delete lines 19 through 25, and on page 4, delete lines 1 through 7.

This amendment deletes subsections 3 (c) and (d), which provide specific exchange authority and authority to permit future nonpark uses, respectively. Section 5 (b) of the act of July 15, 1968 (82 Stat. 354, 356), authorizes the acquisition of lands generally by exchange, making subsection 3 (c) unnecessary. Except for the possible construction of a water-storage dam near Seneca, we are not aware of any public nonpark uses that might be proposed for parklands. Inasmuch as such a reservoir would be authorized by special act of Congress, we believe the language of subsection 3 (d) is unnecessary. Lands proposed for inclusion within the boundaries of the park could be made available for water storage should Congress later consider it necessary for this purpose.

4. On page 4, lines 8 through 23, delete section 4 and renumber all succeeding sections accordingly.

This amendment deletes the requirement that the Secretary prepare a title search and survey, the results of which will be made available for public inspection. In the normal process of acquiring adjacent land for the park, the Secretary would require evidence of title, and any differences could be determined by judicial proceedings. We believe the requirements of section 4 would encourage disputes among landowners and would entail unnecessary costs to the Government.

5. On page 4, delete lines 24 and 25; on page 5, delete lines 1 through 12.

This amendment deletes section 5 which authorizes technical assistance to landowners and cooperative agreements with public agencies and persons. Sec-

tion 2(d) of the act of May 28, 1963 (77 Stat. 49), authorizes the Secretary of the Interior to—"Provide technical assistance and advice to and cooperate with States, political subdivisions, and private interest, including nonprofit organizations, with respect to outdoor recreation."

We believe that this existing authority is sufficient to cover the purposes of section 5. This amendment and our amendment numbered 3 make the definition of the words "Person" and "Landowner" on page 2, lines 7 through 12, unnecessary.

6. On page 5, beginning at line 23, through line 3 on page 6, delete subsection (c) and redesignate subsection (d) as (c), and revise subsection (b), lines 17 through 22, page 5 to read as follows:

"(b) The provisions of the Act of August 1, 1953 (67 Stat. 359), shall be applicable to lands and interests in lands within the boundary of the park."

This amendment deletes the provision granting the owners of private lands located between the park and the Potomac River access to their lands. We believe it is essential to the protection of the canal and to the provision of adequate recreation opportunities that all private lands between the canal and river be acquired. Accordingly, no access rights would be necessary until all such land is acquired; we would, of course, contemplate continuing existing access to the private owners.

7. On page 6, line 5, delete the words "and by the most direct route at any point" and substitute in lieu thereof the words "at locations designated by the Secretary".

The bill grants individuals the right to cross the park on foot by the most direct route at any point for the purpose of gaining access to the Potomac River or to non-Federal lands for hunting purposes. We have no objection to permitting access across the park for such purposes, except that for the safety of the person gaining such access as well as for the safety of the park visitor, sound management would dictate against unlimited and uncontrolled access. The amendment would make clear that access points across the park shall be designated by the Secretary.

8. On page 6, line 11, delete "(a)" and on lines 22 and 23 delete subsection (b) in its entirety.

These amendments delete the prohibition against fees for public day use of the park for recreational purposes.

We are unaware of reasons for excepting this area from the general policy established by the Congress (in the Land and Water Conservation Fund Act of 1965, as amended) with respect to the charging of user fees at Federal recreation areas. Given the nature of the Chesapeake and Ohio Canal area, it seems likely that user fees rather than general entrance fees would be used.

9. On page 7, line 4, after the word "appointed", insert the words "by the Secretary"; on page 7, lines 5, 8, 10, 14, and 16, after the word "appointed", insert the words "from recommendations submitted"; on page 8, revise lines 3 and 4 to read "(3) of the remaining five members appointed by the Secretary, at least three shall be members of regularly"; on page 8, beginning at line 20, and on page 9, lines 1 through 12, delete subsection (h) and substitute the following: "(h) The commission shall cease to exist ten years from the effective date of this Act."

This amendment conforms the language of section 8 of the bill (renumbered as sec. 6 under our amendments 4 and 8), pertaining to the establishment of an advisory commission, to the provisions approved by the Congress in establishing similar advisory bodies for parks and recreation areas. The amendment (1) authorizes the Secretary to appoint the members from recommendations submitted by the county, State, and District of Columbia officials; (2) deletes the exemptions from the conflict of interest laws; and (3) provides for termination of the commission 10 years after the effective date of the act.

Our estimate of the cost of land acquisition is \$19,472,605, which is programed to be obligated during the first 5 years after enactment. If the 2,000 acres proposed for acquisition by the State of Maryland is not acquired, an additional \$909,832, inclusive of contingencies and acquisition costs, will be needed to purchase these lands. We believe that early action will be necessary if the needed lands are to be acquired without substantial price escalation, and, therefore, that the amount authorized in the printed bill is insufficient. Moreover, estimated development costs, based on current engineering cost indices, are \$47 million, of which \$25 million is programed for obligation during the first 5 years after authorization. A funding level of only \$3 million for the first 3 years would not

permit the construction of needed recreational facilities or other necessary work. Estimated additional operating costs are expected to be \$1,159,000 by the fifth year.

It has been the practice of the Committees on Interior and Insular Affairs in considering new park legislation to place appropriation limitations on development costs. Although our estimates anticipate a certain time lag between the authorization and an appropriation to accomplish the work, budgetary restraints on Federal construction funds may cause a greater than usual wait until development funds are made available. Should this occur, the normal annual increases in construction costs, brought about by incremental rises in the cost of labor and materials, make the statutory ceiling on development costs too low at the time construction begins.

Development costs, unlike land costs, are stable, and reliable engineering cost indices exist which reflect the predictable rising and lowering of construction labor and materials.

In order to preclude seeking amendatory legislation to increase a development cost ceiling due to general construction cost increases, we recommend that, if a statutory ceiling on development costs is adopted, it be tied to the engineering cost indices applicable to the construction work involved. We offer the following amendment:

10. On page 9, lines 17 through 19, revise subsection (b) to read:

"(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed \$47,000,000 (1970 prices) for development, plus or minus such amounts if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

11. As a technical amendment we recommend that the following new section be inserted after section 9 (renumbered sec. 7 under our amendments 4 and 8):

Sec. 8. The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

This amendment would provide the Secretary with the authority to administer the area.

The man-year and cost-data statement (based on current assumptions and estimates) required by the Act of July 25, 1956 (5 U.S.C. 2953), when annual expenditures exceed \$1 million, is enclosed.

The major elements of the foregoing cost figures are further detailed in enclosures A and B.

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

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

Enclosures.

Enclosure A

Land Cost

Fee acquisition (7,398.12 acres)-----	\$9,124,800
Improvements (384)-----	2,768,000
Severance damage-----	850,000
Easement acquisition (2,772.85 acres with 182 affected improvements)-----	1,951,600
Lands which may be acquired by State (2,003.53-acres with 4 improvements)-----	719,300
Contingencies-----	2,312,055
Acquisition costs-----	2,656,682
Total cost-----	20,382,437
Estimated number of ownerships-----	940
Estimated tax loss-----	\$121,373

Enclosure B

5-year development cost

1st year :

North Branch area (visitor center, boat ramp, parking sites, etc.)-----	\$95, 122
Brunswick area (picnic sites, boat ramp, parking, comfort stations, etc.)-----	384, 878
Canal restoration (North Branch complex and in vicinity of Brunswick, including lift locks, lockhouses, canal prism and towpath) -----	1, 920, 000
Total, 1st year-----	<u>3, 000, 000</u>

2d year :

Williamsport area (parking, road, boat ramp, interpretive shelter, signs)-----	41, 500
Edwards Ferry area (relocate road, picnic sites, campsites, roads, parking, comfort stations, etc.)-----	707, 100
Praether's Neck (visitor center, roads, parking, picnic sites, marina, campsites, etc.)-----	1, 711, 400
Canal restoration (aqueducts over creeks, lock and lockhouse at Williamsport, Edward's Ferry, and Hancock, dam no. 5 complex, 70 miles of towpath)-----	3, 040, 000
Total, 2d year-----	<u>5, 500, 000</u>

3d year :

Hancock area (road, parking, boat ramp, comfort station, picnic sites) -----	165, 000
Antietam Creek (road, picnic sites, parking boat launch, interpretive center)-----	306, 600
Fort Duncan area (road, parking, residence, comfort stations, picnic sites, campsites)-----	840, 100
Paw-Paw area (road, parking, visitor center, boat ramp, maintenance building, residence, comfort stations, campsites, picnic sites) -----	1, 148, 300
Canal restoration (4 locks and 2 locks complex, 3 aqueducts, Paw-Paw tunnel complex, lift locks, lockhouses, Monocacy River aqueduct, dam No. 3 complex)-----	3, 040, 000
Total, 3d year-----	<u>5, 500, 000</u>

4th year :

Monocacy area (road and bridge, parking, administration building and residence, marina, comfort stations, picnic sites, campsites) -----	2, 299, 100
Canal restoration (3 aqueducts, stabilize dams No. 2 and 4, restore 30 miles of canal and towpath, reconstruct 25 miles of towpath) -----	3, 000, 000
Praether's Neck area (stable roads, parking, camp roads, picnic sites, campsites)-----	200, 900
Total, 4th year-----	<u>5, 500, 000</u>

5th year :

Dargan Bend area (roads, parking, visitor center, maintenance area and residence, boat ramp, trails, comfort stations, picnic sites, campgrounds)-----	1, 845, 800
Bridle Shore Trail (35 miles br dle trails)-----	592, 200
Canal restoration (dam No. 6 complex, 10 miles of canal prism and towpath, stabilize miscellaneous structures)-----	3, 000, 000
Praether's Neck area (install comfort stations)-----	125, 000
Total, 5th year-----	<u>5, 500, 000</u>

PROPOSED ESTABLISHMENT OF CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, MD.

[Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs]

Estimated additional man-years of civilian employment	19 calendar year	19 calendar year plus 1	19 calendar year plus 2	19 calendar year plus 3	19 calendar year plus 4
Executive direction: Management assistant.....	1	1	1	1	1
Substantive:					
Naturalist.....		1	1	1	1
District managers.....	3	3	3	3	3
Program clerk.....	1	1	1	1	1
Ranger.....		1	2	3	7
Park technician.....	2	4	6	8	10
Foremen.....	4	5	6	6	7
Craftsmen.....		4	9	14	17
Laborer.....	1	4	12	16	20
Park technician (seasonal).....	3	7	11	16	21
Craftsmen (seasonal).....	3	5	8	12	13
Laborer (seasonal).....	1	4	9	13	16
Total.....	18	39	68	93	116
Grand total.....	19	40	69	94	117
Estimated expenditures:					
Personal services.....	\$193,200	\$335,600	\$568,300	\$738,600	\$895,800
All other.....	2,647,100	7,599,500	8,663,800	10,210,100	11,163,200
Total.....	2,840,300	7,935,100	9,232,100	10,948,700	12,059,000
Estimated obligations:					
Land and property acquisition.....	3,000,000	3,000,000	3,000,000	6,000,000	5,400,000
Developments.....	3,000,000	5,500,000	5,500,000	5,500,000	5,500,000
Operations (M. & P., and maintenance).....	240,300	435,100	732,100	948,700	1,159,000
Total.....	6,240,300	8,935,100	9,232,100	12,448,700	12,059,000

Senator BIBLE. Located, as it is, within easy reach of the millions of people living in the Baltimore-Washington region, the C. & O. Canal is already an extremely popular extension of a proposed parkland. Even with the limited restoration work that has been done on the Canal to date, nearly 2½ million visitor days were estimated for the area in 1969. With adequate expansion and proper development, this elongated strip of land could become a major attraction to the populous Middle Atlantic section of the United States.

As recommended by the House Committee, there will be an authorization of \$20,400,000 for land acquisition. For development purposes the appropriation has been reduced to \$17 million, an amount adequate to assure a suitable improvement program for the initial 3 years of operation.

With amendments, the Department of Interior and the Office of Management and Budget recommend enactment of this legislation.

We have a rather awesome list of witnesses. This is late in the session, and if we are to get any legislation through, we will have to move quickly. We have about three or four very difficult problems facing us on the floor. I have heard this testimony either once or twice before. I am a strong supporter of the C. & O. Canal National Historical Park, as I have been on other occasions.

I have taken the position that since the Senate has passed it either once or possibly twice, that we would await the action of the House of Representatives. They have acted, and consistent with my commitment in that respect, we are having the hearing now and I am going to do my best to move it forward and complete action on it, and send it to the White House this year.

As I say, the clock is running out, and whether we can beat the clock or not, I don't know. We are going to try.

Our first witness this morning is the very distinguished Senator from Maryland, Senator Mathias, and I am going to recognize him in just a second. Before I do, I am going to insert in the record a full statement by another strong supporter of the bill, Senator Joseph Tydings, who unfortunately isn't with us this morning. He explained it to me personally yesterday on the floor, and likewise sent a letter explaining that this hearing had been set at a date after he had already committed himself to be out of the city.

I very much regret he can't be here today. He had been a constant supporter of it. He has urged me at practically every opportunity to have early hearings, just as soon as the House completed its actions. And without objection, his statement will be incorporated in the record.

(The statement referred to follows:)

UNITED STATES SENATE,
Washington, D.C., December 11, 1970.

HON. ALAN BIBLE,
Old Senate Office Building,
Washington, D.C.

DEAR ALAN: I want to express my personal appreciation for your willingness to schedule hearings at this late date on the C & O Canal Park legislation.

The canal is an historic waterway. As a national park, its charm will be preserved for everyone.

Unfortunately, prior to the announcement of the hearings, I made an appointment in New York City for Tuesday the 15th. I thus deeply regret that I am unable to testify on the C & O legislation. I will, of course, submit a statement on the bill which enjoys my complete support.

On behalf of all Marylanders, let me thank you for your commitment to protecting and extending our national parks. Again I regret I cannot be at the hearing.

Kindest personal regards.

Cordially,

JOSEPH D. TYDINGS.

STATEMENT OF HON. JOSEPH D. TYDINGS, A U.S. SENATOR FROM THE STATE OF
MARYLAND

Mr. Chairman, I am delighted by the opportunity this morning to testify in favor of legislation establishing the Chesapeake and Ohio Canal National Historical Park. I would again like to express my personal appreciation for your willingness to schedule hearings on this important measure so late in the session.

The C & O Canal is a treasured relic of a bygone age. The canal, a 184.5 mile "ribbon of land and water," stretches from Georgetown to Cumberland, Maryland. Begun in 1828 and finished in 1850, the waterway served as a means to speed goods to a growing nation. By the 1870's traffic on the canal began to decline. The railroads offered more efficient transportation and waterways, like the C & O, fell victim to progress. The canal eventually went bankrupt and in 1924 its operations ceased.

As a commercial venture the canal is obviously out of date. And there is considerable doubt whether it was ever much of a business success. But today the waterway is an irreplaceable national asset. As a park the C & O Canal could serve millions of people in need of recreation and solace. It is a resource with a new mission.

I cannot emphasize too strongly my belief that we must recognize the canal's new value. Already over 2 million people visit the waterway each year. By 1985 the number is expected to triple. The C & O Canal represents a slice of our history and, unlike most national parks, would be close to where the people are—in the city and suburb.

The C & O Canal would make an ideal national park.

Twice before the Senate has recognized the potential of the canal. Under your leadership, Mr. Chairman, the Senate has passed legislation similar to HR 19342 and S. 1859. Yet inaction by the House and the Executive Branch blocked the creation of the park. Now, at long last, the House of Representatives has approved a bill establishing the C & O Canal National Historical Park. Now also at long last, the Administration supports the park. In addition, Maryland state and local officials along with many conservation groups favor creating the C & O National Historical Park.

Unfortunately, little time remains in this session of Congress. The House, by approving H.R. 19342 just shortly before the election recess, required this Subcommittee and the Senate to act swiftly if the C & O Canal bill is not to fail a third time. Let me state for the record that should the bill fail I for one will not hold this Subcommittee and the Senate responsible.

Yet I believe we can and should pass the legislation this year. The potential of the Canal is great. The need for a park clear. The consensus of agreement among different interests is impressive. And the past action of the Senate in approving the measure so relevant that we can in good faith act swiftly. We can have a C & O Canal National Historical Park this year. And I sincerely believe we should. By passing a bill in 1970, this subcommittee and the Senate will meet the challenge thrust upon us by the House and help quiet the critics who claim Congress is slow and unresponsive.

Two bills are now before this Subcommittee. Both establish a Chesapeake and Ohio Canal National Historical Park. S. 1859 was introduced by my Maryland colleague Senator Mathias on April 18, 1969. HR 19342 is the bill passed by the House on October 5, 1970. I support the latter and respectfully urge its approval.

HR 19342 provides \$20.4 million for land acquisition, leading to a park of some 20,000 acres. The bill also provides \$17 million for the purposes of development. This is \$30 million less than the Park Service wanted. The reduction is solid recognition of the financial straits confronting the country and will enable the Subcommittee to monitor the project closely. Moreover, approval of HR 19342 would eliminate the need for a conference with the House. At this late date a conference would mean the bill will not pass in this Congress.

It is my understanding that the State of Maryland has raised three concerns with HR 19342. The first regards Maryland's traditional jurisdiction over the Potomac River. It is not the intention of the bill to alter this jurisdiction. Specific language to this effect should be stated in the report. The second concern regards access across the park for utilities, water lines, and the like. Maryland does not want another Piscataway. Sec. 5(a) of HR 19342 upholds such rights of access specifically guaranteed by the Act of August 1, 1953. Here again, language in the report could specify these rights of access.

The final concern of the state regards the plans of Maryland to expand three state parks along the canal. Sec. 3(b) of HR 19342 directs the Secretary to refrain from acquiring, for two years, lands designated for state acquisition. Maryland feels this protection is inadequate, particularly since the Secretary must establish the boundaries of the national historical park within eighteen months of the bill's enactment. Yet I am confident that the time and good will exists for the Federal government and the State of Maryland to work out an agreement at the administrative level.

Mr. Chairman, this concludes my testimony. Let me stress my belief that the time has come to pass the C & O Canal legislation, and once again thank you for holding these hearings.

Senator BIBLE. And we are now very happy to hear from Senator Mathias.

Senator.

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator MATHIAS. Thank you very much, Mr. Chairman.

I am personally very appreciative of the fact that despite the unusual pressures which are being felt in the Congress at this particular moment, that you have made a personal effort and have taken a per-

sonal interest to schedule this meeting and to convene the meeting this morning.

It was 9½ years ago that I first appeared before this committee to testify in behalf of this project. And I think it was then, of course, contemplated by a bill which had been sponsored by Senator J. Glenn Beall, Senator.

I supported the bill then. I support it now. I think that everything we said 9½ years ago is still relevant today—perhaps with greater emphasis, because the public interest in conservation and recreation has risen enormously. The need for setting aside areas for conservation and recreation is, I think, much more immediate, much more urgent, with the growth of our population, the expansion of our metropolitan areas. And, Mr. Chairman, taking very much to heart your admonition about time, I am going to try and set a good example and I would ask the committee very respectfully, if I might place in the record the full statement that I have prepared.

Senator BIBLE. Without objection, that will be the order.

(Senator Mathias' complete statement follows:)

STATEMENT OF HON. CHARLES MCC. MATHIAS, JR., A U.S. SENATOR FROM THE STATE OF MARYLAND

Mr. Chairman, I deeply appreciate this opportunity to testify in strong support of H.R. 19342 and my similar bill, S. 1859, to establish the Chesapeake and Ohio Canal National Historical Park. Your willingness to hold this hearing today, at the busiest time in the Congressional year, is typical of the hospitality to this project you have displayed many times over the years.

Nine and one-half years ago, when I was a freshman Representative from the Sixth Congressional District of Maryland, I appeared before this subcommittee to endorse legislation introduced by Senator J. Glenn Beall, Sr., to create the Chesapeake and Ohio Canal National Historical Park. At that time, on April 12, 1961, I stated, "Considerations of need, of opportunity and of economy urge approval" of the park.

As you know, Mr. Chairman, shortly after that hearing this committee and the Senate did approve C & O legislation. Ever since then we have been working and waiting for consideration of it by the House. This year our efforts finally bore fruit with the unanimous passage of H.R. 19342 by the House on October 5.

In concept and in its major features H.R. 19342 is very similar to my bill, S. 1859. A few points should and can be clarified through legislative history, as I have outlined below. But in the main H.R. 19342 is a very good bill, and I am pleased to urge you to approve it now.

The considerations of need, opportunity and economy which were attractive in 1961 are absolutely compelling in 1970. In 1961, when I first introduced C & O Canal legislation, my objectives were to preserve this historic waterway and to encourage recreational use of it. Now our obligation is to respond to demonstrated public interest and increasing use, before the Canal deteriorates beyond repair or the price of preservation soars beyond our reach.

We literally can't afford to wait. Nine years ago the Interior Department testified that it would cost about \$1.5 million to acquire 10,000 acres along the Canal between Cumberland and Seneca in Montgomery County. Now the Department has requested and H.R. 19342 authorizes \$20 million to acquire at least an interest in about 12,156 acres between Cumberland and Georgetown. With the extension of the proposed park into Washington, the area to be acquired has increased twenty-one percent compared to 1961, but with the passage of time, the cost has gone up twelve *hundred* percent.

Yet even at today's high prices, the C & O Canal National Historical Park is within our grasp. If we delay, at tomorrow's prices it could be beyond our means.

Mr. Chairman, the Chesapeake and Ohio Canal is an exceptional public resource. In its 184.5 miles, the Canal capsules the Potomac Valley's growth, its commercial hopes, its enduring natural values and its great human appeal. Envisioned by President John Quincy Adams as "a great central chain of union" between the Eastern seaboard and the West, the Canal never reached the Ohio

Valley, but is still the finest example of our nation's canal-building era and its impressive engineering feats. Equally fascinating is the lively culture of the canallers, a unique slice of American history which survives today in many Potomac Valley towns and is being rediscovered and preserved by area historians.

A trip along the C & O Canal offers a breadth of natural assets unequalled anywhere. The towpath, starting as an urban trail a few steps from the streets of Georgetown, proceeds up the valley through beautiful hills and meadows to the rugged mountain slopes of the Alleghenies. No other park can boast such varied scenery, wildlife and history so close to millions of Americans, and yet so undisturbed.

For over three decades, from the end of commercial operations in 1924 until the 1950's, the Canal was an abandoned ditch, largely neglected and unused. During the past fifteen years, however, the public has rediscovered the Canal with energy and appreciation. Over 1.5 million people—hikers, bikers, campers, canoeists, sportsmen and naturalists—used some segment of the Canal last year. Area Boy Scouts have been particularly active: since 1967, when a special Canal merit badge was created, over 60,000 Scouts have hiked or cycled over 1.6 million miles along the towpath.

The potential public use of the Canal is staggering. Over 5.3 million Americans live in the District of Columbia and those parts of Maryland, Virginia, West Virginia and Pennsylvania within an hour's drive of some section of the Canal. The valley is within relatively easy reach of about 9 million Americans now, a total that will exceed 12 million by 1985.

The Canal now is in no shape to serve these millions. As one hikes along the towpath today, the need for legislative action is evident at every mile. In some areas National Park Service personnel have worked wonders in providing rudimentary public services within the severe constraints of inadequate funds and very narrow property lines. But at major points of public entry there is a clear need for inobtrusive parking lots, modest picnic areas and campgrounds, boat ramps and other basic public facilities. There is an obvious need to expand the narrow, 5250-acre Canal property to insure a scenic protection, to provide more space for public enjoyment, and to enlarge public access to the Potomac River before the shoreline succumbs to the pressures of metropolitan growth.

Equally evident is the need to stabilize the major features of the Canal itself before they succumb to the erosions of time. The National Park Service has already largely restored the magnificent Paw Paw Tunnel. But many of the historic masonry aqueducts are crumbling. Locks have ceased to work. Over half of the Canal's 174 culverts are badly silted or otherwise need repair.

Finally, except at Great Falls there is a lack of interpretive programs and exhibits to educate this generation of Americans about the area's natural wealth and 19th-century commerce and engineering.

All of these needs would be met by H.R. 19342, which is, as I have stated, very similar to my own bill, S. 1859. As passed by the House, H.R. 19342 would grant National Historical Park status to the Canal, authorize acquisitions of land and interests in land up to a total park of about 20,000 acres, and authorize funds for both acquisition and the initial stages of restoration and development. The bill establishes a citizens' advisory council to promote communications between the Interior Department and area citizens and officials. Finally, it includes provisions intended to promote cooperation between Federal and State park programs, and necessary access across the Canal to the Potomac River.

Mr. Chairman, there are a few aspects of H.R. 19342 which I urge the committee to clarify in the course of action on the bill. I am prepared to offer amendments if necessary, but believe that strong legislative history should be adequate. The points are:

1. *Maintenance of state jurisdiction over the Potomac.* The State of Maryland owns the Potomac River to the low-water mark on the Virginia side. Concern has been expressed that, unless an explicit disclaimer is included in the bill, the riverfront acquisitions authorized might inadvertently lead to Federal preemption or abridgement of the jurisdiction over the river and its water which the state has traditionally exercised.

Certainly no such result is intended. The Interior Department has stated that the Maryland side of the Potomac would be the southern boundary of the park and of Federal jurisdiction. During House floor debate Congressman Saylor, one of the prime sponsors of the legislation in the House, stated, "The Potomac River is not included in this legislation and will not be subject to administration by the Secretary under the terms of this bill."

To make the legislative intent unmistakable, I urge you to state in your report on the bill that nothing in H.R. 19342 is intended or should be construed to alter or abridge Maryland's jurisdiction over the Potomac River.

2. *Access to the Potomac for utilities.* Along its entire 184.5-mile length, the Canal property lies between Western Maryland communities and the Potomac, the area's major water source. The possibility that access across the Canal for water lines and other necessary utilities might be denied by the Federal Government has been a prime source of area apprehension for many years.

In 1953 Congress, recognizing the indisputable need for guaranteed access for local utilities, approved the Act of August 1, 1953 (67 Stat. 359). Section 1 of that Act states:

The Secretary of the interior is hereby authorized and directed to grant perpetual easements, subject to such reasonable conditions as are necessary for the protection of the Federal interest, for rights-of-way through, over, or under the parkway lands along the line of the Chesapeake and Ohio Canal, now or hereafter acquired, for the purposes of electric, telephone, and telegraph lines or conduits, gas, oil, and water pipelines, tunnels, and water conduits, or for other utility purposes incident to industrial, commercial or agricultural use, or to the supply of water for domestic, public, or any other beneficial use * * *

Section 4 of the Act authorizes the Secretary, "in his discretion," to grant additional easements "for railroad tracks or for other utility purposes," subject to appropriate conditions.

The primary importance of the Act of August 1, 1953, is its guarantee that access for utilities, under reasonable conditions, will be granted by the Federal Government. During the 17 years since enactment of this legislation, it has not caused or permitted any wholesale intrusions on or degradation of the Canal and its environment. To the contrary, the Act has actually been invoked only twice, most recently for the construction of a major underground water line by the Frederick County Metropolitan Commission, which found that a perpetual easement was necessary to assure financing of its project.

Mr. Chairman, the Department of the Interior has endorsed the 1953 Act and recommends its continuation and its application to the National Historical Park. H.R. 19342 does not refer to the 1953 Act at all. Given this silence in the bill, I urge the committee to adopt report language to the effect that given the importance of local access, the limited nature of the 1953 Act, and its inclusion of environmental safeguards, the committee regards the 1953 Act as fully applicable to the park.

3. *Options for landowners.* Under general law, the Department of the Interior is authorized to negotiate a wide range of arrangements with owners of land within the boundaries of national parks. The Department has expressed its intent to pursue a number of approaches, including scenic easements, acquisition of development rights, provisions for life tenancy or tenancy for a stated number of years, and leaseback or sellback agreements, where appropriate. Such alternatives are especially valuable with regard to the conservation groups and sportsmen's clubs which own lands along the Canal and have been reliable trustees of the area for many years. I hope the committee will express its support for a flexible approach which minimizes the disruption of present landowners wherever present usage is not incompatible with the park.

In conclusion, I believe the Chesapeake and Ohio Canal National Historical Park is needed and should be created now. This legislation is fully justified in its own right; it assumes double importance as the backbone of environmental protection efforts for the Potomac Valley as a whole. As Secretary Hickel stated in transmitting his official endorsement of the legislation to Congress on May 27, the establishment of the C & O Canal National Historical Park "will constitute an essential first step in a continuing program of protection and development of the entire river."

I strongly support this legislation and urge this subcommittee to approve H.R. 19342 and bring it before the Senate for action this year.

Senator BIBLE. And as the Senator certainly well recognizes—and this might be a good time to emphasize that—the full statement can be incorporated in the record in about 2 minutes and it will be just as effective as if you took 22 minutes or 22 hours to say it. Because it will be there for all the committee to read, and they will read it,

because there is intense interest in this particular problem and has been for a number of years. I think if you set a good model and everybody follows it, we might complete this hearing. Those that are interested in it are only going to jeopardize it if they talk too long, because time is running out and we don't have too much time left in this session.

Senator MATHIAS. I just very briefly say, Mr. Chairman, that I hope the committee will give some attention to certain suggestions that I have made, which might require amendment but which, as a result of consultation between the committee staff and my staff and the Interior Department, may be resolved to, I think, quiet some of the apprehensions and fears of the people who are immediately involved in the vicinity of the park property. And so I do call the committee's attention to these amendatory suggestions.

I again thank the chairman. I think that all of us can save time, because of the good judgment and sound discretion of the people of the chairman's great State, which have kept him here so long that he is totally familiar with this problem from the very beginning.

So, I thank you very much, Mr. Chairman.

Senator BIBLE. Well, I appreciate that, and I do want to invite Congressman Gude to come and sit at the witness table. I am going to call on him next, and think Senator Mathias is an excellent example.

I have only one question to ask you. Are the amendatory suggestions which you are making incorporated in the House bill?

Senator MATHIAS. Well, I think, Mr. Chairman, that as a result of the consultations that have taken place with the Department, and with the House and the Senate committee staffs, that we can develop a legislative history which will make it clear that this park should be administered in line with the agreements that we are making. But I think it ought to be clear. It ought not to be just word of mouth. I think it ought to be part of the written record of this legislation.

Senator BIBLE. Well, does that contemplate an amendment to the bill which would require it to go back to conference?

Senator MATHIAS. I am hopeful that we can do it without amendment, but with legislative history, so that the intent of the Senate is clear.

Senator BIBLE. Because once you start doctoring up a bill, as you well know, at this late hour when you can't get conferees on the House side, the bill may not see the light of day until next year.

Senator MATHIAS. I understand that, and I think we are all agreed and I believe that these reservations, which are very lengthy ones—and I am sure that with your experience in this kind of legislation, you know the kind of problem that arises—I think these can be resolved with the committee's help.

Senator BIBLE. Well, they can be written into the report, as you know. We can make strong direction in the report, if the suggestions are satisfactory to the committee.

Senator MATHIAS. Thank you very much, Mr. Chairman.

Senator BIBLE. We appreciate your appearance here.

Our next witness is Congressman Gude.

Congressman?

**STATEMENT OF HON. GILBERT GUDE, A U.S. REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MARYLAND**

Representative GUDE. Senator Bible, as the very best part of my testimony, I have with me today three young men for whom we are building this canal; two of them are Boy Scouts, and one of them a Cub Scout, and I am relinquishing part of my statement. They have very brief statements to give. They have hiked a good bit of this canal. Two of them have hiked the entire length of it, and received the C. & O. Canal badge. And our Cub Scout has hiked a segment of it.

I am very grateful for the opportunity to testify before this committee in support of legislation to establish the Chesapeake & Ohio Canal National Historical Park. For all of us who have hoped and worked and walked for the C. & O. Park, this is a red letter day.

And I was wondering if Mark Stover, who is the Eagle Scout from my district, could give a brief statement about the canal.

Senator BIBLE. Yes, sir.

John Willis.

Senator BIBLE. John, you go ahead now. And be brief.

Representative GUDE. He has gotten a badge for public speaking, too, Senator.

Senator BIBLE. I am sure with all those badges, you can be brief and say it well.

STATEMENT OF JOHN WILLIS, EAGLE SCOUT

JOHN WILLIS. I appreciate this opportunity to tell you of the importance of the Chesapeake & Ohio Canal to hundreds of thousands of people in the Potomac River Valley.

The C. & O. Canal towpath is probably one of the safest, the longest routes for hikers in this area. There is easy automobile access to the canal over a few miles, yet nowhere over the entire length does automobile traffic cross the towpath.

As a Boy Scout in Troop 246, of Silver Spring, Md., I hiked and bicycled the entire length of the canal. This experience has given me many happy memories of scenic views, the companionship with other boys, and camping and hiking. There are many ruins of old lock houses that make you wonder how life used to be on the canal. The locks which are still intact show you how the canal worked to lower and raise the barges.

In addition to the locks, the aqueducts and the Paw Paw Tunnel are great engineering accomplishments in the construction of the canal. It was quite an experience to go through the 3,000-foot Paw Paw Tunnel with flashlights.

Campsites are available all along the canal, and most places there is safe drinking water. The canal closely follows the Potomac River, but most of the campsites are between the canal and the river. This makes a very pleasant setting for a camp.

In many places on the towpath, it seems that no one has ever been there before, because there are no roads or houses in sight. The scenery changes from mountains to rocky cliffs, to flat lands, and the river from rushing currents to calm backwaters. Many hours in camp have

been spent watching the wildlife and learning to identify the birds and animals.

Short sidetrips can be taken to the Great Falls of the Potomac, the historic town of Harpers Ferry, and the Antietam battlefield.

The canal is an excellent place to pass Scout requirements for advancement in rank. It is good for hiking, since there are no automobiles, and for canoeing. Many of the Scouts in my troop learned to canoe on the canal. The water is clear of rocks, it is no more than 6 feet deep, and it has hardly any current. After we earned the canoeing merit badges on the canal, we took a 50-mile canoe trip down the Shenandoah River.

I hope the canal is kept for hiking and camping so that others may enjoy it as I have.

I appreciate the opportunity which you have given me to tell you what the Chesapeake & Ohio Canal means to me.

Thank you.

Senator BIBLE. A very fine statement. I appreciate your appearing here this morning.

Congressman Gude?

Congressman GUDE. And, Senator Bible, we have Mark Stover, a Life Scout here, who also has a brief statement.

Senator BIBLE. I hope yours is briefer than your Senior Scout, there.

STATEMENT OF MARK STOVER, LIFE SCOUT

MARK STOVER. Members of the committee and Mr. Chairman, for myself, I will speak for most of the canal, 129 miles of the Chesapeake and Ohio Canal, on which I myself have enjoyed this adventure.

One of the greatest feats of the canal which amazed me was its great engineering feat. The canal runs 184½ miles from Georgetown to Cumberland, Md., and has 74 lift locks, many aqueducts, and dams. One tunnel is drilled north of Paw Paw, W. Va., to have 6 miles to follow the Potomac River. The tunnel is nearly a mile long, which is one of the greatest engineering feats in the 19th century.

The canal finished in Cumberland, Md., which never reached a destination point of Cleveland, Ohio. The C. & O. Canal has geological value, different rock formations along the canal, flat land, mountains, and hills. Nature is found in abundance throughout the canal, ranging from different types of birds to snakes, which are enjoyed by many Scouts for passing of tests.

The C. & O. Canal is considered by me and other people the best place to visit of the national monuments, such as the canal's laborers' cemetery, and Antietam battlefield.

The canal was a historical place, in which battles were fought near or along the canal. Williamsport, Fort Frederick, Antietam, and Fort Pitt were some of the many places where battles were fought.

Stonewall Jackson tried to destroy the dams of the canal, but failed because of their great structure.

John Brown hid at Harpers Ferry near the canal, until Robert E. Lee captured him with a fight.

John Rumsey operated the first steamboat in America near Shepherdstown, W. Va., right next to the canal.

