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BOUNDARY REVISION, NATIONAL PARK SERVICE

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HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. 2601, S. 2650

BILLS TO PROVIDE FOR INCREASES IN APPROPRIATION
CEILINGS AND BOUNDARY CHANGES IN CERTAIN UNITS
OF THE NATIONAL PARK SYSTEM, AND FOR OTHER
PURPOSES

S. 1878

A BILL TO AMEND SECTION 5 OF PUBLIC LAW 89-664
WHICH ESTABLISHED THE BIGHORN CANYON NATIONAL
RECREATION AREA

OCTOBER 21, 1971



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

U.S. GOVERNMENT PRINTING OFFICE

70-347 O

WASHINGTON : 1971

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION



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(II)

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BOUNDARY REVISION, NATIONAL PARK SERVICE

THURSDAY, OCTOBER 21, 1971

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

The subcommittee met at 2 p.m., pursuant to notice, in room 3110, new Senate Office Building, Senator Alan Bible presiding.

Present: Senators Bible and Hansen.

Also present: Bernard C. Hartung, professional staff member, and Thomas Nelson, assistant minority counsel.

Senator BIBLE. The hearing will come to order.

This is the time that we have regularly set and noticed for the hearing on a number of bills, S. 2601 and S. 2650. I know that Senator Hansen has a bill introduced by himself for his colleague, Senator McGee, and for the majority leader, Senator Mansfield, and for Senator Metcalf. I think it is in the same general area as the other projects.

We will make a part of the record at this point S. 2601, S. 2650, and S. 1878, the Hansen bill, and departmental reports.

(The documents referred to follow:)

(1)

92^D CONGRESS
1ST SESSION

S. 2601

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 1971

Mr. BIBLE introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—ACQUISITION CEILING INCREASES

4 SEC. 101. The limitation on appropriations for the ac-
5 quisition of lands and interests therein within units of the
6 national park system contained in the following Acts are
7 amended as follows:

8 (1) Assateague Island National Seashore—Maryland
9 and Virginia: section II of the Act of September 21, 1965

1 (79 Stat. 824, 827), is amended by changing "\$16,250,000"
2 to "\$20,650,000", and by adding the following sentence
3 after the period: "Funds authorized to be appropriated for
4 the acquisition of lands and interests in land may, notwith-
5 standing the foregoing limitation, be increased in appropria-
6 tion Acts by such amounts as may be necessary to pay
7 interest and deficiency awards owed by the United States as
8 determined in condemnation actions for the acquisition of
9 such lands and interests.";

10 (2) Big Hole National Battlefield, Montana: section 5
11 of the Act of May 17, 1963 (77 Stat. 18), is amended by
12 changing "\$20,000" to "\$42,500";

13 (3) Effigy Mounds National Monument, Iowa: section
14 5 of the Act of May 27, 1961 (75 Stat. 88), is amended
15 by changing "\$2,000" to "\$14,000";

16 (4) Fort Donelson National Military Park, Tennessee:
17 section 3 of the Act of September 8, 1960 (74 Stat. 875), is
18 amended by changing "\$226,000" to "\$454,000";

19 (5) Lincoln Boyhood National Memorial, Indiana: sec-
20 tion 4 of the Act of February 19, 1962 (76 Stat. 9), is
21 amended by changing "\$1,000,000" to "\$1,320,000" and
22 "\$75,000" to "\$395,000";

23 (6) Ozark National Scenic Riverways, Missouri: sec-
24 tion 8 of the Act of August 27, 1964 (78 Stat. 608), is
25 amended by changing "\$7,000,000" to "\$11,111,000";

1 (7) Shiloh National Military Park, Tennessee: section
2 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by
3 changing "\$57,100" to "\$150,100".

4 TITLE II—DEVELOPMENT CEILING INCREASES

5 SEC. 201. The limitations on appropriations for acqui-
6 tion and development of units of the national park system
7 contained in the following Acts are amended as follows:

8 (1) Herbert Hoover National Historic Site, Iowa: sec-
9 tion 4 of the Act of August 12, 1965 (79 Stat. 510), is
10 amended by changing "\$1,650,000" to "\$3,500,000";

11 (2) Booker T. Washington National Monument, Vir-
12 ginia: section 4 of the Act of April 2, 1956 (70 Stat. 86),
13 is amended by changing "\$200,000" to "\$600,000";

14 (3) Johnstown Flood National Memorial, Pennsyl-
15 vania: section 5 of the Act of August 31, 1964 (78 Stat.
16 752), is amended by changing "\$2,000,000" to "\$2,-
17 244,600".

18 SEC. 202. The additional sums authorized to be appro-
19 priated for development in the Acts as amended in section
20 201 are based on March 1971 prices and may be increased or
21 decreased in appropriation Acts by such amounts, if any,
22 as may be justified by reason of ordinary fluctuations in con-
23 struction costs as indicated by engineering cost indices ap-
24 plicable to the types of construction involved for each area.

1 TITLE III—BOUNDARY CHANGES

2 SEC. 301. The Secretary of the Interior is authorized
3 to revise the boundaries of the following units of the na-
4 tional park system:

5 (1) Adams National Historic Site, Massachusetts:
6 to add approximately 3.68 acres;

7 (2) Fort Caroline National Memorial, Florida: to
8 add approximately 12.5 acres;

9 (3) George Washington Birthplace National Mon-
10 ument, Virginia: to add approximately 62.3 acres;

11 (4) Glacier National Park, Montana: to add ap-
12 proximately 233.15 acres and to exclude approximately
13 68.47 acres;

14 (5) Isle Royale National Park, Michigan: to add
15 approximately 0.52 acre;

16 (6) Johnstown Flood National Memorial, Penn-
17 sylvania: to add approximately 53.6 acres;

18 (7) Lassen Volcanic National Park, California: to
19 exclude approximately 482 acres;

20 (8) Muir Woods National Monument, California:
21 to add approximately 49.7 acres;

22 (9) Petersburg National Battlefield, Virginia: to
23 exclude approximately 257.53 acres.

24 SEC. 302. The boundary revisions authorized in section

1 301 shall become effective upon publication in the Federal
2 Register of a map or other description of the lands added
3 or excluded by the Secretary of the Interior.

4 SEC. 303. Within the boundaries of the areas as revised
5 in accordance with section 301, the Secretary of the Interior
6 is authorized to acquire lands and interest therein by dona-
7 tion, purchase with donated or appropriated funds, exchange,
8 or transfer from any other Federal agency. Lands and inter-
9 ests therein so acquired shall become part of the area to
10 which they are added, and shall be subject to all laws,
11 rules, and regulations applicable thereto. Lands and inter-
12 ests therein excluded from the areas pursuant to section 301
13 may be exchanged for non-Federal lands within the bound-
14 aries as revised, or they may be transferred to the juris-
15 diction of any other Federal agency or to a State or political
16 subdivision thereof, without monetary consideration, as the
17 Secretary of the Interior may deem appropriate. In exer-
18 cising the authority in this section with respect to lands
19 and interests therein excluded from the areas, the Secre-
20 tary of the Interior may, on behalf of the United States,
21 retrocede to the appropriate State exclusive or concurrent
22 legislative jurisdiction subject to such terms and conditions
23 as he may deem appropriate, over such lands, to be effec-
24 tive upon acceptance thereof by the State. Any such lands
25 not so exchanged or transferred may be disposed of in

1 accordance with the Federal Property and Administrative
2 Services Act of 1949, as amended.

3 SEC. 304. There are hereby authorized to be appropri-
4 ated not to exceed \$1,328,000 for the acquisition of lands and
5 interests therein added to the areas referred to in section 301.

6 SEC. 305. The authorities in this title are supplementary
7 to any other authorities available to the Secretary of the
8 Interior with respect to the acquisition, development, and
9 administration of the areas referred to in section 301.

92^d CONGRESS
1ST SESSION

S. 2650

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 1971

Mr. MANSFIELD for Mr. JACKSON (for himself and Mr. ALLOTT) (by request) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—ACQUISITION CEILING INCREASES

4 SEC. 101. The limitations on appropriations for the
5 acquisition of lands and interests therein within units of the
6 national park system contained in the following Acts are
7 amended as follows:

8 (1) Big Hole National Battlefield, Montana: sec-
9 tion 5 of the Act of May 17, 1963 (77 Stat. 18), is
10 amended by changing "\$20,000" to "\$42,500";

1 (2) Effigy Mounds National Monument, Iowa: sec-
2 tion 5 of the Act of May 27, 1961 (75 Stat. 88), is
3 amended by changing "\$2,000" to "\$14,000";

4 (3) Fort Donelson National Military Park, Ten-
5 nessee: section 3 of the Act of September 8, 1960 (74
6 Stat. 875), is amended by changing "\$226,000" to
7 "\$454,000";

8 (4) Lincoln Boyhood National Memorial, Indiana:
9 section 4 of the Act of February 19, 1962 (76 Stat. 9),
10 is amended by changing "\$1,000,000" to "\$1,320,000"
11 and "\$75,000" to "\$395,000".

12 (5) Shiloh National Military Park, Tennessee: sec-
13 tion 1 of the Act of July 3, 1926 (44 Stat. 826), is
14 amended by changing "\$57,100" to "\$150,100".

15 TITLE II—DEVELOPMENT CEILING

16 INCREASES

17 SEC. 201. The limitation on appropriations for acqui-
18 sition and development of units of the national park system
19 contained in the following Acts are amended as follows:

20 (1) Herbert Hoover National Historic Site, Iowa:
21 section 4 of the Act of August 12, 1965 (79 Stat. 510),
22 is amended by changing "\$1,650,000" to "\$3,500,-
23 000";

24 (2) Booker T. Washington National Monument,
25 Virginia: section 4 of the Act of April 2, 1956 (70

1 Stat. 86), is amended by changing "\$200,000" to
2 "\$600,000";

3 (3) Johnstown Flood National Memorial, Pennsyl-
4 vania: section 5 of the Act of August 31, 1964 (78 Stat.
5 752), is amended by changing "\$2,000,000" to
6 "\$2,244,600".

7 SEC. 202. The additional sums authorized to be appro-
8 priated for development in the Acts as amended in section
9 201 are based on March 1971 prices and may be increased or
10 decreased in appropriation Acts by such amounts, if any, as
11 may be justified by reason of ordinary fluctuations in con-
12 struction costs as indicated by engineering cost indices appli-
13 cable to the types of construction involved for each area.

14 TITLE III—BOUNDARY CHANGES

15 SEC. 301. The Secretary of the Interior is authorized to
16 revise the boundaries of the following units of the national
17 park system:

18 (1) Adams National Historic Site, Massachusetts:
19 to add approximately 3.68 acres;

20 (2) Fort Caroline National Memorial, Florida: to
21 add approximately 12.5 acres;

22 (3) George Washington Birthplace National Monu-
23 ment, Virginia: to add approximately 62.3 acres;

24 (4) Glacier National Park, Montana: to add ap-

1 proximately 233.15 acres and to exclude approximately
2 68.47 acres;

3 (5) Isle Royale National Park, Michigan: to add
4 approximately 0.52 acre;

5 (6) Johnstown Flood National Memorial, Penn-
6 sylvania: to add approximately 53.6 acres;

7 (7) Lassen Volcanic National Park, California: to
8 exclude approximately 482 acres;

9 (8) Petersburg National Battlefield, Virginia: to
10 exclude approximately 257.53 acres.

11 SEC. 302. The boundary revisions authorized in section
12 301 shall become effective upon publication in the Federal
13 Register of a map or other description of the lands added or
14 excluded by the Secretary of the Interior.

15 SEC. 303. Within the boundaries of the areas as revised
16 in accordance with section 301, the Secretary of the Interior
17 is authorized to acquire lands and interest therein by dona-
18 tion, purchase with donated or appropriated funds, exchange,
19 or transfer from any other Federal agency. Lands and inter-
20 ests therein so acquired shall become part of the area to
21 which they are added, and shall be subject to all laws, rules,
22 and regulations applicable thereto. Lands and interests there-
23 in excluded from the areas pursuant to section 301 may be
24 exchanged for non-Federal lands within the boundaries as
25 revised, or they may be transferred to the jurisdiction of any

1 other Federal agency or to a State or political subdivision
2 thereof, without monetary consideration, as the Secretary of
3 the Interior may deem appropriate. In exercising the au-
4 thority in this section with respect to lands and interests
5 therein excluded from the areas, the Secretary of the Interior
6 may, on behalf of the United States, retrocede to the appro-
7 priate State exclusive or concurrent legislative jurisdiction
8 subject to such terms and conditions as he may deem appro-
9 priate, over such lands, to be effective upon acceptance there-
10 of by the State. Any such lands not so exchanged or trans-
11 ferred may be disposed of in accordance with the Federal
12 Property and Administrative Services Act of 1949, as
13 amended.

14 SEC. 304. There are hereby authorized to be appro-
15 priated not to exceed \$228,000 for the acquisition of lands
16 and interests therein added to the areas referred to in sec-
17 tion 301.

18 SEC. 305. The authorities in this title are supplementary
19 to any other authorities available to the Secretary of the In-
20 terior with respect to the acquisition, development, and ad-
21 ministration of the areas referred to in section 301.

92^D CONGRESS
1ST SESSION

S. 1878

IN THE SENATE OF THE UNITED STATES

MAY 14, 1971

Mr. HANSEN (for himself, Mr. McGEE, Mr. MANSFIELD, and Mr. METCALF)
introduced the following bill; which was read twice and referred to the
Committee on Interior and Insular Affairs

A BILL

To amend section 5 of Public Law 89-664 which established
the Bighorn Canyon National Recreation Area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5 of Public Law 89-664 is amended to read
4 as follows:

5 “There is hereby authorized to be appropriated not
6 more than \$780,000 for the acquisition of land and interests
7 in land pursuant to this Act.”

II

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 21, 1971.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill consists of three titles, all relating to certain existing units of the National Park System. Title I increases statutory ceilings on appropriations for land acquisition at five areas; title II increases statutory ceilings on appropriations for development at three areas; and title III authorizes boundary revisions at nine areas.

Enclosed is a section-by-section analysis of the bill. Costs involved are estimated as follows: Title I, authorization increases for land, total \$675,500; title II, authorization increases for development, total \$2,494,600; and title III, authorizations for funds to acquire lands included within revised boundaries, total \$228,000. Combined authorizations in all three titles of the bill total \$3,398,100.

The Department has been concerned for sometime about the need to develop a less cumbersome means by which needed increases in appropriation ceilings and certain kind of boundary changes in units of the National Park Service can be considered both by the Committees and within the Executive Branch. At the same time the Department believes such a method should be limited in its application to only those changes which are both necessary to implement and are consistent with the basic legislation authorizing a particular park service area. In cases where a change, regardless of how desirable it may be, would substantially alter the existing authorization insofar as the size, cost, or the general character of an existing area, the Department believes consideration of separate legislation is desirable.

The bill which we are recommending for your consideration includes changes in authorizations for existing areas which we believe are appropriate for inclusion in an omnibus bill. The Department has developed criteria which we have used in determining the areas to include in this proposal and which we would expect to use in determining the area to be considered for inclusion in future similar omnibus proposals. We will be prepared to present and discuss the criteria which we have developed at the Committee hearing.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

Enclosures.

SECTION ANALYSIS

TITLE I—ACQUISITION CEILING INCREASES

Section 101. Amends the following laws which limit the appropriation of funds for land acquisition, by increasing the limitation as indicated below:

Area	Act	Existing limitation	New limitation	Increase
Big Hole National Battlefield, Mont.....	May 1, 1963 (77 Stat. 18).....	\$20, 000	\$42, 500	\$22, 500
Effigy Mounds National Monument, Iowa.....	May 27, 1961 (75 Stat. 88).....	2, 000	14, 000	12, 000
Fort Donelson National Military Park, Tenn.....	Sept. 8, 1960 (74 Stat. 875).....	226, 000	454, 000	228, 000
Lincoln Boyhood National Memorial, Ind.....	Feb. 19, 1962 (76 Stat. 9).....	75, 000	395, 000	320, 000
Shiloh National Military Park, Tenn.....	July 3, 1926 (44 Stat. 826).....	57, 100	150, 000	93, 000

Note: Land cost estimates have been made on the basis of fair market value, plus acquisition costs and overhead. They do not contain funds for benefits which must be paid pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and which would be required to be charged against land acquisition funds.

TITLE II—DEVELOPMENT CEILING INCREASES

Section 201. Amends the following laws which limit the appropriation of funds for development, by increasing the limitation as indicated below:

Area	Act	Existing limitation	New limitation	Increase
Herbert Hoover National Historic Site, Iowa ¹	Aug. 12, 1965 (79 Stat. 510)	\$1,650,000	\$3,500,000	\$1,850,000
Booker T. Washington National Monument, Va. ²	Apr. 2, 1956 (70 Stat. 86)	200,000	600,000	400,000
Johnstown Flood National Memorial, Pa. ²	Aug. 31, 1964 (78 Stat. 752)	2,000,000	2,244,600	244,600

¹ Original law combined appropriation authorization ceiling for development and land acquisition. Increase herein is \$1,772,000 for development and \$78,000 for land acquisition.

² Original law combines appropriation authorization ceiling for development and land acquisition. Increase herein is for development only.

Section 202. Makes applicable to appropriation ceilings for development engineering cost indices in order to preclude need for further amendment due to normal increases in costs of labor and materials.

TITLE III—BOUNDARY CHANGES

Section 301. Authorizes the Secretary of the Interior to revise boundaries of 9 areas to add or exclude lands as follows:

Area	Change authorized	Land cost
Adams National Historic Site, Mass.	Add 3.68 acres	\$122,000
Fort Caroline National Memorial, Fla.	Add 12.5 acres	None
George Washington Birthplace National Monument, Va.	Add 62.3 acres	57,000
Glacier National Park, Mont.	Add 233.15 acres; delete 68.47 acres	6,000
Isle Royale National Park, Mich.	Add 0.52 acres	31,500
Johnstown Flood National Memorial, Pa.	Add 53.6 acres	11,500
Lassen Volcanic National Park, Calif.	Delete 482 acres	None
Petersburg National Battlefield, Va.	Delete 257.53 acres	None

Lands recommended for addition to Adams, George Washington Birthplace, and Fort Caroline are historically significant and should be protected. Addition to Isle Royale is needed to complete the development programs for this area. Additions to Johnstown Flood are necessary to prevent adverse developments which would be inconsistent with the existing park environment. Deletions at Lassen Volcanic and Petersburg are to facilitate management of these parks. Changes at Glacier are necessary to conform boundary to relocated road and railroad rights-of-way necessitated by flooding.

Section 302. Provides that boundary changes are to be effective upon publication of map or other description in *Federal Register*.

Section 303. Authorizes acquisition of lands added and disposition (by exchange, transfer, or as surplus) of lands deleted from areas. Also authorizes retrocession of legislative jurisdiction to State with respect to any lands excluded. It is expected that this retrocession authority will be exercised in connection with the deletion at Petersburg, which involves exclusion from the park of roadways over which the United States presently exercises "exclusive" legislative jurisdiction.

Section 304. Authorizes appropriation of not to exceed \$228,000 for acquisition of lands added to boundaries. As in title I, land cost estimates do not include funds for benefits which must be paid under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Costs other than for land acquisition but attributable to the boundary changes authorized in title III are shown on the attached table.

Section 305. Declares authorities to revise boundaries, acquire lands, etc., in title III to be supplementary to any other authorities. Existing laws applicable specifically to the areas for which boundary changes are authorized in this title limit acreages of those areas. This section makes it clear that authority to add acreages in this title is in addition to limitations in existing laws.

Total additional costs attributable to title III—boundary changes

Adams	\$50, 000
Fort Caroline.....	89, 100
George Washington Birthplace.....	None
Glacier	None
Isle Royale.....	307, 000
Johnstown Flood.....	¹ 244, 600
Lassen Volcanic.....	None
Perry's Victory.....	4, 537, 000
Petersburg	None

¹ Authorized development increase in title II.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 21, 1971.

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

DEAR MR. CHAIRMAN: This is in response to your request of October 5, 1971, for the views of the Office of Management and Budget on S. 2601, a bill "To provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System and for other purposes."

On July 21, 1971, the Department of the Interior submitted to the Congress a related bill, S. 2650, which combines needed authorization increases and boundary changes for fifteen areas in the National Park System. The Department based its proposal on several administrative criteria that would qualify existing areas of the National Park System for omnibus bill treatment.

The Office of Management and Budget concurs in the views of the Department of the Interior in its statement on S. 2601, and we agree that two of the areas covered in the bill, (1) Assateague Island National Seashore and (2) Muir Woods National Monument, would depart from Interior's criteria for inclusion in omnibus legislation. Subject to Congressional consideration of the above, this Office would have no objection to enactment of S. 2601.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

Senator BIBLE. Now, the basic bills, and they are almost identical with the exception of a few later approved add-ons that came to us, and that is the only difference between S. 2650 and S. 2601. The bill in general consists of three titles, all relating to certain existing units of the national park system. Title I increases statutory ceilings in appropriations for land acquisition at seven areas; title II increases statutory ceilings on appropriations for development at three areas; and title III authorizes boundary revisions at nine areas.

I think this procedure is highly desirable and represents a much less cumbersome way by which needed appropriation ceilings, boundary changes, and facility improvements in the parks, recreational areas, et cetera, can be considered.

Such a method must be limited in its application to only those changes which are both necessary and consistent with the enabling legislation.

S. 2601 contains three additional projects. Actually, they were subsequently submitted and recommended by the Department, so with that in mind the bills are identical.

The add-ons which were not in your original bills as proposed by Senators Jackson and Allott are the Assateague Island National Seashore, the Ozark National Scenic Riverways—both fall under title I—

and the Muir Woods National Monument—title III. The combined requested authorizations on all categories, they will total 20 units, and the total price tag of approximately \$13 million.

It is my understanding that the cost estimates which have been submitted for land acquisition do not include the expense involved in being in compliance with the mandatory provisions of the Uniform Relocation and Real Property Acquisitions Policy Act of 1970. Apparently, the Department plans to propose general legislation which provides that such payments will not be charged against the statutory ceiling.

I will ask Mr. Hartzog, the chief witness on these bills, to comment on that particular feature of the bill.

First, I would like to introduce a statement by Senator Beall, dealing, I think, almost entirely with the Assateague area. It seems to be zeroed in almost entirely on that one particular section of the bill.

That will be made part of the record without objection.

Senator BIBLE. I am going to defer at this time to the Senator from Wyoming, a valuable member of the subcommittee, for such comments he wants to make on his bill.

Senator HANSEN. Thank you, very much, Mr. Chairman. I am not going to read the prepared statement I have, but I will ask it be printed in the record.

Let me say I am grateful for your assistance and willingness to permit me to submit my bill along with the others appropriate for today. With that, I have nothing else to say.

Senator BIBLE. That deals with the Bighorn Canyon National Recreation Area?

Senator HANSEN. That's right.

(The prepared statements of Senators Hansen and Beall referred to follow:)

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

Mr. Chairman, I am extremely grateful to you for allowing me to include, within these hearings, discussion of my bill S. 1878, amending Public Law 89-664 which established the Bighorn National Recreation Area. S. 1878 would raise the ceiling on land and right-of-way acquisition costs within the Recreation area by \$425,000.