The C. & O. Canal is a step back into the 19th century indeed. The canal has many great camping sites, and more is needed. There is safe drinking water, too, and safe from all motor vehicles.

Thank you.

Senator BIBLE. Thank you very much, young man. That is an unusually fine statement. I appreciate it.

Congressman Gude?

Congressman GUDE. Senator Bible, Mark Stover, and John Willis have both hiked the entire length of the canal. Charlie Stover, our Cub Scout, has hiked part of the canal, and has received two segments of the badge, and they have something to present the committee. But first, I would just like to close my statement by saying that I think the authorization of about 12,000 additional acres at a cost of more than \$20 million is a bargain in consideration of the intense land development that is going along the canal. Land costs are escalating very rapidly. I would support a flexible approach of land acquisition where life tenancies or lease-back arrangements would adequately preserve adjacent land.

Access rights of owners of land located between the park and the Potomac have to be preserved, if the land is not acquired in fee. The access rights of local utilities or industries are protected by existing law. The authorization of \$17 million for restoration and improvement of recreational facilities is ample. Priorities should be given to restoration of historic structures which may be lost forever if action is postponed.

The C. & O. Canal Commission should ensure that future development of the park is attuned to the public's interests and needs.

I would like to conclude on another historical point. In 1944, the Maryland Legislature voted, by a majority of one, to bail the canal out of financial trouble which threatened to halt the project. An observer reported that "The passage of the bill occasioned in the western part of Maryland unbounded rejoicing. The authorities of Georgetown have directed a general illumination in celebration of the event. One hundred guns were fired at Alexandria on the news reaching the city."

Mr. Chairman, I can't guarantee illumination of Georgetown or a hundred guns if this legislation is passed, but on behalf of many friends of the C. & O. Canal, I can promise you unbounded rejoicing.

(The prepared statement follows:)

STATEMENT OF HON. GILBERT GUDE, A U.S. REPRESENTATIVE IN CONGRESS FROM
THE STATE OF MARYLAND

Mr. Chairman, I am grateful for the opportunity to testify before this committee in support of legislation to establish the Chesapeake and Ohio Canal National Historical Park. For all of us who have hoped and worked and walked for the C & O Park, this is a red letter day.

I know our time is short, and so is my statement. I do wish to commend the leadership of Senator Mathias, who introduced this legislation as a Congressman nine years ago. And I commend the Administration for its staunch support of the C & O Canal bill. In addition, this legislation has enjoyed the sustained and vigorous support of a great many citizens and conservation organizations dedicated to preserving the C & O Canal. Without it, we would not be considering House-passed legislation today.

The merits of establishing a C & O Canal National Historical Park have impressed this Committee before. The Canal and the Towpath are a rich slice of American history. The Chesapeake and Ohio Company decided to build a Canal from Washington to Pittsburgh, and in 1828, President John Quincy Adams

arrived by boat at Little Falls for the ground breaking. Perhaps a bad omen, the President's spade struck a stump. However, the President confided to his diary that he rose to the occasion, "casting off my coat to overcome the resistance. It caught the fancy of the spectators more than all the flowers of rhetoric in my speech," Adams reported, and the Canal was inaugurated amid rousing cheers.

The festivities at Little Falls overshadowed the inaugural ceremonies of the Baltimore and Ohio Railroad in Baltimore on the same day. The C. & O. Canal was completed in 1850, without reaching Pittsburgh, but it served the trade from Georgetown to Cumberland until 1924, when it finally succumbed to competition from the railroads.

The Canal found itself on the border between the Union and the Confederacy, and important battles of the Civil War were fought along its banks. The C. & O. Canal is still dotted with lockhouses and other historic structures worth seeing and restoring for future generations to enjoy. Notable examples are the Monocacy Aqueduct, the now-dilapidated tavern at Harper's Ferry, and the Paw Paw Tunnel which had to be blasted 3120 feet through the knobby spur of a mountain.

The great appeal of the Canal is not limited to history buffs. The Canal offers rare scenic beauty, as at Great Falls, and recreational features suited to all ages and tastes—Boy Scouts, senior citizens, even Congressmen. This ribbon park does not require great acreage to offer fine scenic vistas, since it runs along the backdrop of the Potomac. There are opportunities for hiking, jogging, bicycling, horse-back riding, fishing, boating, picnics, and camping. Especially valuable are the miles of uninterrupted wilderness for solitary walks.

Perhaps most import of all is the unique accessibility of the Canal to our City, suburbs, and rapidly growing metropolitan area. This park on the doorstep of Washington deserves its place at the top of the list of the Administration's priorities in the program to preserve open spaces, and expand recreational opportunities in urban-suburban areas. Local citizens and visitors can leave the hot sidewalks of Georgetown and in a few strides, walk into a wilderness. There is no other national park which serves a urban-suburban area so well.

Mr. Chairman, I support the legislation as passed by the House. I will comment on several points of particular importance to me and will be happy to answer the Committee's questions on specific provisions.

The legislation authorizes the acquisition of about 12,000 acres at a cost of more than \$20,000,000. This may not sound like a bargain, but if you consider the cost of delay, it is. Land costs along the Potomac in Montgomery County are increasing at a rate exceeding 10% a year. In 1966, a tract near the river, not far from Great Falls, was worth \$3,500. An acre of comparable land now brings \$6,000. In the Poolesville area beyond Potomac, an acre of land sold for \$325 ten years ago, now brings \$1,000. Of course, the cost can be reduced if some of the land can be protected without acquiring it outright. I support a flexible approach where life-tenancies or lease-back arrangements would adequately preserve adjacent land. Access rights of owners of land located between the Park and the Potomac have to be preserved if the land is not acquired in fee. The access rights of local utilities or industries are protected by existing law.

The authorization of \$17,000,000. for restoration and improvement of recreational facilities is ample. Priority should be given to restoration of historic structures which may be lost forever if action is postponed. The C. & O. Canal Commission should insure that future development of the park is attuned to the public's interests and needs.

National parks have never been a luxury, but they are becoming more and more essential to the physical and mental health of the American people. We need more open spaces, if only to save our existing parks from being trampled by millions more feet. The establishment of the C. & O. Canal National Historical Park is an important step toward our goal of preserving the scenic vistas of the Potomac River. It would add to our national inventory a major recreational open space resource will within our grasp.

I would like to conclude on another historical note. In 1844, the Maryland legislature voted, by a majority of one, to bail the Canal out of financial trouble that threatened to halt the project. An observer reported that "the passage of the bill occasioned in the western parts of Maryland unbounded rejoicings . . . The authorities of Georgetown have directed a general illumination in celebration of the event. One hundred guns were fired at Alexandria on the news reaching the city."

Mr. Chairman, I cannot guarantee illumination of Georgetown or one hundred guns if this legislation is passed, but on behalf of the many friends of the C. & O. Canal, I can promise you unbounded rejoicings.

Senator BIBLE. Well, thank you very much, Mr. Congressman. How about the young, good-looking Scout there? Are you going to do something, young man?

Congressman GUDE. He is going to present you fine Senators with some plaques, Senator.

Senator BIBLE. Fine, we accept them, and we are very grateful.

You come up here, young man. Your's is the shortest and best speech in the bunch.

Well, this is one way to get a bill through, maybe. This is the first time I have had this happen. We are delighted to accept this, and I appreciate it a great deal, and we will see that all of the members of the committee get one of these, and I don't think you will have to clear this with the Committee on Ethics, but this is a very fine badge and we are very happy to have it.

It is great to have these people presenting these badges to us.

Congressman GUDE. That badge shows you have hiked the canal spiritually, if not physically, Mr. Chairman.

Senator BIBLE. Well, I have hiked part of it in my younger days. I had the experience, but many of us have visited the canal. It is a great area.

Thank you very much, young men.

Congressman GUDE. Thank you, Mr. Chairman.

Senator BIBLE. You bet. Nice to see you.

I guess we will permit one picture, since you are the Congressman of the district involved. We have got a good-looking Boy Scout with us. It is a pleasure to have my picture taken with you, young man.

Senator BIBLE. And now we will hear from Congressman J. Glenn Beall, representing the Sixth Maryland Congressional District. I think he is very well known to each of us. His father was a close, dear friend of mine. I served with him for many years.

Congressman Beall.

STATEMENT OF HON. J. GLENN BEALL, JR., A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Congressman BEALL. Thank you, Mr. Chairman, and members of the committee.

I won't impose too much on your valuable time this morning. I think you have heard mostly about the history of the canal, and about its significance, not only to those of us who live in Maryland, but to the people of the eastern part of the United States, and throughout our country generally. And with your permission I will present this statement for the record.

Senator BIBLE. Without objection, that will be the order.

(The prepared statement referred to follows:)

STATEMENT OF HON. J. GLENN BEALL, JR., A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman and Members of the Committee: I am delighted to have this opportunity to appear before the Subcommittee on Parks and Recreation on behalf of S. 1859—H.R. 19342, a bill to establish and develop the C. & O. Canal National Historical Park.

This legislation is of particular interest to me because the bulk of the proposed Park lies within the boundaries of the Sixth Congressional District.

In addition, I have a very deep personal interest in this legislation dating back to the late 1940s when my father represented Western Maryland in Congress. His efforts to establish the C. & O. Canal Park helped to lay the groundwork which is, hopefully, nearing completion in the closing days of the 91st Congress. Since the late 1940s many people have become involved in the effort to restore and maintain this scenic region.

There is, of course, great historical significance in the Chesapeake and Ohio Canal. The Canal itself is symbolic of the most leisurely era of American transportation, when the mule-drawn barges moved at the rate of two miles per hour. The Canal was not only an important link in our early transportation system, but it also helped to open our Western frontiers. In addition, the locks, aqueducts, and tunnels provide a lasting tribute to the engineering skill of American builders in the early part of the nineteenth century.

This region is also rich in history unrelated to the Canal itself. At its western terminus in Cumberland, General Edward Braddock accompanied by a young surveyor named George Washington began his march to Pittsburgh during the French and Indian War. Further east at Fort Frederick State Park there is a restored fort where Hessian prisoners were kept during the Revolutionary War. At Antietam Creek visitors may view the Antietam National Battlefield which was the site of one of the bloodiest battles of the American Civil War. At Williamsport, Maryland, the main Confederate Army crossed the Potomac River in June 1863 en route to Gettysburg. This Park has the potential to make all Americans more aware of our history and, thus, more conscious of our national greatness.

The development of the C. & O. National Historical Park will certainly be consistent with our national priorities. We can conserve this region in its natural state, preserve an important historic and scenic area, and provide much needed recreational opportunities by the establishment of this Park.

In addition, in developing this C. & O. Canal National Park, we will be improving an area that is already extensively used. For instance, it is interesting to note that the C. & O. Canal is a part of the Boy Scout Historical Awards Program. Since the inauguration of this program in May 1967 over 60,000 boy scouts and their leaders have hiked, biked, or canoed more than 1.6 million miles along the C. & O. Canal. I think this is indicative of the utility of this facility for recreational purposes.

With respect to the bill itself, I particularly commend to the Committee's attention the section of the legislation that creates a C & O Canal National Historical Park Commission, which will be composed of 21 members, and point out that the membership on the Commission will include representatives of each of the states along the river as well as local county governments along the Canal. This is extremely important because of the involvement of the people of the area in the history of the Potomac River. The people of Western Maryland have long been anxious to cooperate with the federal and state governments in accomplishing their dream of a national historical park along the river and at the same time are anxious that the development will be such as to provide access to the river for those people living along its shores. They are well aware of the value of this great natural resource and are most anxious to cooperate in its preservation and future development. This provision for their involvement, therefore, is a desirable feature in the legislation.

Mr. Chairman, I urgently request the Committee's favorable consideration of this legislation—as passed by the House of Representatives. This legislation is not perfect, but it is basically sound. I think it would be unfortunate if this legislation, which after many years has progressed this far, were to die with the adjournment of this Congress. I believe it would be appropriate if the Committee Report contain some additional information which would clearly establish the intent of Congress relative to some of the points which are in question.

1. The establishment of this Park in no way affects Maryland's jurisdiction over the Potomac River.

2. The Act of August 1, 1953, which gave the Secretary of the Interior the power to grant access rights through this region for power lines, water lines, etc. will remain in effect when this legislation is enacted.

3. In order to insure maximum flexibility and minimum disruption the process by which the government acquires ownership of the land within the proposed

Park would be entrusted to the National Park Service. The National Park Service has developed a reputation for fairness and competence which will enable them to procure this land without abusing the rights of the present property owners.

I know that the members of the Committee have an abiding interest in the preservation and conservation of our great natural resources and I can assure you that through the passage of this legislation you will be serving that purpose as well as providing the tremendous recreational potential for millions of people in the eastern part of the United States.

Representative BEALL. And just add, if I might, that I have a very personal feeling about this matter. As you know, the major portion of the canal is in my congressional district, more than 130 miles of it, stretching from Cumberland to the east to the Montgomery County line. But I have a personal involvement, because the first legislation to make this a historic national park was introduced by my father quite a few years ago, in the House of Representatives. The legislation has passed the Senate, I believe, on two previous occasions.

Senator BIBLE. I think that is right.

Representative BEALL. But it has never passed the House until this year, and I am happy to see that the House has finally had the same wisdom that the Senate has had so many times before. And I hope, of course, that the Senate will continue in this tradition of approving this legislation.

I think that this is significant, really, from three standpoints. It is significant to those people who are interested in preserving some of the things of great historical significance in our country; and certainly the C. & O. Canal is something of great historical significance, because it shows the first evidence of really sophisticated engineering work in the aqueducts and tunnels that were built along the canal.

It is of great recreational significance to those of us who are interested in promoting better recreational facilities for all the people, because up and down the Potomac River we do have this vast stretch of land available for recreational purposes: For hiking, as you have just heard by the Boy Scouts; for fishing and for hunters, and for people interested in cycling, and just even enjoying nature generally.

And finally, I think it is of great significance to those of us who are interested in preserving our environment. Because the Potomac River generally is a very important national asset to those of us who live in the eastern part of our country. And I think for those reasons, these three reasons, if for no other reasons, this legislation should pass. Because it does preserve the historical significance, things of historical significance. It provides better recreation, and it will certainly improve the environment. And I hope the Senate, your committee and then the whole Senate approves this legislation, Mr. Chairman.

Senator BIBLE. Thank you very much, Congressman Beall. I have no questions.

Senator Anderson?

Senator Moss?

Thank you very much.

Representative BEALL. Thank you, sir.

Senator BIBLE. Our next witness is Congressman Sam Stratton.

Mr. Stratton?

STATEMENT OF HON. SAMUEL S. STRATTON, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. STRATTON. Thank you very much, Mr. Chairman and members of the committee. I have no prepared statement. I just want to testify very briefly because I was one who cosponsored this legislation. I was delighted to see that it passed the House, and I am anxious to see that it passes the Senate as well, and is enacted in this session.

I joined as one of the original cosponsors of this legislation, when Senator Mathias was in the House. I cosponsored it again this year. My own bill is H.R. 2134, and I am very strongly in favor of both the Senate legislation, Senate 1859, and the House bill that passed the House, H.R. 19342.

Let me say, Mr. Chairman, as you are well aware, I represent the State of New York, and so I have no direct or imediate interest in this legislation, but I have lived in the Washington area, and worked on Capitol Hill off and on since 1941, and I have spent a lot of time going up and down the canal, and I am aware of the tremendous asset that that represents to the city of Washington, to the tremendous recreational area which it presents, and having seen that canal and the surrounding land grow in popularity, as a recreation resort, in the past 30 years, it would seem to me that we could not afford to allow anything to jeopardize it or to damage it, and I believe that making it a national park in this particular fashion is exactly the way to insure its preservation for the future.

Rock Creek Park, as a hiking area, a recreational area, has very largely been taken away, and so the canal has become much more popular, and those of us who spend some time down there realize that it has become even more popular in recent years. The combination, I suppose, of Senator Douglas and the late Senator Robert Kennedy, have focused attention on it, and on a weekend the traffic in bicycles and hikers becomes very heavy indeed. It is something we need, and something we ought to continue.

But I think, Mr. Chairman, not only is this desirable for those of us who are fortunate enough to live in the Washington area, but if we establish this as a national park, I think we set a kind of pattern for the rest of the country, and perhaps can encourage other communities to do the same.

I think this is an urgent matter at this time, Mr. Chairman, as I am sure the committee is aware, because as Senator Bell has just indicated, for the first time, we got this legislation through the House. It has been through the Senate before, and so presumably the possibilities of getting it through this body again are very good. But time is running out. The leader of the Senate tells us that we may be here until January 3d, and we have been accused of not accomplishing too much in this lameduck session, but I think, Mr. Chairman, if we can make a national park out of the C. & O. Canal, we will have justified the time that we spent here in Washington, in this session, even if they really do keep us here until the 3d of January.

Senator BIBLE. Well, at least they can't keep us here past that date, because that is the day the Constitution says we are through. So that will be D-Day, but that isn't very far away from here, so we have got a lot of things to do between now and then.

I appreciate your testimony.

Questions?

Thank you very much, Mr. Congressman.

Mr. STRATTON. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is George Hartzog, Director of the National Park Service.

STATEMENT OF GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE; ACCOMPANIED BY Le ROYAL ROWELL, PARK PLANNER, AND MIKE LAMBE, LEGISLATIVE DIVISION

Mr. HARTZOG. Thank you, very much, Mr. Chairman and members of the committee.

With your permission, I would like to have Mr. Mike Lambe of our legislative division, and Mr. L. A. Rowell, one of our park planners, join me at the table.

Senator BIBLE. Very well. You may proceed.

Mr. HARTZOG. Mr. Chairman, it is a pleasure and an honor to appear today in support of S. 1859, a bill to establish and develop the Chesapeake & Ohio Canal National Historical Park, amended as set forth in the departmental report to this committee.

I have a full statement which I would appreciate being incorporated in the record, and I will try to highlight it.

Senator BIBLE. Without objection, that will be the order.

Mr. HARTZOG. The present acreage of the C. & O. National Monument, including the area within the National Capital Park section, which is about 22 miles, is 5,430 acres. We recommend enlarging the area to slightly over 20,000 acres, as this is considered to be the minimum acreage necessary to accomplish the purpose of the legislation.

In our land acquisition program we expect to utilize the full range of acquisition tools provided by the Congress, including the acquisition of scenic or development easements, and similar means of permitting continued uses which are not inconsistent with the purposes of the area.

Senator BIBLE. Is that the acreage that is embraced within the House bill?

Mr. HARTZOG. That is the acreage embraced within the House bill; yes, sir.

Senator BIBLE. All right, very well.

Mr. HARTZOG. The State of Maryland plans to acquire approximately 2,000 acres of land within the area. To the extent that the State is able to do so, Federal land acquisition will be diminished accordingly. Our planned acquisition estimate is 20,382,437, including the acquisition costs of the 2,000 acres by the State.

Now if the State acquires that land, it would reduce our land acquisition estimate by approximately \$909,832.

Senator BIBLE. What does the State of Maryland propose to do with the 2,000 acres?

Mr. HARTZOG. Park and forest purpose.

Senator BIBLE. Will you have the Federal park and State park within a Federal park, then? Is that what you end up with?

Mr. HARTZOG. That is what I end up with, and the House bill provides a mechanism for the State to donate it, and it includes the 2,000 acres within the exterior boundary.

Senator BIBLE. This is rather an unusual type of operation, it seems to me. Why do you do it this way? This is a little unusual to me.

Mr. HARTZOG. Well, Mr. Chairman, I would like to show you where the property is.

Senator BIBLE. Maybe there is good reason for it, but I would like to know what the reasons are.

Mr. HARTZOG. It is intermixed with the Federal area; three separate holdings.

Senator BIBLE. That doesn't answer my question. Why does the State acquire that, rather than the Federal Government?

Mr. HARTZOG. Well, I frankly don't know, Mr. Chairman, except that they have indicated they want to, and of course, in line with the practice that we have followed in these matters, if the State wants to buy the land, and turn it over to us, we have no objection to it; and if the State wants to buy it, and continue to manage it, we have no objection to it. Our preservation objective is achieved with the program that the State is contemplating.

Senator BIBLE. Well, I think the overall objective of both the Federal Government and the State is to preserve this area, and then to develop it; but I can't understand why the State wants to move in, if the Federal Government is inclined to do the same thing. It is a little unusual, because the States are constantly coming to the Federal Government for help, rather than saying, "Well, we will do part of it ourselves." This is an unusual type of an operation. I was just wondering what was back of it.

Mr. HARTZOG. Well, I am sorry that I can't explain it. You know, they had the same problem with Assateague, and acquired additional land at Assateague, that we had included within the exterior boundaries of that area, as well.

Senator BIBLE. Well, the effect of this, if I understand the problem correctly, is that it will save the Federal Government approximately a million dollars.

Mr. HARTZOG. Approximately a million dollars, except it really won't, because of the buying this land with land and water conservation funds, and that, of course, is matched 50-50. So that indirectly, but not as a direct appropriation to the National Park Service.

Senator BIBLE. Well, if you don't know the answer, I wish you would try to get it, just for the record. I think it is a perfectly proper question, to understand why you are going through the land and water conservation fund, so that the State of Maryland acquires some land. What you are saying is it ends up by being paid for with Federal dollars in any event.

Mr. HARTZOG. All but about half a million dollars of it.

Senator BIBLE. Well, that is still \$500,000, which is for the benefit of the Federal Government.

Mr. HARTZOG. I understand, Mr. Chairman, there is a State representative here who is going to testify.

Senator BIBLE. All right, then he can speak to the point and can give us the reasons. You may proceed.

Mr. HARTZOG. Real estate taxes on the properties to be acquired total \$121,373 as of 1968. We estimate development costs, including the

restoration costs of the canal, at \$47 million, with estimated additional operating costs for staffing and maintenance and management, at \$1,159,000 by the end of the 5th year of operation.

Visitation to the present national monument this year, during the period January through September, has passed 1,770,000, and by 1985, nearly 6 million visitor days are expected. Some 5 million people live within 50 miles of this area.

Mr. Chairman, the Department's report to the committee is dated May 27, and in that report, we propose several amendments to S. 1859. At that time, also, we submitted proposed conforming amendments to H.R. 658, and similar bills in the House. In the meantime, since our report to the House of Representatives, the House has passed H.R. 19342, which is also pending before your committee. And I believe it would be appropriate to briefly discuss the differences between our proposals and the House-passed bill.

One, State lands.

The House added a provision stating that no State-owned land may be included within the boundary, unless they are donated to the United States, or until a cooperative agreement is negotiated which assures administration of such lands in accordance with national park policy.

Now the effect of that, Mr. Chairman, was to really revise the boundary. If as a matter of fact, the State acquires this 2,000 acres, they don't donate it to us, or they don't enter into a cooperative agreement, to manage it in accordance with the policy for the remainder of the area, in effect, it would be an exclusion from the boundary of the area, and we have no objection to this House-passed version.

The House also added a provision, section 3(b) prohibiting the Secretary from acquiring for 2 years any lands designated on the boundary map for State acquisition, if he has negotiated an agreement providing for State administration of such lands in accordance with national park policy. And we are in basic agreement with the purpose of this House-passed version.

Two, the House added a new provision requiring publicizing of the exact boundaries and notification of landowners inland from the canal within 18 months. And we have no objection to the House-passed version.

Easements for rights-of-way. Our proposal make applicable the 1953 Right-of-Way Act to the park. The House bill does not refer specifically to the 1953 act.

The effect of the House version on the 1953 Right-of-Way Act should be made clear. That act authorized and directed the Secretary to grant easements for rights-of-way through, over, and under the parkway lands, along the line of the Chesapeake and Ohio Canal, now or hereafter acquired. We interpret the House-passed version as not affecting the continued applicability of the 1953 act to the existing Federal lands and to lands hereafter acquired by the Federal Government for the park. Accordingly, the House-passed bill is acceptable in this regard.

I would call your attention, Mr. Chairman and members of the committee, to the fact that this point, as well as the acquisition of less than fee simple interest, were the two points the distinguished gentleman from Maryland was making with the committee earlier, and the pur-

pose of this clarifying record is to confirm the negotiations and understandings which we have had with him.

Our proposal recommends the escalator clause if the committee adopts an appropriation ceiling for development. The House adopted the escalator clause but limited appropriations for development to \$17 million, whereas our estimates are \$47 million for development.

We have no objection to the lesser authorization, we expect to keep your committee fully informed of progress under the limitation, in order that you may be fully advised of the need for amendatory legislation.

I would mention in this connection that the House report specifically refers to the fact that they contemplate that the \$17 million authorization would be adequate for all purposes for the development purposes, including restoration for a 3-year period, at which time we should come back and have the matter reviewed.

In summary, Mr. Chairman, the House-passed bill incorporates—

Senator BIBLE. Well, stop there just a moment. The effects, then, of the House bill is to place a limit of \$17 million for development for the first 3 years.

Mr. HARTZOG. Yes, sir.

Senator BIBLE. And then you can spend no further money for development, even though you have acquired all of the land, until the Park Service comes back to the Congress of the United States and asks for an increase in the authorized ceiling?

Mr. HARTZOG. That is correct.

Senator BIBLE. Is that what this amounts to?

Mr. HARTZOG. That is correct.

Senator BIBLE. Well, now, the purpose of that is what? To keep the development down, and the balance of it in a virgin state of undevelopment? Is that the purpose behind it? Because I don't quite understand this. This is a new concept again.

Mr. HARTZOG. I wouldn't want to speculate, Mr. Chairman, as to the purpose. They simply referred in their report to the fact that this amount of development was adequate for the 3-year period, and that we should come back at the end of that time. It says that this amount is adequate to insure ample authority to complete the first 3 years of the development program contemplated, and that is true, because our development program, as we gave it to the committee, is approximately \$14 million. So that \$17 million—

Senator BIBLE. We don't want to be misleading the Congress, or our colleagues.

Mr. HARTZOG. That is why I wanted to make the record clear that we are talking about \$47 million.

Senator BIBLE. That is what I thought. And \$47 million is a lot different than \$17 million. And what you are saying is, with your best estimate as of today, is that the development costs for the complete acreage within the national historic park, the Chesapeake and Ohio National Historical Park, will be in the range of \$47 million.

Mr. HARTZOG. Under the development plan we contemplate.

Senator BIBLE. Under the development plan that you have prescribed for it?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. But of that amount, you will only spend \$17 million during the first 3 years.

Mr. HARTZOG. That is correct. In fact, we don't even contemplate \$17 million in the first 3 years. About \$14 million, but under the House-passed bill we can't spend more than \$17 million until we come back. And they estimated that would be 3 years.

Mr. Chairman, without speculating as to why they did this, I think in candor I should share with you the fact that there is a controversy.

Senator BIBLE. I am sure there must be.

Mr. HARTZOG. About the extent of our development program along the Chesapeake and Ohio Canal. The House doesn't refer to this. And none of the correspondence refers to it, but I think in honesty to the committee we should be aware of it. And I think this may have been a contributing factor, although I wouldn't speculate about it.

Senator BIBLE. Well, let me ask you what your plans are, then, for the ultimate development of this 20,000 acres. If you share the fee simple or the easements, or whatever, to the C. & O. National Historical Park, what are you planning to do with it? What have the Park Services planned?

Mr. HARTZOG. Well, Mr. Chairman, I have a complete schedule, which I will be pleased to put in the record. I will read to you.

Senator BIBLE. Mr. Hartzog, the purpose of my questioning is to develop a full record of what, and how you plan on developing the C. & O. National Historical Park, and we are under a live quorum call, and I am going to stand in recess for 10 minutes. Meanwhile, I would like to have you develop what your plans are, embraced within the \$47 million. I don't want to be saying that here is something that is going to cost \$47 million to develop, and then say, but we are only going to spend \$17 million for the first 3 years. Because at the end of that 3 years you are going to come back and say, "Well, here we are; now we want the other \$30 million." Also I want to know what the complete plans for the development of the park are, and while you are thinking on that, you might if you have it readily available, we should have, for the record, the cost of restoring the entire C. & O. Canal.

Mr. HARTZOG. Mr. Chairman, I appreciate that, but I have all the information. I anticipated this question, and, unfortunately, I didn't have it in my book here, but I have got it by development sites, I have got it by restoration, I have got it by mileage. All the way up.

Senator BIBLE. Well, we will stand in recess for 10 minutes, even though you are prepared to answer right now. However, I think we had better answer that live quorum, if we are going to get anything done this session, because we are running against January 3, and we have Christmas and New Year's Day intervening.

Mr. HARTZOG. Very well.

Senator BIBLE. So we have got to keep moving. We will be in recess 10 minutes.

(Brief recess.)

Senator BIBLE. The hearing will resume.

The Director of the Park Service was going to tell us what the development plans of the C. & O. National Historical Park were that required an expenditure of \$47 million.

Mr. HARTZOG. Mr. Chairman, the proposed park is 184 miles long. There are 54 proposed development sites. The development costs anticipating camping, visitor centers, information stations, roads and trails,

and the normal type of visitor recreational development in a national park, totaling \$27 million.

The restoration program for the canal, which involves complete restoration and stabilization, the entire length of 184 miles, including placing water in 92 miles of the canal, totals \$20 million for the total of \$47 million.

And I have this broken down by development sites, and will be pleased to insert it in the record.

Senator BIBLE. Without objection that will be the order.

And is it the Park Service's intention to carry out this \$47 million development program?

Mr. HARTZOG. It is our intention, yes, Mr. Chairman.

Senator BIBLE. Well, it seems to me that we ought to be very frank, and if it is going to cost \$47 million over the anticipated life of the development, we ought to say so and not say it is only going to cost \$17 million. I assume that this matter will probably come up during the testimony as we move along. There is a difference of opinion as to the extent of the development; that is whether they want much of it left in virgin growth, and not developed to the fullest, and those that would have are completely restored.

I mean, there are always two views in these general park problems, so I assume that is where the main problems lies, but if you acquire this much land, at the cost you have indicated, and land values are becoming higher all the time, what is the total estimated acquisition cost again?

Mr. HARTZOG. Total of \$20.4 million.

Senator BIBLE. \$20 million, and you acquire all land, either by fee simple or easements, and I guess those are the only two techniques that are available. Then it is one thing to develop it up to \$17 million, and another to develop it up to \$47 million.

Mr. HARTZOG. Yes.

Senator BIBLE. One must consider the \$30 million more in development that will be required.

Mr. HARTZOG. Yes, sir.

Senator BIBLE. So your testimony is that notwithstanding the fact that there is a limitation of \$17 million, for the first 3 years, it is your intention to spend the full \$47 million for development?

Mr. HARTZOG. It is my intention to come back to the Congress, and if they approve, to spend it.

Senator BIBLE. I realize that. Well, we are thinking about 3 years from now, and you have spent \$17 million, and I know the Park Service pretty well. They will be back and say, "Now, we need the ceiling increased, because we want to do this," that, and the other thing.

Isn't that true?

Mr. HARTZOG. That is very true; yes, sir. As a matter of fact, you see, the restoration program which we have proposed in itself is a \$20 million program. And I have this program broken down also by years, and for example, in the first year, we propose \$1,080,000 for roads and trails and buildings and utilities, and the second year \$2,460,000, and the third year \$2,460,000, and during that same period, in the first year, \$1,920,000 for restoration \$3,040,000 for restoration, and another \$3,040,000. so that in the first 3 years we plan \$14 million. And as the House said in its report that the ceiling they have provided

is adequate for the development contemplated in the first 3 years, leaving the clear implication that they have not rejected the rest of it, they simply say we have to come back, and have it reviewed again, and that is what I would propose to do.

Senator BIBLE. Well, now, what is the cost alone again of the restoration of the Chesapeake and Ohio Canal?

Mr. HARTZOG. The restoration is \$20 million.

Senator BIBLE. That is \$20 million.

Mr. HARTZOG. Yes, sir.

Senator BIBLE. And that is for what length of a canal?

Mr. HARTZOG. That is 184 miles.

Senator BIBLE. That is the full length.

Mr. HARTZOG. Of which 92 miles would have water in it; yes, sir.

Senator BIBLE. Well, that is \$20 million, and so in any event, if you are going to partially restore the canal, that alone would take \$20 million.

Mr. HARTZOG. Yes, sir.

Senator BIBLE. And you have an authorized ceiling of \$17 million.

Mr. HARTZOG. Yes, sir; so we have to come back, you see, if we are going to restore it.

Senator BIBLE. And in the first 3 years, how much would you spend toward the restoration of the canal, again?

Mr. HARTZOG. \$8 million.

Senator BIBLE. You would spend \$8 million toward the restoration of a canal, which you say will cost you in the neighborhood of \$20 million?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. So you would still have \$12 million left. You have testified before this committee, that you are going to have to come back and raise the ceiling in 3 years. Why didn't you put the full amount of the authorization in at least for the restoration of the canal?

Mr. HARTZOG. Well, Mr. Chairman, I presented these figures to the House. I am unable to explain their reasoning, aside from their report. I haven't discussed it with them. And as I said, I wouldn't want to speculate on it.

Senator BIBLE. Very well, you may proceed.

Senator ANDERSON, did you have a question?

Senator ANDERSON. Yes: \$17 million and \$27 million is \$34 million. What is the cost, total?

Mr. HARTZOG. \$47 million, Senator.

Senator ANDERSON. Well—

Mr. HARTZOG. \$27 million for recreational developments, visitors' centers, exhibits, information stations, roads and trails, water and sewer systems, and these kinds of things, and \$20 million for restoration of the canal, which would restore water to 92 of the 184 miles.

Senator BIBLE. Total cost is \$47 million for development.

Mr. HARTZOG. Yes, sir.

Senator ANDERSON. Ordinarily when you testify you testify what the total cost will be.

Mr. HARTZOG. Yes, sir.

Senator ANDERSON. What is the difference in this?

Mr. HARTZOG. Because the House, Senator, in passing one of the bills that is now before you, H.R. 19342, limited the development cost to \$17 million, instead of accepting our recommendation of \$47 million.

Senator ANDERSON. And you are therefore going to leave that out?

Mr. HARTZOG. No, sir; I do not plan to. I plan just as the House suggested in its report, that when that \$17 million is spent, I will lay the matter again before the Congress, and let it make a decision.

Senator BIBLE. Well, it seems to me that we could put this in, in proper focus with the House, by amending it to say that the total cost should be \$47 million, of which not more than \$17 million should be spent in the first 3 years. Whatever the reasoning is between the House conferees and the Senate conferees, if it passes in the Senate, would then be at issue, and you can determine why you only go for a 3-year allocation. It seems to me that we have got to say what the total cost is going to be. You have said the total cost of development is going to be \$47 million, not \$17 million. Correct?

Mr. HARTZOG. Correct.

Senator BIBLE. All right. I am satisfied. You may proceed.

Mr. HARTZOG. In summary, Mr. Chairman, the House-passed bill incorporates our proposal, with the two exceptions, and that is, 1953 Right-of-Way Act, and the limitation on appropriations for development at \$17 million instead of \$47 million.

In addition, the House added two provisions of its own, not found in the Senate bill, requiring any State land within the boundary to be managed in accordance with administrative policies applicable to national parks, if they are to remain within the boundaries; second, to require publication of exact boundaries, and notifications to landowners within 18 months following enactment of the legislation.

Mr. Chairman, the House bill is acceptable to us. And I would be pleased to try to answer any questions you may have.

Senator BIBLE. Well, I think we have asked a number already, and of course, I am curious as to why you break this ownership into State ownership and Federal ownership, and you say there is a State witness here prepared to testify as to the reasoning for that.

Mr. HARTZOG. Yes, sir.

Senator BIBLE. I don't know. I just want to build the record accurately so if somebody asks me why you did it this way, I can answer him.

The minority members of the committee couldn't be here this morning, and they have asked me to ask of you a number of questions. It appears to me the purpose of the proposed C. & O. National Historical Park, which would receive the most use, will likely be the recreational usage. I, liking camping, picnicking, boating, and so forth. Do you agree?

Mr. HARTZOG. Yes, sir, I do.

Senator BIBLE. And you have already testified as to the cost of restoring the C. & O. Canal, and you have stated that that cost is \$20 million, and that in the first 3 years, it will cost you about \$8 million.