The original Bighorn National Recreation Area legislation which was passed in 1966 included land and right-of-way acquisition funding amounting to \$355,000. However, it did not contemplate costs for expenditures on the road from Fort Smith to Ok-A-Beh.

The Park Service chose to develop this area; a road has been built to Ok-A-Beh which has partially resulted in the need for increasing the allocation under Section 5 of the original bill.

At this point in the record, I would ask that a copy of a letter which we received from the Director of the Midwest Region of the National Park Service be included. It outlines in detail the reasons for the additional expenditures.

As the Chairman of this Subcommittee well knows, residents of northern Wyoming and southern Montana have been concerned about the lack of development of a trans-park road through the Bighorn National Recreation area. The Chairman of this Subcommittee who also serves as Chairman of the Interior Appropriations Subcommittee has been extremely helpful to me and to the various interested parties providing for increased funding for construction of the highway.

I am extremely grateful for the continued interest and help of the Chairman of this Subcommittee in the development of the Bighorn Canyon National Recreation area and anticipate that this legislation should eliminate any lingering problems with the rapid construction of the Bighorn Canyon highway.

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

Mr. Chairman, in 1965 the Congress authorized the Assateague Island National Seashore and provided for the purchase of land to preserve the unusual natural beauty of this area. Since that time the Federal Government has worked in concert with the States of Maryland and Virginia, as well as with private interests, to make Assateague one of the top wildlife attractions on the East Coast.

While on occasion over the past few years there has been disagreement on the proper development of the island, for the most part cooperation has been the key word with all parties carrying out their end of the original agreement. Now, however, the Federal Government through the National Park Service has come upon a barrier to the completion of the Park as originally contemplated.

The inflationary spiral which has affected so much of our Nation has also affected Assateague with the result that at present the Park Service has available only about one million dollars to complete the purchase of the nearly 6000 lots originally designated as part of the National Seashore. At this time over 5000 of the lots have been purchased but additional funds are needed to complete Federal plans.

I am pleased, therefore, to submit today this statement in support of S. 2601, the bill which provides for increases in appropriation ceilings for the Assateague area.

As the Committee may know, last winter the U.S. District Court for the District of Maryland established a formula to be used in the acquisition of the remaining properties. The National Park Service, in order to adhere to the judicial guidelines, has adopted this formula in its negotiations with land owners and consequently the ceiling established by previous legislation is too low to assure settlement and acquisition of the remaining lots. It is, therefore, essential that the additional \$4,400,000 needed to complete acquisition be appropriated through passage of this legislation.

I hope that the Committee will consider favorably S. 2601 in order to allow for completion of the National Seashore which will be of such great value for many generations to come.

Senator BIBLE. We will now recognize the Director of the Park Service, Mr. Hartzog.

STATEMENT OF GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE; ACCOMPANIED BY MIKE GRISWOLD, TOM NORRIS, BILL DUNMIRE, JOHN KAWAMOTO, E. G. PRATT, AL BANTON, AL RECTOR, DAVE HIEB, BILL WEBB, GUS HULTMAN, HERBERT OLSEN, GEORGE SCHESVENTER, MARLO ACOCK, HUGH BEATTIE, DICK BOYER, LEONARD A. FRANK, AND MARTIN CONWAY

Mr. HARTZOG. Thank you, very much, Mr. Chairman and members of the committee. With your permission I would like to have Mr. Mike Griswold join me at the table.

Senator BIBLE. Very well.

Mr. HARTZOG. Mr. Chairman, we have the superintendent of each of the areas involved here with us to respond to any questions that you and members of the committee may have. We propose to take these in the order in which they appear in the bill.

Senator BIBLE. That is perfectly OK, with the exception of the additional amount of money which is not included in either S. 2601 which is the bill that I introduced, or S. 2650, which is the administration bill, to which you have added these three different areas. I would like to have you comment first on S. 1878, and that bill is the bill that seems to me could very well be worked into this legislation. Bighorn

Canyon National Recreation Area, which is an area under the direct charge of the Park Service; is that correct?

Mr. HARTZOG. That is correct, Mr. Chairman.

Senator BIBLE. This bill that Senator Hansen has introduced is a bill that would increase the authorized amount, for the development of the highways, from \$355,000 for land acquisition up to \$780,000.

I would like to have you comment on that first or call anybody to your side who can help you on it, because I think Senator Hansen indicated to me he had some early afternoon commitments. I want to cover this project first.

Mr. HARTZOG. Mr. Chairman, we have just received the support data in from the field on this bill. We discussed this matter earlier with the distinguished Senator from Wyoming.

What this does, as you indicate, is to cover an additional right-of-way and also the purchase of land at this "Medicine Wheel" [indicating on map.]

Senator BIBLE. Do you have the breakdown for that, how the additional \$425,000 would be spent?

Mr. HARTZOG. Yes. We have it.

Senator BIBLE. It can be supplied for the record.

(The information referred to follows:)

MAY 25, 1971.

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

DEAR SENATOR HANSEN: This will confirm our conversation of April 21 with your Administrative Assistant, Mr. Ed Webster, and subsequent telephone communication.

We are grateful for your past and present support of the Bighorn Canyon highway. Your willingness to introduce legislation to raise the \$355,000 limitation on land acquisition imposed in Public Law 89-664 to a figure which will permit acquisition of the entire road right-of-way is likewise appreciated.

As you know, the \$355,000 limitation was imposed before the Crow Tribal lands were added to the recreation area. Thus subsequent expenditures on the right-of-way for the road to Ok-A-Beh were not contemplated within the \$355,000. There now remains \$165,000 of this ceiling for land acquisition for the approximately 50-mile Trans-Park Road.

Tabulated below is our best available estimate of our total land acquisition needs for the entire recreation area, based on today's prices plus expected escalation over a three year period:

25 miles right-of-way 200 feet wide.....	\$30, 000
25 miles scenic easement (¼ mile wide on each side of road).....	200, 000
Mineral claim administrative cost (invalidation, etc.).....	100, 000
Subtotal	330, 000
Administrative costs, contingencies, etc.....	160, 000
Total land acquisition estimate for road.....	490, 000
Subtracting remaining ceiling.....	—165, 000
Needed ceiling increase for entire road.....	325, 000
Projected acquisition of additional lands at Old Fort Smith, the Medicine Wheel, the Hayfield Fight area, and campground expansion northwest of the Afterbay. (approximately 200 acres).....	100,000
Total ceiling increase needs, Bighorn Canyon.....	425, 000

We wish to point out that this ceiling increase does not now appear to be needed until the 1973 fiscal year at the earliest. With funds being limited, the best we can hope for in the 1972 fiscal year is funding for the second segment of

the road (from Devil's Canyon Overlook to Barry's Landing). As segment 2 is almost entirely on Federal land, it will require very little land acquisition.

Sincerely yours,

(S) J. LEONARD VOLZ,
Director, Midwest Region.

Senator BIBLE. Senator Hansen furnished me a copy of a communication he received from the regional director at Omaha, Nebr. Without objection the backup material will be incorporated in full in the record. (Supplied for the committee file.)

Mr. HARTZOG. May I suggest, Mr. Chairman, that may be the exact one I have, and since that is one piece of property, we would hope you not put that in the record.

Senator BIBLE. I wouldn't put that in the record. You mean that discloses what you think you can get it for.

Mr. HARTZOG. Yes.

Senator HANSEN. Mr. Chairman, I think I might want to revise my statement so as not to indicate that I will be including a copy of a letter from the National Park Service, signed by Mr. J. Leonard Volz, because it does include that figure there. With that understanding, let me revise my statement.

Senator BIBLE. Without objection, the revised statement as revised will be incorporated in full in the record.

The total add-on will be about \$425,000.

Mr. HARTZOG. Yes. At this point, Mr. Chairman, with your permission, I would like to have Superintendent Tom Norris of Assateague Island National Seashore join us.

This section of title I will authorize an increase in the authorization for land acquisition from \$16,250,000 to \$20,650,000. This increase of \$4.4 million is needed to acquire the remaining 2,923 acres of private lands within the authorized seashore boundaries, including 1,309 acres of marginal land and 1,614 acres of land that was subdivided in the early 1950's as the Atlantic Ocean Estates, Ocean Beach, and South Ocean Beach subdivisions. These subdivisions lie in the 14-mile heart of the Maryland portion of the seashore and must be acquired to accomplish the purpose of the original Assateague Island legislation. Of the individual lots within the subdivisions, about 1,140 lots are currently in condemnation.

Last winter hearings were held in the U.S. District Court for the District of Maryland, Judge Roszel Thomsen presiding, to determine the just compensation due on 300 of the Ocean Beach subdivision lots. These hearings lasted several days, during which comprehensive engineering, appraisal, and other types of testimony were presented by all parties. As a consequence of this hearing, Judge Thomsen on April 2, 1971, handed down a judgment based on a formula which took into account comparable sales, location of the lots within the subdivision—corner, beach front, et cetera—elevation, improvements, and other factors. The judge has indicated that he developed this formula for use in the condemnation actions applicable to all the remaining subdivision lots.

I have with me, Mr. Chairman, a brief formula developed by Judge Thomsen which I will submit for the record.

Senator BIBLE. Without objection, it will be made a part of the record.

(The document referred to follows:)

SUMMARIZATION OF JUDGE THOMSEN'S FINDING OF VALUE OF LOTS IN
CONDEMNATION AT ASSATEAGUE ISLAND NATIONAL SEASHORE

The judge found, because of the 1962 storm, values in 1963 were essentially the same as values in 1961 and early 1962. He then added 50 percent to the 1963 values to arrive at the 1967-68 values. These values were based on lots with elevations of six feet or more above mean low water and were influenced by their location on the island; that is, oceanfront residential lots were assigned a particular value and lots located behind the oceanfront lots a lesser value. The judge found that the values decreased substantially as the location of the lots moved from oceanfront to the bay.

To these values, the judge added \$500 per lot for each adjacent lot in common ownership in the case of oceanfront lots and \$250 per lot in the case of other lots. In addition, he added \$750 to such lots as were improved by a well.

The value of lots with elevations *less than six feet* above mean low water were reduced as follows: (1) \$500 deduction for lots between 4 feet and 5.9 feet above mean low water. (2) \$1,000 deduction for lots between 2 feet and 3.9 feet above the mean low water. (3) \$1,250 deduction for lots less than 2 feet above mean low water.

He then added, 8 percent per year from June 1, 1968, to date of payment for escalation in the case of lots in complaint actions and 6 percent per year from date of filing to date of payment for interest on deficiencies in the case of lots under a declaration of taking.

Mr. HARTZOG. We believe that a great many of the remaining actions can be settled without trial on the basis of the judge's formula.

The judge's formula in most, though not all, instances results in a considerably higher value for the various lots than we have paid for similar lots prior to the court's decision. We believe, however, that further trials would result in higher awards than those represented by the judge's formula. Accordingly, we believe it would be in the best interest of the Government to settle on as many lots as possible on the basis of the formula, rather than undergo the risk of trial on the remaining lots.

There remains \$800,000 available for land acquisition under the existing \$16,250,000 limitation. We estimate that, to complete the land acquisition program using the court's formula for the subdivision lots, the sum of \$5,200,000 will be needed. This, less the \$800,000 already available, indicates a need for an increase in the statutory authorization of \$4,400,000, which S. 2601 provides.

We note also that the bill adds language to permit the payment of interest and any deficiencies awarded in condemnation actions. Inasmuch as interest and escalation on unpaid judgments will, according to the court's ruling, amount to about \$19,000 per month, we believe this language is necessary to provide authority to pay the total amount of the judgment awards.

Senator BIBLE. There is only one sentence in there I would question.

You say, "We believe, however, that further trials would result in higher awards."

What leads you to that conclusion?

Mr. HARTZOG. With the court having announced this formula it is like revealing your estimate. If we don't settle on this basis, it is likely to cost considerably more over the period it takes to try all of these cases—I will give you an idea how many cases there are. Every one of these red dots represents cases, and when you look at the number of cases and the length of time it is going to take to try them, we think

there is a likelihood that the ones in the red have declarations of taking and the ones in orange have complaints in condemnation. You see, this was that area that was subdivided in all of those lots. [Indicating on map.]

Senator BIBLE. I remember the Assateague area very well. I have walked over it several times and it has caused me many uneasy moments with respect to its feasibility as a seashore and the practicality of taking this up in view of the waters, the high waves that come in there and the fact that the lot may be out in the Atlantic Ocean when some of you go back to find it.

Mr. HARTZOG. It is still a great area of millions of people and we have tremendous visitation there.

Senator BIBLE. All right. Are there any questions on Assateague?

Senator HANSEN. No questions, Mr. Chairman.

Senator BIBLE. Assuming you receive this increased ceiling, assuming further that you get the amount of increase, will this be the last time you come up and say, "We do not need any more money after this"?

Mr. HARTZOG. This is our best estimate. We have updated all of the estimates on all of the parcels of land that do not fall within this formula, and we have computed the values on the ones that fall within this formula.

Senator BIBLE. That is based on the assumption you get the legislation, No. 1, and the assumption you get the money within what period of time?

Mr. HARTZOG. This contemplates 1 year.

Senator BIBLE. Will you have an amount covering this in your budget submission that comes up in fiscal year 1973?

Mr. HARTZOG. It is in our program, Mr. Chairman.

Senator BIBLE. All right, you may proceed.

Mr. HARTZOG. Mr. Chairman, the second area is Big Hole National Battlefield.

Senator BIBLE. This is a small amount and I am all for giving you that without reading it.

Mr. HARTZOG. With your generosity, we will include the statement in full in the record.

Effigy Mounds National Monument is a modest one.

Senator BIBLE. You don't have to give me evidence on that.

Mr. HARTZOG. Fort Donelson National Military Park is the next one, Mr. Chairman.

Superintendent E. G. Pratt, Mr. Chairman, will point out the land involved in Fort Donelson.

Senator BIBLE. Tell me where Fort Donelson National Military Park is located. I must confess that I don't know.

Mr. PRATT. Mr. Chairman, Fort Donelson National Military Park is between two of our finest lakes in the Nation, Lake Donelson on the north—

Senator BIBLE. Oh, yes, I know where you are now.

Mr. PRATT. The land which we propose to acquire with the funds authorized in this bill is partially the result of a land acquisition program which you approved in 1960. The program approved in 1960 placed a limitation of 600 acres on the area and \$226,000 on amounts that could be appropriated. At that time the lake was being constructed

and the cost went up, up, up. As a result we paid approximately \$226,000 for some 300 acres. At the present time we have 554 acres within the park, still lacking the authorization of the funds necessary to acquire 600 acres that was designated in the bill.

Senator BIBLE. You are still within the designated acreage, but your costs are accelerating and you need additional money.

Mr. PRATT. That's right, Mr. Chairman.

Senator BIBLE. Are these tracts improved or unimproved?

Mr. PRATT. Mostly in the unimproved state. Part of the tracts are in a suburb of the town of Dover, adjacent to the park. It is a section where mostly black people live.

Senator BIBLE. Will you be displacing them?

Mr. PRATT. Displacing about 10 to 12 families.

Mr. HARTZOG. That is why the relocation costs, Mr. Chairman.

Senator BIBLE. Have you allowed for displacement cost in the increase?

Mr. HARTZOG. No. The Department's recommendations indicated that the relocation costs are not included; however, as introduced, S. 2601 contains three additional projects in which the relocation estimates are included.

Senator BIBLE. You are increasing it over and above the increasing ceiling.

Mr. HARTZOG. We want another \$136,500.

Senator BIBLE. We have to face up to that, that it was a congressional determination when you displace homes by either highways or parks or whatever public use, that there should be a displacement factor built into it, and I agree with that. The people you move out have got to go somewhere and they are pretty dependent on the strong arm of the Federal Government. I think equity and justice indicate this problem should be met.

Mr. HARTZOG. \$136,500 additional cost, attributable to these 14 residences and one service station.

Senator BIBLE. That is not in the bill. I understand you are going to have a bill covering that; is that correct?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. I have only one question of you, Mr. Pratt. How long has Fort Donelson National Military Park been created?

Mr. PRATT. In 1867 the national cemetery was the first segment, but in 1928 the National Military Park Act setting up Fort Donelson National Military Park was signed by the President.

Senator BIBLE. Does this have year-round use?

Mr. PRATT. Yes.

Senator BIBLE. What was your last annual visitation?

Mr. PRATT. 913,000.

Senator BIBLE. For what period of time?

Mr. PRATT. 1970.

Senator BIBLE. What does it appear to be like for the 8 or 9 months of this year?

Mr. PRATT. We are about 12 percent ahead of last year this year.

Senator BIBLE. That would probably take you over the million figure for this year, wouldn't it?

Mr. PRATT. Yes.

Senator BIBLE. Thank you very much. The next is Lincoln Boyhood National Memorial.

Mr. HARTZOG. I would like to have Superintendent Al Banton come up to the witness table.

Senator BIBLE. You appeared here on this before, Mr. Banton?

Mr. BANTON. I was here for the Lincoln home bill, Mr. Chairman.

Senator BIBLE. I recognized you.

Mr. HARTZOG. The act of February 19, 1962, authorizing establishment of the Lincoln Boyhood National Memorial, states in part: " * * * the Secretary of the Interior shall designate the original Tom Lincoln Farm, the nearby gravesite of Nancy Hanks Lincoln, and such adjoining land as he deems necessary for establishment as the Lincoln Boyhood National Memorial."

The acquisition of the 71.85 acres proposed in this legislation will complete the memorial by adding to it the remaining lands originally patented to Thomas Lincoln in 1827, with the exception of the railroad right-of-way still in use. This will raise the total acreage to 200, the legislative acreage ceiling for the area. The proposed land acquisition increase is from \$75,000 to \$395,000, an increase of \$320,000.

This will be plus relocation costs of \$158,000. There are two farm units, 14 year-round units, one set of cabins, one service station, one post office, and one bulk-oil station within the area.

Senator BIBLE. That would be over and above this increase.

Mr. HARTZOG. Yes, sir.

Senator BIBLE. This is the one that has a rather large development cost, or was that another one of the areas in title II?

Mr. HARTZOG. The development costs to date at Lincoln Boyhood have been \$668,245, and we are proposing only an additional development there, \$63,000. This is a beautiful area. Al Banton has done a magnificent job with the living history there.

Senator BIBLE. Don't oversell it. I am going to approve this one.

Mr. HARTZOG. Thank you, Mr. Chairman.

Senator BIBLE. The next one is on Ozark National Scenic Riverways.

Mr. HARTZOG. I will ask John Kawamoto to join us on this one, Mr. Chairman.

The act of August 27, 1964, which authorized the establishment of the Ozark National Scenic Riverways, provided for land acquisition funds not to exceed \$7 million. These funds have been appropriated and have made possible the acquisition of some 51,252 acres of lands or interests in lands. We have identified a further total of about 8,400 acres of private land that should be acquired, to assure adequate protection and development of the river resources. The estimated cost of acquiring these additional lands is \$2,563,438.

An additional sum of \$1,239,476—this is one in which we do have the relocation costs—is being requested to pay deficiency judgments on 46 tracts involved in condemnation actions already in progress. Finally, an additional \$307,970 is the estimate of need for moving expenses and relocation benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Thus, a total of \$4,111,000 is needed to complete the land acquisition program for this area, and the bill would amend the 1964 authorization accordingly, from \$7 million to \$11,111,000.

Senator BIBLE. I am very familiar with the Ozark National Scenic Riverways. That is a beautiful area.

Mr. HARTZOG. The green on the map, Mr. Chairman, is what has been acquired. The dotted yellow is donated State parks.

Senator BIBLE. On that point, has the State donated to the Ozark National Scenic Riverways all of the State land within the borders of the Scenic Riverways?

Mr. HARTZOG. All of the State parklands, Mr. Chairman.

This blue is the State Conservation Commission land, and these have not yet been donated, but the State parklands have been donated at Big Springs, Alley Springs, and Round Springs. They were conveyed, however, subject to a reversion, that if we ever stop using them, for park purposes, they revert to the State of Missouri.

Senator BIBLE. Do you think there is any danger of that in the next 100 years?

Mr. HARTZOG. I don't see any danger of that, Mr. Chairman.

Senator BIBLE. You never reverted anything you ever acquired, have you?

Mr. HARTZOG. Not unless I could get something for it.

Senator BIBLE. If you find anything under the umbrella of the National Park Service, where they said: "We are sorry; we don't like this now, we will give it back to you"; if you have it, can you document it and submit it for the record?

Mr. HARTZOG. Unfortunately, we have had some like that.

Senator BIBLE. What you are telling me—in 1964, I think I went out on this with you—you told me the maximum ceiling under all foreseeable circumstances is \$7 million, and you are back here today and it has gone up to \$11 million. When you come back here in another 7 years, will it go from \$11 million to \$18 million?

Mr. HARTZOG. This is based on a 3-year acquisition program, Mr. Chairman.

One of our problems has been the slowness with which this particular money has come in. We were cut back in the expenditure of land and water conservation fund money.

Senator BIBLE. Your statement is that \$11,111,000 will cover everything in acquisition from here on out into eternity.

Mr. HARTZOG. That's right, including the relocation costs. We also need, in connection with this, the language which would authorize Justice to remove this exception that they have taken to the title of these three donated State parks.

Senator BIBLE. I think you have furnished that in bill H.R. 4925.

Mr. HARTZOG. Yes.

Senator BIBLE. Without objection, that bill will be incorporated in full in the record.

(The bill referred to follows:)

[H.R. 4925, 92d Cong., first sess.]

A BILL To amend the Act of August 27, 1964, authorizing the establishment of the Ozark National Scenic Riverways, 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 third sentence of section 2 of the Act approved August 27, 1964 (78 Stat. 608) providing for the acquisition of lands and waters owned by the State of Missouri for the Ozark National Scenic Riverways, is amended to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for park purposes."

Senator BIBLE. It says land and water owned by the State of Missouri within such area may be acquired only with the consent of the State notwithstanding any other provision of law, subject to reversion to such State.

Why do you have to put that into there?

Mr. HARTZOG. Mr. Chairman, because the Department of Justice has taken the position that this provision is necessary, notwithstanding that there is legislative history on this development in Senate Report 585, as follows:

The Committee feels where State Parks are contiguous to proposed Federal Recreation Areas, it is appropriate they be donated to the Federal Government. There would be no objection to inclusion of a provision for reversion of the property if for any reason the Federal Government did not continue to administer these State areas for Park and Recreation purposes.

Notwithstanding that position in the legislative history, however, Justice has taken the position that they cannot approve the title. The Assistant Attorney General says it does not appear that Congress gave consideration to the question of the expenditure of funds for the erection of permanent improvements on lands which are subject to reversion of title to the State.

I have a copy of that letter of August 6, 1970, if you would like to have it.

Senator BIBLE. Without objection, that will be incorporated in the record.

(The document referred to follows:)

AUGUST 6, 1970.

MR. BERNARD R. MEYER,
Associate Solicitor, Parks and Recreation, Office of the Solicitor, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. MEYER: Reference is made to the letter from Mr. Philip O. Stewart, Chief, Division of Land Acquisition, National Park Service, of May 27, 1970, in connection with the proposed donation by the State of Missouri of a defeasible fee title to Alley Spring, Big Spring, and Round Spring State Parks for inclusion in the Ozark National Scenic Riverways Project in the State of Missouri.