Mr. HARTZOG. Yes, sir.

Senator BIBLE. And that is for the actual length of 184 miles.

Mr. HARTZOG. Yes, sir, of which only 92 miles will have water in it. In other words, the rest of it will be simply stabilized, but not operating.

Senator BIBLE. Yes, I think you testified to that.

Couldn't the historical values be preserved and the recreational values made available without restoring the canal to its previous condition? Why do you have to restore the canal?

Mr. HARTZOG. Well, of course we are not restoring the entire length of it.

Senator BIBLE. I understand.

Mr. HARTZOG. We are only restoring about half of it, and we are stabilizing the rest of it, and of course, this is a canal of great historical significance, in the development of transportation systems in this country, and we think on all counts, it qualifies as a resource of the first order of priority, and that it should be preserved.

Senator BIBLE. Will the restoration of the canal in itself aid in and protection and preservation of the Potomac River Basin?

Mr. HARTZOG. Yes, sir; it will.

Senator BIBLE. What will be the cost of maintaining and operating the canal, once it is restored?

Mr. HARTZOG. The total cost, Mr. Chairman, \$1,159,000, plus the current budget of \$263,000 for management and protection and \$578,000 for maintenance and rehabilitation, or approximately \$2 million.

Senator BIBLE. Now is that \$2 million annually?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. And how much of that is attributable just to operating the canal? Do you have a breakdown?

Mr. HARTZOG. I don't have it broken out that way, Mr. Chairman. I would have to supply that.

Senator BIBLE. But the total is \$2 million per year.

Mr. HARTZOG. Yes, sir; for management and protection and maintenance and rehabilitation.

Senator BIBLE. Would you receive complaints from the present water users, if this park were to materialize?

Mr. HARTZOG. I haven't received any complaints as such, Mr. Chairman. I am advised that there may be a possible conflict at some point in time. Depending on the diversion requirements of some of the cities in Maryland for water sources.

Senator BIBLE. How were those resolved?

Mr. HARTZOG. Well, I happen to have here with me a copy of a title opinion by the Acting Solicitor Curtis of the Department of the Interior, indicated September 26, 1938, and approved by the Acting Assistant Secretary, W. A. Mendenhall, in which it says that it would appear from—

Senator BIBLE. What was the date of that opinion again?

Mr. HARTZOG. September 26, 1938, which was at the time that the title to the basic canal, the franchise and works, were being transferred under the Reconstruction Finance Corporation to the United States.

It appears from the record and the court order that the receivers are authorized to and can convey title to the said property, estate, rights and franchises of the canal company, free and clear of liens and encumbrances, subject only to the existing water leases and other reservations as accepted in the contract of sale.

And one of the rights that we acquired in that transaction was the right to divert water from the Potomac River, for canal purposes, and

for the franchise purposes of the canal company as set forth in the State charter.

Senator BIBLE. I am going to ask you one further question, and then again, we must recess, because that one bell indicated we have a vote. I regret this. We have a large number of witnesses, and we can't help this, particularly in the closing days of the session. We will be in a voting situation all day long today, and will have to leave when they call for the votes. We will just have to do the best we can, under these rather adverse circumstances, which always come about in the final days of a session.

I think I can get this one question answered, before we go to vote. I am advised that sites of Indian villages would be included in the park. Is that correct?

Mr. HARTZOG. Yes, sir; I am advised that it is.

Senator BIBLE. Now are there any areas that would be included within the proposed park that may have religious or cultural significance to the Indians?

Mr. HARTZOG. I am not advised that there are, Mr. Chairman. But if there were, they will be protected.

Senator BIBLE. Well, how do you do that? I think we just recently had a Taos problem that involved the distinguished Senator from New Mexico, so it is rather fresh in our minds.

How do you handle a situation of this nature?

Mr. HARTZOG. Well, we have a very active archeological salvage program, as you know from the Appropriations Committee on which you serve, and an important part of the activity of this archeological salvage program is to identify and either salvage or preserve the aboriginal cultures of our country, as well as the national heritage of our country. And this is the mechanism by which we would identify these historical sites involving Indian cultures along the canal.

Senator BIBLE. Well, again, I regret we must recess. We will be in recess until 11:30.

(Recessed from 11:17 to 11:35 a.m.)

Senator BIBLE. The hearing will resume.

May we have order, please?

Mr. Hartzog, in view of the municipal location, to what extent will the establishment of a park and its predicted use require the provision of adequate personnel in order to assure the safety of those who use it?

Mr. HARTZOG. Well, there isn't any question but what it is going to require policing, Mr. Chairman. We are already policing it, with our mounted horse patrol of the National Capital Park, as well as with our Ranger staff, and we expect to continue to do so.

Senator BIBLE. Well, will there be an increase in it, though, if the C. & O. National Historical Park is created?

Mr. HARTZOG. Yes, sir; there will be, and that is what the increase of \$1,159,000 in operating money is to provide for.

Senator BIBLE. And how many people does that provide for?

Mr. HARTZOG. The staffing summary provides for an increase in the first year of seven park rangers, eight in the second, nine in the third, 10 in the fourth, and 14 in the fifth, for a total of 48 rangers.

Senator BIBLE. Will the administration of the park be accomplished in conjunction with the Capital Planning Commission?

Mr. HARTZOG. Yes, sir; it will be.

Senator BIBLE. And how do you work in conjunction with them, in its administration?

Mr. HARTZOG. Well, the National Capital Planning Commission is responsible for reviewing all of our projects in the metropolitan area development. But I think that is what your question was. Development, wasn't it?

Senator BIBLE. No; my question was, will the administration of the park be accomplished in conjunction with the Capital Planning Commission?

Mr. HARTZOG. Well, I read too much. I assumed that meant development. The administration will not; no, sir.

Senator BIBLE. You will be solely in charge of administration?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. I was referring to the administration question, not the development question.

Mr. HARTZOG. Yes, sir; right, I am sorry.

Senator BIBLE. As to the restoration of the canal, will it be necessary to take additional steps to guard against the destruction of the natural setting?

Mr. HARTZOG. Well, it will, indeed. It is going to be costly, and that is why this estimate is as much as it is.

Senator BIBLE. That is embraced within the overall \$20 million figure that you gave us for the restoration of the canal?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. Do the States involved in which the park is located agree with the provisions of the House-passed bill?

Mr. HARTZOG. I don't know, Mr. Chairman. I haven't inquired of them since the House passed the bill.

Senator BIBLE. How about the counties involved? The same answer?

Mr. HARTZOG. The same answer; yes, sir.

Senator BIBLE. Does the proposed development plan involve the impounding of any waters?

Mr. HARTZOG. Yes, sir; it does.

There is 22 miles of water now impounded, and we expect to restore water to an additional 70 miles.

Senator BIBLE. I have no further questions of you at this time.

The Senator from New Mexico.

Senator ANDERSON. You keep talking about this being a restoration. What is going to be restored?

Mr. HARTZOG. The dams, and the locks, and the canal structures itself that retain the water. And 92 miles of it will be restored to its former operating condition, as well as lock houses that are along the canal.

Senator ANDERSON. Have you had commitments on that?

Mr. HARTZOG. These estimates, Senator, prepared by our engineering office.

Senator ANDERSON. Is it ordinarily right, then?

Mr. HARTZOG. Yes, sir; we have been having pretty good success on our bids being in the vicinity of our estimates.

Senator ANDERSON. Well.

Mr. HARTZOG. I am very pleased about it, That is why I want the escalator clause, though, because that can really foul you up.

Senator ANDERSON. You are confident.

Mr. HARTZOG. I am not so confident that I don't want to hedge against that escalation, because you know, those construction costs have accelerated greatly on us in the last year, and where we have run into difficulty on the development is because you estimate your development costs, and then you have a period of 2, or 3, or 4 years, before you can go to consider it, and you have the increased wage rates and material costs, and what we have asked for is that the development cost provide that is the ceiling, but it can be adjusted in accordance with the recognized construction indices which are published monthly.

Senator ANDERSON. So the figures aren't firm?

Mr. HARTZOG. They are not firm; no sir.

Senator ANDERSON. You used this term here, that it will be stabilized.

Mr. HARTZOG. Some parts of it, Senator, will simply be stabilized, and water will not be restored to it; no, sir.

Senator ANDERSON. What does "stabilized" mean?

Mr. HARTZOG. Well, it means that you preserve the framework of the original structure, but it is not in a restored, operating condition.

Senator ANDERSON. That will be \$20 million—or \$27 million?

Mr. HARTZOG. For all of it; yes, sir.

Senator BIBLE. \$20 million.

Mr. HARTZOG. Stabilization and restoration.

Senator BIBLE. The figure was \$20 million wasn't it?

Mr. HARTZOG. \$20 million; yes, sir.

Senator BIBLE. Including the 3 years of operation?

What have you for the 3 years of operation?

Mr. HARTZOG. Three years of operation—

Senator ANDERSON. What happens after that?

Senator BIBLE. Well, I think the limitation to which the Senator refers, if he would yield to me, I think goes to the development. I don't know that it goes to the operation and maintenance of it, does it?

Mr. HARTZOG. It does not go to maintenance and operation; no, sir.

Senator BIBLE. I was trying to separate the two. There is no time limit on the O. & M., but there is a time limit on the development.

Mr. HARTZOG. Yes, sir; that is correct.

Senator BIBLE. Is that a correct statement?

Mr. HARTZOG. That is correct.

Senator ANDERSON. But there are only 3 years that you refer to. What is going to happen in that 3-year period?

Mr. HARTZOG. We have to come back and lay the matter before the Congress, and ask for an increase in the development ceiling, if we are to pursue this development program.

Senator ANDERSON. Shouldn't you ask for it now?

Mr. HARTZOG. Well, that is our recommendation, Senator, that we have it now. But as I indicated, the House chose to limit it to \$17 million, instead of \$47 million.

Senator ANDERSON. But the Senate Committee hasn't done it, has it?

Mr. HARTZOG. It has not acted on it; no, sir. And I am testifying to the fact that the total development cost is estimated at \$47 million. Plus escalation.

Senator ANDERSON. Thank you.

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

Mr. HARTZOG. Thank you so much.

Senator BIBLE. If you would have one of your staff remain, so that if questions may occur, we would like to call them. I don't know that it is necessary for you to remain throughout the hearings.

It is my intention to run until 10 minutes after 12. It is also my intention to resume at 2 o'clock, and Senator Moss has agreed he would chair the hearings this afternoon, because I can't be here; I will be involved on the floor. But we do want to keep the hearings moving forward, and when we recess at 10 minutes after 12, we will be in recess until 2 o'clock.

Mr. HARTZOG. Thank you, sir. I will leave the Park Superintendent as well as Mr. Lambe, and Mr. Rowell here.

Senator BIBLE. I would appreciate that very much.

Mr. HARTZOG. Thank you very much.

(Mr. Hartzog's prepared statement and material he submitted follows:)

STATEMENT OF GEORGE B. HARTZOG JR., DIRECTOR, NATIONAL PARK SERVICE

Mr. Chairman, it is a pleasure to appear before you today to testify in support of S. 1859, a bill "To establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes," amended as set forth in the Departmental report to this committee.

The Chesapeake and Ohio Canal was built between 1828 and 1850, when canals were the main commercial links with the frontier. With the advent of the railroad, the importance of canals in commerce diminished considerably, and the C & O Canal was closed to trade in 1924. In 1938 the United States purchased the narrow canal right-of-way, extending 184.5 miles from Georgetown to Cumberland, under the provisions of the National Industrial Recovery Act of 1933. By Presidential Proclamation of January 18, 1961, the area was established as the Chesapeake and Ohio Canal National Monument. S. 1859 would redesignate the area as a national historical park and authorize the acquisition of additional lands needed for preservation and recreation purposes.

The present acreage of the C & O Canal National Monument, including the area within the National Capitol Park section, is 5,430 acres. We recommend enlarging the area to slightly over 20,000 acres, as this is considered to be the minimum acreage necessary to accomplish the purpose of the legislation. In our land acquisition program we expect to utilize the full range of acquisition tools provided by the Congress, including the acquisition of scenic or development easements and similar means of permitting continued uses which are not inconsistent with the purpose of the area.

The State of Maryland plans to acquire approximately 2,000 acres within the area. To the extent that the State is able to do so, Federal land acquisition will be diminished accordingly. We do not plan to acquire any lands now owned by the State or which it may acquire within the park, except by donation if the State should offer them at some future date.

Land acquisition costs are expected to be \$20,382,437. Real estate taxes on the properties to be acquired totalled \$121,373 in 1968.

The development costs for this proposal are estimated at \$47 million, with estimated additional operating costs of \$1,159,000 by the fifth year of operation.

Visitation to the present national monument this year during the period January-September has passed 1,770,000, and by 1985 nearly 6 million visitor days are expected. Some 5 million people live within 50 miles of the area.

Mr. Chairman, the Department's report of May 27 proposed several amendments to S. 1859. At that time, also, we submitted proposed conforming amendments to H.R. 658 and similar bills in the House. Since the time of our report the House of Representatives has passed H.R. 19342, which is also pending before your committee. I believe it would be appropriate at this point to briefly discuss the differences between our proposal and the House-passed bill.

1. *State lands.* The House added a provision stating that no State-owned lands may be included within the boundary (1) unless they are donated to the United States, or (2) until a cooperative agreement is negotiated which assures administration of such lands in accordance with national park policies. We have no objection to the House-passed version.

The House also added a provision (section 3(b)) prohibiting the Secretary from acquiring, for 2 years, any lands designated on the boundary map for State acquisition if he has negotiated an agreement providing for State administration of such lands in accordance with national park policies.

We are in basic agreement with the purpose of the House-passed version, that being to assure uniform administration of all publicly owned lands within the boundary.

2. *Notice of boundaries.* The House added a new provision requiring publicizing of the exact boundaries and notification of landowners inland from the canal within 18 months. We have no objection to the House version.

3. *Easements for rights-of-way.* Our proposal makes applicable the 1953 right-of-way act to the park. The House bill does not refer specifically to the 1953 act.

The effect of the House version on the 1953 right-of-way act should be made clear. That act authorized and directed the Secretary to grant easements for rights-of-way through, over, or under the parkway lands along the lines of the Chesapeake and Ohio Canal, now or hereafter acquired. We interpret the House-passed version as not affecting the continued applicability of the 1953 act to the existing Federal lands and to lands hereafter acquired for the park. Accordingly, the House bill is acceptable in this regard.

4. *Appropriations.* Our proposal recommends the escalator clause if the committee adopts an appropriation ceiling for development. The House adopted the escalator clause but limited appropriations for development to \$17 million, whereas our estimates are \$47 million for development. We have no objection to the lesser authorization. We will expect to keep your committee fully informed of progress under the limitation in order that you may be fully advised of the need for amendatory legislation.

In summary, Mr. Chairman, the House-passed bill incorporates our proposal, with two exceptions: The House did not adopt a reference to the 1953 C & O Canal right-of-way act, and it limited appropriations for development to \$17 million instead of \$47 million, as we recommended. In addition, the House added two provisions of its own, not found in the Senate bill, requiring any State lands within the boundary to be managed in accordance with administrative policies applicable to national parks, and publication of exact boundaries and notification of landowners within 18 months. The House bill is acceptable to us.

Mr. Chairman, I shall be happy to answer any questions.

Thank you.

C. & O. CANAL NATIONAL HISTORICAL PARK (PROPOSED), DEVELOPMENT SCHEDULE

	1st year	2d year	3d year	4th year	5th year	Future years	Total
1. North Branch:							
Roads and trails (Maryland):							
(a) Visitor center entrance road, and parking (200)	\$88,200						\$88,200
(b) Boat ramp and parking (40) and picnic area road	34,000						34,000
(c) Trails and walks	18,900						18,900
(d) Road relocation and obliteration	57,822						57,822
Subtotal	198,922						198,922
Buildings, utilities, and miscellaneous (Maryland):							
(a) Well, pump, reservoir, etc	151,200						151,200
(b) Visitor center	275,000						275,000
(c) Comfort station (1)	25,000						25,000
(d) Picnic sites (20)	7,500						7,500
(e) Reforestation (15 acres)	37,500						37,500
Subtotal	496,200						496,200
Total	695,122						695,122
2. Brunswick, Md.:							
Roads and trails:							
(a) Picnic area road and parking (120)	145,278						145,278
(b) Boat launch	12,600						12,600
Subtotal	157,878						157,878
Buildings, utilities, and miscellaneous:							
(a) Water and sewer	50,000						50,000
(b) Comfort stations (5)	125,000						125,000
(c) Picnic sites (120)	45,000						45,000
(d) Signs, markers, etc.	7,000						7,000
Subtotal	227,000						227,000
Total	384,878						384,878

C. & O. CANAL NATIONAL HISTORICAL PARK (PROPOSED), DEVELOPMENT SCHEDULE—Continued

	1st year	2d year	3d year	4th year	5th year	Future years	Total
3. C. & O. Canal restoration:							
(a) Restore north branch complex, including 4 lift locks, 2 lockhouses, canal prism and towpath, pivot bridge, and related miscellaneous structures.....	\$1,700,000						\$1,700,000
(b) Restore canal, vicinity of Brunswick; including 1 lock and lockhouse, canal prism and towpath, and related miscellaneous structures.....	220,000						220,000
Subtotal.....	1,920,000						1,920,000
Subtotal (1 through 2).....	1,080,000						1,010,000
Total, 1st year.....	3,000,000						3,000,000
4. Williamsport, Md.:							
Roads and trails: (a) Road parking (10) and boat ramp.....		\$31,500					31,500
Buildings, utilities and miscellaneous: (a) Interpretive shelter, signs.....		10,000					10,000
Total.....		41,500					41,500
5. Edwards Ferry, Md.:							
Roads and trails:							
(a) Main road relocation and obliteration.....		104,600					104,600
(b) Entrances road, boat ramp and parking.....		35,300					35,300
(c) Picnic road and parking (100).....		63,600					63,600
(d) Camp roads and parking (100).....		107,100					107,100
(e) Trails.....		7,600					7,600
Subtotal.....		318,200					318,200
Buildings, utilities, miscellaneous:							
(a) Well, pump, reservoir, etc.....		93,800					93,800
(b) Signs, markers, shelter.....		12,500					12,500
(c) Comfort stations (8).....		200,000					200,000
(d) Picnic sites (120).....		45,000					45,000
(e) Campsites (100).....		37,600					37,600
Subtotal.....		388,900					388,900
Total.....		707,100					707,100

6. Praeather's Neck, Md.:

Roads and trails:

(a) Entrance road improvement.....	151,300			151,300
(b) Visiting center road, parking (150) and resident drive.....	54,200			54,200
(c) Maintenance area (30 St.) and road.....	29,600			29,600
(d) Picnic area road and parking (180).....	166,300			166,300
(e) Boat ramp parking (40).....	16,400			16,400
(f) Marina roads parking (100) and ramp.....	51,700			51,700
(g) Stable roads, parking (60) and horse underpass.....		\$46,000		46,000
(h) Group camp roads and parking (40).....	78,800			78,800
(i) Camp roads and spurs (155).....	152,400		64,000	216,400
(j) Trails (foot and bridle).....	63,000			63,000
Subtotal.....	763,700		110,000	873,700

Buildings, utilities and miscellaneous:

(a) Well, pump, reservoir, etc.....	187,600			187,600
(b) Visitor center.....	218,800			218,800
(c) Maintenance building (30) and residence.....	113,000			115,000
(d) Marina building, docks, etc.....	200,000			200,000
(e) Stable buildings (45).....		\$125,000		375,000
(f) Dormitory stations (15).....	125,000			375,000
(g) Picnic sites (200).....	37,550			75,000
(h) Campsites (195) with 4 camping circles.....	53,750		37,550	107,100
(i) Signs, markers, shelter.....	10,000			37,600
(j) General landscape treatment.....				62,500
Subtotal.....	947,700		90,900	1,753,700
Total.....	1,711,400		200,900	2,627,400

7. C. & O. Canal restoration:

(a) Restore 4 aqueducts; including Caloctin Creek, Conococheague Creek, Tonoloway Creek, Town Creek.....		460,000		460,000
(b) Restore canal, vicinity of Williamsport; including 1 lock and lockhouse, canal prism and towpath, and miscellaneous structures.....		220,000		220,000
(c) Restore canal, vicinity of Edwards Ferry; including 1 lock and lockhouse, 5 miles of canal prism and towpath for rewatering, plus related miscellaneous structures.....		400,000		400,000
(d) Restore Dam No. 5 complex; including the dam, 1 lock and lockhouse, canal prism and towpath, and associated structures.....	250,000			250,000
(e) Reconstruct 70 miles of towpath and associated riprap and miscellaneous structures.....	1,430,000			1,430,000
(f) Restore canal, vicinity of Hancock; including 2 locks, lockhouses, canal prism and towpath, and associated miscellaneous structures.....	280,000			280,000
Subtotal.....	3,040,000			3,040,000
Subtotal (4 through 6).....	2,460,000			2,460,000
Total, 2d year.....	5,500,000			5,500,000

C. & O. CANAL NATIONAL HISTORICAL PARK (PROPOSED), DEVELOPMENT SCHEDULE—Continued

	1st year	2d year	3d year	4th year	5th year	Future years	Total
8. Hancock, Md.:							
Roads and trails: (a) Road, parking (50) and boat ramp.....			\$79,000				\$79,000
Subtotal.....			79,000				79,000
Buildings, utilities and miscellaneous:							
(a) Water and sewer.....			40,000				40,000
(b) Comfort station.....			25,000				25,000
(c) Picnic sites (40).....			16,000				16,000
(d) Signs and markers.....			5,000				5,000
Subtotal.....			86,000				86,000
Total.....			165,000				165,000
9. Antietam Creek, Md.:							
Roads and trails:							
(a) Picnic road and parking (150) residence drive.....			50,000				50,000
(b) Road and boat launch.....			25,000				25,000
Subtotal.....			75,000				75,000
Buildings, utilities and miscellaneous:							
(a) Water, sewer and power.....			50,000				50,000
(b) Comfort stations (3).....			75,000				75,000
(c) Picnic sites (150).....			21,600			\$23,400	45,000
(d) Signs and interpretation center.....			85,000				85,000
Subtotal.....			231,600			23,400	255,000
Total.....			306,600			23,400	330,000
Fort Duncan, Md.:							
Roads and trails:							
(a) Entrance road, parking (100) and residence drive.....			97,700				97,700
(b) Road obliteration and trails.....			50,500				50,500
(c) Picnic roads and parking (100).....			21,400				21,400
(d) Camp roads and spurs (150).....			170,200				170,200
Subtotal.....			339,800				339,800

Buildings, utilities, and miscellaneous:			
(a) Well, pump, reservoir, etc.	125,100	125,100	125,100
(b) Residence	25,100	25,100	25,100
(c) Comfort stations (9)	225,000	225,000	225,000
(d) Signs, markers, shelter	18,800	18,800	18,800
(e) Picnic sites (100)	37,600	37,600	37,600
(f) Campsites (152)	56,300	56,300	56,300
(g) Landscape treatment	12,400	12,400	12,400
Subtotal	500,300	500,300	500,300
Total	840,100	840,100	840,100

11. Paw-Paw, Md.

Roads and trails:

(a) Picnic roads and parking (100)	240,000	240,000	240,000
(b) Visitor center roads and parking (100)	60,000	60,000	60,000
(c) Road boat ramp and canoe launch	35,000	35,000	35,000
(d) Entrance road	75,000	75,000	75,000
(e) Camp road and parking (50)	150,000	150,000	150,000
(f) Maintenance road, area and residence drive	30,000	30,000	30,000
Subtotal	530,000	530,000	530,000

Buildings, utilities, and miscellaneous:

(a) Well, pump, reservoir, etc.	100,000	100,000	100,000
(b) Visitor center	271,000	271,000	160,000
(c) Maintenance building and reservoir	100,000	100,000	204,000
(d) Canoe center	22,000	22,000	12,000
(e) Signs and interpretation	80,000	80,000	80,000
(f) Comfort stations (4)	15,300	15,300	15,300
(g) Campsites (52)	30,000	30,000	30,000
(h) Picnic sites (100)	30,000	30,000	30,000
Subtotal	618,300	364,000	982,300
Total	1,148,300	424,000	1,572,300

12. C. & O. Canal restoration:

(a) Restore 4 locks and 2 locks complex: Including 6 lift locks and associated lockhouses, 4 miles of canal prism and towpath, and associated structures	900,000	900,000	900,000
(b) Restore 3 aqueducts: Including Sideling Hill Creek, Fifteen Mile Creek, and Licking Creek	140,000	140,000	140,000
(c) Restore Paw Paw Tunnel complex: Including the tunnel, 4 lift locks and associated lockhouses, 2 miles of canal prism and towpath, plus associated miscellaneous structures	660,000	660,000	660,000
(d) Restore Monocacy River aqueduct	200,000	200,000	200,000
(e) Restore dam No. 3 complex: Including dam No. 3, 5 locks and associated lockhouses, bridges, 2 miles of canal prism and towpath, plus associated miscellaneous structures	1,140,000	1,000,000	2,140,000
Subtotal	3,040,000	1,000,000	4,040,000
Subtotal (8 through 11)	2,460,000	1,000,000	2,460,000
Total, 3d year	5,500,000	1,000,000	6,500,000

C. & O. CANAL NATIONAL HISTORICAL PARK (PROPOSED), DEVELOPMENT SCHEDULE—Continued

	1st year	2d year	3d year	4th year	5th year	Future years	Total
13. Monocacy, Md.							
Roads and trails:							
(a) Road from boundary to Monocacy River including branch.....				\$453,600			\$453,600
(b) Administration road and parking (30).....				28,400			28,400
(c) Road, resident drive and maintenance area.....				29,000			29,000
(d) Road from river to stable including box culvert.....				138,600			138,600
(e) Picnic roads and parking (200).....				157,500			157,500
(f) Stable road and parking (30).....				18,300			18,300
(g) Group camp roads and parking (40).....				69,300			69,300
(h) Road obliterated along railway.....				12,600			12,600
(i) Trails.....				65,500			65,500
(j) Marina roads and parking (100) and ramp.....				44,100			44,100
Subtotal.....				1,016,900			1,016,900
Buildings, utilities, miscellaneous:							
(a) Well, pump, reservoir, etc.....				125,100			125,100
(b) Well, pump, etc.....				1,300			1,300
(c) Administration building and restaurant.....				150,000			150,000
(d) Maintenance building.....				90,000			90,000
(e) Signs, markers and exhibits.....				25,000			25,000
(f) Marina buildings, docks (100).....				200,000			200,000
(g) Cabiolet stations (8).....				200,000			200,000
(h) Stable building.....				337,500			337,500
(i) Picnic sites (20).....				75,000			75,000
(j) Campsites (42).....				15,800			15,800
(k) Landscape treatment and reforestation.....				62,500			62,500
Subtotal.....				1,282,200			1,282,200
Total.....				2,299,100			2,299,100
14. C. & O. Canal restoration:							
(a) Restore 3 conduits: Including Seneca Creek, Broad Run and Evitts Creek.....				210,000			210,000
(b) Restore Dam No. 4.....				200,000			200,000
(c) Restore 30 dam No. 4.....				1,740,000			1,740,000
(d) Reconstruct 2 miles of canal for rewatering, including restoration of canal prism and towpath and associated locks and miscellaneous structures.....				250,000			250,000
(e) Stabilization of miles of towpath.....				200,000			200,000
(f) Stabilization of miscellaneous structures, foundations, etc.....				400,000			400,000
Subtotal.....				3,000,000			3,000,000
Subtotal (6 and 13).....				2,500,000			2,500,000
Total.....				5,500,000			5,500,000

15. Dargan Bend, Md.:			
Roads and trails:			
(a) Entrance road, picnic road and parking (120) road obliteration	220,500	220,500	220,500
(b) Visitor center road and parking (100)	50,400	50,400	50,400
(c) Maintenance area (30) and residence drive	41,600	41,600	41,600
(d) Camp roads and spurs (160)	154,400	154,400	154,400
(e) Picnic roads and parking (80)	44,100	44,100	44,100
(f) Road and boat ramp	5,000	5,000	5,000
(g) Trails and overlook	37,700	37,700	37,700
Subtotal	553,700	553,700	553,700
Buildings, utilities, and miscellaneous:			
(a) Well pump, reservoir, etc.	126,000	126,000	126,000
(b) Visitor center and administration	250,000	250,000	250,000
(c) Maintenance building and reservoir	43,1000	43,1000	431,000
(d) Interpretation shelter	6,300	6,300	6,300
(e) Comfort stations (12)	300,000	300,000	300,000
(f) Picnic sites (200)	75,000	75,000	75,000
(g) Campsites (160)	60,000	60,000	60,000
(h) Signs and markers	18,800	18,800	18,800
(i) Landscape treatment	25,000	25,000	25,000
Subtotal	1,292,100	1,292,100	1,292,100
Total	1,845,800	1,845,800	1,845,800
16. Maryland bridle shore trail (35 miles)	529,200	529,200	529,200
17. C. & O. Canal Restoration:			
(a) Restore Dam No. 6 complex	2,500,000	2,500,000	2,500,000
(b) Reconstruction of 10 miles of canal for rewatering: Including restoration of prism, towpath, and related miscellaneous structures	200,000	200,000	200,000
(c) Stabilization of miscellaneous structures	300,000	300,000	300,000
Subtotal	3,000,000	3,000,000	3,000,000
Subtotal (6, 15, and 16)	2,500,000	2,500,000	2,500,000
Total	5,500,000	5,500,000	5,500,000
18. Seneca Creek, Md.:			
Roads and trails:			
Buildings, utilities, and miscellaneous:			
Total	\$136,800	\$136,800	136,800
19. Violet's lock (Maryland):			
Roads and trails:			
Buildings, utilities, and miscellaneous:			
Total	275,100	275,100	275,100
Total	150,000	150,000	150,000
Total	131,300	131,300	131,300
Total	281,300	281,300	281,300

C. & O. CANAL NATIONAL HISTORICAL PARK (PROPOSED), DEVELOPMENT SCHEDULE—Continued

	1st year	2d year	3d year	4th year	5th year	Future years	Total
20. Point of Rocks, Md.:							
Roads and trails.....						\$185,300	\$185,300
Buildings, utilities, and miscellaneous.....						329,600	329,600
Total.....						514,900	514,900
21. Watt's branch (Maryland):							
Roads and trails.....						70,600	70,600
Buildings, utilities, and miscellaneous.....						60,900	60,900
Total.....						131,500	131,500
22. Shepherdstown, W. Va.:							
Roads and trails.....						186,500	186,500
Buildings, utilities and miscellaneous.....						44,900	44,900
Total.....						231,400	231,400
23. Old Town, Md.:							
Roads and trails.....						239,400	239,400
Buildings, utilities and miscellaneous.....						360,300	360,300
Total.....						599,700	599,700
24. Brookmont, Md.:							
Roads and trails:							
(a) Picnic sites (100).....						35,000	35,000
(b) Parking (50).....						15,000	15,000
Subtotal.....						50,000	50,000
Buildings, utilities, miscellaneous:							
(a) Comfort station.....						25,000	25,000
(b) Interpretive facility (shelter).....						15,000	15,000
(c) Utilities.....						20,000	20,000
Subtotal.....						60,000	60,000
Total.....						110,000	110,000

25. Fletchers (District of Columbia):		
Roads and trails:		
(a) Road (1/2 mile).....	50,000	50,000
(b) Parking (200).....	60,000	60,000
Subtotal.....	110,000	110,000
Buildings, utilities, miscellaneous:		
(a) Concession building.....	300,000	300,000
(b) Dock (200).....	300,000	200,000
(c) Site improvement.....	100,000	100,000
Subtotal.....	600,000	600,000
Total.....	710,000	710,000
26. Foundry branch (District of Columbia):		
Roads and trails:		
(a) Access road (1/2 mile).....	70,000	70,000
(b) Culvert (road).....	60,000	60,000
(c) Parking (50).....	18,000	18,000
Subtotal.....	148,000	148,000
Buildings, utilities, miscellaneous:		
(a) Picnic and fishing sites (30).....	18,000	18,000
(b) Comfort station.....	25,000	25,000
(c) Utilities.....	10,000	10,000
Subtotal.....	53,000	53,000
Total.....	201,000	201,000
27. Barge landing (D. of C.):		
Roads and trails: (a) Parking and paving.....	75,000	75,000
Subtotal.....	75,000	75,000
Buildings, utilities, miscellaneous: (a) Docks and shelter.....	75,000	75,000
Subtotal.....	75,000	75,000
Total.....	150,000	150,000

C. & O. CANAL NATIONAL HISTORICAL PARK (PROPOSED), DEVELOPMENT SCHEDULE—Continued

	1st year	2d year	3d year	4th year	5th year	Future years	Total
28. Martyland: 1							
(1) Blockhouse Point.....						\$3,545,000	\$3,545,000
(2) Knoxville.....						185,000	185,000
(3) Tuscarora Creek-Noland Ferry.....						1,461,400	1,461,400
(4) White's Ford.....						16,200	16,200
(5) White's Ferry.....						633,800	633,800
(6) Sycamore Landing.....						43,900	43,900
(7) Wiley Ford.....						236,300	236,300
(8) Spring Gap.....						276,800	276,800
(9) Indigo Bend.....						1,022,600	1,022,600
(10) Pearre Sideling Hill Creek.....						116,100	116,100
(11) Cohill.....						43,900	43,900
(12) Little Pool.....						24,100	24,100
(13) McCoy's Feerry.....						53,300	53,300
(14) Conococheague Manor Bend.....						111,400	111,400
(15) Catactin Station.....						550,100	550,100
(16) Mason Wood and Mason Island.....						264,600	264,600
(17) Sandy Hook.....						9,500	9,500
(18) Shafer's Landing.....						40,500	40,500
(19) Sawpit Bend.....						6,800	6,800
(20) Town Creek.....						205,200	205,200
(21) Sandy Flat Hollow.....						6,800	6,800
(22) Kasecamp Bend.....						114,800	114,800
(23) Little Orleans.....						43,900	43,900
(24) 2 Locks and Pineburg Flat-Miller's Bend.....						20,300	20,300

(25) Dam No. 4.....	195,800	195,800
(26) Mondel.....	367,900	367,900
(27) Snyder's Landing.....	540,000	540,000
(28) Licking Creek.....	74,300	74,300
(29) Cedar Grove.....	33,800	33,800
(30) Falling Waters Ferry.....	828,000	828,000
(31) Horseshoe Bend.....	23,000	23,000
(32) Roundtop Siding.....	662,500	662,500
Total, Maryland.....	11,757,600	11,757,600
29. C. & O. Canal restoration (District of Columbia):		
(a) Rock Creek to Chain Bridge.....	295,000	295,000
(1) Towpath restoration.....	1,730,000	1,730,000
(2) Lock restoration.....		
(b) Chain Bridges to lock No. 15:.....	140,000	140,000
(1) Towpath restoration.....	1,780,000	1,780,000
(2) Lock restoration.....		
(c) Lock No. 15 to lock No. 22:.....	165,000	165,000
(1) Towpath restoration.....	890,000	890,000
(2) Lock restoration.....		
Subtotal.....	5,000,000	5,000,000
Subtotal (1 through 28).....	\$5,500,000	\$5,500,000
Total.....	3,000,000	3,000,000
Total, buildings and utilities.....	2,643,200	4,473,100
Total, roads and trails.....	356,800	1,126,900
Grand total.....	3,000,000	5,500,000

1 These are the remaining areas to be developed in future years.

Senator BIBLE. Our next witness is the Honorable Herman Mills, mayor of Hagerstown, Md.

Mr. Mills.

**STATEMENT OF HON. HERMAN MILLS, MAYOR, CITY OF
HAGERSTOWN, MD.**

Mayor MILLS. Mr. Chairman, members of the committee, I shall be very brief and abide by your suggestion of being very brief.

I represent the citizens of Hagerstown, Md. As you may already know, Hagerstown is the largest city in western Maryland and in Washington County, and in the State of Maryland, that will be affected by the C. & O. National Historical Park the bill considered today by your committee.