The information supplied this Department by the National Park Service indicates that the development program referred to in the proposed deed to the United States contemplates the erection or construction of extensive permanent improvements within the three State park areas which will cost approximately \$1,895,000.00.

Consideration has been given to the statements contained in Mr. Stewart's letter, as well as to the hearings and reports of the Interior and Insular Affairs Committees. It appears that the Senate Committee was concerned that separate administration by the State of its parks would involve a "duplication of headquarters, of staff, and administrators which is undesirable" and the Senate Committee stated that it felt that where State parks are contiguous to a proposed Federal park or recreational area, it is appropriate that they be donated to the Federal Government so that the whole area may be administered as one unit, without duplicating administrative machinery, on a unified plan. In this connection it stated that there would be no objection to inclusion of a provision for reversion of the property if for any reason the Federal Government did not continue to administer the State areas for park and recreation purposes.

It does not appear, however, that Congress gave consideration to the question of the expenditure of funds for the erection of permanent improvements upon lands which are subject to a possibility of a reversion of title to the State should the Federal Government cease to administer them for park and recreation purposes.

It is therefore, the view of this Department that a defeasible title to the State parks in question, upon which permanent improvements are to be erected or

constructed, may not be accepted unless and until Congress has clearly and expressly authorized the acquisition of a defeasible fee title for such purposes.

Sincerely,

SHIRO KASHIWA,
Assistant Attorney General.

Senator BIBLE. What does happen to the improvements put on the Ozark National Scenic Riverways or any other river park system that is under the jurisdiction of the Federal Government, where the Federal Government should no longer use it as a park? What happens to the improvements?

Mr. HARTZOG. They revert with the property to the donating agency. In other words, the State has taken the posture that the Federal Government does not donate any lands to the States except with a reversion, and if the State fails to use it for park and recreation purposes they revert to the Federal Government. The States are saying: "If that is the way you are going to play ball, we will, too."

Senator BIBLE. I don't see any objection in reverting in fee simple of the land. I don't know if that works both ways.

Mr. HARTZOG. It works both ways. If the State goes in and builds campgrounds on these parks and ceases to use them for park and recreation purposes they are affixed to the realty and revert with the fee simple title.

Senator BIBLE. Are you sure of that?

Mr. HARTZOG. None of that has reverted—

Senator BIBLE. I know of my own experience on Lake Mead National Recreation Area, which was under your jurisdiction, that you granted some permits there for people to go in and put homes on Lake Mead, and then you come back and say you don't want those homes there but for a period of time, and they are 10-, 20-, 30-year leases.

Mr. HARTZOG. The leasehold interest is controlling there in that case. Unless there is a provision that it becomes otherwise. We have in many of these cases with permits, where we buy the fee in a piece of property, and give them a tenancy for a period of years with the right to remove improvements after that period of time.

Senator BIBLE. Your distinction is one is a lease for a short period of time and the other is a reversion for nonuse. Is that the distinction?

Mr. HARTZOG. Yes; that will clear up the matter if we could have that language in the bill.

Senator BIBLE. Yes, with the understanding that you get the money within 3 years.

I have no questions on Ozark. How much visitation did you have there last year?

Mr. HARTZOG. A little over 2 million. We are going to have to come to some kind of zoning, Mr. Chairman, down there. I was there this summer and it is really getting crowded, and we are going to have to zone that river, I am sure.

Senator BIBLE. Who would do that?

Mr. HARTZOG. We would; I mean zoning the use of Federal property. So many canoes can go in and so much motorboating is taking place.

While I was in the river two girls in a canoe were swamped.

Senator BIBLE. Did the two girls in the canoe get out all right?

Mr. HARTZOG. They got out all right. I stayed until they were all right.

Senator BIBLE. The next is Shiloh National Military Park.

Mr. HARTZOG. Yes, here is Superintendent Al Rector, Mr. Chairman.

Mr. Chairman, this acquisition of four tracts totaling 191.5 acres, including the site on which historic Shiloh Church stood in 1862, would complete the park in accordance with the master plan. The acquisition of the subject lands would open the way for development of a one-way interpretive loop road and permit us to obliterate private and commuter traffic from the park. Under existing access conditions, illegal hunting and relic collection is a serious problem. The acquisition of the tracts will enable the Park Service to eliminate three of four existing accesses, thereby providing more effective control of visitors. For this reason, we propose an increase of \$93,000, bringing the new ceiling limitation from \$57,100 to \$150,000.

Mr. Chairman, we now wish to consider the areas under title II, increases in appropriations ceilings for development, including Herbert Hoover National Historic Site, a combination development and land acquisition ceiling.

Senator BIBLE. Let me ask a question on that. Is this land improved or unimproved land?

Mr. HARTZOG. Some of it is improved. We show 1-year-round residence.

Senator BIBLE. Would you acquire the year-round residence?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. What type of annual visitation did you have there last year?

Mr. RECTOR. 542,000.

Senator BIBLE. I have no questions on this.

Senator HANSEN. No questions.

Senator BIBLE. All right, proceed to the next title.

Mr. HARTZOG. That is Herbert Hoover National Historic Site.

New ceiling authority totaling \$3,500,000 is needed to permit the completion of development at this site. This is an increase of \$1,850,000 over the existing limitation of \$1,650,000. The additional funds will be added to the existing limitation in which the ceiling on land acquisition and development is included in one figure.

The historic setting of President Hoover's birthplace now comprises the boyhood home, the burial place, and the Herbert Hoover library. A management program to preserve, restore, and make accessible the historic village scene must eliminate certain nonhistoric properties, providing uncluttered environs, and making room for visitor circulation; properties which are historic structures or period-style buildings are to be retained and rehabilitated. A number of modern streets will be obliterated, and vehicular traffic will be diverted from the historic heart of the area.

Senator BIBLE. When did we create the Herbert Hoover National Historic Site?

Mr. HARTZOG. 1965, Mr. Chairman.

Senator BIBLE. That is 6 years ago, and you are now asking for an increase of \$1,650,000.

Mr. HARTZOG. About \$1 million of that original money was for land acquisition.

Senator BIBLE. Why would you underestimate general development costs that much? You could have increased the authority to a higher figure so you wouldn't have had this. My problem on this item is an

explanation as to why you have run into this large a deficiency in that short a time?

Mr. HARTZOG. It is complicated, Mr. Chairman, by one overriding factor, and that is the completion of Interstate 80, which has a cloverleaf right at Herbert Hoover. In order to control the traffic it is proposed to relocate some of the streets there and divert this traffic that is coming in off of Interstate 80 from the historic part of the Hoover site to other locations.

Mr. HIEB. In order to divert traffic from directly in front of the Herbert Hoover birthplace cottage, it is necessary to close the street to vehicular traffic and construct in large part an entirely new street which brings the traffic into the town of West Branch at a point one block further to the east there.

Senator BIBLE. This is Iowa, isn't it?

Mr. HARTZOG. Yes.

Senator BIBLE. Why doesn't the Iowa Highway Department do this?

Mr. HARTZOG. Mr. Chairman, the traffic problem is our problem now because the street is in the historic site. Therefore, in order to get permission to close the street and move the traffic we had to agree to build a new link connecting the interchange into the main part of town.

Senator BIBLE. What else will you want, in the development phase of this project, which is \$1,772,000, in addition to relocating the streets?

Mr. HARTZOG. We propose to refurbish houses there to the extent of \$229,000. Relocate and restore the schoolhouse, \$40,000. Historic structures in that area \$56,000. Birthplace cottage, \$13,000. Construction of maintenance and comfort facility, \$67,000. Another comfort station projected in the fourth year \$27,000. Refurbishing some of the farm buildings that provide the historic environment for this home \$67,000. The Quaker Meeting House, \$13,000. The historic bandstand, \$33,000. Utility systems to support this, Mr. Chairman, in the amount of \$106,000, \$93,000, \$256,000, and \$23,000.

Senator BIBLE. How many visitors do you have at Herbert Hoover Home, roughly?

Mr. HIEB. Last year approximately 170,000. This is a conservative count. We had not, at that time, developed a system for counting the visitors to the area that did not actually enter the library where they were physically counted.

Senator BIBLE. Has that increased through the 8 or 9 months or 10 months of this year?

Mr. HIEB. We actually didn't begin a count until June of this year. I have no figures for this brief period.

Senator BIBLE. All right. Will that complete all of the development of the Herbert Hoover National Historic Site?

Mr. HARTZOG. Yes, sir. That is a 5-year development program.

Senator HANSEN. Roughly what is the acreage that will be included all together?

Mr. HIEB. The total acreage will be approximately 200 acres.

Senator BIBLE. And you will complete the land acquisition with the addition of the \$78,000?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. All right, proceed to Booker T. Washington National Monument.

Mr. HARTZOG. Mr. Chairman, I have with us our Superintendent Bill Webb.

Mr. Chairman, in order to complete the development for this park, authority is requested to increase development ceiling costs by \$400,000. This will permit the elimination of modern structures which intrude on the scene of the living farm, demolition of an existing dwelling, and the construction of three employee residences and appurtenant facilities such as a water supply and sewer system which are urgently needed. Reconstruction of significant historic structures and expansion of a small existing parking lot are also proposed. The proposed ceiling increase will bring the new limitation from \$200,000 to \$600,000.

Senator BIBLE. Where is Booker T. Washington National Monument?

Mr. HARTZOG. Adjacent to the Blue Ridge Parkway just southwest of Roanoke.

Senator BIBLE. All right. What do you have there, just the national monument or what?

Mr. WEBB. We have one slate cabin, the farm and the animals, and right now we are getting good results. During the summer we are getting a lot of youths from the schools in that area.

Senator BIBLE. You have any type of visitation count there?

Mr. WEBB. I have been on duty 3 weeks now—

Mr. HARTZOG. 20,500, Mr. Chairman, for 1970.

Senator BIBLE. For the year 1970?

Mr. WEBB. Right. You recognize, from this, we really don't have any facilities there to speak of.

Senator BIBLE. "The scene of a living farm," explain that.

Mr. HARTZOG. What we are trying to do, Mr. Chairman, is not duplicate all of the things that were there when Booker T. Washington was there, but rather to give the visitor a concept of what farm life was like when he was there.

We raise tobacco and cure it and twist it in the oldtime tradition. We have some sheep there.

Mr. WEBB. We plant corn and flax and tobacco.

Senator BIBLE. How much personnel do you have down there?

Mr. WEBB. Six permanent, including myself.

Senator BIBLE. That isn't many.

Mr. HARTZOG. One seasonal.

Senator BIBLE. Senator Hansen, do you have anything?

Senator HANSEN. No questions, Mr. Chairman.

Senator BIBLE. Thank you, very much.

The Johnstown Flood National Memorial is next.

Mr. HARTZOG. Mr. Gus Hultman is the superintendent. He has just been transferred to the St. Croix National Scenic Riverway project.

The proposed development ceiling increase of \$244,600 includes the construction cost of a pedestrian bridge, trails, and interpretive facilities. Terrain characteristics at the Croyle Township portion of the memorial preclude development of parking facilities for visitors.

This is, however, where the visitor can best understand and appreciate the environmental conditions resulting in the tragic flood of 1889. A pedestrian bridge will permit visitors to reach that location from the existing parking area on the Adams Township side of the stream. The visitor contact and interpretation facility on the Croyle

side, together with approach trails, represent a relocation of facilities previously planned for the Adams side.

I would like for Gus to tell you about this, Mr. Chairman.

Mr. HULTMAN. Mr. Chairman, this is the southern portion of the remains of the dam [indicating map]. From this portion, it is not possible to see the valley where the lake was formed and so you lose the full impact of the environment as it was at the time of the flood. The optimum place to get this impression is on the northern side of the stream, but to get there is most difficult, because it requires going back onto the State highway, about 2 miles upstream, crossing the stream and railroad tracks, and returning back to the northern part of the dam by a narrow dirt township-maintained road.

The topography there is very limited insofar as opportunity for providing parking facilities. Therefore, the best possible means of getting the visitor to the northern side is by means of a bridge which will be attached to an existing State highway bridge.

Senator BIBLE. What type of visitation do you have at the Johnstown Flood National Memorial?

Mr. HULTMAN. Last year 43,000.

Senator BIBLE. Do you pay anything when you go through this memorial?

Mr. HULTMAN. No, sir.

Senator BIBLE. I have nothing else on this.

The next one is the Adams National Historic Site.

Mr. HARTZOG. This is Superintendent Herbert Olsen.

Acquisition of the Beale property immediately west of the Adams site is sought because of its direct relevance to the historical environment of John Adams' day, and its usefulness as protection for the Adams property against adverse development.

I believe when you went up there you went to the Adams House and saw this Beale property across the street from the administration building.

The property comprises some 3.68 acres, on which is located a fine two-story frame house dating to 1792, and a half-story carriage house surrounded by a hayfield. The area at present has not changed since the days of the Adams', and it has been said that, when one looks out over the fields near the Adams and Beale homes, he has seen a bit of Quincy as the Adams family saw it centuries ago.

Although the former Adams property and the Beale property are now zoned for residential purposes, recent amendments to zoning by-laws and zoning variances applied to nearby property indicate that the zoning is not a full guarantee for the protection of the historical values associated with these lands. Pressures are increasing to allow modified residential or commercial development on the land adjoining the site on the west. To protect and preserve the historic integrity of the Adams National Historic Site, it is urgent that these lands be made a part thereof. The cost of adding these 3.68 acres to the national historic site is \$133,000. Development costs are \$50,000 and that development consists of utilities, \$47,000, and trails, \$3,000.

Senator BIBLE. Will this round out your holdings there?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. Are there going to be any additional acquisitions?

Mr. HARTZOG. No, sir; everything else is developed around there except the Beale property and, because of the urgency of protecting this property against zoning, the National Park Foundation bought it when it was for sale.

Senator BIBLE. This is to reimburse them?

Mr. HARTZOG. Yes.

Senator BIBLE. I think that was a good move, as long as you are not going to try to acquire the town of Quincy on the next move.

Mr. HARTZOG. No, sir; we can't afford it.

Senator BIBLE. I should think there will be a lot of urgency in there.

Mr. HARTZOG. We are paying interest on it because the Foundation didn't have the money and had to borrow the money.

Senator BIBLE. I have no problem with that.

The next is Fort Caroline National Memorial.

Mr. HARTZOG. This is Superintendent George Schesventer.

Here, 12.5 acres have been proposed for donation to enable the Service to round out boundaries by including the remaining acreage of Spanish Pond and providing protection to Shipyard Creek on the western boundary. Parking areas at St. John's Creek and Spanish Pond will be enlarged, and an interpretive facility with exhibits will be placed at Spanish Pond, with a trail from the parking area. Utilities will be placed underground. Development costs are estimated at \$89,100; no additional costs are anticipated for land acquisition.

This was property acquired with the donation of the Honorable Charles Bennett of Florida.

Senator BIBLE. You mean the Congressman from Florida?

Mr. HARTZOG. Yes.

Senator BIBLE. Congressman Bennett was here the other day and Mr. Flynn was here, too; you were not here.

We heard that you are planning on making all of this a kind of Nez Perce concept. I have no problems on this one.

Do you have any questions?

Senator HANSEN. No questions, Mr. Chairman.

Senator BIBLE. The next one is the George Washington Birthplace National Monument.

Mr. HARTZOG. We propose to add 62.3 acres to the national monument. This land is located centrally to the interpretive program of the park. Its acquisition will add additional land for the development of the living-farm concept. Land acquisition costs are estimated at \$57,000. This is a piece of property at George Washington's birthplace, which came on the market several years ago under threat of subdivision. The property was bought by Mrs. Jouett Shouse, and she has held it for several years, awaiting the opportunity to get amendatory legislation to revise the boundary at the birthplace.

Senator BIBLE. Where is the George Washington Birthplace National Monument?

Mr. HARTZOG. In Fredericksburg, on the Potomac.

Senator BIBLE. How far out of Fredricksburg?

Mr. HARTZOG. Thirty-five miles.

Senator BIBLE. What kind of visitation do you have there?

Mr. HARTZOG. This year we have 133,000 already.

Senator BIBLE. That is a nice visitation.

I have no questions on it.

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

Senator BIBLE. Thank you very much.

The next one is Glacier National Park.

Mr. HARTZOG. Our field representative on this is John Kawamoto.

A boundary change is proposed along the south edge of the park. A flood in 1964 on the Flathead River and its tributary, Bear Creek, forced the realignment of the Great Northern Railroad tracks in a number of places. A boundary adjustment to conform to the new river and railroad location is needed in order that a clear interpretation of the boundary can be made, especially during the hunting season. A total of 64.23 acres of parkland will be removed from the park and will become right-of-way of the railroad. A total of 4.24 acres of parkland will be removed from the park and will become Forest Service land.

One hundred and sixteen acres of Forest Service land, 117.15 acres of railroad land, and a small tract of private land will become parkland. This tract of privately owned land, 34.75 acres, would become an inholding within the park, and would be acquired under the general acquisition authority for the park at a cost of \$6,000. This will result in a net addition to the park of approximately 199 acres. In this connection, we call the committee's attention to a mistake in the acreage figure authorized to be added to the park. The three properties proposed for addition to the park total 267.90 acres, instead of 233.15 acres, as shown on page 4, line 12 of S. 2601. This was a clerical error in addition and we recommend that the committee amend the bill to correct it.

Senator BIBLE. Is this only going to \$6,000?

Mr. HARTZOG. Yes.

Senator BIBLE. Then we don't need any further testimony on that.

Mr. HARTZOG. Thank you, very much.

The next is Isle Royale National Park, Mr. Chairman. Hugh Beattie is the Superintendent.

Here we propose acquisition of the abandoned Houghton Flour Mill property. The value of the subject tract to the programs of the National Park Service at Isle Royale is inestimable. The present headquarters site is inadequate for the administrative office, shop, storage, passenger-freight terminal, and other functions which are now carried out at this location. The property to be acquired lies between the parking area for visitor vehicles and the visitor center. The Houghton Flour Mill property is a barrier which impedes almost every facet of our existing operation, complicates the traffic pattern in the boat-loading area, and prevents an orderly circulation of pedestrians between our existing separated facilities. The land acquisition cost will be approximately \$31,500. The relocation cost is estimated at \$1,690. Development cost, \$370,000, and \$24,000 for trails and \$283,000 for buildings and utilities.

Senator BIBLE. As the Director knows, Isle Royale is always in trouble.

How many visitors did you have, Mr. Superintendent, in 1970?

Mr. BEATTIE. Fourteen thousand, four hundred, sir.

Senator BIBLE. How many did you have this year, sir?

Mr. BEATTIE. About a 20-percent increase.

Senator BIBLE. Very well.

Senator Hansen?

Senator HANSEN. I have no questions.

Senator BIBLE. Now we are down to Johnstown Flood National Memorial.

Mr. HARTZOG. In addition to the increase in funds for development, as authorized in title II of the bills, we have identified a need for 53.6 acres over and above the 55 acres authorized by the Congress in 1964. Recently, a proposal was made to construct a mortuary immediately opposite the memorial entrance. We have contacted the owner of this property regarding an easement; however, the owner prefers to sell in fee simple. An option has been obtained from him. Costs of this 12.24 acre property are \$11,500. Also since 1964, the Pennsylvania Department of Transportation constructed a new highway along the west side of the memorial resulting in two dead-end township roads within the memorial. Both townships have ceased maintaining the roads. Park lands adjoin both sides of each right-of-way. This area totals 2.82 acres. Two additional tracts—generally east of the memorial holdings, separated by a branch of the little Conemaugh River—were recently acquired by the Adams-Croyle Recreation Authority, by condemnation, to create a wildlife park. Should the authority abandon these lands at some future date, they have agreed to donate these parcels for addition to the Johnstown Flood National Memorial. This would provide a buffer for the remnants of the South Fork Dam, in addition to preserving the Lake Conemaugh site. This area totals 38.51 acres. The total area of the three parcels is 53.573 acres.

Senator BIBLE. This only costs \$11,500?

Mr. HARTZOG. Actually it costs less than that. In the meantime I have been able to obtain an option at \$9,000 and we estimate a closing cost of \$10,000.

Senator BIBLE. This will be the total amount of expenditures and land acquisition at Johnstown?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. No questions.

Senator HANSEN. I have no questions.

Mr. HARTZOG. The next one is the Lassen Volcanic National Park. This one, Mr. Chairman, it is proposed to exclude a tract of land at—

Senator BIBLE. We will automatically approve this; there is no cost involved.

Mr. HARTZOG. Thank you, sir.

Senator BIBLE. Mr. Boyer, how many visitors did you have on Lassen Volcanic last year?

Mr. BOYER. Sixty-six thousand last year.

Senator BIBLE. Were you the man in charge when the Indians wanted to take it away from you?

Mr. BOYER. Yes, sir.

Senator BIBLE. I want to congratulate you for handling it very well.

Mr. BOYER. Thank you, sir.

Senator BIBLE. What tribe is up there?

Mr. BOYER. Hawk Creek Indians on Pitt River.

Senator BIBLE. I can't believe that all you white men treated those Pitt River Indians as they actually say. They just say they went out there and shot them down for target practice. You didn't shoot any of those Indians, did you?

Mr. BOYER. No, sir.

Senator BIBLE. This is one of the most compelling stories I have ever read in my life and—have you read it, Mr. Director?

Mr. HARTZOG. No, sir; I have not.

Senator BIBLE. I will see you get a copy of that. This is a horrible story of the massacre of the Pitt River Indians. I often wanted to check it out for accuracy. But I haven't had a chance to research it myself. A most intriguing and amazing story. How truthful it is I don't know. If true, it is a sad indictment of the white man.

Now we will get back to Muir Woods.

Mr. HARTZOG. This proposal calls for the addition to Muir Woods National Monument of a detached tract of land totaling 49.7 acres which is located on the opposite side of the State highway from the southeastern corner of the monument. Most of these lands are in what is called the Camp Monte Vista subdivision. While there are a large number of lots and parcels in the subdivision—273—there are only 15 residences. There is also a snack bar-souvenir stand facility—now vacant—called Muir Woods Inn, which was purchased by the National Park Foundation for \$110,000 in 1969, and which will be conveyed to the Government at cost. The estimated acquisition cost for the 49.7 acres, including relocation costs is \$1,100,000.

Mr. Chairman, Muir Woods is a jewel of redwoods given to us by former Congressman Kent, who introduced the national park—

Senator BIBLE. I have been there and it is a terrific area.

Mr. HARTZOG. Muir Woods National Monument, today, is virtually surrounded by Mount Tamalpais State Park, and only a small enclave of privately owned land remains. These lands, totaling approximately 49.7 acres, are necessary for the long-range development and improvement of the monument. Acquisition of these lands will permit the National Park Service to relocate visitor use, service, and residential facilities; improve access to the monument; and control the scenic approaches to Muir Woods.

Recent master plan studies recommend the removal of the existing visitor facility and the residence and maintenance area from their present locations because they encroach upon the redwood grove, the prime resource of the area. It is planned to build a new residence and maintenance area in the proposed addition at a cost of about \$200,000. A new visitor contact-headquarters-concession facility will be located within the existing monument opposite the proposed addition. A parking facility may be constructed in the new addition in the future. A minor road relocation, costing about \$35,000, will be in the proposed addition. The acquisition of this enclave of private land would also remove the threat of adverse developments along the entrance road to the monument.