We do not desire to amend the bill—but rather, we are endeavoring to get the following qualifications written into the legislative history.

First, with reference to section 5—a, b, and c, we recommend that the committee supplement and not repeal the provisions of the act of August 1, 1953, which grants ready access to the Potomac River for the orderly growth of the region.

Secondly, with reference to the proposed boundaries of the park, except for particular properties and rights now in Federal ownership or that may come into Federal ownership or control, we urge that the committee recognize the bed and banks of the Potomac River in Maryland.

Third, with reference to the retention of use of land acquired for the park, we urge that the hundreds of people who use the land along the Maryland side of the river for farms, summer homes, or membership privileges in sporting clubs, be allowed to continue to use the land through life estates. This would be very practicable since there is a substantial period of timespan for the development of the park.

The citizens of Hagerstown sincerely hope that the committee will give every consideration to the above recommendations as this bill will affect the very "way of life" for many residents of our area.

Mr. Chairman, I have submitted 35 copies of my remarks, by letter.

Thank you, sir.

Senator BIBLE. I much appreciate your appearance here this morning, Mayor Mills.

I have no questions.

Mayor MILLS. Thank you, sir.

Senator BIBLE. The next witness will be John S. Hewins, Maryland-National Capital Park and Planning Commission.

Mr. Hewins.

**STATEMENT OF JOHN S. HEWINS, GOVERNMENT RELATIONS CO-
ORDINATOR, MARYLAND-NATIONAL CAPITAL PARK AND PLAN-
NING COMMISSION, WASHINGTON, D.C.**

Mr. HEWINS. Mr. Chairman, members of the committee, it is indeed an honor to appear before you today to present the views and recommendations of the Maryland-National Capital Park and Planning Commission on the proposed legislation to establish a Chesapeake & Ohio Canal National Historical Park.

I have a few remarks to make in addition to the formal position taken by the Commission in its resolution included herewith and presented for the record.

Senator BIBLE. That will be incorporated in full in the record. This is a resolution.

(The resolution follows:)

RESOLUTION

Whereas there is presently pending before the Congress of the United States H.R. 658, H.R. 17950, H.R. 11988 and S. 1859, all of which bills propose to establish a Chesapeake and Ohio Canal National Historical Park along the entire length of the Chesapeake and Ohio Canal a part of said National Park to be within Montgomery County, Maryland;

Whereas the Maryland-National Capital Park and Planning Commission recognizes the historical and recreational potential of the proposed Chesapeake and Ohio Canal National Historical Park; and

Whereas the proposed development of this National Historical Park is in conformance with the General Development Plan of the Maryland-Washington Regional District, and is compatible with the overall character of Montgomery County; and

Whereas the creation of the Chesapeake and Ohio Canal National Historical Park would enhance the entire Potomac Valley; and

Whereas National Park status would provide the necessary funds to undertake the restoration and preservations of this unique natural setting;

Now, therefore, be it resolved, That the Maryland-National Capital Park and Planning Commission endorses the concept of the Chesapeake and Ohio Canal as a National Historical Park; provided that the development of said park will not conflict with the future needs of Montgomery and Prince George's Counties for an adequate source of water supply.

Be it further resolved, That the Maryland-National Capital Park and Planning Commission requests appropriate hearings on this proposal in both the Senate Committee on Interior and Insular Affairs and the House Committee on Interior and Insular Affairs.

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Montgomery County Planning Board on July 16, 1970, at which meeting 4 of the 5 members were present, and also approved by the Prince George's County Planning Board on July 20, 1970, at which meeting 5 of the 5 members were present.

JOHN P. HEWITT,
Acting Executive Director.

Mr. HEWINS. The permanent preservation of Chesapeake & Ohio Canal is but one example of an historic landmark that exemplifies the cultural heritage of Montgomery County. The concept around which Montgomery County's park and open space network has been planned and developed is, to a degree, dependent upon the retention and development of the canal as a major environmental feature of the Potomac landscape.

The efforts of the Federal Establishment to plan for the enrichment of the heritage of the Potomac Valley are commendable and are illustrative of the coordination existing between the Department of the Interior and the Park and Planning Commission.

The Commission endorses the concept of the Chesapeake & Ohio Canal as a national historical park provided that its development will not conflict with the future needs of Montgomery and Prince Georges Counties for an adequate source of water supply. We are hopeful that modern water supply technology will soon produce feasible solutions other than high dam inundation of the Potomac River Valley.

We believe that the national historical park, as an element of land use in Montgomery County, Md., can and should be established and

should continue to exist as a resource of the environs of the river compatible with water supply as an equally important resource.

Mr. Chairman, I want to thank you for this opportunity to present the Commission's endorsement of this legislation. I would also like to introduce and add to the record the Commission's park acquisition program map, which shows in addition to the lands that our agency proposes to acquire, also those proposed to be acquired by both the Federal and the State interests in Maryland.

Senator BIBLE. Without objection that will be incorporated as a part of the record, and I have greatly appreciated your appearance here this morning, Mr. Hewins.

Mr. HEWINS. Thank you, sir.

(The map referred to is in the committee files.)

Senator BIBLE. The Senator from New Mexico has one question he wants to ask.

Senator ANDERSON. You said in your statement the Commission "endorses the concept, provided that" * * *. What is the proviso? What was your purpose in that?

Mr. HEWINS. Senator, the proviso pertains to future possible needs for water supply, to serve the State of Maryland, in particular, Montgomery and Prince Georges Counties. We recall that there are still proposals in various stages to impound waters of both the Potomac and the Seneca. It is possible that these impoundments might be in conflict with this proposed legislation, and what we are saying is that whatever those solutions might be to secure a permanent water supply for the Washington area, we believe that this proposed bill should not be in conflict with those.

Senator ANDERSON. You are spending some \$47 million, and can't correct it?

Mr. HEWINS. It is true that some of the proposals for impoundments would, in fact, if built, destroy and place underwater permanently some of the development proposed under this legislation; yes, sir.

Senator ANDERSON. So how much are you really planning to do with this work? Isn't there a reason for it? Are the citizens opposed to this work?

Mr. HEWINS. The citizens?

Senator BIBLE. I think, the question is, Are the citizens of the area opposed to the proposed park? Is that the question?

Mr. HEWINS. No; not to my knowledge. As far as the evidence that I have heard personally, most of the citizens are in favor of this legislation.

Senator ANDERSON. Well, I am merely trying to find out, if you are going to watch this group perform, if you are going to grant them the rights to it, what condition is this? The Commission endorses the concept of the Chesapeake and Ohio Canal, provided that certain things will happen.

Who is going to do these certain things? Who can stop the development of the valley?

Mr. HEWINS. The development, I believe, could only be stopped by other Federal legislation, with regard to water supply for the Washington metropolitan area.

Senator ANDERSON. I see.

Senator BIBLE. That is all. Thank you very much for your appearance here this morning, Mr. Hewins.

Mr. HEWINS. Thank you.

Senator BIBLE. Our next witness is Mr. James B. Coulter, Deputy Secretary, Maryland Department of Natural Resources.

STATEMENT OF JAMES B. COULTER, DEPUTY SECRETARY, MARYLAND DEPARTMENT OF NATURAL RESOURCES; ACCOMPANIED BY TOM DOWNS, ASSISTANT ATTORNEY GENERAL, STATE OF MARYLAND, AND HERBERT SACKS, ASSISTANT SECRETARY, MARYLAND DEPARTMENT OF NATURAL RESOURCES

Mr. COULTER. Mr. Chairman, if I may I would like to ask Mr. Downs and Mr. Sacks to join me at the table.

Senator BIBLE. Certainly. We will be delighted to have them.

Mr. COULTER. Mr. Chairman, members of the committee, I am James B. Coulter, Deputy Secretary for Maryland's Department of Natural Resources.

I appreciate very much the opportunity to be here this morning, and to present the views of Maryland in this very important legislation. I am speaking in behalf of the Honorable Marvin Mandel, Governor of the State of Maryland, and Hon. J. Millard Tawes, former Governor and now Secretary of the Department of Natural Resources.

On my left is Mr. Tom Downs, who is an assistant attorney general with the State, knowledgeable in water matters, and on my right is Mr. Herbert Sacks, who is the assistant secretary for administrative matters, and quite knowledgeable in the problems that we will discuss this morning.

Mr. Chairman, my testimony is very brief. To be even briefer, I would like to submit it for the record, along with a copy of the testimony which was presented by Mr. Spencer Ellis, in the hearings in this matter held by the House last August.

Senator BIBLE. Without objection that will be the order.

Mr. COULTER. I would like to summarize and reemphasize three major points that were made by Mr. Ellis, and which we feel should be clarified in the legislation before it becomes law.

These matters pertain to, first, the sovereignty of the State of Maryland over the waters of the Potomac River itself. Second, the need for access on the part of the State and its local subdivisions to the river, for vital utilities, and third, the continuation of the State's program in forestry, parks, open spaces, and wildlife management.

With respect to the river itself, we would like to see the law clearly define the boundary on the river on the Potomac River, to make sure that the jurisdiction of Maryland for the water and the islands within the water is not altered by this legislation.

Senator BIBLE. Well, does the House bill do that, or does it not do it? I think that is always a bone of contention as to who has jurisdiction over streams of water within or bordering a sovereign State. And too, it is always a bone of contention between the Federal jurisdiction and the State jurisdiction.

Mr. COULTER. It has worked very well on the Potomac River, even though we have had some fishery wars with our neighbor States in the past, that it has been settled.

Senator BIBLE. How about the Potomac, just the Potomac alone?

Mr. COULTER. On the Potomac itself, since decisions dating back to 1877, it has been generally unchallenged that Maryland has jurisdiction over the river, to the southern boundary, the low water mark of the southern boundary.

Senator BIBLE. Well, does this bill place that understanding in jeopardy, or that long-established law? Is it silent on the point? Is that your problem?

Mr. COULTER. Yes, sir.

Senator BIBLE. It doesn't speak one way or the other.

Mr. COULTER. The boundaries of the park make reference to five maps, and the maps themselves tended to indicate that the boundary of the park would go all the way to the Virginia shore, which left some question. I believe that is noncontroversial, and that the Park Service has testified that they would be content to have access to the water, at the bank of the river.

Senator BIBLE. But how about the State jurisdiction over the waters? You say that poses no problem? Who has jurisdiction over the Potomac River? The Federal Government, or the State of Maryland, or the State of Virginia?

Mr. COULTER. It is a joint jurisdiction with the Federal Government. The Federal responsibilities, of course, are unchallenged by the State, but the State does maintain and it is established water policy that the State owns the waters of the river, and the bottoms thereunder. And much of our water resources law and pollution control law in the State of Maryland is based on that rather unique concept of common law.

Senator BIBLE. Well, that is common law, you say. Has that been tested in the courts?

Mr. DOWNS. Yes, it has, sir.

Senator BIBLE. And the highest court of the land has said that the State of Maryland has jurisdiction over the waters and the bed of the Potomac River, within the State of Maryland?

Mr. DOWNS. Yes, sir, the Supreme Court in 1877, in arbitrating a case between the State of Virginia and the State of Maryland, did decide that Maryland actually owned the bottom of the river as well as the waters of the river.

Senator BIBLE. Well, where you go across the bridges here to get to Arlington, Va., do you own the whole bed of the river, or does Maryland own the whole bed of the river?

Mr. DOWNS. Arbitration Award of 1877—

Senator BIBLE. I don't mean Arlington, with the District of Columbia, but go further upstream, where Maryland goes into Virginia.

Mr. DOWNS. The Supreme Court has decided that Maryland owns to the low water mark on the southern bank of the river. That is the Virginia side. The low water mark on the Virginia side of the river.

Senator BIBLE. Well, is that so? Well, you learn something every day. Would you furnish the court case to which you refer?

Mr. DOWNS. Yes, sir, it is known as the Arbitration Award of 1877, commonly. I don't have the reference with me.

Senator BIBLE. The Arbitration Award of 1877.

Mr. DOWNS. Yes, sir.

Senator BIBLE. That has stood unchallenged? That is almost a hundred years.

Mr. DOWNS. Yes, it has.

Senator BIBLE. That has been the accepted law of the river.

Mr. DOWNS. Yes, sir.

Senator BIBLE. Well, now, what is your worry, then, about this bill here, if that is the established law, and the U.S. Supreme Court has said, and it hasn't been reversed for almost a hundred years, and what concern do you have in that area, in this bill?

Mr. COULTER. Our concern is with the vagueness of the boundary of the southern part of the park, and a desire to see words put into the bill would make it clear that nothing in the bill would be construed to alter or affect the jurisdiction in Maryland, over the Potomac River, or its jurisdiction over the islands therein.

Senator BIBLE. And I understand from what you say the Park Service has no objection to that? I didn't ask them that question previously, but they have a spokesman here, and we will ask them to clarify that point. If they agree with you and you have concern, I don't see why it shouldn't be put in there, so nobody misunderstands it. If everybody is in agreement, and the U.S. Supreme Court has spoken finally, and it has been unreversed, the Supreme Court sometimes changes their viewpoints, like individuals, but after a hundred years, I suppose that is what we would call *stare decisis*. Isn't that what we call it in law?

Mr. DOWNS. Yes, sir.

Senator BIBLE. I used to be a lawyer at one time. I am a little rusty. Now the second point, access to the river.

Mr. COULTER. The second point is access to the river, and as you can see from the map, the park itself could conceivably form a barrier between the State of Maryland and the Potomac River, extending from Cumberland, Md., all the way downstream to the District of Columbia. We would like very much to see, by specific reference in this law, it indicated that the Secretary of the Department of Interior will still be subject to the provisions of the 1953 act, which was an act that specifically gave the right of access to the river for necessary utilities, with permanent easements under regulations established by the Secretary of Interior.

Senator BIBLE. Where is the final authority then as to what type of a utility? I have in mind either power utilities or telephone utilities, or gasoline, or whatever. Who has the final say on the authority that would be vested in the Secretary of Interior?

Mr. COULTER. No, sir, this is what we are very much afraid of.

Senator BIBLE. I see. I just wanted to get the record clear. You may say, "Well, now, you have got to put everything underground," and a private utility will say, "Well, we don't want to put everything under the ground." Then who controls it, as the law is today?

Mr. COULTER. I have not made a differentiation between underground and overground.

Senator BIBLE. Well, there is a growing tendency, as you know, and many new subdivisions require that you go underground. I mean, both for power lines, and telephone lines, and things of that kind; more and more utilities go underground rather than overhead, and it certainly improves the appearance of the subdivision. What if they were to require underground installation—I don't know whether that is practical here or not, but I am just looking in the future, and seeing if there is a conflict, how it could be resolved. You

don't want the Secretary of the Interior to say you have to go underground.

Mr. COULTER. No, sir; but by State law, utilities must go underground in Maryland, including electrical utilities up to 60,000 volts, and as soon as they develop the technical knowledge to get higher voltages underground, I presume that the intent of the State would be to raise that limit. I am more concerned with the withdrawal of water, the distribution of water, and the necessary return of waste water, control clarified, of course, to meet State standards.

For instance, the State of Maryland has developed actually through legislation, a Maryland Potomac Water Authority.

Senator BIBLE. I see.

Mr. COULTER. Which owns the storage in Bloomington Reservoir, which is now under construction, and took it upon itself to work with the Federal Government and negotiate the contracts and guarantee payment for that water. In turn, this authority sells the water to the counties and local subdivisions under contract, and a part of that contract is that the communities will have access to the Potomac River, where the water is delivered in the free-flowing stream, to withdraw that water; now all of these contracts would have a cloud on them, of course, if we did not have the right to guarantee that access to the river.

Any discharge or withdrawal of water within the State of Maryland must be by permit from the Department of Water Resources. Again, in keeping with the basic law of the State, that the States does own the water. And to withdraw or discharge waters from the State, a permit is required. It is from a State regulatory agency, and we would not like to see that changed.

Senator BIBLE. Thank you.

Now develop your third point just a little.

Mr. COULTER. The third point has to do with the questions of the Chair this morning. It has to do with the continuation of Maryland's program open space, its forestry, parks, and wildlife management programs. And if I may take just a moment, Mr. Chairman, to explain that program.

Senator BIBLE. Yes; this is the one where you are going to acquire part of the lands within the taking area, under land and water conservation funds, but the title will go to the State. Is that correct?

Mr. COULTER. Yes, sir; that is correct, with the exception taken to the tense. Actually, there are three areas that are contiguous, or that have a boundary on the Potomac River, that are now under development, and part of the State's program open space.

In 1967, there was a comprehensive plan developed for programs or for open space in the State of Maryland. And to finance that program, at a later date, legislation was passed which provided for the sale of State bonds, and also a transfer tax on any property sold in the State.

Now the sale of those bonds, and the transfer tax, will raise State funds equal to \$86 million by 1973. Those funds have been apportioned over a 5-year period to acquire land on a priority basis throughout the State. The type of land that is being acquired includes forest and parks, it includes wildlife areas, it includes marine parks, natural environment areas, and there are some funds set aside in a contingency fund, so that if lands become available to us, we can take them. But

based on a priority system, then, which in turn was weighted for where land was needed to serve people, took into consideration the rapid development of our rather small State and the rapid rate at which good land for recreation and forest and wildlife management was disappearing, a schedule was set up to acquire this land over a 5-year period.

Actually, in that acreage there will be something in the neighborhood of 264,000 acres in forest and park lands alone. In addition, there is some 80,000 acres in wildlife management area, and then there are provisions for acquiring wetlands along the coastal zone that don't really come into this.

Three of the areas which have been scheduled, and where acquisition is well advanced, in some cases, development advanced, are the Green Ridge State Forest, which abuts on the Paw Paw Bend area of the river, in Allegheny County, also the Fort Frederick State Park, and the McKee-Breshears project which is down in Baltimore.

Would you point these out?

I would like to briefly go over the status of each one of those parks, if I can find it here.

Senator BIBLE. The green that you are pointing to, for the benefit of the reporter, are the areas that the State of Maryland desires to acquire in its own name for the purpose that you gave. Is that true?

Mr. SACKS. Yes, sir.

Mr. COULTER. Yes, sir; except that for instance—

Senator BIBLE. How many areas are there? It looks like about five.

Mr. COULTER. There are three areas, sir.

Mr. SACKS. Three major areas.

Senator BIBLE. That is one. Where is the second?

Mr. SACKS. Here is the first area mentioned, the Green Ridge area [indicating].

Senator BIBLE. I see five green spots.

Mr. SACKS. These are parts of the overall development. These are portions of the overall.

Senator BIBLE. They are what?

Mr. SACKS. These are portions of the overall development. It is all considered one development area.

Senator BIBLE. Why do you separate it with white, there, between the green spots? If it is all one park, why isn't it solid green?

Mr. COULTER. Sir, the area he is pointing to is a State forest. It is Green Ridge State Forest.

Senator BIBLE. When you say "The area he is pointing to," for the reporter, that is the area to the left and the left is what? Is that west?

Mr. COULTER. Yes, sir.

Senator BIBLE. The west side of the map.

Mr. COULTER. And within the take lines established by the State in this program, there are 51,500 acres approximately in that area.

Senator BIBLE. Now to which area are you referring? Area one, two, or all three of them?

Mr. COULTER. This would be the one farthest to your left. The Green Ridge State Forest.

Senator BIBLE. But again, why is part of it green and part of it white? I don't get that through my head.

Mr. COULTER. Why is this being done, sir?

Senator BIBLE. No, why on the legend there is part of it green and part of it white.

Mr. COULTER. I presume that they want to represent that of the total 51,500 acres, all of it is not now in State ownership. There is only approximately about 26,000 acres of that are now in State ownership, and another 25,000 acres to be acquired.

Senator BIBLE. I see. All right.

Mr. COULTER. And the acquisition of that acreage, I might point out in this plan, is a rather low priority, because for the most part, it is wild land, it is not subject to the pressure of development that we have in the next two areas.

Senator BIBLE. How far is that—that would be upriver, wouldn't it? From Washington, D.C., from where we are here, from the Potomac. Fourteenth Street.

Mr. COULTER. It must be approximately 180 miles.

Senator BIBLE. 180 upstream.

Mr. COULTER. Perhaps not quite that far. In that neighborhood.

Senator BIBLE. In the neighborhood of 180 miles. And the State of Maryland wants to acquire that. Why?

Mr. COULTER. This is part of the forest system, a large piece of land that is taken into the State system as forest for the conservation of water, for forestry, and for the management of wildlife, with some recreational use. It is a total of 51,000 acres, as I say, and it is under active acquisition now.

Senator BIBLE. And the bond issue has been passed, and you have the funds available and you are acquiring it on the priority basis.

Mr. COULTER. Yes, sir.

Senator BIBLE. In the name of the State of Maryland. Well, now, if the C. & O. National Historical Park becomes a park, then you have State-owned lands, within the Federal ownership, and what does the State of Maryland propose doing at that time? Do you plan on donating part of it to the U.S. Government, or the National Park Service?

Mr. COULTER. I think it would be more appropriate to say that we have Federal land within the State forest, which in effect exists now. The canal as a national monument goes through the State forest, and it is Federal land now. I have no doubt but what the State and the Park Service will continue the very good relationship that they have now, and work out a joint management activity, in that area.

Senator BIBLE. Well, are the uses to which you put the State land different from the uses to which the National Park Service will put the C. & O. National Historical Park?

Mr. COULTER. Yes, sir, I think so. I think the uses of the National Park Service would not encompass the forestry practices, the soil and land conservation practices, the wildlife management type of practices, that we would find in this more of a forestry type conservation.

Senator BIBLE. Now if I am looking from the beginning of the park to the eastern boundary, the river, and I look down that path and I hit that first green section which, as I understand it, is one that you want to acquire, or one that you already have.

Mr. COULTER. We also have partially acquired that.

Senator BIBLE. Now what name does that bear?

Mr. COULTER. That is McKee-Breshears State Wildlife Area.

Senator BIBLE. Wildlife area.

Mr. COULTER. Yes, sir. It is devoted to the management and conservation of wildlife.

Senator BIBLE. And how many miles is that from the beginning of the park?

Mr. COULTER. That is in Montgomery County.

I would presume that above the District, that is something like 20 miles, approximately.

Senator BIBLE. Approximately 20 miles?

Mr. COULTER. Above the District line.

Senator BIBLE. Above the District line.

What is there, if I walked out there today?

Mr. COULTER. What is there today?

Senator BIBLE. That is right.

Mr. COULTER. Essentially, it is a wildlife management area, that is, the crops and the cover and the planting of the area is managed to enhance game, and wildlife of various types, and good harvesting practices are used throughout.

Senator BIBLE. And hunting is completely prohibited within that area?

Mr. COULTER. No, sir; it is not.

Senator BIBLE. Hunting is permitted?

Mr. COULTER. Yes, sir.

Senator BIBLE. Would hunting be permitted within the area, if it were a C. & O. National Historic Park?

Is hunting prohibited or permitted?

I would ask one of the Park Service people. They can just volunteer.

Mr. COULTER. Within the national park system, it is prohibited.

Senator BIBLE. I thought it was. Is that the correct answer?

Mr. ROWELL. That is correct, sir.

Senator BIBLE. Within the park system, hunting is prohibited?

Mr. ROWELL. That is correct.

Senator BIBLE. Well, if I was a wise old bird, I would get on the Federal park land, wouldn't I?

What happens when I get into the State land? They can shoot me down, right?

Mr. COULTER. Yes, under controlled conditions.

Senator BIBLE. Does that mean open season for a certain period of the year?

Mr. COULTER. Yes, sir. It is very carefully controlled. Raising and harvesting of game and management of people, and the wildlife resources.

Senator BIBLE. How does the bird know when he is safe and when he is unsafe? I mean, how does the hunter know where he can go, without violating law? I am just wondering about the conflict here. It seems to me that is somewhat of a strange arrangement.

Mr. COULTER. The hunter is more easily managed than the game, because—

Senator BIBLE. I am not so sure of that. But you go ahead.

Mr. COULTER. There is a conservation police force, including the wildlife officers, in the State of Maryland, who manage and control this area.

Senator BIBLE. How big an area are we talking about in the No. 1 area?

Mr. COULTER. About 18,000 acres.

Senator BIBLE. 18,000 acres.

Mr. COULTER. Of which about a thousand acres is now under State ownership.

Senator BIBLE. But you intend to acquire the entire amount?

Mr. COULTER. Yes, sir, it is within this acquisition program to take the lands established.

Senator BIBLE. I understand, and where is that in your State acquisition program priority?

Mr. COULTER. It is slightly different than the park system, because—

Senator BIBLE. Well, I mean just relatively, is it in the lower third, or the second third, or the top third of the priorities?

Mr. COULTER. It is a high priority area.

Senator BIBLE. It is high priority.

Mr. COULTER. Because it is close to a populated area, of course, and it is land that we do want to set aside before it is developed.

Senator BIBLE. And the remainder that has not been acquired is in private ownership?

Mr. COULTER. It is in private ownership; yes, sir.

Senator BIBLE. I see.

Mr. COULTER. Well, the other area is a State park. The Fort Frederick State Park.

Senator BIBLE. Fort Frederick?

Mr. COULTER. Yes, sir.

Senator BIBLE. All right.

Where is that? And that would be what—is it close to Frederick, Md.?

Mr. COULTER. It is very close to Hagerstown.

Senator BIBLE. It is very close to Hagerstown.

Mr. SACKS. In Washington County.

Senator BIBLE. In Washington County, Md.?

Mr. SACKS. Yes, sir.

Mr. COULTER. It is a unique historical site, in terms of Maryland culture. It is one of the original forts. A program which is heavily supported by the local population is included in the park program. That is, they actually reenact, during times of the year, some of the scenes and some of the things that happened at that park. A plan for the park has been laid out. This is rather high in the priority of the State for acquisition. A total of 3,420 acres are within the take line. About 2,900 of those acres are scheduled to be acquired. In other words, about 500 acres, the fort itself, has been acquired, and we are acquiring other land.

Senator BIBLE. You say that is a State park. Is this an official State park today?

Mr. COULTER. Yes, sir, it is.

Senator BIBLE. And how many people are employed there, either seasonally or year-round?

Mr. COULTER. I don't have those budgetary figures with me. I can furnish them for the record.

Senator BIBLE. But there will be people there today, if I were to go out there today?

Mr. COULTER. Yes, sir; in addition to that, the local people in the Hagerstown area cooperate thoroughly with this park, and there are—

Senator BIBLE. What type of visitation does the State park have?

Mr. COULTER. What kind of visitation?

Senator BIBLE. In numbers. A hundred thousand, 200,000, 500,000, 5,000? Any estimate of the range of visitation or use?

Mr. COULTER. My guess is that we are talking about a hundred thousand a year or more.

Senator BIBLE. Well, that can be verified and supplied for the record.

Mr. COULTER. Yes, sir.

Senator BIBLE. I was trying to get the range of the use of this area as a State park, and it could be supplied for the record. But you say it is in the range of a hundred thousand?

Mr. COULTER. This is my guess, and I can furnish that for the committee very quickly.

Senator BIBLE. I understand. You can verify it, and if the figure is incorrect. Please correct it if you can.

(The information requested was not supplied in time for inclusion in the record.)

Senator BIBLE. The Senator from New Mexico.

Senator ANDERSON. Your testimony has been approved by the Governor of the State?

Mr. COULTER. Yes, sir, it has.

Senator ANDERSON. So you are fully in accord with it.

On page 2 at the very top of the page it deals with the question of water. "The State of Maryland will not relinquish control of the Potomac River from Washington to Cumberland or convey title."

We have had cases in the Supreme Court, where the question arose about the boundary rivers, go halfway, or otherwise, to the south back of the Potomac.

Senator BIBLE. May we have—let me see. I think Senator Anderson was reading from page 2 of Mr. Ellis' testimony, so that we are all looking at the same page for the question.

Page 2, and I don't know whether you understand his question or not. I want you to be clear on the question.

Senator ANDERSON. Can you help a little bit? I have had some trouble with my voice, and I am uncertain. But in certain areas of the river we have had argument after argument about it, and in other areas of the States, and they have said that the boundaries of the river come down halfway between. You say the boundaries of the State of Maryland have full control of the river.

Mr. COULTER. Yes, sir.

Senator ANDERSON. And that by decision of 1877?

Mr. DOWNS. Yes, sir.

Senator ANDERSON. Have you had any recent trials or cases on that?

Mr. DOWNS. Senator, there have been no recent cases. This was a consent order, entered between the State of Maryland and the State of Virginia, the State of Virginia agreed to this, and in return, got agreement from Maryland, as to certain nooks and crannies of the river on the southern boundary as to where the line would run down the southern bank, and that it would not run into certain creeks and small tributaries.

Senator ANDERSON. Was the Federal Government part of that decision also?

Mr. DOWNS. I don't recall that the Federal Government was a part of it; no, sir.

Senator BIBLE. Well, I think that would be a very important question. Certainly, because if the Federal Government wasn't a party, they wouldn't be bound by it.

Senator ANDERSON. Of course not.

Senator BIBLE. I think that is the point that the Senator from New Mexico is very properly making. We happen to come from the western part of the United States where water is a very precious commodity, and wars have been waged over water ownership, and all we are trying to establish is, if I understood you correctly—maybe I misunderstood you. I thought you said the Supreme Court of 1877 made it clear that title to the water and the riverbed to the south, to the low water mark of the Potomac River, on the south shore, which is the Virginia side, is vested in the State of Maryland. Now is that true?

Mr. DOWNS. That is correct, sir.

Senator BIBLE. Is that true as against the Federal Government?

Mr. DOWNS. I might respond to that, Senator—

Senator ANDERSON. Do you have a citation about this?

Mr. DOWNS. I can supply one for the record, Senator. I am sorry, I don't have the citation with me. I do have, however, the reference to the original colonial grant, made from the King of England to Lord Baltimore, which granted to Maryland the river to "the farther bank of the Potomac," and that is the language, "the farther bank." That is the language from the original grant of the land of the State of Maryland, and this was the basis for the decision.

Senator ANDERSON. Well, a long time ago this committee had some arguments about that, and tried to discuss dominion, and so forth, who had the authority, and apparently not all this agreement was taken place. They have had some controversy about it. The regulation of water appropriations and the waste discharge and the responsibilities of the State of Maryland. It doesn't have anything to do with the State of Virginia. Can a high-rise apartment be granted by the State of Maryland, without the authority of the State of Virginia?

Mr. COULTER. Yes, sir, I am familiar with water law—somewhat familiar with water law, if I could qualify that.

Senator ANDERSON. Well, I am not a lawyer at all. But I am going to ask this question about it.

Senator BIBLE. He is the best nonpracticing lawyer in the United States.

Mr. COULTER. The concept which has been established in Maryland, I want to point out that I am not saying that Maryland has ever challenged the Federal Government's jurisdiction over navigable waters or the Federal regulation or preeminence in these areas. The case that Mr. Downs is citing has to do with the location of the boundary of the State of Maryland, and within the State of Maryland, there is this rather unique concept that the waters are owned by the State, and the State owns the bottom and under the water, which is somewhat different than the normal riparian thing that we were taught in school, under the appropriate right, and within that concept, the State has passed laws, which regulates both the withdrawal of

water, the discharge of water, the alteration of the waterways, up to the 50-year flood plan and within the State. It is often all considered State waters.

Senator BIBLE. I don't know if you had completed your thought or not.

Mr. COULTER. Well, I just want to reiterate that much of the water pollution control law, much of the appropriative legislation, appropriate water law legislation in the State, is based on the concept that the waters do belong to the State, and that the uses are by permit or license from the State.

Senator BIBLE. Of Maryland?

Mr. COULTER. Of Maryland; yes, sir.

And it is that program that we would like to see go unchallenged in this legislation.

Senator ANDERSON. Well, I know you would like to see it unchallenged, but the State of Virginia can challenge it, with appropriate strength, can't it?

Mr. DOWNS. Historically, Senator, the State of Virginia has not challenged it. As a matter of fact, the city of Leesburg, Va., has come to the State of Maryland and obtained a permit to withdraw water from the Potomac River, as any other user of Maryland water would be required.

Historically, they have not challenged it.

Senator ANDERSON. That doesn't mean they haven't challenged the question. It could come later on. We had some Supreme Court decisions about these matters, and as I recall it, it was recommended that the bed of the river, they had the two States (Louisiana and Texas) and the Sabine River between them and they found out they didn't have as much authority as they thought they had.

You say here the south boundary of the proposed park must be clearly defined and must exclude the Potomac River.

Supposing Virginia doesn't want to include that, or some friend of Virginia doesn't want to include that, or some person doesn't want to? What do you say about this?

Do you say it can be done?

Mr. COULTER. Well, I am sure that the Congress of the United States could set the boundary anywhere that it wants to. I think that it would cause grave hardship, and cause some rather severe disturbances, in the Federal-State relationships and water management of the river, if another entity was put on this.

As I understand the communications and the testimony to this point on the park boundary on the south, the Park Service for this park feels that they need access to the river, and that their boundary should go to the water in the river.

Senator ANDERSON. Which is that?

Mr. COULTER. The Park Service.

Senator ANDERSON. What group is that?

Senator BIBLE. The Park Service, I think he testified.

Senator ANDERSON. Isn't this this contradiction to what you said here a while ago?

Mr. COULTER. Senator, I will have to apologize also. I have some artillery damage, and I can't hear very well, and I can't pick up the question.

Senator BIBLE. Well, let's clarify the question. The Senator from New Mexico is anxious to know whether or not there wasn't some conflict in what you earlier said with what you just completed saying. That is his question.

Mr. COULTER. The conflict doesn't exist in my mind. If my words are misleading.

Senator BIBLE. Just see if we can clear this record a bit. Why don't you just tell us exactly what the State of Maryland's position is, insofar as the south boundary is concerned?

Mr. COULTER. The State would like to see the south boundary defined, either on the maps, or in legislation, to clearly show that the boundary of the park is the north bank of the Potomac River, and that words be included to the effect that nothing in the legislation is intended to affect the jurisdiction of Maryland over the Potomac River, or its jurisdiction over the islands in the river.

Senator ANDERSON. Now may I read you some more of the testimony here?

It says:

The relation of water appropriations and the waste discharges are responsibilities of the State of Maryland. This is recognized in the Act of August 1, 1953, which requires the Secretary of the Interior to provide access for public utilities. The State of Maryland recommends that this requirement be clearly reaffirmed in . . .

That's the only thing. You want us, on a Federal basis, to grant you this right again, on the State of Virginia. And we don't have that right.

Senator BIBLE. I don't know, Senator Anderson, if that is exactly what the State of Maryland is saying or not. My impression is, from this testimony, and I admit it gets a little technical, when you get into water law, and the differences of the decisions of the various courts, it is a completely different concept than we have in the West. As I understand you, what you are saying is that if this bill is enacted, you want your rights, as far as the Potomac River, and the islands in the Potomac River, and the boundaries of the Potomac River, to remain just as they have been construed over the period since 1877?

Mr. COULTER. Yes, sir.

Senator BIBLE. I think that is what your point is. And—

Senator ANDERSON. I think my point is that you can't do it.

Senator BIBLE. Senator Anderson's question of you is that the Federal Government, you are asking them to waive any jurisdiction that they might have, because at no time, as I understand the statement of your lawyer, has the Federal Government ever interposed its Federal ownership, though they could, I guess. Is that the point?

Senator ANDERSON. Yes.

Senator BIBLE. I think that is what we were trying to clear up, and maybe you could speak to that point.

Mr. DOWNS. Senator, if I might speak to that point for a second, what Mr. Coulter is asking be put in the bill is not language which would grant anything whatsoever to the State of Maryland. It is language which would recognize whatever rights Maryland has.

It doesn't say what rights Maryland has, and doesn't attempt to give any rights. But what it is saying is that if Maryland has rights, then this bill would not alter those rights. It is not giving any rights or it is not taking any rights away.

Senator ANDERSON. Have you read this statement from Mr. Ellis?
 Mr. DOWNS. By Mr. Ellis? I have read Mr. Ellis' statement; yes, sir; but the language that we are asking for today is language which would merely say:

Nothing herein contained shall be construed to alter or affect the jurisdiction of the State of Maryland over the Potomac River or its jurisdiction over the islands therein.