Senator BIBLE. This area is extremely well known to me. I think it is a terrifically beautiful area.

How much of a problem do you have in your acquisitions? Is this going to follow your usual redwood pattern?

Mr. HARTZOG. We may have to use eminent domain here.

What we hope is that we can negotiate on the basis of some retained occupancy here and avoid it.

Senator BIBLE. How many people do you have actually living there now?

Mr. HARTZOG. Twenty-three family units. Twenty-three people in 15 residential units.

Senator BIBLE. What kind of year-round homes are they? Do they come across from San Francisco?

Mr. HARTZOG. Some of these people lived there up to 40 years.

Senator BIBLE. Some homes are year-round?

Mr. HARTZOG. Year-round. Several of the residences are unoccupied.

Senator BIBLE. How many are occupied?

Mr. HARTZOG. Fifteen.

Senator BIBLE. I think you have to move into these areas. I would hope that the Cape Cod formula or some variation of it would be used to protect those who lived there, many, many years, particularly elderly people.

I think it is a terrible thing to displace them, and I don't think displacement or relocation handles the elderly couples that live in Muir Woods.

Mr. HARTZOG. We propose to buy the fee with retained occupancy during the remainder of their lifetime or for a period of years, if they prefer a period of years.

I share your views, Mr. Chairman. When we deal in these kinds of problems, we have to act with a great deal of sensitivity for human feelings.

Senator BIBLE. There are 15 residents. Do they have children going to school around there?

Mr. FRANK. Eight of them are occupied by nine families. There is a school bus that goes by and picks up one child that I know of. One rides the school bus.

Senator BIBLE. How do the others get to school? How many children are there?

Mr. FRANK. I can't answer that, sir. Some of these families come in and go out. They are hippie type and we can't keep track of them.

Mr. HARTZOG. It is not really the basic stable family unit I think of in terms of 40-year occupancy.

Senator BIBLE. I see. Do you acquire any public properties?

Mr. HARTZOG. We do not acquire any public properties. This is all privately owned. There are two camps here, one operated by a church-related unit out of San Francisco and the other is a private operation. We had a great deal of dialog about this over in the other body when the legislation was being considered there.

What I am trying to avoid, Mr. Chairman, is subdivision and commercial development, which is imminent in this small remaining pocket of private property.

Senator BIBLE. I share your objective. Do you have private schools there? This is a great area for religious orders and schools. Are there private schools there?

Mr. HARTZOG. Some school camps, Mr. Chairman.

Senator BIBLE. There aren't any year-round private schools or public schools or any of the schools that you know of—

Mr. HARTZOG. No.

Senator BIBLE (continuing). That operate there year round.

Mr. HARTZOG. No, sir.

Senator BIBLE. You are talking only about the summer camp?

Mr. HARTZOG. Yes. But they operate in affiliation with schools out of San Francisco.

Senator BIBLE. All right. I am satisfied.

The next is the Petersburg National Battlefield.

Mr. HARTZOG. This is Superintendent Conway, Mr. Chairman.

An agreement has been reached whereby two areas of Petersburg National Battlefield not needed for park purposes, known as Flank and Defense Road—1.92 and 5.12 miles in length, respectively—will be transferred to the city of Petersburg, Va. The total acreage is approximately 258 acres. The proposed transfer will eliminate lands no longer of value to the park, having been practically incorporated in the expansion of the city of Petersburg and no longer manageable as part of the park. There are no costs involved to the Government; rather, we expect that some savings will result.

Senator BIBLE. Well, you have struck the bell twice today. You gave back the small chunk for Forest Service and you gave a very, very small amount back—from the Petersburg National Battlefield—to the city of Petersburg. No cost involved in either one of those two. You can't offset those against your \$16 million bill, whatever it is. At least you are moving a little more in the right direction. I have no questions at all.

Anytime you are going to give back something and let somebody else run it, I am for it.

Mr. HARTZOG. That concludes our presentation, Mr. Chairman, and during the colloquy we have covered the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Senator BIBLE. As I understand that bill, I was surprised, very frankly, that some people in the Park Service—to find out they were included in it.

Mr. HARTZOG. No, sir; the National Park Service acquisition program was included, but over our objection.

Senator BIBLE. If you are going to displace people—

Mr. HARTZOG. The thing I was fighting about is that we have given people lifetime tenancy and 25-year occupancy to minimize the personal inconvenience of acquisition, and under the technical provision of that act, at the end of 20, 25 years, I still have to pay relocation costs. It is not as though we were buying that property out from under them and requiring them to move tomorrow and, therefore, analogous to highway dislocation. This is a case where we give them a lifetime tenancy or 25 years. That is what I was struggling about.

Senator BIBLE. You were objecting to the broader concept. You are just refining them a little now, because you found out you had others with a different viewpoint.

Mr. HARTZOG. Well, I backed down.

Senator BIBLE. Then we wind up this bill with a total land acquisition cost of \$9,186,000. Plural development costs of \$2,496,000, plus the Bighorn Canyon acquisition, \$425,000. It looks like \$13 million, something in that range, and you have stated the various periods of time within which you have to have this money.

I wish, because I may have inadvertently not asked the question of every acquisition, I wish you would have some of your staff members go through the record to indicate exactly when you should have the dollars to accomplish what you testified to here. As I recall, the periods of time did vary and I don't know if I asked that after every single item. I meant to, but I don't think I did. I don't think it would be hard

to do. I may have overlooked some of the projects, so supply that for the record.

(The information referred to follows:)

The cost estimates for land acquisition were developed on the assumption that funds to carry out the programs would be appropriated within the following specified time frame:

Area	Time frame (years)
Bighorn Canyon NRA	1
Assateague Island NS	1
Big Hole NB	1
Effigy Mounds NM	1
Fort Donelson NMP	1
Lincoln Boyhood NMem	1
Ozark NSR	3
Shiloh NMP	1
Herbert Hoover NHS	1
Adams NHS	1
George Washington Birthplace NM	1
Glacier NP	1
Isle Royale NP	1
Johnstown Flood NMem	1
Lassen Volcanic NP	No cost
Muir Woods NM	1
Petersburg NB	No cost

Senator BIBLE. The subcommittee has met and the subcommittee has ordered the bill reported to the full committee, and it will be before our full committee on November 5, where we will hear a variety of other bills. It will be a long session, but I am told the chairman will be back.

We will move into that on November 5, and I guess you have nothing further this year and very little next year, insofar as Park Service bills are concerned; is that correct?

Mr. HARTZOG. Just a few modest ones; yes, sir.

Senator BIBLE. If you keep them modest, it will be all right. I think we are done for this year.

Mr. HARTZOG. I have a little problem on a couple that we need to—

Senator BIBLE. We will get to those January or February.

Mr. HARTZOG. For example, Wolf Trap and Piscataway.

Senator BIBLE. At Piscataway, you have a can of worms there, but that has to come through the House first.

Mr. HARTZOG. They called today and told me they have hearings scheduled on November 12.

Senator BIBLE. That is good. When they finish the hearings and get through the subcommittee and full committee, you will tell me what it is.

Mr. HARTZOG. Thank you, very much. I deeply appreciate it.

Senator BIBLE. I am sure you do.

Do you have any further questions or observations?

Senator HANSEN. No questions. Let me observe, as usual we expected a very fine performance from you, Mr. Director, and you have lived up to our expectations and, well prepared.

Mr. HARTZOG. Thank you, very much.

Senator BIBLE. Without objection, these will be reported as given to us. I see no objection. That will be the order, and it will be a high item on the agenda. I think Jerry Verkler, a staff man, and a capable

man he is, has promised that the Park Service bills will go first on the November 5 schedule.

Mr. HARTZOG. Thank you, very much, Mr. Chairman.

Senator BIBLE. The hearing is closed.

(Whereupon, at 3:25 o'clock p.m. the hearing was closed.)

(The Department's prepared statement follows:)

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

Mr. Chairman, we are happy to appear before you today in support of the subject legislation. S. 2601 combines needed increases in appropriation ceilings and boundary changes for 18 areas in the National Park System.

On July 21, this Department submitted to the Congress similar legislation, which has been introduced as S. 2650. That bill provides for increases and boundary changes at 15 areas of the National Park System, whereas S. 2601 would, in addition, provide for increases in land acquisition authorizations for Ozark National Scenic Riverways, and Assateague Island National Seashore, and for a boundary change at Muir Woods National Monument. These latter two projects were not included in the Department's proposed bill because the Department, in consultation with the Office of Management and Budget, felt that they did not meet the administrative criteria for omnibus legislation to be proposed by the Department. However, as to their substantive effect, we believe these additional provisions contained in S. 2601 are highly desirable. Our discussion will be keyed to that bill.

Under Title I, increases in appropriation ceilings for land acquisition are needed for seven areas, as follows:

1. *Assateague Island National Seashore*—Increase in land acquisition from \$16,250,000 to \$20,650,000. This increase of \$4.4 million is needed to acquire the remaining 2,923 acres of private lands within the authorized seashore boundaries, including 1,309 acres of marginal land and 1,614 acres of land that was subdivided in the early 1950's as the Atlantic Ocean Estates, Ocean Beach, and South Ocean Beach subdivisions. These subdivisions lie in the 14-mile heart of the Maryland portion of the seashore and must be acquired to accomplish the purpose of the original Assateague Island legislation. Of the individual lots within the subdivisions, about 1,140 lots are currently in condemnation.

Last winter hearings were held in the U.S. District Court for the District of Maryland, Judge Roszel Thomsen presiding, to determine the just compensation due on 300 of the Ocean Beach subdivision lots. These hearings lasted the subdivision (corner, beach front, etc.), elevation, improvements, and other types of testimony were presented by all parties. As a consequence of this hearing, Judge Thomsen on April 2, 1971, handed down a judgment based on a formula which took into account comparable sales, location of the lots within the subdivision (corner, beach front, etc.), elevation, improvements, and other factors. The judge has indicated that he developed this formula for use in the condemnation actions applicable to all the subdivision lots. We believe that a great many of the remaining actions can be settled without trial on the basis of the judge's formula.

The judge's formula in most, though not all, instances results in a considerably higher value for the various lots than we have paid for similar lots prior to the court's decision. We believe, however, that further trials would result in higher awards than those represented by the judge's formula. Accordingly, we believe it would be in the best interest of the Government to settle on as many lots as possible on the basis of the formula, rather than undergo the risk of trial on the remaining lots.

There remains \$800,000 available for land acquisition under the existing \$16,250,000 limitation. We estimate that to complete the land acquisition program using the court's formula for the subdivision lots the sum of \$5,200,000 will be needed. This, less the \$800,000 already available, indicates a need for an increase in the statutory authorization of \$4,400,000, which S. 2601, provides.

We note also that the bill adds language to permit the payment of interest and any deficiencies awarded in condemnation actions. Inasmuch as interest and escalation on unpaid judgments will, according to the court's ruling, amount to about \$19,000 per month, we believe this language is necessary to provide authority to pay the total amount of the judgment awards.

2. *Big Hole National Battlefield*—Increase in the land acquisition ceiling from \$20,000 to \$42,500. The increase is needed for acquisition of the Clemow property, amounting to approximately 120 acres. This property lies within the authorized boundaries on the national battlefield. An option to buy, in the sum of \$22,000, has been agreed to by the owner for some time.

The acreage being acquired lies in the direct view from the existing visitor center, and is historically important as a part of the Nez Perce encampment. Acquisition will also make possible the construction of interpretive facilities at a cost of \$26,000. No additional staffing or operating costs are involved.