Now, this is not intended by us to be a grant of any power from the Federal Government to Maryland. But merely to say, if we assume that Maryland has rights, then we wish to have those rights recognized. If Maryland does not have any rights, then the bill would have no effect.

Senator ANDERSON (reading):

Regulation of water appropriations and the waste discharges are responsibilities of the State of Maryland. This is recognized in the Act of August 1, 1953, which requires the Secretary of the Interior to provide access for public utilities. The State of Maryland recommends that this requirement be clearly reaffirmed in the legislation being proposed.

Clearly reaffirmed.

That isn't staying away from it. That puts us right square in the middle of it, doesn't it?

Mr. DOWNS. Senator, I think Mr. Coulter can respond to that.

These are two different questions I think we are talking about.

Mr. COULTER. Actually, point 2 on page 2 has to do with access to the river, for conduits and the pipes and the utilities that would be necessary to withdraw water or to discharge treated water back into the river.

Congress considered that issue, when it established the C. & O. Canal monument, and passed an act in 1953, with wording requiring the Secretary to permit permanent easements for utilities of that type, under regulations of the Secretary, and it is that point that we would like to see clearly recognized in this later legislation.

Senator ANDERSON. I am sure we can all get some feelings on this, but I do suggest here that in the western part of the United States, in the States of California, Arizona, New Mexico, and Texas, this might have been a red-hot question; and apparently, you have a different view here from what the Supreme Court has.

Mr. COULTER. Yes, sir; I am familiar with the river masters, and with the appropriative decisions that have been made there, and this is not the development of water law in Maryland.

Senator BIBLE. Well, I think that we don't want to stir up another water suit, because they go on forever and ever and ever, and I am very familiar with the case of *Arizona v. California*, which has been going on for, I guess, almost since the Colorado River water development program started. All Senator Anderson is attempting to do is to determine just what the Federal Government's position is in this whole picture, because the case, as I understand it—and you correct me if I am wrong—does disclaim the rights of the Commonwealth of Virginia, since 1877.

They say, "No, you have the bed of the river."

But I don't assume as a lawyer, and we will ask our own staff to check this through, because it is highly technical, that this would run against the Federal Government, which wasn't even a party to the

suit. And I don't know when the Federal Government might, through its new policies, under whatever administration, might say, "Well, we want to claim the river, the Potomac."

I don't know whether they would say that or not. It is a free-flowing stream, and I presume it has been declared navigable. Certain parts of it are, and out in our jurisdiction, that was inherent in some of the earlier water cases; any stream that was navigable or could be made navigable, meant that the Federal Government was right in the middle of it.

Senator ANDERSON. Yes.

Senator BIBLE. And that is the problem, I am sure, that is bothering Senator Anderson. So I would suggest, because this is highly technical, and it does require the best knowledge and experience and advice of lawyers, we will ask our lawyer to confer with your lawyer, and maybe they can suggest something that doesn't get us right in the middle of a water suit.

We are talking about trying to create a C. & O. National Historic Park, and I don't want to get involved in a controversial water matter. And I don't know whether it is part and parcel of this whole problem or not, because I understand you to say, "Well, just leave us where we are now. As far as the water problems are concerned."

I don't know whether it is that simple or not.

I think what Senator Anderson is saying is that we can't, as a congressional committee, put a waiver on whatever Federal Government rights might be there.

I don't know whether they have any rights or not. They sure had them out our way, because that is how we got Boulder Dam built. They came in and said it was a navigable stream; "therefore, the Federal Government has jurisdiction, therefore, we can go in and dam up the stream." Which they did, and to our benefit. It helped.

It is a great dam, a great undertaking, but those are some of the problems that I think are troubling the Senator from New Mexico.

Senator ANDERSON. That's it. I am not worried about the park.

Senator BIBLE. And I think that's his main concern. Whether there is anything that can be written, that takes care of that problem. I don't know. I would suggest, during the recess—it is obvious that this hearing may run a bit longer than I had originally anticipated—we are going to be in recess until 2:15, that some reflection on this problem is in order. At that time Senator Moss will take over, because I will be occupied on the floor.

I hope we can move some of our legislation, which seems to bog us down a bit, forward, and I don't know whether we can or can't; we are going to try, and so we will stand in recess, gentlemen, until 2:15.

I have no further questions of you at this time. I think it would help if your counsel would make arrangements to see our counsel, and maybe language can be worked out that satisfies the problems that have been very properly raised by the Senator from New Mexico.

Mr. COULTER. Mr. Chairman, before we adjourn, may I make it very clear that the State of Maryland strongly supports the development, the establishment of the park, along the C and O Canal. We do ask that these considerations be given.

Senator BIBLE. Yes, I understand, and I wasn't concerned with the water problem, when I was questioning George Hartzog, the Director, because there I was concerned with having a State park within a Fed-

eral park, and I think you have cleared that record, and we will submit it for the consideration of the committee.

Mr. COULTER. Thank you, sir.

Senator BIBLE. Thank you, Mr. Coulter.

(Mr. Coulter's prepared statement and the statement of Mr. Ellis, referred to by Senator Bible follow:)

STATEMENT OF JAMES B. COULTER, DEPUTY SECRETARY, MARYLAND DEPARTMENT OF NATURAL RESOURCES¹

Mr. Chairman and Members of the Committee: I am James B. Coulter, Deputy Secretary of the Maryland Department of Natural Resources. I am speaking on behalf of the Honorable Marvin Mandel, Governor of the State of Maryland, and the Honorable J. Millard Tawes, former Governor and now Secretary of the Department of Natural Resources.

Speaking for the Governor, Mr. Spencer Ellis, Director of the Maryland Department of Forests and Parks, testified at the hearing held in August by the House Subcommittee on Parks and Recreation in regard to the C & O Canal National Historical bills then under consideration. He indicated that the State of Maryland strongly supports the creation of the Federal park but urged that certain amendments be added to protect the State's legitimate interests in the Potomac River and the watershed. Although Maryland's position on the proposed park has not changed, and the concept of the park is still supported, our concern expressed in the August hearing must be reiterated today since they were not resolved in the park bill which the House passed, H.R. 19342.

For the sake of brevity, I will not repeat the longer statement presented to the House Subcommittee, but I am attaching it for inclusion in the record. My remarks are in the nature of a summary, highlighting our major concerns and requesting proposed amendments which are vital to Maryland's interests.

1. State Jurisdiction over Potomac waters

H.R. 19342 does not recognize Maryland's jurisdiction over the Potomac River. To avoid any future controversy regarding the State's jurisdiction and its authority to carry out appropriate management activities associated with the River, the State requests that H.R. 19342 be amended to include language indicating that nothing contained in the bill should be construed to alter or affect the jurisdiction of Maryland over the Potomac River or its jurisdiction over the islands therein.

2. Access to the River

Previously enacted legislation pertaining to the Canal (Act of August 1, 1953, 67 Stat. 359) requires the Secretary to grant permanent easements across Federal land for public utility purposes. The State requests that H.R. 19342 be amended to indicate that the Secretary will still be subject to the provisions of the 1953 Act.

3. Continuation of Maryland's Program Open Space Forestry, Parks, and Wildlife Management Programs

While the bill recognizes the compatibility of the State's acquisition and development program in the areas adjoining the proposed Federal park, it does not provide assurance to the State that it will be able to carry out its acquisition program. The State of Maryland currently has a program underway to acquire, develop, and manage three major multiple-purpose areas contiguous to the Potomac River. These areas are Green Ridge State Forest in Allegany County, Fort Frederick State Park in Washington County, and McKee Beshers Wildlife Management Area in Montgomery County. These projects are a part of the State's Program Open Space and property is currently being acquired.

The Green Ridge State Forest project will acquire all private property along the Potomac River from Town Creek to Sideling Creek. The Paw Paw Bends area of the river is included in this project.

The Fort Frederick State Park entails acquisition by the State of all private property along the Potomac from the Western Maryland Railroad crossing

¹ Statement presented December 15, 1970, before Senate Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs.

above Big Pool to the confluence of the stream immediately east of Lock 47. The Prather's Neck section is included in this project.

The McKee Beshers project calls for the State to acquire all private property along the river from the west end of Selden Island to Seneca Creek.

With regard to the above described acquisition program, the State requests that H.R. 19342 be amended to specifically exclude the areas indicated from the proposed Federal park.

Mr. Chairman, I have tried to be as brief as possible in summarizing Maryland's position with regard to H.R. 19342. As indicated previously, the State will give its unqualified support to this bill if the requested safeguards are provided. The State believes that these safeguards are compatible with the proposed Federal development. I will be happy to answer any questions.

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

Mr. Chairman: My name is Spencer P. Ellis and I am Director of Forests and Parks for the State of Maryland. This statement is presented on behalf of The Honorable Marvin Mandel, Governor of Maryland and The Honorable J. Millard Tawes, Secretary of Natural Resources for the State of Maryland.

The State of Maryland supports the concept of establishing and developing the Chesapeake and Ohio Canal National Historical Park. Although Maryland favors converting the Chesapeake and Ohio Canal into a National Historical Park, a review of the legislation now before this committee raises many questions. Some of these questions are herewith discussed.

1. The water and the bottom of the Potomac River belong to the State of Maryland. From the drawing entitled "Boundary Map, proposed Chesapeake and Ohio Canal National Historical Park", in five sheets numbered CHOH 91,000, dated October 1969, as prepared by the National Park Service, Department of the Interior, the south boundary of the park appears to be the south shore of the river. The State of Maryland will not relinquish control of the Potomac River from Washington to Cumberland or convey title to this portion of the river to the United States. Therefore, the south boundary of the proposed park must be clearly defined and must exclude the Potomac River.

2. The regulation of water appropriations and the waste discharges are responsibilities of the State of Maryland. This is recognized in the Act of August 1, 1953 (67 Stat. 359) which requires the Secretary of the Interior to provide access for public utilities. The State of Maryland recommends that this requirement be clearly reaffirmed in the legislation being proposed. The Act should also require the Secretary to establish regulations within a specified period governing the conditions under which park land will be crossed by public utility lines. The legislation should also protect the jurisdiction of the State of Maryland over Potomac River water. These safeguards to the State are necessary to insure that the park will not become an impenetrable barrier along the Potomac that would cause adverse effects on development in the watershed area between Cumberland and the District of Columbia.

3. The State of Maryland currently has a program underway to acquire, develop, and manage three major multiple-purpose areas contiguous to the Potomac River. These areas are Green Ridge State Forest in Allegany County, Fort Frederick State Park in Washington County, and McKee Beshers Wildlife Management Area in Montgomery County. These projects are funded from the State's Program Open Space and property is currently being acquired. The best interests of the State of Maryland and the United States will be served if this program continues.

The Green Ridge State Forest project will acquire all private property along the Potomac River from Town Creek to Sidling Creek. The Paw Paw Bends Area of the river is included in this project.

The Fort Frederick State Park project entails acquisition by the State of all private property along the Potomac from the Western Maryland Railroad crossing above Big Pool to the confluence of the Stream immediately east of Lock 47. The Prather's Neck section is included in the project.

The McKee Beshers project calls for the State to acquire all private property along the river from the west end of Selden Island to Seneca Creek.

The Chesapeake and Ohio Canal passes through all three of these areas and is an important feature of each site. The State does not intend to purchase the

canal and tow path from the United States, although efficient management of the entire unit could be best accomplished by one agency operating the entire area. To accomplish this purpose, Maryland desires to lease that portion of the canal within the boundaries of the State's projects after restoration is completed by the National Park Service. A management agreement should be negotiated between the State of Maryland and the United States to turn this proposal into a reality. Coordinated planning between the National Park Service and the Maryland Department of Natural Resources is essential if the development potential of the entire park is to be realized. The language contained in Section 5 (C) of H.R. 658 should be included in the Act to ensure coordination with and continuation of all State and local projects currently underway or planned for the future.

4. The Potomac River is an extremely valuable resource that provides a wide variety of water-based recreation opportunities. Public access to the river for recreation purposes, including hunting on lands adjacent to the river by licensed hunters during the regular season, must be guaranteed. Present National Park Service policies and regulations preclude hunting in park lands. This policy is not compatible with the best management practices for certain sections of the proposed park and are, therefore, contrary to the best interest of the State. Portions of the proposed park between the canal and the river should be leased and managed by the State so that hunting would not be precluded.

5. H.R. 658 requires the appointment of an advisory commission. The Secretary of the Interior has recommended certain amendments to Section 8 of the printed bill. Maryland recommends that the committee reject the proposed amendments and that Section 8 be enacted as printed. Were the proposed amendments enacted, the Secretary of the Interior could veto or block the Governor's appointments to the commission.

6. The legislation currently being considered by Congress does not provide for the preservation and protection of the south shore of the Potomac River. Nevertheless it is imperative that the scenic and aesthetic qualities of the Potomac Valley be retained if the full potential of the Chesapeake and Ohio Canal National Historical Park are to be reached. Congress should seriously consider including in the act creating the park appropriate authority to protect the south shore of the Potomac and to encourage the states of Virginia and West Virginia to participate in such a program.

7. If the committee desires, the State of Maryland through the Department of Natural Resources, or through this witness, will suggest proposed amendments or will assist the committee's staff in the preparation of possible amendments so that the Chesapeake and Ohio Canal National Historical Park can become a reality and the best interests of the State of Maryland and of the Nation will be served.

Mr. Chairman, thank you for the opportunity to appear before this committee and to discuss this important legislation.

(Whereupon, at 12:38 p.m., the subcommittee recessed, to reconvene at 2:15 p.m., the same day.)

AFTER RECESS

(The subcommittee reconvened at 2:15 p.m., Senator Frank E. Moss presiding.)

Senator Moss. The subcommittee will come to order.

As many of you were here this morning, you know we have a very great problem in trying to complete today, if possible, this hearing. We had hoped that we could report the bill to the floor and that the Senate might act within the next 2 or 3 days so that this park could be created in this session of the Congress. If we fail to complete our hearings and the matter is not referred, why of course it means that the bill would die and we would have to start over again next year.

For that reason I want to ask for the cooperation of all of those who are appearing as witnesses. We want to give everyone his opportunity. On the other hand, we want to encourage those who appear to be very

brief in the presentation. If you have a prepared statement, which I assume nearly everyone does, we will automatically place the full statement in the record and it will be reproduced for the committee's use. What testimony is given here orally need not repeat all of the material that was printed and entered, and only those matters that you feel are of greatest importance to call to the attention of the committee should be mentioned in the oral testimony.

Apparently there will only be one Senator here this afternoon and I will have to carry on whatever matters you want to emphasize to the remainder of the committee.

With that brief preliminary we will see if we can move through this list of witnesses.

Our next witness is Mr. Joe Howard of the Montgomery public schools.

Mr. Howard, we are glad to have you.

STATEMENT OF JOE HOWARD, MONTGOMERY COUNTY PUBLIC SCHOOLS; ACCOMPANIED BY GABRIEL JACOBS

Mr. HOWARD. I would like to request that Gabriel Jacobs, a colleague of mine, join me at the stand for the brief statement I would like to present.

Senator MOSS. Mr. Jacobs.

Mr. HOWARD. I have a very brief statement.

I would like to thank the committee for the opportunity to be here to present this statement. I am with the Montgomery public school system which is one of the largest in the country. We have over 126,000 students in the public schools. We feel very fortunate, indeed, to have much of the C. & O. Canal within our county within its borders. It is a rich resource for historical and scientific study and one the schools make continual use of as a vehicle for learning. Weekly hikes from Catocin Aqueduct to Point of Rocks are a regular part of our outdoor education program and thousands of students visit Great Falls, the Monocacy Aqueduct and other points of interest annually to study the history, biology, and geology of these areas.

The old locks, lockhouses, aqueducts, and other artifacts which remain in such abundance along the canal are unsurpassed resources for studying about the great canal-building and transportation era of this country. The river, the woods, the rocks, the fields, and multitudes of other environmental features along the canal are outstanding areas for studying the natural sciences. At this time when the need for our children to develop an appreciation and concern for the environment is so essential, it is of utmost importance to preserve natural areas, where environmental awareness can be developed. Such areas are especially needed near the large population centers. It is indeed fortunate that such an outstanding natural and historic area is still available to us.

Funds provided in the C. & O. Canal bill would not only expand the park but would also be used to restore certain features along the canal, some of which have deteriorated badly. The Catocin Aqueduct, as an example, has been neglected for so long, it is only with extreme caution that students should be taken to what's left of this interesting

structure. But children are fascinated with it, as they are with most of the canal.

Some of the work we have done with children has engendered strong feelings on their part in favor of the canal as a national park, and some have put their feelings in writing, and we would like to share a few of them with you. Although these are elementary students speaking, the honesty of their statements make them as eloquent as any adult's.

One boy wrote:

I hope the C&O Canal and the area around it will soon become a national park. Then it would belong to the whole United States to enjoy. * * * I think it would be nice for people who live in Washington, which is a crowded city, to just be able to come out of the city and see all this wildlife.

A little girl wrote:

I feel that they should make the C&O Canal a national park, because if they don't the canal will waste away. Then our children and theirs will never see how locks were made and worked. I myself have not seen a lock with water in it. When I went to Mar-Lu-Ridge I saw lock #29. . . . This was my first time seeing a lock. (I would like to go back again to see a lock that is being operated.) It was fun finding rope burns, stonemasons' marks and hardware that was there. . . . It is very interesting finding a rope burn that is many times older than you. . . .

And finally here is an excerpt from another little girl's writing after she had visited the canal:

When I went to Mar-Lu-Ridge we went to the canal and I walked along the towpath. It was a beautiful hike and it was shady and quiet, so if you change it into anything change it into a park. It would be a shame if it just rotted away. Think of all the time it took men in the 1800's to make the C&O Canal. All the digging and sore hands! And the years it took to make it. But when I asked someone where the canal was he pointed to a big ditch on the right. Then I said to myself this should be changed into something and now I have the answer: a park.

The Montgomery County school system agrees, and although we argue for favorable consideration of this bill on educational grounds, we feel that the opportunities such a park would provide for renewing the spirit are as important as the unlimited possibilities it would provide for developing the intellect.

Thank you.

Senator Moss. Thank you very much.

Thank you, Mr. Jacobs.

Mr. Alfred F. Trask, American University Park Citizens Association.

**STATEMENT OF ALFRED F. TRASK, AMERICAN UNIVERSITY PARK
CITIZENS ASSOCIATION, FEDERATION OF CITIZENS ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA**

Mr. TRASK. Mr. Chairman, I am appearing for the Federation of Citizens Associations since I was authorized to appear for them.

Senator Moss. Fine.

Mr. TRASK. My name is Alfred S. Trask. I am a delegate from the American University Park Citizens Association, representing the Federation of Citizens Associations of the District of Columbia. We have 29 member associations.

We heartily endorse the proposed Chesapeake and Ohio Canal National Historical Park. It brings to fruition longstanding plans to develop this unique historical and recreational asset from Washington to Cumberland.

While the canal is owned by the U.S. Government, the property itself has lain largely dormant since it went out of operation in 1924. As stated in the original parkway report in 1950, over the years the canal and its structures have received little or no maintenance attention, have become overgrown, are inadequately policed, in some areas constituting unhealthful conditions and give rise to constant problems of administration. (Chesapeake and Ohio Canal Report, August 16, 1950, House Document No. 687, 81st Congress, page 1.) Of course, in the meantime, the Park Service has done work on it, notably in opening the towpath to Cumberland, but for proper preservation the property needs national park status.

We should like to stress particularly the importance of adequate maintenance. Lock houses and aqueducts have deteriorated. Trees grow out of the sides of the stone aqueducts. While the early B. & O. Carrollton viaduct over the Patapsco River at Relay, Md., still carries present day trains, the beautiful three-arch Catocin aqueduct has deteriorated to the point where it must be rebuilt. The others can be saved. To submerge many of them by dams as proposed at one time by the Corps of Engineers would irreparably damage the natural and historical features of the areas affected.

The acquisition of additional acreage to protect the park is essential since the canal company in times of financial stress sold off practically all its land except that required for the operation of the canal. (Sanderlin, Walter S., "The Great National Project.")

We would hope that a possible development by the Park Service right up to the end of the canal in Cumberland as it is in Georgetown will not be precluded by this legislation. We say this because we enjoy this end of the canal so much.

The Congress may be assured of solid citizen support of this project. We note that the park was endorsed by the Georgetown Citizens Association at the Senate hearing in 1957 on S. 77, 85th Congress.

Accordingly, we ask approval of the House-passed bill.

Senator Moss. We are pleased to have you come and bring this endorsement of the various associations which you represent. Thank you very much, Mr. Trask.

Mr. Joseph C. Davis, vice president of the Wanderbirds Hiking Club.

Glad to have you, Mr. Davis. If you would tell us briefly what the Wanderbirds Hiking Club is and what your opinion about the bill is.

STATEMENT OF JOSEPH C. DAVIS, VICE PRESIDENT, WANDERBIRDS HIKING CLUB

Mr. DAVIS. As vice president of the Wanderbirds Hiking Club, I am testifying in favor of House of Representatives bill H.R. 19342. The Wanderbirds Hiking Club was founded in 1934, has about 300 members, and a mailing list of about 450 people.

Not only do we have this membership but we have a rotating membership of people all over the world. We have hikers from Denmark, Norway, England, France, Germany, and many other countries.

I personally am a member of the Potomac Appalachian Trail Club and a member of the Technical Advisory Committee on Air Pollution of the Metropolitan Washington Council of Governments. I am only speaking for the Wanderbirds Hiking Club, however, and here is my statement.

The Wanderbirds Hiking Club believes that the bill passed by the House of Representatives is effective and acceptable. The canal and its towpath has been used by hikers from many hiking clubs for a number of years. It should be preserved and improvements made as specified in the House bill, not only for the hiking clubs and public enjoyment, but also because of the desirability of preserving green area near the growing metropolitan area near the canal. City planners are everywhere recommending green areas as one important step in the preservation of ecological balance. This green area is a common denominator wherever I go and I hear city planners talking about new cities and their problems.

Thank you very much.

Senator Moss. Thank you, Mr. Davis.

Mr. Richard Lahn, Sierra Club.

STATEMENT OF RICHARD LAHN, SIERRA CLUB

MR. LAHN. Mr. Chairman, I am conservation chairman of the southeast chapter of the Sierra Club. I wish to submit a short prepared statement for the record if there is no objection.

Senator Moss. That may be done, and it will be made a part of the record.

We favor enactment of H.R. 19342 and we hope that the natural beauty and grandeur of the canal can be maintained. Our only objection is the large amount of money that is authorized for the development. We hope specifically to state our objections at future appropriation hearings. We believe that it is not possible to improve upon nature and that parts are nonconstructed—rather, they are carefully opened.

We support the C. & O. Canal Historic Natural Park and thank you for the opportunity to express our views.

Senator Moss. Well, thank you, Mr. Lahn. I understand your point. You think that no excessive amount of development should be done, it should be left as nearly as possible in its present state.

Mr. LAHN. Right.

Senator Moss. Thank you.

Mr. Guy S. Kidwell of Hancock, Md.

Is Mr. Kidwell here?

Mr. Mason Gigeous of the Potomac Fish and Game Club, Williamsport, Md.

STATEMENT OF MASON GIGEOUS, POTOMAC FISH AND GAME CLUB, WILLIAMSPORT, MD.

MR. GIGEOUS. Mr. Chairman, I am Mason Gigeous of Williamsport, Md., representing 445 members and families of Potomac Fish and Game Club. I also have present other members of the club that would be happy to comment on the bill if called upon.

For nearly 20 years we have been dealing with the National Park Service and always cooperate with them. In the years gone by we were active in all conservation programs, soil erosion, tree planting and even used the canal as a small mouth bass rearing pond. Today we are still trying to improve the recreational facilities for ourselves along with the general public.

We are always happy to see the hikers using the towpath and we welcome all the outdoorsmen that camp overnight or those using the pavillion or any other facilities while they are in our area. We could consider ourselves a complement to the National Historic Park Service. We feel that the bill is broad enough but various options should be specified. This, I believe is the intent of this meeting today, to make absolutely clear your report spells out easements across the parklands to reach the great Potomac River.

Secondly, we feel that farms, summer homes and clubs which are about to be acquired could be granted live estate use if their uses are compatible with the park uses. We also suggest that the committee consider in its report to establish the southern peg line at the high water mark. This will eliminate the permits that would normally be issued to all those who now enjoy utilizing the beautiful river for recreational purposes.

I wish to thank the committee for giving us the opportunity to appear and present our views and hope you will make available our request in your report that will cover the bill.

Senator Moss. Thank you for that testimony, Mr. Gigeous, we are very glad to have it and have your representation of the Potomac Fish and Game Club.

Mr. Tommy C. Ishee, president of the Potomac Basin Federation.

STATEMENT OF TOMMY C. ISHEE, PRESIDENT, POTOMAC BASIN FEDERATION

Mr. ISHEE. Mr. Chairman, my name is Tommy C. Ishee. I am president of the Potomac Basin Federation. The federation is an organization primarily of citizens' groups stretching up and down the full length of the Potomac River and its tributaries. We are the people who occupy now the portions of the Potomac Basin which will be affected by this proposal.

We appear today in opposition of the passage of either S. 1859 or H.R. 19342 in this session of Congress. We are unalterably opposed to the acquisition of 15,000 additional acres for this park and we oppose even more vehemently the use of the power of condemnation to acquire it. The Honorable Rogers C. B. Morton in H.R. 4836 recommended the acquisition of only 1,000 additional acres. This is a much more reasonable proposition and one we might be willing to accept if the acquisition were only from willing sellers, which we believe is possible.

We appeared before the House Subcommittee on National Parks and Recreation on August 13 of this year in favor of the C. & O. Canal National Historical Park under certain conditions which we outlined to the committee. Apparently the committee listened with one ear but not the other. Nevertheless, because we are the most affected parties, and because our most vital recommendations were not taken into ac-

count in the bill, we are now constrained to stand in opposition to both H.R. 19342 and S. 1859 in this Congress.

In general, we favor the creation of a C. & O. National Historical Park, but we are absolutely opposed to a general land acquisition program for this park or for any other purpose along the shores of the Potomac River.

What are these bills all about? Are we trying to protect and preserve a historic and scenic area, or are we merely trying to acquire more land? The Federal Government now owns 5,250 acres along the C. & O. Canal. S. 1859 proposes that we acquire 15,000 acres more—putting a total of 20,250 acres in public ownership, H.R. 19342 proposes that we acquire all we can with \$20 million. At an average value of \$1,333 per acre, this is roughly the same thing, 15,000 more acres.

The Upper Potomac River is 266 miles long from its origin as a tiny mountain stream to Washington, D.C. Just to pose some picture of what 15,000 acres means, if the 15,000 acres were to be taken as a 500-foot-wide strip, this would include the entire Maryland shore of the Potomac River from Washington upstream to the river's point of origin. If the strip were 1,000 feet wide, it would stretch 23 miles up the river.

We are unalterably opposed to the use of the power of condemnation for the establishment of the Chesapeake and Ohio Canal Park. We know that it is not necessary. We believe it is not desirable. Therefore, I most earnestly petition you and your committee to withhold approval of either of these bills presented, and to hold them over until the next session of Congress.

The two bills are far apart, despite their similarity in the amount of land to be acquired. Neither of them meet the desires and objectives of the residents of the area affected. We urge that you not rush these through this session.

Mr. Chairman, the recommendations that the Potomac Basin Federation feels should be incorporated into any proposal for a Chesapeake and Ohio Canal National Park are contained in my statement before the House committee on August 13. To conserve the committee's valuable time, I am attaching for the record and your consideration my statement before the House committee.

Thank you.

Senator Moss. That House statement will be printed in full in the record.

Senator Moss. I understand your position is that you believe first of all the amount of land proposed for acquisition is far too large and secondly you object to the power of condemnation being exercised in order to obtain any of the land, is that right?

Mr. ISHEE. That is right, sir. We don't feel in the first place that this much land is needed, and in the second place we do not feel that the power of condemnation is really needed to acquire land for additional campsites and parking which are the things that really are necessary to complete the park.

Of course if it turns out that condemnation is necessary in the future, it could be available then but our experience with Government agencies in the use of condemnation power has been very sad in some instances and we would rather it not be given to them unless it is absolutely necessary.

Senator Moss. Well, thank you, Mr. Ishee. We are glad to have your statement, and your position will be noted and considered.

Mr. ISHEE. Thank you.

(Mr. Ishee's complete statement follows:)

STATEMENT OF TOMMY C. ISHEE, PRESIDENT, POTOMAC BASIN FEDERATION

Mr. Chairman and members of the committee: My name is Tommy C. Ishee. I am President of the Potomac Basin Federation. The Federation is an organization primarily of citizen's groups stretching up and down the full length of the Potomac River and its tributaries. We are the people who occupy now the portions of the Potomac Basin which will be affected by this proposal.

I stated in a recent meeting with Secretary Hickel that the Potomac Basin Federation would probably support a properly drawn bill to establish a C. & O. Canal National Historical Park. Today, I speak not to any one of the several bills that have been introduced, but I present the Federation's position on provisions which we think should be included in the Committee's Bill. Although the points I make are stated briefly and simply, we consider them to be urgent and necessary.

The Potomac Basin Federation favors restoration and maintenance of the C. & O. Canal as a National Historical Park, but subject to reservations and conditions embodied in the following recommendations:

Recommendation (1). Any C. & O. Canal Park legislation should, by map, specify the limits of the park. Further land acquisition should be held to a minimum; should be for parking and camp sites; should not exceed 20 percent of the now-existing acreage in government ownership in the park; and should be limited to a maximum of 100 acres in any one area.

Recommendation (2). All land acquisition should be from willing sellers. Condemnation or taking by declaration should be *specifically* prohibited in the legislation, regardless of source of funding.

Recommendation (3). Purchase or rental of scenic easements, from willing sellers or lessees, on the river side of the canal, should be encouraged and actively pursued.

Recommendation (4). Existing rights of proprietors of lands along the canal should not be impaired.

Recommendation (5). Any person should be able to cross park land by foot at any point to achieve access to the river or to reach privately owned land.

Recommendation (6). State and local authorities should not be denied the use of nor the right to cross park lands when necessary for public health or safety.

Recommendation (7). Sufficient personnel should be provided to assure adequate police protection for the safety of the public and to keep the publicly-owned canal and river shores free from litter and debris.

Recommendation (8). In general, Mr. Chairman, the Federation believes that the character of the shores of the Potomac River System should be varied in ownership and in use. For this reason, we feel that no further fee simple acquisition of river shoreline along the C. & O. Canal is necessary or desirable.

In this vein, I would like to close my remarks with a quote from George Washington expressed in a letter to Lafayette: "At last I am become a private citizen on the banks of the Potomac, under the shade of my own vine and my own fig tree."

Mr. Chairman, the Potomac Basin Federation appreciates this opportunity to make its views known to the Committee. We hope that the Bill which you finally write will embody the principles I have expressed to you today.

Thank you.

Senator Moss. Mr. Dennis Conroy, chairman of the Canoe Cruiser Association.

STATEMENT OF DENNIS CONROY, CHAIRMAN, CANOE CRUISER ASSOCIATION

Mr. CONROY. Thank you, Mr. Chairman.

I wish to express my thanks to you and other members of this committee for scheduling hearings on the C. & O. Canal Park. The Canoe

Cruisers Association hopes that this committee will accept H.R. 19342, as passed by the House, and report the bill out of committee in time for passage before Congress adjourns. We believe it is a good bill.

Mr. Chairman, I would like to submit my statement to the committee following one addition because it refers to this morning's testimony.

Senator Moss. All right.

Mr. CONROY. With regard to the authorization for development, the Canoe Cruisers Association reduced the expenditures reflected in the House bill given to restoring the engineering structures. Additional funds requested by the Department of Interior for special development projects we do not favor as overdevelopment for mass recreation would destroy some of the scenic values which we seek to protect.

Thank you, Mr. Chairman, for the opportunity to testify in favor of the House bill.

Senator Moss. Thank you, Mr. Conroy. Your statement in full will be in the record. You have some of the precaution that the Sierra Club offered of not overdeveloping.

Mr. CONROY. Yes; we do.

(Mr. Conroy's prepared statement follows:)

STATEMENT OF E. DENNIS CONROY, REPRESENTING, CANOE CRUISERS ASSOCIATION

Mr. Chairman, I wish to express thanks to you and other members of this Committee for scheduling hearings on the C. & O. Canal Park. It is our hope that the Committee will accept H.R. 19342, as passed by the House, and report the bill out of Committee in time for passage before Congress adjourns. We believe it is a good bill.

My name is E. Dennis Conroy I live in Brookmont, Maryland, a community adjacent to the C. & O. Canal. While, on this occasion, I represent the Canoe Cruisers Association, as its Chairman, you can be assured that my neighbors in Brookmont would also be delighted by the passage of this park legislation and the Brookmont Civic League has passed a resolution favoring the House passed bill. The Canoe Cruisers, in which I hold the highest elective office as its Chairman, has a total membership of 1154 persons, of whom approximately one-third reside in Maryland where most of the C. & O. Canal is located. The Canoe Cruisers favor an expanded park along the Potomac River, and since the founding of this organization in 1956, it has consistently supported legislation to protect the environment of the Potomac River whenever such legislation has been proposed.

The Association favors expanded acreage over the present C. & O. Canal Monument established by Executive Order in 1962. We favor acquiring private inholdings between the present park and the river bank, as the first priority. While we understand that funds may not be immediately available from the Land and Conservation Fund for this purpose, we believe that enactment of this legislation is necessary, and that funds will be made available by Congress and the Administration eventually.

With regard to authorization for development, we favor reduced expenditures reflected in the House Bill, with first priority being given to restoring the engineering structures: aqueducts, locks, and lockhouses, and rewatering the Canal where feasible. Additional funds, requested by the Department of Interior for special development projects, we do not favor, as overdevelopment for mass recreation would destroy the natural environment which we seek to protect. Our members enjoy fast rides through the rapids of the Potomac, passing through an uncluttered and peaceful, natural scenic environment. Other canoeists, less experienced in white water, and family groups, find much quiet pleasure in paddling through the serene stretches of the C. & O. Canal, gliding along between banks of grass and wildflowers, under the arching branches of willow and sycamore trees, where the refreshing sense of wilderness can be achieved in astonishing proximity to this great city.

Thank you, gentlemen, for the opportunity to testify in favor of the House passed bill.

Senator Moss. Mr. Bernhard G. Charles and Mrs. John Goulding, both of Shepherdstown, W. Va. Would you both come forward?

Mr. CHARLES. We are not both from Shepherdstown. I am from Big Spring, Md.

Senator Moss. All right. We will be glad to hear you from Big Spring.

STATEMENT OF BERNHARD G. CHARLES, BIG SPRING, MD.

Mr. CHARLES. My name is Bernhard Charles. I own land along the C. & O. Canal at Four Locks and Charles Mill and have lived there all my life. I am here to ask that the bill you are now considering be amended to state that no land be acquired for this park by condemnation. I do not feel that I should be made to give up my land merely for public pleasure, and I feel this very strongly. This is what you are doing here. You are taking my land away from me so somebody else can enjoy it, for no other purpose.

Now I don't think I should have to appear here before this committee, I think that my Congressman should do that, but this is kind of a joke in this case because Senator Beall and Senator Mathias are my Congressmen and they are the people who are in essence advocating taking my land away from me. I don't really have anybody to speak for me here.

Now one of the things which bothers me most about this bill is the deceit which has gone into its makeup. The main thrust of the bill is to authorize acquisition of additional land, yet nowhere in the versions which I have seen are the words "condemnation" or "eminent domain" used. Mr. Ishee is the first party that has mentioned that here today.

The point I want to make here is that the Wanderbirds Hikers Club and the Canoe Cruiser people and the Boy Scouts when they get up here and advocate this bill, do they know that they are advocating condemnation of my land? I don't think they do. I don't think you can read the bill and understand that, and this is deceptive.

I think this is done deliberately; this is why I used the word "deceit." It is done deliberately to keep from rocking the boat until this thing gets through Congress.

There has been considerable stress made of the fact that at least the House version of the bill provided for access across the canal lands to private property between the canal and the river. There is no private property left there on the map. I think this is done deliberately.

I think we had another example of possible deceit here this morning in the testimony regarding the State acquisition of the land and then turn it over to the Federal Government. I think that if you will really dig into that you will find that if the condemnation power is limited by this bill, the State will use their power of condemnation to take my land. I happen to be in one of these bubbles here and I just learned this mornning that the State is actively engaged in acquiring my land.

Now when a businessman brings out a new issue of public stock he has to spell out in detail the good side as well as the bad side. He has got to make a full, honest, open disclosure of all sides of his business venture, and I think that we are entitled to that same standard of

ethic from our Congress and from the people in the executive branch.

I submit that the bill before you today has not met these standards. As a business venture subject to the SEC scrutiny parties to it would be jailed or fined. Is it any wonder that the little people in America are losing confidence in their Government?

I guess that is a pretty solemn statement in view of the testimony that has been given here on behalf of this bill this morning, but I think if you make some honest reflections on that statement you will find I am not too far off.

I would like to accompany this testimony with a letter from Senator Mathias which provides the specific information regarding condemnation which was not in the bill, and in that letter he says condemnation will follow. I won't read the letter but it is very specifically stated there.

(The letter referred to follows):

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., September 2, 1970.

MR. BERNHARD G. CHARLES,
Big Spring, Md.

DEAR MR. CHARLES: Thank you for your letter of August 21 in further regard to the impact of pending C & O Canal legislation on your property near Four Locks.

My objection in consulting the Superintendent of the Canal was to determine to what extent your holdings fall within the boundaries of the park as proposed by the National Park Service. Obviously, if all or part of your property is outside the proposed park area, the authorization of the park would have no effect on your ownership of that acreage.

In regard to property within the authority boundaries of any national park, the U.S. Court of Appeals for the Fourth Circuit held on June 29, 1970, in the case of *U.S. v. 365 Acres*, that "the Act of August 1, 1888 . . . permits any Government officer who is authorized to procure real estate for public purposes to acquire the same by condemnation whenever it is necessary or advantageous to do so."

For your information I am enclosing copies of that decision and section 1 of the Act of August 1, 1888. Subsequent sections of that Act of course establish procedures for condemnation cases and require that a fair price be paid for all property taken under this Act.

Also enclosed is a copy of my testimony before the House committee. You will note that I urged the committee to consider a full range of alternatives to fee acquisition of property, such as scenic easements and other arrangements to minimize the actual taking of land where not required for intensive recreational use or facilities such as boat ramps and picnic areas.

I hope this information is helpful to you. I will be in further touch when I have received a reply from the National Park Service.

With best wishes.

Sincerely,

CHARLES MCC. MATHIAS, JR.,
U.S. Senator.

(The information referred to by Senator Mathias is in the committee files.)

MR. CHARLES. I think that is all I have to say.

I would like to make another comment which is not included in my written statement. As an engineer I think the \$20 million to rewater 92 miles of canal should be doubled, you cannot do it for \$20 million. The bottom of the canal is lined with clay and the roots have broken that line. It didn't work when it was new. Our maintenance was always a problem.

The locks always leak, one of the reasons the canal was a financial failure. To repair those locks, the stones have to be taken out one by one and numbered, moved out, new foundations put in and put back piece by piece. The whole canal lining through the limestone areas, the canal is going to have to be lined. You are going to have to put a plastic lining in it, you are going to have to bring in chemicals or line it with asphalt before it will hold water. These figures on maintenance of a rewatered canal, \$20 million was probably not enough.

That is all I have to say, and I thank you.

Senator Moss. Thank you, Mr. Charles, for expressing your opinion on this matter. I understand some of your feelings about the use of eminent domain in acquiring private lands. This has been the method used, however, for centuries and I assume that it will continue to be the method used where public needs are deemed to supersede individual needs as long as there is fair and just compensation.

(The prepared statement of Mr. Charles follows):

STATEMENT OF BERNARD G. CHARLES, BIG SPRINGS, MD.

My name is Bernhard Charles. I own land along the C&O Canal at Four Locks and Charles' Mill, and have lived there all my life. I am here to ask that the bill you are now considering be amended to state that no land be acquired for this park by condemnation. I do not feel that I should be made to give up my land merely for public pleasure.

Nor do I believe that I should have to appear in front of this committee in defense of my property rights. This is a job which should properly be done by my elected representatives. However, that's a joke in my case, since Senator-elect Beall and Senator Mathias are sponsors of the bill now before you.

One of the things which bothers me most about this bill is the deceit which has gone into its make-up. The main thrust of the bill is to authorize acquisition of additional land, yet nowhere in the versions which I have seen, are the words "condemnation" or "eminent domain" used. Is there anyone here who can read this bill and then state whether or not it provides for condemnation? Is there anyone here who doubts that the language used has been deliberately vague, in order not to rock the boat too much before passage?

The versions which I have seen provide for access across canal lands to private property lying between the canal and the Potomac River. Is there anyone here who doubts that the Park Service intends to acquire all, or practically all, of the lands between the canal and the river, and that this clause has been merely a decoy intended to leave the impression that private property rights will be respected?

A business man bringing out a new issue of public stock has to spell out in great detail the bad side as well as the good of his business venture. He is required to lean over backward in making a full, honest disclosure, and is held liable to the investors for any misleading omissions or misstatement of facts. Are we not entitled to expect the same standards of ethics in the preparation of new legislation as we are in a business prospectus?

I submit that the bill before you today has not met these standards. As a business venture subject to S.E.C. scrutiny, parties to it would be jailed or fined. Is it any wonder that the little people in America are losing confidence in their Government?

I would like to accompany this testimony with a letter from Senator Mathias which provides the specific information regarding condemnation which is not in the bill. Yes, condemnation will follow passage. This is why I am here today, pleading for some safeguard amendment, so that my land cannot be taken from me without my consent. Thank you.

Senator Moss. Mrs. Goulding, are you from Shepherdstown?

Mrs. GOULDING. Yes, I am, Senator Moss, and I will be as brief as I can.

STATEMENT OF CLAIRE GOULDING, SHEPHERDSTOWN, W. VA.

Mrs. GOULDING. I am Claire Goulding, housewife, and I live in West Virginia across the Potomac from Taylor's Landing and Mondell, Md., and my nearest neighbors are the people who live across the river in Maryland.

May I make four points, please.

One, I protest the taking of private property so that others may play thereon. There is a great question in my mind that there is any need for playing. "Home" is almost a sacred place. I ask that you include just one tiny phrase, "no condemnation," in the bill being considered today. I think if we had more women Senators, there might be less condemnation.

The next point is there is a question of financing. Our Government is deeply in debt. I was delighted this morning to hear Senator Bible and Senator Anderson expressing a little reservation about the price of it. To many of us taxpayers it is incredible that the Congress can even consider a project such as this at this time. Like Nero fiddling while Rome burned. Are we going to make play places when you have to raise taxes just to pay the interest on the huge national debt?

My third point. From fairly studious reading of the Congressional Record, I had come to believe that there was sincere interest on the part of many in Congress to make rural America a better place to live. If you are going to give bureaucrats permission to condemn my neighbors homes and lands for their empire-building purposes, it is not going to help our part of rural America.

Perhaps, as a West Virginian, I should not object to bureaucratic control of the old canal since my State has been the beneficiary of one plant (employing by latest count 389 persons, on the average) which but for Federal control would have gone to Maryland. Also, for some fine summer residents who moved over the river because they did not like the way the canal was run.

Fourth, disruptions of living patterns following Government projects such as this may contribute toward unrest. Unrest is one thing our country certainly does not need more of. To illustrate what I mean: Back at the start of TVA days, I was employed in Philadelphia and was friends with a nice old colored man who was a janitor. I guess that we were like home folks to each other as both of us were from below the Mason-Dixon line and were new to the big city. Once he broke down and told me his troubles and he was miserable enough to cry. "His boys," he said, "had fallen in with bad company and the family could no longer make them behave." He hated the city, but couldn't go back to his old home in rural Tennessee because the "water would have covered it by now," and besides the man he worked for had hanged himself in despair in the barn before Lee left.

Are not the ills of our cities aggravated by such Government projects which dislodge people from their homes and disrupt family life? I cannot hold Congress guiltless on this score in memory of this old colored man and his having been evicted from his home.

Thank you.

Senator Moss. Thank you, Mrs. Goulding, for your testimony and your point of view on this matter. It will be in the record in full and we are glad to have you come and give it to us.

Mrs. GOULDING. Thank you, Senator Moss.
 Senator Moss. Mrs. Eleanor Stehl Gower, Sharpsburg, Md.
 We are glad to have you, Mrs. Gower.

STATEMENT OF ELEANOR STEHL GOWER, REPRESENTING HOME-OWNERS OF THE MERCHANTSVILLE AREA, WASHINGTON COUNTY

Mrs. GOWER. Thank you, Mr. Chairman.

My name is Eleanor Stehl Gower. I represent the homeowners of the Merchantsville area in Washington County, approximately 100 families.

Regarding H.R. 19342, I wish to state that in my opinion, preserving the Chesapeake and Ohio Canal, giving future generations a nature preserve for relaxing and recreation are fine objectives, but surely not to be established ignoring the rights of citizens of those counties through which the park passes. These citizens pay taxes and vote. They are not the silent majority but local individuals whose rights deserve to be protected in a democracy.

Therefore, I wish to testify against that section of the proposed legislation designed to establish the Chesapeake and Ohio National Park that deals with acquisition and possible condemnation of private property. Arbitrarily condemning private property to public use is going to have the immediate effect of antagonizing those whose properties border the canal. Many of these people have lived there for three or four generations or longer.

Many have bought houses that were built before the existence of the canal and have painstakingly restored them to places of beauty. Is it fair to take from these responsible citizens their homes? What would become of historically important residences? Would they be given to those in Government desiring them, or left standing as ghosts of the past?

The inclusion of the section permitting condemnation—by whom I ask—is dangerously vague, and I respectfully urge you to delete this section from the bill.

Mr. Chairman, I would like to add my own personal concern. In 1943 we bought for a nominal sum from a friend, a house and two and a half acres of land at Mercersville. We have restored and spent thousands of dollars in restoration and landscaping since then and consequently I now own a property that could not be duplicated at today's prices at anything we could afford.

Where would these displaced families go? It would mean a terrific loss at our age when we have approached retirement and would be tearing out our roots. I have great sympathy for the needs of urban residents for increased recreational facilities and for preservation of our historical past; however, again I ask you to give thoughtful appraisal to the effect of the acquisition clause in the proposed bill.

Thank you.

Senator Moss. Thank you very much, Mrs. Gower. We appreciate your statement and your point of view.

Mrs. William Knode, Shepherdstown, W. Va.

Mrs. KNODE. My address is Sharpsburg, Md.

Senator Moss. These are all transported here, I can see.

**STATEMENT OF JO ANN KNODE (MRS. WILLIAM E. KNODE, JR.)
SHARPSBURG, MD.**

Mrs. KNODE. Mr. Chairman, my name is Jo Ann Knode. I am here because my husband and I live on and own property bordering on the Chesapeake and Ohio Canal at lock 38 known as Rumsey Bridge, Shepherdstown, and extending down the canal for 2 miles.

In 1962, we began restoring the 150-year-old family home and have just completed our work this past summer. We are proud because we represent five generations of the Knode family to occupy this home and land known as Bridgeport.

My husband manages a family owned farm supply business which is interested in feeding hungry Americans at a reasonable cost by keeping farmland in its most productive state.

I am president of a local garden club, a member of the mayor's committee on the preservation and beautification of nearby Shepherdstown and an active member of the Shenandoah-Potomac Garden Council.

We are both college graduates and with our knowledge and experience, and with the guidance of a local county forester, we are working on a woodland management program for this property and the additional land purchased in 1963.

The local board of education and the nearby Shepherd College have been allowed to study and photograph plantlife on our farm.

We have provided aid for many tourists of the canal by allowing them to use our drinking water, camp in our fields, I personally have looked after their bicycles, hiking packs, automobiles, called for help, sent messages, rendered minor medical help, and allowed them to use our land between the canal and river at no cost. Our land has always been open.

There is no reason why we cannot work together with the Department of Interior in preserving the scenic beauty of this land, for this is what we have been doing for generations and plan to do in the future.

Please remove all condemnation powers from this bill. Buy land from willing sellers only. You will have more than enough land. Let us keep our home and land to preserve at our expense.

Thank you.

Senator Moss. Thank you, Mrs. Knode. I appreciate your statement and your point of view.

I take it from the way you have been operating your place that if a scenic easement were acquired you would not object to that particularly. Scenic easement would mean that you would agree to leave your land in the state it is in and not build on it further.

Mrs. KNODE. I understand there are several types of easements and I would have to study that before I would make any answer.

Senator Moss. Thank you.

Mr. Walter Jex of West Virginia.

STATEMENT OF WALTER JEX, WEST VIRGINIA EASTERN PANHANDLE LAND AND RIVERS PROTECTIVE ASSOCIATION

Mr. JEX. Thank you, Mr. Chairman.

My name is Walter Jex and I speak for the West Virginia Eastern Panhandle Land and Rivers Protective Association, which association

has members in Maryland, Virginia, District of Columbia, Pennsylvania, and other States as well as West Virginia.

We oppose this legislation insofar as it permits condemnation of private property. The canal is at present in Federal ownership and with its very limited usage we fail to see the necessity for disrupting present patterns of living in the area by adding additional acreages. In fact, we do not believe that condemnation of private property for public pleasure is warranted or even sound practice. We urge that there be inserted a clause prohibiting condemnation of land for the purposes of this bill.

Already some people in the Potomac Basin are living on land which is under threat of condemnation and has been for some 40 years under the Capper-Crampton Act, scarcely conducive to a feeling of security. In the bill being considered here today there is no time limit set on completion, so people living along a 185-mile strip of land may well be forced to live in constant uncertainty for many years. Promiscuous and ill-considered use of the power of condemnation is not in the best interests of our country.

The C. & O. Canal has always been available for public use, at least it certainly has in my lifetime both when the canal company owned the property and later when the railroad owned it. It has always been a delightful and easy place to take a walk. Why it should seem necessary to spend a lot of money on it and make it into a national park, I just cannot understand when it is used to such a limited extent, and I see the facility every day from high on the West Virginia side of the Potomac.

Senator Moss. Thank you, Mr. Jex. The park is really on the other side of the river from you.

Mr. JEX. Yes; right across the river.

Senator Moss. Thank you.

Mr. Charles Thompson, Land Owners Protective Association, Washington County.

Is he here?

Mr. Thompson is not here.

Mrs. Hal Macgargle, Audubon Naturalist Society of Central Atlantic States.

STATEMENT OF MRS. HAL MACGARGLE, AUDUBON NATURALIST SOCIETY OF CENTRAL ATLANTIC STATES

Mrs. MACGARGLE. If I may, I am going to submit a prepared statement and deviate from it just a little bit.

Senator Moss. You may do so. The statement will be printed in full and then you give what parts you would like.

Mrs. MACGARGLE. We believe that protective legislation for the C. & O. Canal and the entire Potomac riverscape is increasingly more imperative today than before, and environmental intrusions continue at an alarming rate. These resource-use conflicts which surround the Potomac River, including the Potomac estuary, the C. & O. Canal, and the immediate environs would dictate, we believe, early consideration of legislation authorizing the Potomac National River.

The establishment of the C. & O. Canal National Historic Park by this Congress and administration would be a major step toward a

comprehensive plan for the rational use of the Potomac Valley's resources. Accordingly, the society strongly urges that this committee favorably report legislation creating the National Historic Park as the first action in a more comprehensive plan.

I live on land which is on Federal easement, the Piscataway National Park, and I have listened to these people talking just a little while ago who are terribly afraid their land is going to be taken. I just wish that there could be more emphasis placed on the method of using scenic easements to acquire large areas of open space but which would still allow these people to live on their land and tax roles would continue in the county from which they come but there would still be the open space protected.

That is all I have to say.

Senator Moss. Thank you for that comment. That is a method that we are trying to use more and more to allow the fee to remain with the landowner but to acquire scenic easement to make sure that it would be left as open space and therefore have the outdoor setting that we try to get with national parks and recreation areas.

We are glad to have you testify, Mrs. Macgargle, for the Audubon Naturalist Society of Central Atlantic States.

(Mrs. Macgargle's complete statement follows:)

STATEMENT OF MRS. HAL MACGARGLE, AUDUBON NATURALIST SOCIETY OF CENTRAL ATLANTIC STATES

The Audubon Naturalist Society of the Central Atlantic States is a private nonprofit organization with offices at 8940 Jones Mill Road, Washington, D.C. It was founded in Washington, D.C. May 18, 1897 and is one of the Nation's older conservation organizations.

The Society has more than 2,200 members with a wide range of interests related to the human and natural history of the central Atlantic states. It is "dedicated to the increase of public understanding of natural history and the basic importance of preserving and renewing our natural resources." Current activities include environmental education programs for elementary schools, natural history courses through the U.S. Department of Agriculture's Graduate School, studies of the American Bald Eagle in cooperation with the Bureau of Sport Fisheries and Wildlife, and resource-related recreation and public interest programs.

The Society publishes a quarterly magazine, *The Atlantic Naturalist*, and an article in the spring, 1970 issue entitled "The Potomac: A Time For Action," was a plea for legislative action on the many Potomac-related proposals pending in the 91st Congress.

The Society has testified in favor of establishing a C and O Canal National Historical Park on earlier occasions and these statements have contained a detailed analysis of what we believe to be the rationale for establishing such an area. These statements are no less true today. Briefly, they include:

- Maintenance and development of an historical area of national significance;
- Perpetuation of an outstanding area for resource-related studies and a wide range of recreation activities;

- Potential economic asset to low-income area in Western portion of proposed facility.

Protective legislation for the C and O Canal and the entire Potomac riverscape is increasingly more imperative today than before, however, and environmental intrusions continue at an alarming rate. These resource-use conflicts which surround the Potomac River, including the Potomac estuary, the C and O Canal, and the immediate environs, would dictate, we believe, early consideration of legislation authorizing the Potomac National River.

The establishment of the C and O Canal National Historic Park by this Congress and Administration would be a major step toward a comprehensive plan for the rational use of the Potomac Valley's resources. Accordingly, the Society

strongly urges that this Committee favorably report legislation creating the National Historic Park as the first action in a more comprehensive plan.

As in testimony on earlier proposals the Society notes several key elements that should be included in the authorizing legislation. These essentials are:

The proposed park boundaries should be enlarged by acquisition of those lands lying between the Canal and the Potomac River and other lands where required to provide reasonable management and development plans;

The significant historical features of the Canal should be restored and developed as appropriate to effectively interpret the Man-nature-history relationships which give the area its unique character;

Proposed developments should recognize the varied natural features of the area, and no developments should be undertaken which would impair the park's value to those whose recreation includes exploration of the geological, botanical and biological features of the Canal and the immediate environs;

The full recreation potential of the Canal should be developed as appropriate with adequate public access provided. Near-urban areas should receive primary consideration in the recreation development schedule.

The Society believes that H.R. 19432 as reported by the Committee on Interior and Insular Affairs and approved by the House of Representatives, provides the development, management and fiscal authorization necessary to establish and manage a significant addition to the Nation's park and recreation resource base.

We respectfully urge, therefore, that the Committee favorably report legislation authorizing the C and O Canal National Historic Park and actively promote its approval by the full Congress.

Thank you.

Mr. Donald R. Frush, representative, county commissioners of Washington County.

STATEMENT OF DONALD R. FRUSH, REPRESENTATIVE, COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MD.

Mr. FRUSH. Mr. Chairman, my name is Donald R. Frush and I am here today to represent the board of county commissioners of Washington County, which country contains 87 miles of the 184.5 miles of the C. & O. Canal.

It is with profound satisfaction, and I feel a very distinct honor, that I am permitted to appeal before you today to present our views. Washington County is vitally concerned with providing natural recreational areas for the people of Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia, at the same time being concerned with the quality of the environment, which has reached such a critical situation.

The remarks I am about to make will spell out our sincere concern relating to H.R. 19342. This bill will finalize the establishment, through proper congressional procedure and action, the "Chesapeake and Ohio Canal National Historical Park." For many years, in fact over 15 years, we have urged the development of such an important area for the benefit of people of not only this region of the country but for those visiting from all other sections of the country. However, we believe that H.R. 19342, with accompanying recommendations, will create an outstanding natural, and I repeat natural, recreational area while still maintaining the historic significance which was first envisioned by the first elected President of the United States, George Washington.

First, it is our firm belief that section 5a, b and c are intended by the committee to supplement and not repeal the provisions of the act of

August 1, 1953 (67 Stat. 359). There was some discussion concerning this and I would like to make the 1953 act as part of the record.

Senator Moss. It may be printed at this point.

(The act referred to follows:)

PUBLIC LAW 184—83D CONGRESS, CHAPTER 310, 1ST SESSION—H.R. 5804

AN ACT To authorize the Secretary of the Interior to grant easements for rights-of-way through, over, and under the parkway land along the line of the Chesapeake and Ohio Canal, and to authorize an exchange of lands with other Federal departments and agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior is hereby authorized and directed to grant perpetual easements, subject to such reasonable conditions as are necessary for the protection of the Federal interests, for rights-of-way through, over, or under the parkway lands along the line of the Chesapeake and Ohio Canal, now or hereafter acquired, for the purposes of electric, telephone, and telegraph lines or conduits, gas, oil, and water pipelines, tunnels, and water conduits, or for other utility purposes incident to industrial, commercial or agricultural use, or to the supply of water for domestic public, or any other beneficial use, where it is intended to use such rights-of-way for any one or more of the purposes hereinabove named.

SEC. 2. No part of said easements shall be used for any other than the purposes for which they are granted, and in the event of any breach of this restriction, or in the event of any failure to observe the conditions in said easements, either of which shall continue for a period of ninety days after notice thereof, or in the event the said easement is abandoned for the purposes granted, the entire interest herein authorized to be granted shall, upon a declaration to that effect by the Secretary of the Interior, revert to the United States.

SEC. 3. The Secretary of the Interior shall cause an appraisal to be made of the fair market value of the said easements, including the resulting damage, if any, to the residue of the parkway lands, which appraisal, after approval by the Secretary of the Interior, shall be paid in cash by the grantees requesting the easement as the consideration for said easements when granted by the United States.

SEC. 4. The Secretary of the Interior is further authorized in his discretion, to grant perpetual easements, subject to such conditions as are necessary for the protection of the Federal interest, for rights-of-way through, over, or under the parkway lands along the Chesapeake and Ohio Canal, now or hereafter acquired, for railroad tracks or for other utility purposes: *Provided*, That such easements may be granted in exchange for the relinquishment of existing easements across land now or hereafter in Federal ownership within the parkway: *Provided further*, That the Secretary may cause an appraisal to be made of the value of such easements and may require payment to be made by the grantee as provided in section 3 of this Act: *Provided further*, That no part of said easements shall be used for any other than the purposes for which they are granted, and in the event of any breach of this restriction, or in the event of any failure to observe the conditions in said easements, either of which shall continue for a period of ninety days after notice thereof, or in the event the said easement is abandoned for the purposes granted, the entire interest herein authorized to be granted, upon a declaration to that effect by the Secretary, shall revert to the United States.

SEC. 5. The Secretary of the Interior is hereby authorized, in his discretion, when in the best interest of the United States, to convey, at the fair market value, to counties and municipalities for roads, streets, highways, or other municipal facilities, by proper deed or instrument, any lands or interests in lands of the United States within the parkway along the line of the Chesapeake and Ohio Canal, under the jurisdiction of the Department of the Interior and located within the boundaries of such county or municipality, which are not needed for parkway purposes, but not to the extent of severing in any manner the continuity of the parkway lands from Great Falls to and including the city of Cumberland, Maryland.

SEC. 6. The Secretary of the Interior, and the heads of other departments and agencies of the Federal Government administering lands along or adjacent to the line of the Chesapeake and Ohio Canal, are hereby authorized, for the

purpose of facilitating the development, administration, and maintenance of said parkway, to transfer jurisdiction between their respective departments and agencies over such portions of the lands under their respective jurisdictions along or adjacent to the line of said canal as are surplus to their respective needs, without reimbursement and under such conditions as may be mutually agreed upon by the Secretary of the Interior and the head of the other department or agency concerned; and such transfer of jurisdiction by any department or agency of the Federal Government in possession of such lands is hereby authorized.

Approved August 1, 1953.

Mr. FRUSH. The 1953 act will continue to be applicable to land and interest in lands within the boundary of the park, in accordance with the recommendations of the Secretary of the Interior.

Secondly, it is urged that the committee recognize in its report that Maryland's ownership of the Potomac River and its bed extends to mean high water mark on the Maryland bank of the river—If I may, I would like to explain, which is not a part of my presentation, that there is no southern take lines proposed in the various maps submitted for the record. There is no southern boundary. This will be established 18 months after the enactment of this bill—except for particular properties and rights now in Federal ownership or that may come into Federal ownership or control by virtue of cooperative agreement between the State of Maryland or its local governments and the Secretary of the Interior. Accordingly, mean high watermark would be the riverside boundary of the park. The maps referred to in the bill are consistent with such interpretation.

The importance of the river and its bank to the State of Maryland and its local governments is self-evident and could not be overstated. Moreover, for two centuries, people have boated, fished, and hunted ducks of the Potomac River, of necessity using the riverbank below the mean high watermark to fish and shoot from, and to tie their boats to. These activities would be illegal in a national park and accordingly would be ended forever unless Maryland's ownership to the mean high water mark is maintained.

Third, hundreds of people now use properties along the Maryland side of the river for farms and summer homes and through membership in clubs. If such properties are acquired for the park, such people should not be summarily displaced.

The acquisition authority granted by the bill is broad and flexible enough to permit life estates and lease backs to those whose property is taken. They are entitled to such consideration and the committee should state that it contemplates and favors the use of such measures in the land acquisition program. Such consideration is made particularly appropriate by the very such substantial period of time contemplated for the development of the park.

Fourth, as a member of the Commission of Forest and Park Estate of Maryland, I would like to place in the record a map of the Fort Frederick complex that is being planned by the master of planning program, the State of Maryland. I think it is important to know just what type of development is being planned in that particular area, and I think it would be very much compatible with Federal plans.

Senator Moss. The map will be received and incorporated by reference in the record.

Mr. FRUSH. Thank you for permitting me to present the views of Washington County. I feel reasonably sure that not only will this

provide the recreation that we need but it will protect the environment of the Potomac Valley.

Senator Moss. Thank you, Mr. Frush, for presenting that statement on behalf of the commissioners of Washington County.

Mr. Frank C. Wachter, Representative, Pennsylvania Glass Sand Corp., Hancock, Md.

Glad to have you.

STATEMENT OF FRANK C. WACHTER, REPRESENTATIVE, PENNSYLVANIA GLASS SAND CORP., HANCOCK, MD.

Mr. WACHTER. Thank you, Mr. Chairman.

I brought with me a letter which would state in detail what my purpose is. I request that the letter be entered in the record.

Senator Moss. It will be placed in the record in full.

(The letter referred to was not supplied to be included in the record.)

Senator Moss. We will be glad to have any comment you wish to make, if you do have any.

Mr. WACHTER. My sole purpose, sir, is to emphasize the need for preserving the act of 1953, and make it continue to apply to these lands. My company since 1927, 10 years before the park property was acquired by the Government, has held extensive and mineral properties of what I would consider national importance. These will be developed fairly soon. It will not be close to the river and in a contiguous way but we need to cross the canal property to get the water that will be necessary to make this into a profit. Without a permanent easement we could not make the multimillion dollar investment that would be necessary.

Senator Moss. I understand.

Mr. WACHTER. Thank you, sir.

Senator Moss. Thank you, sir, for presenting that point of view.

Mr. Edwin F. Wesley, Jr., Representative, the Rockville Alliance for a Better Environment.

STATEMENT OF EDWIN F. WESLEY, JR., REPRESENTATIVE, THE ROCKVILLE ALLIANCE FOR A BETTER ENVIRONMENT

Mr. WESLEY. Mr. Chairman, I appreciate the opportunity to testify here. I have a very short statement which I would like to put in the record and make a couple of very brief comments.

Senator Moss. The statement in full will go into the record.

Mr. WESLEY. First, the word is Rockville, which is our county seat. I would like that in the record.

Senator Moss. Thank you.

(Mr. Wesley's prepared statement follows:)

**STATEMENT OF EDWIN F. WESLEY, JR., REPRESENTATIVE,
THE ROCKVILLE ALLIANCE FOR A BETTER ENVIRONMENT**

I am Edwin F. Wesley, Jr., of 7101 Ridgewood Avenue, Chevy Chase, Md. I am an old Montgomery County resident, who, for more years than I want to tell, have kicked up my heels along the Chesapeake and Ohio Canal.

The old Canal and its stories has long stirred my fancy, and even today stirs the recollection of men and women who grew up beside it, and heard the horns and mule bells, and the whips crack, and the shouts in the night. "They used

to holler 'hey lock, aw lock!, and all that stuff," said an old man I know, "and blow them horns, and holler at the mules, and you missed all that stuff when it stopped."

You deal with land and memories and stories, Mr. Chairman, and the humble hopes and loves that have dyed our great Valley and the river. I'll close by reciting two verses that are the soul of brevity—one of them by an old mule; or by his shade, rather, since Jerry's been dead for many years:

When called in August by the House Committee,
where the old Canal had its other great
inning, I told the story of a long dead mule
who'd come as a ghost to bray in my ear:

"My name is Jerry, and I pulled a scow;
and was famous for balking and kicking
my boss. My, those were the days—
and I'm sorry they're gone. But I'll

leave you a rime on Sycamore bark. Go
read it to the House and the august Senate,
and tell those Committees to 'come-across',
or I'll kick them like I kicked my boss."

So, faithful to Jerry's charge, here is the verse he scratched on the bark:

"This is a verse by Jerry
who hopes the Committee will be very
kind and loving, and not contrary
when it comes to a vote on the old canal.

And though they're mostly from the far-off west
asks their blessing upon our valley, river and canal:
which fit like trace and harness yet
to link our present life with past,

and join us to our land the more
for having roots and beauty
and deep woods at our door.
So, Mr. Chairman, if you please,

do honor to the men and mules
and vanished boats and horns, who in
their brief and humble passing here
enriched our Valley and its years.

Thank you for the opportunity to testify.

Senator Moss. Thank you, Mr. Wesley, for some testimony in verse and we appreciate it.

Mr. Colin Ritter, president, C. & O. Canal Association, Alexandria, Va.

STATEMENT OF COLIN RITTER, PRESIDENT, C. & O. CANAL ASSOCIATION, ALEXANDRIA, VA.

Mr. RITTER. Members of the C. & O. Canal Association who were on the original Justice Douglas-Washington Post hike in 1954 and who have been hiking and hollering for the past 16 years in support of the C. & O. Canal legislation, I want to take about 30 seconds to express our appreciation for the rugged determination of this committee to carry the C. & O. Canal legislation to a touchdown before the end of the 91st Congress and wish you Godspeed in this endeavor.

Our full statement on the C. & O. Canal legislation has been filed with Mr. Hartung.

One additional statement I would also like to call to your attention is the rapidly deteriorating condition of the major structures of the

canal as outlined in the written statement by William E. Davis, an engineering geologist, and also a member of the C. & O. Canal Association. He says time is of the essence if these structures are to be preserved.

I thank you, Mr. Chairman.

Senator Moss. Thank you, Mr. Ritter. That statement in full will be in the record, and we appreciate your coming before us today.

(The statement referred to follows:)

STATEMENT OF COLIN RITTER, PRESIDENT OF THE C. & O. CANAL ASSOCIATION

Mr. Chairman, and distinguished members of the Senate Subcommittee on Parks and Recreation. I am Colin Ritter, President of the C. & O. Canal Association. On behalf of the C. & O. Canal Association, I want to thank you for the privilege of appearing before this Committee to express, briefly, some of our thoughts concerning proposed legislation to establish and develop the Chesapeake and Ohio Canal National Historical Park.

Members of the C. & O. Canal Association who were on the original Justice Douglas-Washington Post Hike in 1954—and those who have been hiking and hollering in support of C. & O. Canal legislation for the past 16 years—were especially elated when the House passed HR 19342, October 5, 1970.

This was a fine tribute to the conservation statesmanship of the Honorable John P. Saylor for his able and long-standing leadership in matters relating to the C. & O. Canal, and to Congressman Gilbert Gude, Congressman Rogers C. B. Morton, Congressman J. Glenn Beall, Jr., and Senator Charles McC. Mathias for their dedicated support over the years. It was also a fine tribute to former Senator J. Glenn Beall, Sr., whose bill calling for the establishment of the C. & O. Canal National Historical Park was passed by the Senate more than a decade ago, but was not at that time supported by the House. The Senate again took the initiative in 1960, but, again, the House failed to take positive action. Now, it is up to the Senate, the Congress and the President—all in the span of a few short days before the end of the 91st Congress and the passing of the year 1970.

This is, indeed, 11th hour action, Mr. Chairman, and we fervently hope that the pressures of this extraordinary session of the 91st Congress will not preclude full consideration of this most significant piece of conservation legislation.

The C&O Canal Association highly commends Senator Mathias for his authorship of S-1857, to authorize the establishment of the C&O Canal National Historical Park. But in consideration of the few short days remaining to effect final passage of this legislation by the Congress, we respectfully urge that this Committee amend the distinguished Senator's proposal in the few minor details necessary to have it reflect the House-passed bill (HR 19342), thus avoiding the necessity of a time-consuming, and in this case, fatal, Senate-House Conference.

It is truly gratifying to realize that at long last we may be about to witness proper legislative recognition of the C&O Canal—which has been so sadly neglected ever since President Roosevelt and Interior Secretary Ickes acquired the property from the B&O Railroad in 1938. Now, we dare to hope that the 17th Reunion of the C&O Canal Association in 1971 will be marked by a victory hike—to which you are all cordially invited—for the entire 185-miles of tow-path from Cumberland to Washington.

Historically, the C&O Canal is of unquestioned national significance. But it is infinitely more significant to the Nation as an irreplaceable link in the chain of "backdoor recreation areas" that are so vital to our urban society. The C&O Canal National Historical Park is primarily an area to serve countless thousands of urban oriented citizens who need the kind of quiet, contemplative recreation that this fine old park provides.

Is there another park quite like it?—So uniquely adapted by its very length, yet so economically situated in width, so as to serve thousands of hikers bikers, Boy Scouts, Girl Scouts, AYH youth, and even slow walking oldsters—all at the same time, and yet affording each extended opportunities for "semi-wilderness" isolation and enjoyment. And, importantly, not too far from their urban homes.

Over the years, it has been disheartening to observe the continued deterioration of many magnificent canal works—locks, lockhouses, dams, aqueducts—as

vandals and the elements combine to wreak havoc on these fine 19th Century examples of American engineering skill. In addition, we have witnessed the rapid and continuing change in the environment of the C&O Canal along its entire 184-mile length as commercial and industrial development nibble away at the natural beauty of the area.

We have also long recognized the need for additional acreage to round out this extremely long and narrow parkland—in order to realize its fullest recreational potential. Adequate public access, campgrounds, sites for picnicking, boat launching, parking and other public-use facilities, simply cannot be provided in the cramped space now available.

We believe that enactment of this legislation is of national significance not only because of the C&O Canal's historic features, but because of its proximity to the nation's capital. It will preserve key areas for scenic and wildlife values by precluding undesirable residential or commercial development. Recreational values of the Canal Park—particularly critical because of the urban-suburban setting—will be appropriately developed and made more accessible.

Perhaps the C&O Canal is even more significant because of the proximity of this magnificent 185-mile stretch of parkland to the great population densities of the Washington, D.C.-Baltimore, Md. megalopolis. With this fine park as a base of operations, the excellent "Summer in the Parks Program" of the National Park Service, the C&O Canal Historic Trail program of the Boy Scouts of America and similar youth programs will become increasingly more meaningful to the inner-city children of these great metropolitan areas and of the many urban and suburban area in between.

The Association feels that the primary purpose of the C&O Canal is to serve the hiker, the biker, the family campers, and various youth groups and the organized groups of inner-city children who visit the canal under various auspices such as the Summer in the Parks program of the National Park Service. We feel that the very nature of the canal's historic and natural values are conducive to quiet, contemplative types of recreation. To the above we must add the recreational pursuits of the canoeist and the fisherman. Development is required, but only such as will complement rather than dominate the quiet scene.

In these days of tight money and economic austerity, we realize that hard choices must be made if we are to achieve any conservation goals at all. Therefore, we must practice the art of the possible. While the Association fully recognizes the need for developing additional visitor-use facilities, there is no question in our minds that such development objectives must perforce be considered secondary to those of land acquisition at this critical time. The one exception would be the urgent need to protect and stabilize historic structures of the C&O Canal to prevent further deterioration pending the accomplishment of more complete restoration work in the future.

Therefore, with reference to C&O Canal legislation presently before the Congress, this Association respectfully suggests that the best management of the park for the fullest enjoyment by the visiting public requires the following actions, listed in order of priority:

1. All land between the canal and the river must be acquired, preferably in fee simple with generous life-tenancy provisions, or perhaps sell-back or lease-back arrangements. Where conditions preclude fee acquisition, then the entire remaining acreage should at least be protected through the use of methods utilizing "less-than-fee" acquisitions, such as conservation easements or restrictive covenant.

2. Protection of the canal environment on the "berm" side (opposite the towpath) should receive equal protection, but we feel that this can be accomplished almost entirely—and certainly with less hardship to present landowners—through the use of such conservation easements, restrictive covenants or other "less-than-fee" arrangements. This could result in a possible saving in overall land acquisition costs. In addition, more attention might be given to the enactment and enforcement of strong local zoning regulations. The exception, of course, would be specific acreage actually required to provide appropriate pedestrian and vehicular access, for parking areas, or for other visitor-use facilities located above the berm side of the canal.

3. We believe that in the development stage of the park, first priority should be given to the protection of the canal's historic structures from further deterioration with initial emphasis given to stabilization of all structures and development of a sound program of selective restoration that might eventually include rewatering sections of the canal as future budgetary considerations permit.

4. The C & O Canal Association has noted that the Interior Report placed a rather strong emphasis on "development." This is especially true with respect to large parking lots and/or marinas. The Association realizes that full enjoyment of the river demands that there be adequate facilities for launching small fishing boats and canoes (or for renting same)—but this does not require the development of extensive marina facilities with oversized launching ramps, giant parking areas, and extensive support facilities.

There must be marina facilities, without question—but of modest size and unobtrusive in appearance. It is suggested that such marinas could be served by utility roads adequate for actually launching small boats and canoes or for off-loading equipment, after which, the vehicle and its trailer would be driven to a parking area on the berm side of the canal.

The inconvenience of having to walk an extra hundred feet or so would be more than offset by the natural beauty of riverside scenery that would be thus saved from the scars of unsightly parking lots located immediately adjacent to the river and/or the towpath.

5. In further reference to development, and with special reference to the above paragraph, the association is opposed to the construction of large parking lots in any area between the canal and the river. We respectfully urge the Committee to give its utmost attention to this matter so that wherever possible, all visitor parking lots be located on the berm side of the canal—similar to the plan followed at Great Falls, Md.

Senator Moss. Eleanor C. Robbins, Laurel, Md.

STATEMENT OF ELEANOR C. ROBBINS, LAUREL, MD.

Mrs. Robbins. I turned in a statement, I won't read it. I will just say I hope the bill passes. I hope Senator Mathias' idea to limit development legislatively works. The less development, the better. I hope intake for water is soon established in Potomac estuaries, then dams won't be needed.

Thank you.

Senator Moss. Thank you, Mrs. Robbins. The statement you submitted is in the record for our inspection.

(The statement referred to follows:)

PREPARED STATEMENT OF MRS. ELEANOR C. ROBBINS, LAUREL, MD.

I am sure you Senators are aware of the need for parks, as aware as were the Senators, who three times previously passed a C & O National Historical Park bill only to have it die in the House. At long last you and we have a chance to win. I believe it is the last good chance. Land can only get more expensive and historic structures thereon more dilapidated.

As Dr. Irston Barnes wrote in his July 14, 1970 Washington Post column: "Nowhere in the East will so small an appropriation of public monies provide so much in historic preservation, in conserving natural values in the Potomac Valley, and in providing varied recreation—as in creating a C & O Canal Park."

Senator Moss. Mr. Ernest Dickerman, eastern regional director of The Wilderness Society, Washington, D.C., submitted his statement and that will be in the record.

(The statement referred to follows:)

STATEMENT OF ERNEST M. DICKERMAN, EASTERN REGIONAL DIRECTOR, THE WILDERNESS SOCIETIES

I am Ernest M. Dickerman, Eastern Regional Director of The Wilderness Society. The Wilderness Society is a national conservation organization of 70,000 members which serves the public interest through its work for the preservation and protection of our Nation's wild land resources. It also has a broad concern for the wise management of our public lands and the protection of human environment.

The Society is especially grateful to the Subcommittee for scheduling this hearing in time to permit the issuance of a report and a recommendation to the full Senate for action. It appears to be generally recognized that the failure of this bill to become law at this time will result in a dozen years of lost time and effort on the part of concerned legislators and conservation organizations and many, many individual citizens. The American public clearly needs this great park for its many historical, environmental and outdoor recreational features. It urgently needs to be upgraded from its present status as a small national monument to that of a significant national park.

We strongly suggest that the Subcommittee approve the House passed bill (H.R. 19342), which we find to be a good one. We agree with those provisions of H.R. 19342 which would have the effect of maintaining the park in an essentially natural condition as opposed to the extensive, mass recreational type of development once proposed by the National Park Service. We believe the \$17 million authorized for development is adequate. We wholeheartedly agree with the \$20 million dollars designated for land acquisition, to include all lands between the Canal and the River. The restoration of historical features, now in a deteriorated state, is very properly a prime objective of this legislation.

We urge the Subcommittee's prompt approval of H.R. 19342. Thank you for this opportunity to express our views on the proposed C & O Canal National Park.

Senator Moss. Mr. Grant Conway, C. & O. Canoe Association.

Mr. Conway.

Mr. COURTER. Mr. Conway was unable to be here, and there is a slight error there. He asked to represent the Potomac Appalachian Trail Club of which he is past president. I am chairman of the Conservation Committee of the Potomac Appalachian Trail Club.

Senator Moss. You may speak. What is your name?

Mr. COURTER. Anson Courter.

I would like to have Mr. Conway's statement placed in the record.

Senator Moss. The statement will be placed in the record in full. (The statement referred to follows:)

STATEMENT OF GRANT CONWAY, REPRESENTING THE POTOMAC APPALACHIAN TRAIL CLUB

Mr. Chairman, first of all, I wish to thank you and other members of the Committee for scheduling hearings on C & O Canal legislation, and express the hope that the Committee will mark up a bill to protect this narrow belt of land and its historical structures.

My name is Grant Conway, residing in Brookmont, Maryland, an area which borders on the canal, and I am representing the Potomac Appalachian Trail Club, with headquarters at 1718 N Street, N.W., Washington, D.C. 20036. This organization has approximately 1,700 members, of which over 600 reside in Maryland, where most of the C & O Canal is located. The Potomac Appalachian Trail Club has had long associations with the C & O Canal.

When Benton MacKaye conceived the Appalachian Trail in a regional plan at the turn of the century, he envisioned a footpath following ridges of the Appalachians from Maine to Georgia. He compared the Appalachian Trail to a backbone with ribs, the ribs being side and cross trails to the Appalachian Trail; in fact, the Appalachian Trail utilizes the towpath near Harpers Ferry. This connection makes it possible for those living in the urban and suburban areas of Washington to walk into the open space of the countryside and, if they so desire, reach wilderness along the Appalachian Trail.

The Trail Club has sponsored approximately 100 walks on the towpath, starting before the C & O Canal became nationally known in 1954, by the marathon hike from Cumberland to Washington. This trip, publicized by the press, convinced the Park Service that this land should be retained in its natural state, rather than replacing it with a highway. On this protest march, the Potomac Appalachian Trail Club provided logistical support for the participants in the form of a truck to carry dunnage, a portable mess kitchen for hot food, and related volunteer labor. When legislation was first introduced to establish a C & O Canal Historical Park, approximately 15 years ago, the 25-member Council of

the Club voted to support the legislation and the position has been confirmed whenever legislation has been considered in the years following.

The Club favors a park of expanded acreage, with reservations on developments.

On acquiring additional land by fee simple or easement, first priority should be given to the private inholdings between the Canal property and Potomac River. Being familiar with the river bank from canoeing, I have noted a continuing deterioration. Small lots are being sold and summer cabins and shacks erected along the Potomac, without adequate sanitary facilities. Examples are Edwards Ferry, Nolands Ferry, Landers and Praethers Neck. These private developments deny access to the river bank to fishermen, hunters and walkers. Second priority should be given to acquiring additional land above Dams No. 4 and 5, where the canal right-of-way is less than fifteen feet wide, which is insufficient to protect the environment of the river bank. A lesser priority would be acquiring land for picnicking, camping and parking lots, which are costly to develop and tend to promote overuse of the natural areas bordering the river.

Restoration and development costs of \$17 million, appear reasonable at this time. Canoeists and boaters are not pressing for rewatering the entire canal, although rewatering sections where the river is dangerous for any but expert canoeists is desirable wherever it is feasible. In conversations with people along the upper river, I have heard no one propose marinas. Boaters are satisfied with launching ramps, of which several have already been installed. The need for "constructing and reconstructing" the towpath is questionable, appearing mainly to meet the convenience of Park Service patrolmen and service vehicles. Walkers and bicycle riders, who are the largest current users, would be satisfied with spreading gravel or crushed rock in ruts and occasional washouts. Boy Scouts, who have logged 1.6 million miles on the towpath, appear happy with the primitive hiker-biker overnights which have already been installed for overnight camping. Also, adult hikers do not demand the elaborate, expensive facilities which the Park Service has been installing in our National Parks.

Rather than proceeding with costly developments for the Canal Park, it is proposed that first priority for construction expenditures, in keeping with an historical park, be given to restoring the historical structures such as deteriorating locks, lockhouses and beautiful ancient aqueducts which have been neglected since the C. & O. Canal ceased to operate as a waterway in 1924. Two of the aqueducts, Catocin Creek and Town Creek, are already unsafe for crossing even by pedestrians. In conclusion, if there is a cutback in authorized funds during a period of stringent budgets, the reductions should be in development costs rather than land acquisition. Thank you, gentlemen.

MR. COURTER. I would like to speak very briefly on a few points of information and comments.

Senator Moss. You may.

STATEMENT OF ANSON COURTER, CHAIRMAN, CONSERVATION COMMITTEE, POTOMAC APPALACHIAN TRAIL CLUB

MR. COURTER. No. 1, the Potomac Appalachian Trail Club has just lately signed an agreement with the Park Service to maintain under the Park Service's choice and direction certain trails in the Great Falls Park and C. & O. Canal around White Water. This of course is without any salary or any expense compensation, just as we do on the Appalachian Trail.

It is not my understanding that the additional watering of the C. & O. Canal would provide for enough restructuring to haul canal boats all up and down the 94 miles. At the present time the canal boat is towed between Georgetown and lock 5 in the summer and between Great Falls and the nearest Wayne lock in the winter. The rest of the canal up beyond Tannefeld's lock, about 22 miles, is water. It is used all summer long by canoeists of very little skill and a very young age.

I helped in August two Girl Scouts who could not have been 10, carry a canoe around locks 15, 16, and 17 and I would not like to see

any children out on the Potomac River and much of the area near Washington here.

The towpath is an excellent place to hike for the very young, including my granddaughter who is 5 years old. It is a place for the very old. My last trip up there I met three friends who were in their late seventies and they were able to go about a mile and sit down on the log and later come back.

Barring natural or manmade disaster, there is going to be a great supply for the very young and the very old beyond any park I know of in the United States, and I have been in about a third of them on foot. This is a beginner's park for canoeing, hiking, camping, some places for horseback riding where they cannot be seriously hurt.

It is not the position of the Trail Club certainly that the 184 miles will be turned into a wilderness, it is impossible to meet the terms of the Wilderness Act.

Much of it will be more enjoyable. It is maintained, it is nice to look at from the towpaths to the beanfield or cornfield or pasture and see the line of sycamores along the river.

To the extent that the Park Service can operate and protect the canal by the use of scenic easements, by the granting of tenure during the life of the spouse or during the tenure of the landholder or the landholder's spouse, I see no objection.

Senator Moss. Well, thank you, Mr. Courter, for coming to give us the testimony and bringing Mr. Conway's statement.

The Potomac Appalachian Trail Club is to be commended for its voluntary work that is being done around the falls and elsewhere.

Mr. Donald Wisdom, representative, Potomac Valley League of Montgomery County.

STATEMENT OF DONALD F. WISDOM, POTOMAC VALLEY LEAGUE

Mr. WISDOM. My name is Donald F. Wisdom. I am appearing on behalf of the Potomac Valley League, of which I am the immediate past president. The league is a federation of 20 local civic associations located between the Potomac River and River Road in Montgomery County, Md., and represents over 5,000 homeowners.

All of the civic associations which I am privileged to represent share a common interest in preserving the historic, scenic, and recreational values of the Potomac River. The proposals embodied in H.R. 19342 for the Chesapeake & Ohio Canal National Historical Park are of direct and obvious interest to the Potomac Valley League, since some 42 miles of the park are located in our area.

Without national park status, it seems unlikely that this notable historical canal and the valued natural features of the Potomac Valley Palisades would be preserved. The league strongly supports the legislation for the Chesapeake & Ohio Canal National Historical Park, as adopted by the House of Representatives, and urges prompt and favorable action on this bill during this session of Congress.

Mr. Chairman, one additional matter. A colleague of mine, Mr. Bernard Mozer, who is president of the Montgomery County Citizens Planning Association, was here earlier in the day. He could not remain and he asked if I would request that you make his statement, which has been submitted, a part of the record. I so do.

Senator Moss. We will be glad to do that. I see Mr. Mozer is on the list and would have been called later. His statement will be put in right at this point.

Mr. WISDOM. Thank you.

Senator Moss. We appreciate it.

(The statement referred to follows:)

MONTGOMERY COUNTY CITIZENS PLANNING ASSOCIATION,
Gaithersburg, Md., December 14, 1970.

Hon. ALAN BIBLE,
Chairman, U.S. Senate Subcommittee on Parks and Recreation,
Washington, D.C.
(Attention Mr. B. Hartung).

DEAR SENATOR BIBLE AND HONORABLE MEMBERS OF THE COMMITTEE: Our organization, a county-wide planning citizens group, has passed a resolution to commend the U.S. House of Representatives Committee on Interior and Insular Affairs in their action on proposing the establishment of the Chesapeake and Ohio Canal Park. We were exceedingly pleased to see that it was favorably acted upon by the House of Representatives and submitted to you for your consideration. We were also very pleased to see that your committee has a similar bill of its own. We are not going to attempt at this time a critical evaluation of the two bills but to note that we feel the House Bill, H.R. 19342, is also effective and acceptable to those of us interested in conservation, the acquisition of public park land, and the preservation of some aspects of our Nation's History. We do not feel the House bill is perfect but perhaps your committee may find using it the most expeditious way of incorporating some of their excellent ideas and those of the House into a document that will allow the creation of this National Park and provide means for modification at a later date when the urgency of time is lessened.

We strongly urge you to act immediately upon the acquisition of land for the creation of the Chesapeake and Ohio Canal Park. At the present time this very interesting relic of our history provides us with a small public facility widely used by residents of the area. In Montgomery County much of the land adjacent to the canal is in private ownership. It is necessary to acquire these lands in order to have sufficient park land. Some of the present owners although public spirited may not be able to resist the pressures calling for development along the Potomac River and the Canal with the demand for more and more housing especially that which would front on the Potomac River or the Canal. In other parts of the State of Maryland owners of lands adjacent to the canal are under extreme pressures for development and some of them eager to have development take place. Thus if these lands are not acquired, they will be lost to the public. We also believe there is a great need for additional public parkland in this rapidly growing area and the Chesapeake and Ohio Canal Park could help fill that need as well as the need produced by an ever increasing number of visitors to this nation's capital.

Your efforts and those of your counterparts in the House of Representatives in providing for this national park are very deeply appreciated by the members of our organization and the community at large. We also thank you for this opportunity to express our opinions and wish you speed and success in your endeavors.

Sincerely yours,

BERNARD MOZER, *President.*

Senator Moss. Mr. Alan Johnson, Potomac Area Council, American Youth Hostels.

Is Mr. Johnson here?

Apparently not.

Mr. Johnson's statement will be placed in the record at this point.

(The statement referred to follows:)

STATEMENT OF ALAN F. JOHNSON, EXECUTIVE DIRECTOR, POTOMAC AREA COUNCIL
OF THE AMERICAN YOUTH HOSTELS

Mr. Chairman and Members of the Committee: I am Alan Johnson, Executive Director of the Potomac Area Council of the American Youth Hostels, which has its headquarters at 1501 16th Street, N.W., Washington, D.C.

The Potomac Area Council of the American Youth Hostels considers the creation of the Chesapeake and Ohio Canal National Historical Park to be a necessary step to preserve and protect this great natural and historical resource for the people of the whole nation as well as the residents of the Potomac Area.

The American Youth Hostels is a non-profit organization whose purpose is primarily to help all, especially young people, to gain a better understanding of the world and its people through educational and recreational travel. The American Youth Hostels operates several youth hostels—simple overnight accommodations—located near the C & O Canal. Hostels are presently located at North Branch, Sandy Hook, and Seneca in Maryland and in Washington, D.C.

Youth hostellers from all over the country (as well as from foreign countries) make use of the Canal and its towpath as a means to become better acquainted with the history and nature of the Potomac Area. Most of these people use bicycles as their mode of travel. The backgrounds of these hostellers are often quite diverse: they may be from a small rural community, part of a suburban area, or from the inner city. Their reasons for choosing the C & O Canal as a place to visit is likewise diverse. For some, the Canal is a place for recreation of varying sorts, for others it may be an outdoor classroom in history or nature, for others it may be a forum for meeting people from all walks of life who yet have a common interest in the outdoor environment.

There are over 1800 members of the American Youth Hostels in the Potomac Area. For many of us the Canal provides a favorite recreation area. For our programs with inner city youth, we find that cycling along the Canal provides a unique opportunity for environmental education and constructive interaction with other people, not easily available in other ways. In 1969 the Potomac Area Council conducted a pilot project for the National Park Service to determine the impact of the Environmental Interpretive Program on inner city youth through hosteling. This project was conducted mostly with cycling trips along the C & O Canal. One of the conclusions of the project was that some improvement of existing facilities should be made (such as better cycling surfaces and more natural and historical information at convenient points along the trail).

The National Park Service has performed a very admirable job in providing recent improvements along the Canal such as the Hiker-Biker Overnights. However, as the use of the Canal increases year by year, we continue to discover that the Canal is deteriorating. Under present legislation the National Park Service does not have sufficient capability to keep up with the needs. In many places the Canal towpath becomes almost impassable after a few rains. In several places the aqueducts are slowly falling to pieces.

The Potomac Area Council of the American Youth Hostels believes that the C & O National Historical Park bill recently passed by the House of Representatives would be a large step in preserving the Canal and bringing forth more of its potential. We urge the Committee to take action for an identical bill in the Senate.

Senator Moss. Mr. Alan Sheaffer, scout executive, Mason-Dixon Council, Boy Scouts of America, Hagerstown, Md.

STATEMENT OF ALAN D. SHEAFFER, SCOUT EXECUTIVE, MASON-DIXON COUNCIL, BOY SCOUTS OF AMERICA, AND CHAIRMAN, C. & O. CANAL HISTORIC TRAIL COMMITTEE

Mr. SHEAFFER. Mr. Chairman, you have received my written statement, and with the statement we provided copies of the C. & O. Canal Historic Trail Guide Book. This morning you received a copy of the emblems that are earned by Boy Scouts who hike that trail, and we would be delighted to have you wear it.

Senator Moss. Yes, very colorful and I am pleased to have it.

Mr. SHEAFFER. In order to earn that badge you must hike the 184 miles. In the past three and a half years, 335 boys have done that.

Senator Moss. I am glad I got mine in an honorary manner but I still would like to hike the whole length.

Mr. SHEAFFER. We would be delighted to have you there, sir.

I will leave this guide book for the record.

Senator Moss. Yes, we will accept that.

(The guide book referred to is in the Committee files.)

Mr. SHEAFFER. The C. & O. Canal has proved to be a very valuable asset to help us give boys the ability to develop physical fitness. I would like to comment for a few moments about that tremendous resource that is being used by boys in this five council area.

I am the chairman of the Boy Scout Committee that operates this historic trail. This represents almost 150,000 Boy Scout members in Virginia, Maryland and the District of Columbia as well as several of the counties in Pennsylvania. During the three and a half years this program has been in operation, 65,000 of those boys have been on the trail. We believe that this is giving them an opportunity to really get to know America's heritage along the river as well as to see things happening out of doors that they cannot see at home.

For instance, I hike with a group of boys once a month. These are ten year old lads and we hike about ten miles each month. Several months ago my group and I were hiking. I had my little dog with me and I always bring up the rear to make sure no one gets lost. There were 10 boys in the group when they came to a halt and I wondered what had happened. Here it was, a black snake laying across the tow-path.

We stopped and studied that black snake for a little while and talked about the things we had talked about back home, what is the difference between a harmless snake and a poisonous snake that the poisonous snake has a flat head and the harmless one does not. About that time the little dog walked by and we considered that the dog was pretty smart. There is no way to learn about snakes better than out there.

God bless you, sir, for bringing this matter to the committee. We hope that you will get it passed because we need that resource for America's future.

Thank you, sir.

Senator Moss. Thank you, Mr. Sheaffer. We are glad to have you come and put your statement in the record representing the Mason-Dixon Council of the Boy Scouts of America. Very happy to have you, sir.

Your statement will be placed in full in the record.

(The statement referred to follows:)

STATEMENT OF ALAN D. SHEAFFER, SCOUT EXECUTIVE, MASON-DIXON COUNCIL, BOY SCOUTS OF AMERICA, AND CHAIRMAN, C. & O. CANAL HISTORIC TRAIL COMMITTEE

I am Alan D. Sheaffer, Scout Executive, Mason-Dixon Council, Boy Scouts of America, and Chairman of the C & O Canal Historic Trail Committee.

The C & O Canal National Monument and the adjoining Potomac River represent valuable resources that are used extensively by citizens from all parts of the Nation.

I can report factually about hiking, biking and canoeing by Boy Scout groups.

In late 1966, a committee was formed by representatives of five Boy Scout Councils, whose territory is adjacent to the Potomac River. They are the: National Capital Area Council, Washington, D.C.; Baltimore Area Council, Baltimore, Md.; Potomac Council, Cumberland, Md.; Mason-Dixon Council, Hagerstown, Md.; and Shenandoah Area Council, Winchester, Va. This group is known as the C & O Canal Historic Trail Committee. The Superintendent and Chief Ranger of the C & O Canal National Monument are members of the com-

mittee. They serve primarily as technical consultants and special activity advisers. The committee was assisted at its first meeting by an assistant director of the Camping and Conservation Service of the National Council, Boy Scouts of America.

The committee developed a program of recognitions to motivate Scout leaders to plan and conduct hikes and biking trips on the towpath and canoe trips on the Potomac.

A guide book was written and 10,000 copies printed in 1967; a second edition of 5,000 copies was printed in 1968; and a third edition of 5,000 copies was produced in 1970. A copy is provided herewith.

The book has been ordered by and mailed to people in all parts of the country, including one to the Panama Canal Zone.

In order for Scouts to receive the recognition items they must hike the required distance and a participation report submitted by their leader.

The committee received a consolidated participation report on Thursday, Nov. 30; the record since the program was launched in May 1967 is: 65,000 Boy Scouts and leaders in 3,479 Scout groups have hiked, biked or canoed over 1.8 million miles. Our records show that 3,429 have hiked the entire length of the Canal and 437 made the full trip twice.

We have received participation reports from Scout groups in ten states, (Delaware, Georgia, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia) and the District of Columbia.

Scouts, who first learned of the Canal while on a hike with their Troop often return with their family to hike, or fish, or picnic.

The Canal's towpath is 184½ miles long from the Nation's Capital to Cumberland, Maryland. An individual can hike this distance without crossing a road or highway and the attendant danger of injury by auto or truck.

I hike the trail with a group of 10 year old Cub Scouts once a month from September to April each year. We have never been on the trail without passing at least two other groups, Scout and non-Scout, hiking in the opposite direction. Weather conditions seem to make no difference. We have hiked on rainy days and in snow and always meet the others.

Chief Ranger Bell was convinced that there is always someone hiking along the canal on the day after Christmas in 1969, when during a heavy snowstorm, that eventually accumulated to twelve inches, A Troop was seen hiking near Williamsport, Maryland.

During the three years of the Boy Scout trail program there have been eight hiking camporees. These had from 100 to 1,000 boys and leaders hiking distances varying from ten to twenty miles.

On May 1 and 2, 1970, the Mason-Dixon Council conducted a camporee on the Canal at Millstone Point. The Scouts performed over 6,000 hours of work to construct a campsite with a capacity of 600 to 1,000 campers. This included installing: cooking fire grills, trash can stands, latrines, and camp fire circles in each of four sub-camps; a stage for central campfire programs, two canoe landing slips on the Potomac, resurfaced 2½ miles of towpath, built a mile long adventure trail and planted 16,000 trees and shrubs.

The C & O Canal is an important recreational asset adjacent to a major population center. It needs the attention that Park status will convey.

Senator Moss. Barbara Moulton Browne, Washington, D.C. Glad to have you, Mrs. Browne.

STATEMENT OF BARBARA MOULTON BROWNE, WASHINGTON, D.C.

Mrs. BROWNE. Thank you, Senator. It is a pleasure to be here.

I would wish, however, that more of the people in the upper part of the basin had known about this hearing and had an opportunity to be here.

I think it is rather interesting as I have listened to the testimony. You have had a great many people whose homes are in Washington or in Montgomery County who think this is a wonderful thing, and you have had practically nobody from the upper part of the Potomac Basin that has taken this position.

The last speaker is an exception but I wish to point out you don't need this bill for his Boy Scouts to continue hiking along the canal. Without any legislation at all, without any action on your part, it will still be possible to continue hiking along the canal which is in Federal ownership. You don't need to spend one penny more for that. You do not need to acquire one acre of land more in order to restore the locks.

Whether you feel it is worth spending \$20 million or, as Mr. Childs suggested, maybe \$40 million or so for that purpose, that is a matter that can be debated but you don't need this bill and you don't need any acquisition of land in order to do it.

You listed me as from Washington and I do have a home in Washington and I work in Washington, but I also have a farm in West Virginia and I have had a great many contacts with the people in the area on the upper part of the basin on both sides of the river. You had no testimony from Alleghany County at all, and they would be vitally affected by this.

You have had no testimony from anybody in Frederick County. Mr. Coulter this morning raised a point which might very well be of concern to the Governors and the legislators of Virginia and of West Virginia and they have not been consulted. If, in fact, Federal ownership of the shoreline from Washington up to Cumberland does affect the State of Maryland's ownership of the river, I have heard responsible legislators in Virginia and West Virginia worried in connection with this and of other proposed legislation where this would throw off the whole water right situation for Virginia and West Virginia, and it is worth thinking about.

You are under great pressure to get this bill out in a hurry, to report it favorably so it can be passed by the session of the legislature, but here are important areas where the concern of the local governments has not been consulted.

The present version of the House bill has a recommendation which sounds very fine; all the people whose lands are going to be included within the bill, within the pie, will be notified 18 months after the Secretary decides which lands he is going to take. It would be more democratic if they were notified before you passed the bill.

Some of our group have been up and down talking to people whose lands are marked for taking by the Federal Government under this proposal and they do not believe they are in any danger, they do not believe that it is possible to pass such a bill giving the Department of the Interior the power to do this, to condemn their lands.

If you report this bill favorably, it will then probably be approved by the Senate and you will have given the Secretary of the Interior clearcut authority with no even faint suggestion that he use the restraint to condemn every single bit of land along the riverfront from Washington to Cumberland. I have been following very carefully park legislation, park operation, eminent domain problems ever since I was threatened on my land with a similar bill that went through the Senate with very short notice a few years back.

It is practically impossible for any citizen to defend successfully in court against the question of whether their land should be taken. If you passed this bill, you have agreed, the Congress has agreed that

the need for the land has been established when the Secretary of the Interior takes it. There is no requirement that he establish the need for the particular piece for the particular purpose.

I join very emphatically with all the people who have contested this point before. In my prepared statement I have pointed out, and I have pointed out to a number of other people, that over the past several years that legislative bodies should not delegate that awesome power of condemnation at the sole discretion of a bureaucratic agency for any purpose as trivial as recreation.

If the Congress wishes to direct the Secretary of the Interior to condemn a particular piece of land, after there has been a public hearing that that particular piece is necessary and it cannot be acquired in any other way, then the Congress has that right but when the Congress passes this kind of legislation there is absolutely no protection for any ordinary little person, there is protection for some of the big people.

Under the Capper-Crampton Act Mrs. Davidson and Mr. Udall and Senator Kennedy's property along the Virginia part of the George Washington Parkway got easements with no problem and no difficulty but the little people were not afforded that protection. There is nothing in this legislation that even faintly suggests to the Secretary of the Interior that he should not acquire free title and that he should not use threats of condemnation.

We have been interested in trying to be helpful on a similar problem that passed the Congress a few years back, not with the Park Service but with the Forest Service and the first national forest recreation area. When the legislation went through Congress, in the testimony in the hearings everybody said, oh, we don't need to condemn all this land; we would not dream of condemning anything we didn't absolutely have to. The citizens had been assured that there was no need for condemnation and that it was a pure formality that the bill provided that power.

The bill passed. They acquired a few acres by negotiation, two or three, and then they instituted suits of taking, incidentally without even attempting to negotiate.

I know I am taking a long time but I am sort of the anchorman on the opposition side and this is of vital importance to a great many people who have not been heard, to some governments who have not been heard.

We heard testimony this morning that the State of Maryland is proposing to take 51,000 acres. Now you wish to add another 10, maybe 15, maybe 20 by the time you add the amount of voluntary contributions from the conservation groups. And it is primarily for the benefit of the people in Washington and the price will be paid by the people who live in the three counties that are upriver and that do not stand to gain anything, they already have the recreational facility. They would lose the type of recreational facilities they have already had and they would gain nothing in return.

I will put the rest of my statement in the record.

I also have here a clipping from the Martinsburg Journal, Martinsburg, W. Va., that is very pertinent to this point quoting from the chairman of the County Planning Commission of Morgan County, W. Va.

Senator Moss. That may go in, too.

Mrs. BROWNE. And a statement from Friday's Star pointing out that Federal ownership of land does not always make it very beautiful.

I wish to add one other thing to what I had written here about whether this kind of legislation actually accomplishes the goal that it is intended to, the secondary goal which is here of Federal zoning. I have lived in Washington long enough, Senator, to remember when we were talking about the way we must preserve the Potomac in Rock Creek Park, yet we must have the Federal Government own it all so that it would stay in its beautiful pristine state and yet I have listed it as one of the real eyesores that I think is going to plague us for years on that same property that was taken to preserve its beauty—the Kennedy Center which destroys the natural beauty of the riverfront in that area and the Park Service's record on building along the river at Great Falls and at Harpers Ferry now, buildings not in keeping with the beautiful environment.

Quite apart from the condemnation problem, I am opposed to any development along the riverfront by the Park Service or any authorization for funds for developing the riverfront as opposed to the canal itself. Therefore, I am opposed to this bill at this session of Congress.

Senator Moss. Thank you, Mrs. Browne. We have your statement and it will be printed in full in the record.

Condemnation can only be within the description that is in the statute so it is known exactly where land may be condemned now, but it is true if condemnation is exercised the landowner gets what the court decides is the reasonable value for his land—that is, the amount set by the law.

(Mrs. Browne's statement and material referred to follow :)

STATEMENT OF BARBARA MOULTON BROWNE, WASHINGTON, D.C.

My name is Barbara Moulton Browne. I am testifying as a private citizen. As a resident of the Potomac Basin for almost 50 years I have spent many happy hours along the C. & O. Canal. I am glad that it has not been destroyed; that the right-of-way has been preserved; that it is still possible to walk the length of it and to take a boat ride along the lower reaches. I would be happy to see a few more locks in operation, and to have a longer navigable section. I am strongly opposed, however, to this bill, which does little to further those goals and much to endanger features of the Potomac Basin which have made it a joy to generations of its inhabitants.

This bill is, by Secretary Hickel's admission, a substitute for the Potomac National River plan proposed by Mr. Johnson and Mr. Udall. It contains all the features of that plan to which other residents of the upper basin and I have objected except that it involves only about a fourth of the shoreline rather than the whole river. It authorizes the Secretary of the Interior to acquire approximately 10,000 additional acres of land, *none* of which is necessary to preserve the canal property or even to make it usable by the public. The final house version puts a dollar limit rather than an acreage limit on acquisition, but because donated funds may also be used the total acreage might actually be considered greater than 10,000.

The authorization includes (because it does not specifically exclude) the power to condemn from unwilling sellers solely at the discretion of the Secretary. The bill does not even delineate the geographical limits within which such condemnation can occur. The final boundaries of the park are yet to be set, and will be set presumably by the Secretary of the Interior at his sole discretion except with respect to state owned property. There is no protection for private citizens or organizations or local governments against any decision by the Secretary. I have been a Bureaucrat myself too long to trust any governmental agency given such broad powers to be consistently fair, particularly in its dealings with little people. With respect to eminent domain the pattern has

consistently been to sacrifice the rights and wishes of individual landowners unless they had great wealth or power. The Interior Department has used the power of condemnation as a threat to enforce a sort of Federal zoning authority, which I believe to be unconstitutional. There is no requirement in this bill for prompt compensation to landowners whose property rights would be destroyed by mere inclusion within the boundaries of the park. They could be left without compensation for years while paying taxes on land they could neither sell advantageously nor use as they chose.

This is not truly a conservation bill. Public ownership of land is no guarantee of its remaining beautiful. Those permanent structures along the Potomac shore which detract most from its beauty have been erected by the Federal Government, not by private landowners. Two recent ones which disturb me greatly because they are so out of keeping with the natural beauty the Park Service is supposedly trying to preserve, were erected by the Park Service itself (at Great Falls in Virginia and at Harper's Ferry.) Another example is the Kennedy Center, which is and probably will remain for generations to come an eyesore along the river front.

Federal ownership of the Canal property has not in fact increased its recreational potential, but merely changed it. Near Washington where population is dense there may be some excuse and some advantage to having bridges for bicycles and fewer places along the river where fishing and hunting are possible. Along the upper part of the canal, as I believe others have already testified, Federal ownership has interfered with the time-honored uses of the land along the river, has provided the local inhabitants with no added benefits, and has done very little to provide useful recreational facilities for people in Washington which is the major argument for the bill. To take 10,000 acres of land much of which currently combines recreational uses with residential and farming uses in order to substitute a different type of restricted recreational use is hardly a net gain to society—particularly to the rural communities that would pay the price.

Because of the undesirable features specifically referred to above, and because I believe this bill represents another attempt by one highly organized and vocal segment of the population to force its wishes upon others at our expense, it is my hope that you will reject it entirely. If, however, you decide to approve it, I strongly urge you to write into it a clear positive prohibition against condemnation from unwilling owners of any property rights whatsoever. Several years careful study of a number of different parks and park proposals have convinced me that legislative bodies should not delegate for recreational purposes this particular power, with its devastating effects upon the lives of citizens. If the Congress wishes to condemn land for recreational uses I believe that it should direct condemnation of each specific tract separately, but only after proof positive, following open public debate, that that specific tract is essential for an urgent immediate widespread public requirement, and that the tract cannot be acquired by any other means. Since the *fact* of condemnation can almost never be successfully challenged in court, there is no other way to protect your constituents from bureaucratic abuse of this particular power.

I also urge that you reconsider and greatly curtail the amount of land to be acquired by any means. A few hundred acres in addition to the 5000 odd acres already owned should be ample to provide all the parking facilities and camping sites reasonable desirable for many years to come. Public ownership of the whole Maryland shoreline of the Potomac above Washington, which is what the proponents of this bill apparently contemplate, for a single park, is no more desirable than any other monopoly.

Thank you for permitting me to testify.

{From the Martinsburg (W. Va.) Journal, Aug. 22, 1970}

C. & O. CANAL PARK COMMENTS

Ted Fearnow, of Berkeley Springs, who has long been a spokesman for conservation interests in this area, has come up with some interesting and pertinent comments and warnings concerning a federal proposal now before Congress to make a national park out of the entire 180-mile length of the Chesapeake and Ohio Canal on the north side of the Potomac River between Washington and Cumberland.

He warns especially of the possibility of such a park becoming a "Chinese Wall." He means that such a reserved strip of land could cut off all business and industrial use of the river unless specific access facilities are provided in the legislation when enacted to establish such a park.

He points out that the C. & O. Canal has been a failure since its inception more than a century and a half ago. By the time it was completed, the Baltimore and Ohio Railroad had been built and the canal never got the business originally contemplated. It has also been the cause of considerable soil erosion and a major contributing factor of a valuable fishery resource in the lower Potomac area.

"Devotion to the canal is based more on nostalgia than sound planning considerations," Fearnow says adding that such a park should not be allowed to interfere with the business, industrial and agricultural life of the large community which has long populated the Potomac River area.

Fearnow concludes his comment by saying that "I can see a place for some carefully planned development and restoration of selected areas of the presently owned C. & O. Canal property. Some of the old locks and sections of the canal that are most secure against flood damage could well be restored for mass public use and enjoyment. Many American families would enjoy picnicking, visiting the old locks, the lock keepers' houses and even watching restored canal locks in operation where this is feasible. But we should be realistic in our approach to canal restoration. Some of the proposals that are being discussed currently could ultimately cost \$100 million or even more. In view of the terrible emergency the nation's capital faces with respect to sewage and waste treatment, not to mention water supply, we should look carefully at priorities. The really serious problems of the Potomac Basin are located within a 25-mile radius of the Capitol at Washington."

We particularly agree with the last sentence. The Washington do-gooders have for so long been critical of the river's management upstream but the worst problems are right on the doorstep of that city. Let them clean up their own filth first before criticizing those who live upstream.

[From the Evening Star, Washington, D.C., May 29, 1970]

ACTION LINE

The Pentagon Lagoon is full of trash and dirt and dead fish and it is not being flushed out by the so-called Boundary Channel. It is all closed in at the upper end, due to the storm sewer drains coming from Arlington Cemetery. The water smells and all the people who use the area over the weekends for boating and recreation are up in arms about it.—C.R.E.

A spokesman for the National Park Service said progress has been made in cleaning the shoreline of the Potomac River, but he was not optimistic about correcting your problem. He said it would take "hundreds of thousands of dollars" to dredge the channel and allow the water to flow freely through the by-pass area. And no funds are available for this project.

Mr. Amos Banzhoff.

STATEMENT OF AMOS BANZHOFF, WASHINGTON COUNTY, MD.

Mr. BANZHOFF. Thank you, Mr. Chairman.

Senator MOSS. We are glad to have you.

Mr. BANZHOFF. I am here on behalf of the sportsmen of Washington County. Since Mr. Beall has left I cannot debate him on the testimony that he gave this morning on the hunting and fishing in the Potomac River. That is why I am here.

My testimony on the bill is this: If this bill is passed, the pleasures of the Potomac River are gone forever. Peace and quiet is gone. A man can't go fishing or duck hunting which is every sportsman's pleasure and dream. If this bill is passed, a man can't carry a gun on Federal land; and if a man can't carry a gun, how can he shoot a duck or a goose?

Also, the old fishing hole will be gone, too, for you will have to dock your boats at a certain spot and there will be so many motorboats it will be impossible to fish.

Now my next paragraph, there are two channels on this, I know, between the Interior and our Potomac River. If the Interior has all this money to spend, my belief is this: Why don't they put it where it will do the most good, and that is to clean up the Potomac River because it is our tax dollar that you are using.

I have lived along the Potomac River for 50 years and places where I fished when I was a boy are no longer there, they are filled up with trash and mud and sand. The river is filling up from year to year which no one can deny. If this continues, there will be just a little stream, not a beautiful river.

You people down in Washington are hollering about blue water. In my belief, if you want clean water you have to clean up the whole stream, not just the bottom. As you go up in Washington County I can prove there are tons and tons of sand being emptied into the Potomac River every day and there is nothing done about it.

Water is a vital resource to our country today, let's try to keep it. I am confining my fears to Washington County. I also am a property owner along the C. & O. Canal.

Thank you.

Senator Moss. Thank you, Mr. Banzhoff.

Mr Harold B. Norwood of Laurel, Md.

STATEMENT OF HAROLD B. NORWOOD, LAUREL, MD.

Mr. NORWOOD. Mr. Chairman, I am Harold Norwood, a civilian in the town of Laurel, Md. I speak for myself in support of this legislation as a native of the District of Columbia and a homeowner in Maryland for the past 33 years. I have enjoyed the unique natural beauty of the canal area throughout my lifetime and I would with gratitude commend the action of Congress which would assure future generations as well as ourselves the continued enjoyment of this continued historical strip of American riverside.

Thank you very much.

Senator Moss. Thank you very much, Mr. Norwood. We appreciate your coming and bringing us your testimony

Mrs. Adelaide Henderson.

STATEMENT OF ADELAIDE HENDERSON, LUTHERVILLE, MD.

Mrs. HENDERSON. I am Adelaide Henderson. I teach Latin at Garrison Forest School near Baltimore while my husband attends the Johns Hopkins University School of Medicine. We live in an inexpensive house which we have made comfortable, but we attempt no major improvements or extensive repairs because this is only a temporary dwelling for us. Some day we hope to make a permanent home, one in which we will invest our whole lives: our money, our time, and our love. Will the Government think our home is a good site for a park?

America is becoming more and more restless today. Young people can find nothing permanent to cling to. We need to settle somewhere,

to put down roots. As with a tree, these roots are best dedicated to a single patch of ground, a part of the earth that we would like to call our own. Taking a man's home should be the very last resort, for you take all that he has built, all the life and love he has put into it.

It is not the material goods that are his prime loss; you have deprived him of the fruits of many years labors of love. You do not kill him, but you crush his spirit. He can start again, but his faith in himself, his country and his fellow man will never be whole again. He will be afraid of futility as the result of all his ambitions. His insecurity affects all around him. Youth today have many examples of hopelessness and discouragement. What incentives for settling down are left, when the value of long-established homesteads is taken so lightly?

In cases such as this, do you consider merely the number of people involved or the degree of such involvements? In this case, do you weigh the possibly increased enjoyment of the few who now use this national monument against the lives, the livelihoods, and the past connections to this land of these people who make their homes here? Must we always feel temporary? Can we never give ourselves entirely? I ask you not to abuse your right of eminent domain. Consider every other possibility first. Is it not possible to plan a park around the existing homes and allow the local people to retain ownership for themselves and their descendants if they wish to? Something of this sort was done in the establishment of the Rocky Mountain National Park.

The young of today have as many worthy values and high ideals as any past generation. Now we need the security of a stable foundation on which to build. Do not discourage people from settling and establishing themselves. Allow them security in their endeavors by leaving them the one spot into which they have put so much of their hearts.

Thank you.

Senator Moss. Thank you, Mrs. Henderson. We appreciate your statement and your plea for eminent domain.

Mr. Daniel Sheedy, president, Land Planning & Development Co., Inc.

STATEMENT OF DANIEL M. SHEEDY, PRESIDENT, LAND PLANNING & DEVELOPMENT CO., INC.

Mr. SHEEDY. Thank you, Mr. Chairman.

I would like to address this statement very briefly to you, Mr. Chairman, and also to the absent members of the committee.

Senator Moss. Very good.

Mr. SHEEDY. I am Daniel M. Sheedy, president of Land Planning & Development Co., Inc., and an experienced land planner residing in Washington County, Md., and I am here today to represent several landowners in the Potomac River Basin.

As a land planner, and developer, I favor development of the C. & O. Canal through your proposed bill H.R. 19342. I further support the position of Washington County, Md.

Of basic concern to me is the land use of land adjoining the 184 miles of the C. & O. Canal. A large portion of these lands are suitable

for low density (i.e., 3 to 5 acres) recreational second homes. This is a compatible, complementary use benefiting:

1. Present landowners—by enabling them to achieve the highest and best use of their lands;
2. County governments—by helping to offset their tax revenue losses due to Federal ownership of additional acreages;
3. Future users of the proposed national park—by being in an area which is esthetically compatible with the natural surroundings of the park.

To insure this desirable land use of contiguous acreage, it is necessary that it be written into legislation that adjoining landowners, with a compatible land use, have the right of access across the park lands by means of foot paths and horseback riding trails to the waters of the Potomac River.

And also in the determination of the specific boundaries compatible land use must be considered, thus decreasing the necessity of fee ownership and relying more on scenic easements for control of the Potomac Valley.

Thank you, sir.

Senator Moss. Thank you for that statement, Mr. Sheedy. There is a section in here about access across the lands or across the park to the river.

Mr. Abraham J. Harris, Bethesda, Md.

Is Mr. Harris still here?

Apparently he is not here.

Did he have a written statement?

Mr. HARTUNG. Yes.

Senator Moss. We will place that statement in the record.

(The statement by Mr. Harris was handwritten and could not be reproduced, but was retained in the committee file.)

Senator Moss. Although Mr. Harris is not here, that completes our list.

Did anyone come who was not heard?

Yes, sir. What is your name, sir?

Mr. CONLIN. My name is Thomas F. Conlin.

Senator Moss. I thought I saw that here.

Mr. CONLIN. I am sorry that we did not request an appointment to talk before your committee but we didn't know about the hearings being scheduled until we learned of the date but no time was specified. I happened to be in town attending a meeting of the American Transit Association regarding our bus service to Cumberland and by sheer accident I called Senator Bible's office and learned that these hearings were being held this morning.

As the mayor of the city on the other end of the canal, I would like to say briefly a few words to the committee.

Senator Moss. You may come forward and make a brief statement, Mr. Conlin.

STATEMENT OF THOMAS F. CONLIN, CUMBERLAND, MD.

Mr. CONLIN. I am a property owner abutting the canal. I agree with everyone here that the unfortunate experiences of the Department of Agriculture I think have made it amply clear to everybody in the West Virginia recreational area that while we favor control of the Federal

Government over some of our recreational areas in order to prevent their eventually falling away from this purpose, we certainly have to oppose blanket condemnation.

I have been listening with great interest to this because I have seen this cause a great deal of local hatred for the local government and even went so far as to cause an unfortunate destruction of the beautiful overlook built on top of Spruce Knob shortly after it was dedicated, all because local people lacked confidence in process of condemnation.

Now I am not worried about anyone condemning my land because I don't have one of these villas or historic homes, I just have a piece of property and I am a home owner in Cumberland. It just so happens that our master plan has no open space or pathway of any type level through the city except for the portions of the canal which enter the city on its southern or southeast boundary and terminate at the form of terminus. Now the thing that disturbs me is the fact that first of all there was no public notice given of the committee—this is not criticism of the committee itself, it is probably an oversight due to the mails. I understand those notices were mailed during the rail strike and they could have reached the papers late, and it was small papers. This is the kind of thing that causes unfortunate friction between the legislative process and the people.

The other point I would like to make is that we in Cumberland have had testimony that should be investigated by your committee from a land planner we engaged to plan a bridge near the canal in Cumberland who stated that the Interior Department was planning to convey away valuable portions of the canal property owned by the Department of Interior for some use planned by the B. & O. Railroad.

Now the B. & O. Railroad has never made any statement to me as mayor of Cumberland that they have any use for this land; there is nothing in our files to indicate this, yet our planner has advised that in designing this roadway he must bear in mind that the Department of Interior is going to sell lands and here we are talking about the Department of Interior buying other land.

I respectfully suggest to the committee that they look into the fact that if someone were to suggest the sale of the canal through Georgetown for a six lane highway, Mr. Volpe and everyone else would have quite a few hearings, I believe, before it was all over.

I am a member of the National League of Cities Steering Committee on the Environmental Goals of the Cities; certainly I can't stand still for any conveyance of public lands to a public utility which pays no taxes under its charter in Maryland. I have no disrespect toward the railroad, they are a good neighbor to a point, except they do not pay taxes. The Federal Government is adopting the principle that post offices should pay taxes, so I feel a public utility like the B. & O. Railroad is a good neighbor when it offers to pay taxes whether it is required by law or not.

I merely bring this to the attention of the committee. I hope an investigation will be conducted.

Thank you.

Senator Moss. We appreciate that, Mayor Conlin. I can assure you the Department does not have any authority to sell any of these lands and could not do so without seeking authority.

Mr. CONLIN. That is very good information.
 Senator Moss. Thank you.

Mrs. Janet Charles came and did not have a chance to appear.

STATEMENT OF JANET CHARLES, BIG SPRINGS, MD.

Mrs. CHARLES. Mr. Chairman, my name is Janet Charles and I live with my husband and five children at Charles Mill, Big Springs, Md. I am here today as I am quite concerned over the effects of portions of this bill upon my own family and my neighbors.

I am extremely concerned with the wording of this Senate bill. Nowhere does this protect the property owner from being condemned. True, the word "condemnation" is not to be found but, gentlemen, giving the Secretary of Interior the "authority" is one and the same thing. I ask that you consider amending this section to specifically state that condemnation cannot be used to procure lands and that the words "no condemnation" be used as language for this bill.

Condemnation is not new for the Charleses. Joseph Charles immigrated to this country in the late 1700's and in the year 1814 bought a tract of land on the Potomac River and established Charles Mill. The mill was successfully operated for over 100 years. The Charleses owned the land before the C. & O. Canal was a thought and when the canal was finally built, part of Joseph Charles' land was condemned and taken. Now, in 1970, we are threatened with condemnation again. This time it is our home. We are the sixth generation of taxpaying, law-abiding citizens to inherit his legacy and I want my children to have this right.

I am not against a national park but I am against condemning my land and my neighbors' land to secure such a park. There are many willing sellers up and down the river on both the Maryland and West Virginia sides. In my area alone (Prathers Neck) there have been and are now several farms listed with local real estate agencies and at reasonable prices. The C. & O. Canal now has over 5,000 acres and those of us who live along the canal, in my area especially, can verify that it is poorly maintained and rarely, if at all, ever policed.

Lifelong residents have been told for years of the prosperity the park would bring to our area. So far, all any of us have received are discarded cans and bottles, oil slick from the motorboats and the constant cloud of possible condemnation. Most of us used to keep the canal mowed and the trees trimmed but that isn't permitted any more so we now have a jungle of havenwood trees, poison ivy, weeds, and pot parties. Some of the hikers steal any thing that isn't chained down so we now have to keep a shotgun handy, post signs, and employ the efforts of good watchdogs. In my humble opinion the Department of the Interior would do well to maintain the 5,000 acres they already now have.

We are not standing in the way of establishing a park. The park already exists. But condemning a man's home and depriving his children of their just rights to inherit their lands is just not the American way of life. If the park has to be enlarged, then buy the additional lands from willing sellers.

Thank you.

Senator Moss. Thank you, Mrs. Charles.

Mrs. CHARLES. In addition, I would like to submit a letter that Joseph Charles wrote to the judges of Washington County in the year 1834 protesting the condemnation of his land at that time. He held the land prior to the acquisition or the building of the C. & O. Canal.

Senator Moss. Thank you. Be glad to accept that.

(The letter referred to was not supplied in time to be included in the record.)

Senator Moss. There was one lady in the back.

STATEMENT OF LEE WARREN SHIPMAN, MONTGOMERY COUNTY COUNCIL

Mrs. SHIPMAN. Mr. Chairman, Mr. Nel Potter of the Montgomery County Council was appointed to write you a letter. Tuesday is the council meeting day and they were meeting and signing the letter today. I wondered if you could leave the record open for 24 hours so that the letter from Mr. Nel Potter and the Montgomery County Council could be incorporated in the record.

Senator Moss. Yes; I will order that the record be held open from the time we adjourn the hearing for 24 hours.

Mrs. SHIPMAN. Thank you.

(The letter referred to was not supplied in time to be included in the record.)

Senator Moss. The lady here in front.

STATEMENT OF MARY MILTONBERGER, PRESERVATION SOCIETY, C. & O. CANAL CHAPTER, ALLEGHENY COUNTY, MD.

Mrs. MILTONBERGER. My name is Mrs. Mary Miltonberger of the Preservation Society, C. & O. Chapter, Allegheny County, Md.

We were not prepared because we, like the mayor, got no warning from the papers as to when the hearing was. A few weeks ago I sent to Senator Bible copies of the petitions which the Preservation Society had circulated in Allegheny County with over 400 signatures supporting the bill with the reservation that the canal will be developed in the Cumberland area.

If you will note on the map, under the House bill where it defines the boundary map, the red area stops for development at North Branch. This we oppose. The terminus belongs in Cumberland which is the real terminus of the canal, and this is the main thing that I want your committee to consider. We have been unsuccessful in getting this point across to the Park Service so far.

Senator Moss. We will consider that. We are pleased to have you come and present that for the record so that in our deliberations we will know whether or not want to put that in the bill or into the report, at least, directing how the development should be handled if the park is created.

Mrs. MILTONBERGER. Thank you.

Senator Moss. I do appreciate all of you who have stayed through this hearing all day. We have had to move rather rapidly this afternoon but we have heard from a remarkable number of witnesses and we have compiled a rather complete record.

As in all of these cases the opinion is not unanimous and it is always a matter of trying to weigh the virtues against the vices or whatever way you want to put it. We hear a lot of these park matters and it is axiomatic that nearly always the people who live right in the area are opposed to it while those farther away are for it, and that seems to be sort of the pattern here today.

The committee recognizes the continuing need for Maryland communities to obtain access across the line of the C. & O. Canal for utilities, including water and sewer pipelines to the Potomac River. Under the act of August 1, 1953 (67 Stat. 359), the Secretary of the Interior is authorized and directed to grant perpetual easements for such rights-of-way through, over or under the parkway lands along the line of the Chesapeake & Ohio Canal, now or hereafter acquired, "subject to such reasonable conditions as are necessary for the protection of the Federal interest."

This act has proved to be workable and its safeguards against environmental damage appear to be very adequate. In accord with the position of the Department of the Interior, the committee regards the act of August 1, 1953, as fully applicable to the national historical park.

The southern boundary of the national historical park will be the north (Maryland) bank of the Potomac River. The committee expects that the Secretary of the Interior will reaffirm this fact when he publishes the exact boundaries of the park as required under section 3 of H.R. 19342. Nothing in this bill in intended or shall be construed to extend the jurisdiction of the Secretary over the Potomac River itself, or to alter or affect in any way statutory or common law rights or jurisdiction over the river, its bed, or its islands which are now exercised or may be asserted in the future by the State of Maryland, the Federal Government, or any other party.

I made those statements to clarify some of the discussion that went on today. This is my interpretation and I think this is valid—at least, this will be presented to the committee in that manner.

I thank you for your attention, whether in favor or opposed. We had a full and fair hearing, and it now revolves upon the legislators to sit down and consider all of the evidence and make a decision and that will be done. The meeting will be held after 24 hours from now because for the next 24 hours any person who has a written statement that is pertinent to the matter here and occasioned by something that has been presented already or that has occurred to that person since that has not been put in the record may submit it to the committee and it will become part of the record. At that point the record will be closed and deliberations will begin.

We are now adjourned.

Mr. ANSON COURTER. Senator Moss, would it be in order for me to commend you and the committee on behalf of all the witnesses remaining here for the speech and fairness of this hearing?

Senator Moss. Thank you. I accept that and I appreciate it. Thank you.

(Whereupon, at 4:10 p.m., the subcommittee adjourned.)

APPENDIX

(Under authority previously granted, the following statements and communications were ordered printed:)

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY OF THE CITIZENS
COMMITTEE ON NATURAL RESOURCES, WASHINGTON, D.C.

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.

The measures before the Committee are HR 19342 as passed by the House on October 5, 1970, and S. 1859.

With few exceptions, Mr. Chairman, the bills indicated above differ but not in the basic purpose of establishing a Chesapeake and Ohio National Historical Park. The passage of HR 19342 included the consideration of the report of the Department relative to this legislation. The Department report was far reaching in the establishment of the Park.

Within the time allotted, Mr. Chairman, it would be impossible for us to go through any of the measures including the Departmental report on a line by line basis, and we do not intend to do so. We will be more than happy to respond to specific and individual inquiries, if, in so doing, we can be helpful to the Committee.

Basically, it would appear that the total acreage to comprise the proposed Park ranges from the amount the Federal Government now owns plus one thousand acres, to a total, now recommended by the Department of approximately 20,239 acres. The latter figure would comprise some 7,406 acres owned by the Federal Government, 958 acres owned by the State of Maryland, 18 acres owned by clubs, and 12,156 acres owned by private individuals. While these are approximations, this would appear to roughly comprise the fee taking areas at a cost of about \$20,000,000. The Department recommended that for the first five years some \$25,000,000 would be spent for purposes of development and restoration with the residual of the total \$47,000,000 recommended for authorization to be available until expended. The House passed measure authorized \$17,000,000 at 1970 prices.

Mr. Chairman, members of the Committee, at this particular point, members of this Committee can almost give my testimony better than can I, since they have heard it so often and for so many years. The basic issue in this legislation, to us, is to preserve a national historical area which serves certain recreation needs of the people of this major metropolitan area. In order that we be understood, let it be clear that we are not urging people be precluded from this area. We are aware that its value is only significant if people understand its purpose, if the area is properly policed, kept in good repair, and is reasonably available for public use. By the same token, if access and development are accentuated to the point where the area is overrun by those wishing to appreciate its beauties, the area can be destroyed by such overuse, thus eliminating the purpose for which it was established at the outset.

We have never indicated that establishing the appropriate and often incompatible goals of preservation and utilization is easy, and we have always sympathized with those government agencies that have such responsibilities. It does occur to us, however, that the monies requested by the Department for development in the instant case are extensive indeed and almost comprise a shopping list. The 25 million to be expended in the first five years, if authorized by the Congress, should carry a directive, in our judgment, that the first priority of expenditures should be in the restoration of the C and O Canal and not in the development of parking and supplementary services. We urge the Committee to carefully an-

alyze the proposals for the area and that restoration activities not be confused with development. These matters are not finite and do represent judgmental factors, but a good example is the Catoctin Creek Aqueduct, which would be almost impossible to rebuild. One geologist has indicated that the particular or rather peculiar type of skills that were required in stone making at that particular time are no longer available.

We have often presented testimony before the Committee urging that balanced development is less costly and more desirable than overdevelopment. Also, we feel some responsibility in terms of the overall cost of Park and Recreation programs. I am sure the Committee understands that we do not have the facilities to specify which individual acres should be encompassed within the boundaries of the proposed park and which acres should be left out. We do feel, however, that \$20,000,000 is a sum far in excess of that which we had envisaged for completion of the Park over the past number of years. Also, we had hoped that the 3,300 acres which lie between the Canal and the Potomac River would have the first priority of being included in the Park. We are not positive that the entire 3,300 acres need be acquired in fee simple. It may well be possible to obtain scenic easement for a price less than the equivalent of the full title.

Mr. Chairman, in brief, we can only reiterate what we attempted to make clear at the outset. First, we feel the Chesapeake and Ohio Canal National Historical Park represents an important and significant era of our country's history, and that it should be preserved on this ground alone. Secondly, it represents an area of recreational opportunities—opportunities that respect quiet, and offer respite from the metropolis, which is so close; yet the environment of the Park is able to filter out much of the sounds and accompanying stress. We feel, therefore, that development should be restrained, that land acquisition should not be excessive, and that the Park should be maintained within a reasonable balance of protection and use.

We thank the Committee for the opportunity of offering our views on this important legislation.

NATIONAL PARKS AND CONSERVATION ASSOCIATION,
Washington, D.C., December 15, 1970.

HON. ALAN S. BIBLE,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, United States Senate, Washington, D.C.

Dear MR. CHAIRMAN: The National Parks and Conservation Association appreciates your invitation to submit comments on S. 1859 and H.R. 19342, as passed by the House of Representatives, authorizing the establishment of the C & O Canal National Historical Park, and requests that this letter be made part of the official records of the hearings held by your Subcommittee.

We commend the Subcommittee for its diligence in conducting hearings on the proposed C & O Canal National Historical Park at a time when the Senate is burdened with consideration of many pieces of legislation in the few days remaining in this session. For this reason we chose not to consume the Subcommittee's time with oral testimony and will confine our comments to a brief statement.

The National Parks and Conservation Association recognizes the leadership of the Maryland delegation in its efforts to preserve this area in the States of Maryland, West Virginia, and the District of Columbia as a National Historical Park. S. 1859, introduced by Senator Mathias would preserve this area in accordance with national park standards. We feel, however, that the language of the House passed bill, H.R. 19342, is acceptable, and urge the Senate Committee on Interior and Insular Affairs to recommend immediate passage of the House passed version by the Senate.

The Canal was the Great National Project when it was being built. It is still a great national project. Acquisition of the entire C & O Canal and adjacent lands for preservation in the National Park System cannot be postponed. The need for acquisition and preservation is obvious. History will not honor further delays.

Cordially yours,

ANTHONY WAYNE SMITH, *President and General Counsel.*

STATEMENT OF LARRY CHAMBERS, VICE PRESIDENT, POTOMAC BASIN FEDERATION

The right to own land has been one of the true foundations of this nation. Legislation affecting this privilege and placing duress and apprehension on those that are fortunate to own land adjacent to the C & O Canal is morally wrong and unnecessary if a workable solution can be found.

Instead of testimony against this bill, I respectfully submit ideas and proposals for your consideration and enlargement.

A. LAND PURCHASE EASEMENT POLICY

1. That all land bordering the Potomac River or the C & O Canal not be construed as under condemnation. That normal land use, mortgage value or loan value be upheld so as not to place duress, hardship on any land use policy or land holders. *This must be understood.*

2. That all land 1,000 ft. in depth (15,000 acres) (123 miles) long from Washington, D.C. to Cumberland, Md. be placed under a right of a purchase easement. This easement will run for 120 days consecutively once a land owner or holder offers his land for sale.

3. That every land owner or holder with no exceptions be included under this easement which falls within the 1,000 ft. boundary.

4. That the easement shall state and be understood of the following:

(a) A land owner or land holder (U.S. Gov't or State Gov't) desirous to sell a parcel of land which falls under said easement will first notify the C&O Canal Land Review Commission (to be described later in this testimony) of their intent or desire to offer for sale said parcel of land. The Land Review Commission will have one hundred and twenty days to consider such a proposal and to take action. If positive action is taken to purchase, price must be of fair market value or must meet the highest valid offer. Funds to purchase said parcel will be supplied from the Land and Water Conservation Fund. If funds are not available at the necessary time a fair payment not construed as purchase, will be paid to said land owner or land holder to warrant holding in abeyance the sale of such parcel. Should negative action occur the land owner or land holder is free to offer for sale said parcel on the open market. If no action is decided upon within the 120 days specification, the land owner or land holder is free to sell or offer for sale said parcel of land. That parcels of land adjacent to said easement may be offered to the Commission for purchase and if positive action is taken, will be given the same consideration and payments as incentives to do so. That the Commission have all authority on land purchase. Should a parcel of land be considered for condemnation the Commission will have the authority to negotiate with said land owner or land holder to purchase that parcel before condemnation is considered as a final solution. The Commission will also consider all land within a one mile length of each border of which parcel is under consideration to be condemned and, purchase if possible, if an alternate parcel offered or negotiated within this one mile length. Then said Commission must give first priority to the alternate parcel and disallow condemnation of first parcel.

5. Land Review Commission shall consist of:

(a) two members of the Potomac Basin Federation or any duly organized body representing land owners which have land holdings within this 1,000 ft. easement,

(b) two members selected by the Secretary of Interior,

(c) one member selected by the Secretary of Agriculture,

(d) two members from National conservation organizations one to be selected by the land owners and one to be selected by the Secretary of Interior.

The meeting of the Commission and remuneration to be decided upon later.

6. Duration of Land Review Commission

That the Commission will be in force the first two years of this bill. That there shall be an evaluation by the U.S. Senate Interior and Insular Affairs Committee to see if the Commission is carrying out its goals and that it is a workable solution. If the Committee finds that the Commission has not workable grounds it may dissolve the Commission and make whatever feasible recommendations it so desires. That the Commission will warrant review as often thereafter as said Committee deems appropriate. That there must be just reason to dissolve said Committee. All lease back, exchanges or sell back proposals will have final approval of the U.S. Senate Interior and Insular Affairs Committee.

Planning for future generations is a National must if man is to survive on this Earth, but those responsible for such planning must protect the rights and liberties of today. To ignore such rights and liberties for future generations will only establish National policies of a more captive people unable to express their national individualism guaranteed by the Constitution of these United States.

WILLIAMSPORT, Md., December 15, 1970.

HON. ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation, New Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I learned only yesterday that your Subcommittee on Parks and Recreation would be holding hearings today on the C.&O. Canal Bill. If I had received word earlier, I would have planned to come down to Washington and be present at the hearings, but this letter will have to do instead of a personal appearance.

There's been some criticism of the C.&O. Canal Bill by people in Washington County, which contains about eighty miles of the canal along its bank of the Potomac River. Some of the criticism comes from people who live along the river and fear that their property rights or their privacy will be invaded. Other criticism comes from community leaders, with strong ties to industry and commerce, who claim that a C.&O. Canal Park would limit immediate access to the Potomac's waters for use by industry.

But I believe that the large majority of Washington Countians, although they may not be adamant, would enjoy seeing their section of the canal protected and restored. Although this majority might sympathize with property owners whose land might be annexed to the proposed park, they understand that the owners would be properly compensated and would have the same access to the use and enjoyment of the river as every other citizen. This majority, although realizing the importance of healthy industrial development, might further question the wisdom of leaving the banks of the Potomac open to such development. New Industries could easily and probably ought to be sited some distance away from the banks to protect the scenic amenities of the river and guard against the ill effects that accompany construction and operation of industrial plants.

I live along the Potomac—or near it. I use the Canal road often for exercise. I wish to see it enhanced and improved but above all protected for my children to enjoy as I have.

Thank you very much your consideration.

Sincerely,

JONATHAN Z. CANNON.

WASHINGTON, D.C., December 1, 1970.

HON. ALAN BIBLE,
Chairman, Senate Parks and Recreation Subcommittee,
145 Senate Office Building,
Washington, D.C., 20510

DEAR SENATOR BIBLE: The undersigned, as citizens concerned about the preservation of our national resources, desire to present testimony to the Subcommittee in its consideration of legislation to establish the C. & O. Canal National Historical Park. This statement is submitted in lieu of oral testimony at the hearing which has been scheduled, and we request it be incorporated as a part of the Subcommittee's records.

The legislation before the Subcommittee represents the culmination of years of effort to protect the C. & O. Canal and its environs. On several occasions in the past, the Senate has approved bills in support of a C. & O. Canal Park—none of which, however, was ever adopted in the House. Not until this fall has it been possible to obtain House approval, with the passage on October 5, 1970 of H. R. 19342. In view of this long drawn-out legislative history, it is urgently hoped that the Senate will take favorable action, at an early date, to enable final approval of a Public Law during the current session of the Congress. Scheduling of the hearing by the Subcommittee during this session's conflicting priorities, is therefore greatly appreciated.

The National Historical Park which we support would comprise a total of approximately 20,400 acres, as contrasted with the present National Monument of some 5,250 acres. It would extend 184 miles from Rock Creek in Georgetown to Cumberland, Maryland, and would include all land between the Canal and the Potomac River. The greatest present need is to acquire the additional land. Also very desirable at the present time are (1) restoration of historical structures (e.g., locks, aqueducts, dams, etc.) which are now deteriorating; and (2) such development as would provide for some rewatering of the canal and for fishing and river access. The undersigned particularly urge that any development of the Park be accomplished slowly and with due regard to the preservation of natural beauty. Costly structures such as marinas extensive parking lots, and buildings should be avoided now and in the future. Emphasis in the creation of the Park should be given to facilitating its use by active lovers of the out-of-doors. What we seek is a simple, natural Park which will preserve the nineteenth century character and beauty of the Canal and, at the same time, provide maximum opportunity for its use by hikers, bikers, canoeists, bird-watchers, and as appropriate by horseback riders and campers.

Costs have been estimated at twenty million dollars for land acquisition, and twenty-five to twenty-seven million for necessary restoration and improvements, such costs to be spread over the next five years. Large sums for overdevelopmental purposes are not recommended.

The proposed Park would be available to a number of large population centers. The lower reaches of the Canal are, of course, in close proximity to Washington, D. C. Modern highways running into western Maryland from Baltimore, as well as from Harrisburg and Pittsburgh, Pennsylvania, provide access to other stretches of the Canal within reasonable driving times. The Park would in reality possess national rather than local characteristics.

The undersigned include individuals who have long been concerned with environmental problems and the protection of our vanishing undeveloped areas. (This interest has been exhibited over the years by our various memberships in and support of such organizations as the C. & O. Canal Association, the Wilderness Society, the Sierra Club, Friends of the Earth, the National Audubon Society, the National Wildlife Federation, the American Youth Hostels, and other similar associations.) We are convinced that establishment of the C. & O. Canal National Historical Park would be in the national interest, and we strongly urge its approval by the Subcommittee.

This opportunity to express our views is appreciated.

Sincerely,

(This statement was signed by many concerned citizens of the Washington Metropolitan area.)

STATEMENT OF JACK L. STONEBERGER, TAYLORS LANDING, SHARPSBURG, MD.

To the Members of the Senate Interior Committee: I am Jack L. Stoneberger of Taylors Landing, postoffice address Sharpsburg, Maryland. I work as a carpenter in the Washington area commuting from 50 to 70 or more miles a day to earn my living and maintain my family. I love the Potomac River and have enjoyed living next to it for many years now and sincerely hope to raise my daughter and such sisters and brothers as she may have in the same pleasures that it has provided me. It bothers me a lot that my government may even be considering taking my home away from me so that people from the city may have more room to use the canal. I can assure you that most of the people that I see walking, or riding horses or bicycles on the towpath are local people, and that the only time there are very many people on the towpath is the one day in the spring if Justice Douglas' hike happens to come our way. In fact, on many, many days there is no one at all except the park personnel. In years gone by, on hot summer afternoons it was different. People came in droves to picnic and swim, and it was like a county fair in Taylor's Landing. Somehow the federal management has discouraged such use by rules and regulations, by putting up barricades, and by keeping us from cutting the brush that now hides the river. In fact, the one small business that our town had—a store—has now gone out of business.

My house is right old, maybe 100 years, is wooden and has lots of stone retaining walls and cement work around it. The house has withstood many floods of the Potomac including the grand-daddy of them all, that of 1936. I know

because between the clapboards and plaster it is well insulated with dried mud. I do not fear action from the river, it is the action of Congress, that I fear.

Just how calling the C. & O. by a new name is going to cause the canal to be crowded by hikers or justify spending millions of tax dollars, I cannot understand. I can tell you that some of the money that you have already spent might better have been thrown down a rat hole. I love my home, please do not take it for such a frivolous purpose. Also, I want to continue loving my country, and to bring my children up to love it too. Isn't government at the federal level unpopular enough already without deepening the divisions in this country?