3. *Effigy Mounds National Monument*—Land acquisition ceiling increase from \$2,000 to \$14,000, for the acquisition of approximately 93.7 acres known as the Ferguson Tract. This property contains three small Indian burial mounds, one of which is an outstanding bird effigy. They all illustrate the primary theme of the national monument. Acquisition costs are \$12,000; no development is proposed, and no additional staffing or operating costs are anticipated.

4. *Fort Donelson National Military Park*—Twenty-one tracts consisting of approximately 22 acres are now urgently needed to enable Park Service personnel to improve interpretation of the historic resources of Fort Donelson, and to eliminate existing traffic hazards by redesigning roads and thereby improving the circulation system. The proposed ceiling increase is from \$226,000 to \$454,000, an increase of \$228,000.

5. *Lincoln Boyhood National Memorial*—The Act of February 19, 1962, authorizing establishment of the Lincoln Boyhood National Memorial states in part "... the Secretary of the Interior shall designate the original Tom Lincoln Farm, the nearby gravesite of Nancy Hanks Lincoln, and such adjoining land as he deems necessary for establishment as the Lincoln Boyhood National Memorial."

The acquisition of the 71.85 acres proposed in this legislation will complete the memorial by adding to it the remaining lands originally patented to Thomas Lincoln in 1827, with the exception of the railroad right-of-way still in use. This will raise the total acreage of 200—the legislative acreage ceiling for the area. The proposed land acquisition increase is from \$75,000 to \$395,000, an increase of \$320,000.

6. *Ozark National Scenic Riverways*—The Act of August 27, 1964, which authorized the establishment of the Ozark National Scenic Riverways, provided for land acquisition funds not to exceed \$7,000,000. These funds have been appropriated and have made possible the acquisition of some 51,252 acres of lands or interests in lands. We have identified a further total of about 8400 acres of private land that should be acquired, to assure adequate protection and development of the river resources. The estimated cost of acquiring these additional lands is \$2,563,438.

An additional sum of \$1,239,476 is being requested to pay deficiency judgments on 46 tracts involved in condemnation actions already in progress. Finally, an additional \$307,970 is the estimate of need for moving expenses and relocation benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Thus, a total of \$4,111,000 is needed to complete the land acquisition program for this area, and the bill would amend the 1964 authorization accordingly, from \$7 million to \$11,111,000.

7. *Shiloh National Military Park*—The acquisition of four tracts totalling 191.5 acres, including the site on which historic Shiloh Church stood in 1862, would complete the park in accordance with the master plan. The acquisition of the subject lands would open the way for development of a one-way interpretive loop road and obliterate private and commuter traffic from the park. Under existing access conditions, illegal hunting and relic collection is a serious problem. The acquisition of the tracts will enable the Park Service to eliminate three of four existing accesses, thereby providing more effective control of visitors. For this reason, we propose an increase of \$93,000, bringing the new ceiling limitation from \$57,100 to \$150,100.

Mr. Chairman, we now wish to consider the areas under Title II, increases in appropriations ceilings for development, including Herbert Hoover National Historic Site, a combination development and land acquisition ceiling:

1. *Herbert Hoover National Historic Site*—New ceiling authority totalling \$3,500,000 is needed to permit the completion of development at this site. This is an increase of \$1,850,000 over the existing limitation of \$1,650,000. The additional funds will be used for further land acquisition (\$78,000) and general development (\$1,772,000).

The historic setting of President Hoover's birthplace now comprises the boyhood home, the burial place, and the Herbert Hoover Library. A management program to preserve, restore, and make accessible the historic village scene must eliminate certain non-historic properties, providing uncluttered environs and making room for visitor circulation; properties which are historic structures or period-style buildings are to be retained and rehabilitated. A number of modern streets will be obliterated, and vehicular traffic will be diverted from the historic heart of the area.

2. *Booker T. Washington National Monument*—In order to complete the development of this park, authority is requested to increase development ceiling costs by \$400,000. This will permit the elimination of modern structures which intrude on the scene of the living farm, demolition of an existing dwelling, and the construction of three employee residences and appurtenant facilities such as a water supply and sewer system which are urgently needed. Reconstruction of significant historic structures and expansion of a small existing parking lot are also proposed. The proposed ceiling increase will bring the new limitation from \$200,000 to \$600,000.

3. *Johnstown Flood National Memorial*—The proposed development ceiling increase of \$244,600 includes the construction cost of a pedestrian bridge, trails and interpretive facilities. Terrain characteristics at the Croyle Township portion of the memorial preclude development of parking facilities for visitors.

This is, however, where the visitor can best understand and appreciate the environmental conditions resulting in the tragic flood of 1889. A pedestrian bridge will permit visitors to reach that location from the existing parking area on the Adams Township side of the stream. The visitor contact and interpretation facility on the Croyle side, together with approach trails, represent a relocation of facilities previously planned for the Adams side.

Mr. Chairman, at this time we would like to present our justification for boundary changes in nine areas under Title III:

1. *Adams National Historic Site*—Acquisition of the Beale property immediately west of the Adams site is sought because of its direct relevance to the historical environment of John Adams' day, and its usefulness as protection for the Adams property against private development.

The property comprises some 3.68 acres, on which is located a fine two-story frame house dating to 1792, and one ½-story carriage house surrounded by a hayfield. The area at present has not changed since the days of the Adams, and it has been said that when one looks out over the fields near the Adams and Beale homes, he has seen a bit of Quincy as the Adams family saw it centuries ago.

Although the former Adams property and the Beale property are now zoned for residential purposes, recent amendments to zoning bylaws and zoning variances applied to nearby property indicate that the zoning is not a full guarantee for the protection of the historical values associated with these lands. Pressures are increasing to allow modified residential or commercial development on the land adjoining the site on the west. To protect and preserve the historic integrity of the Adams National Historic Site, it is urgent that these lands be made a part thereof. The cost of adding these 3.68 acres to the national historic site is \$122,000. Development costs are \$50,000.

2. *Fort Caroline National Memorial*—Here, 12.5 acres have been proposed for donation to enable the Service to round out boundaries by including the remaining acreage of Spanish Pond and providing protection to shipyard Creek on the western boundary. Parking areas at St. John's Creek and Spanish Pond will be enlarged, and interpretive facility with exhibits will be placed at Spanish Pond, with a trail from the parking area. Utilities will be placed underground. Development costs are estimated at \$89,100; no additional costs are anticipated for land acquisition.

3. *George Washington Birthplace National Monument*—We propose to add 62.3 acres to the national monument. This land is located centrally to the interpretive program of the park—its acquisition will add additional land for the development of the living farm concept. Land acquisition costs are estimated at \$57,000.

4. *Glacier National Park*—A boundary change is proposed along the south edge of the park. A flood in 1964 on the Flathead River and its tributary Bear Creek forced the realignment of the Great Northern Railroad tracks in a number of places. A boundary adjustment to conform to the new river and railroad location is needed in order that a clear interpretation of the boundary can be made, especially during the hunting season. A total of 64.23 acres of parkland

will be removed from the park and will become right-of-way of the railroad. A total of 4.24 acres of parkland will be removed from the park and will become Forest Service land. One-hundred-sixteen acres of Forest Service land, 117.15 acres of railroad land, and a small tract of private land will become parkland. This tract of privately-owned land, 34.75 acres, would become an inholding within the park, and would be acquired under the general acquisition authority for the park at a cost of \$6,000. This will result in a net addition to the park of approximately 199 acres. In this connection, we call the committee's attention to a mistake in the acreage figure authorized to be added to the park. The three properties proposed for addition to the park total 267.90 acres, instead of 233.15 acres, as shown on page 4, line 12 of S. 2601. This was a clerical error in addition and we recommend that the committee amend the bill to correct it.

5. *Isle Royale National Park*—Proposed acquisition of the abandoned Houghton Flour Mill property. The value of the subject tract to the programs of the National Park Service at Isle Royale is inestimable. The present headquarters site is inadequate for the administrative, office, shop, storage, passenger-freight terminal, and other functions which are now carried out at this location. The property to be acquired lies between the parking area for visitor vehicles and the visitor center. The Houghton Flour Mill property is a barrier which impedes almost every facet of our existing operation, complicates the traffic pattern in the boat loading area and prevents an orderly circulation of pedestrians between our existing separated facilities. The land acquisition cost will be approximately \$31,500.

6. *Johnstown Flood National Memorial*—In addition to the increase in funds for development, as authorized in Title II of the bills, we have identified a need for 53.6 acres over and above the 55 acres authorized by the Congress in 1964. Recently, a proposal was made to construct a mortuary immediately opposite the Memorial entrance. We have contacted the owner of this property regarding an easement; however, the owner prefers to sell in fee simple. An option has been obtained from him. Costs of this 12.24-acre property are \$11,500. Also since 1964, the Pennsylvania Department of Transportation constructed a new highway along the west side of the Memorial resulting in two dead-end township roads within the Memorial. Both townships have ceased maintaining the roads. Park lands adjoin both sides of each right-of-way. This area totals 2.82 acres. Two additional tracts (generally east of the Memorial holdings, separated by a branch of the little Conemaugh River) were recently acquired by the Adams-Croyle Recreation Authority, by condemnation, to create a wildlife park. Should the Authority abandon these lands at some future date, they have agreed to donate these parcels for addition to the Johnstown Flood National Memorial. This would provide a buffer for the remnants of the South Fork Dam, in addition to preserving the Lake Conemaugh site. This area totals 38.51 acres. The total area of the three parcels is 53.573 acres.

7. *Lassen Volcanic National Park*—It is proposed to exclude a tract of land containing approximately 482 acres and transfer it to the Forest Service. A Forest Service access road leading to a fire lookout on West Prospect Peak is located on this tract. In addition to this use, the Forest Service needs this road as a haul road for a timber sale in Lassen National Forest planned for FY 1973. The transfer of this tract of land would facilitate the management of the park and the Lassen National Forest. There are no costs involved in this transfer.

8. *Muir Woods National Monument*—This proposal calls for the addition to Muir Woods National Monument of a detached tract of land totalling 49.7 acres which is located on the opposite side of the State highway from the southeastern corner of the Monument. Most of these lands are in what is called the Camp Monte Vista subdivision. While there are a large number of lots and parcels in the subdivision (273), there are only 15 residences. There is also a snack bar-souvenir stand facility (now vacant) called Muir Woods Inn, which was purchased by the National Park Foundation for \$110,000 in 1969, and which will be conveyed to the government at cost. The estimated acquisition cost for the 49.7 acres, including relocation costs, is \$1,100,000.

Muir Woods National Monument, today, is virtually surrounded by Mt. Tamalpais State Park, and only a small enclave of privately owned land remains. These lands, totalling approximately 49.7 acres, are necessary for the long range development and improvement of the monument. Acquisition of these lands will permit the National Park Service to relocate visitor use, service and residential facilities; improve access to the monument; and control the scenic approaches to Muir Woods.

Recent master plan studies recommend the removal of the existing visitor facility and the residence and maintenance area from their present locations because they encroach upon the redwood grove, the prime resource of the area. It is planned to build a new residence and maintenance area in the proposed addition at a cost of about \$200,000. A new visitor contact-headquarters-concession facility will be located within the existing monument opposite the proposed addition. A parking facility may be constructed in the new addition in the future. A minor road relocation, costing about \$35,000, will be in the proposed addition. The acquisition of this enclave of private land would also remove the threat of adverse developments along the entrance road to the monument.

9. *Petersburg National Battlefield*—An agreement has been reached whereby two areas of Petersburg National Battlefield not needed for park purposes, known as Flank and Defense Road—1.92 and 5.12 miles in length, respectively—will be transferred to the City of Petersburg, Virginia. The total acreage is approximately 258 acres. The proposed transfer will eliminate lands no longer of value to the park, having been practically incorporated in the expansion of the City of Petersburg and no longer manageable as part of the park. There are no costs involved to the government; rather, we expect that some savings will result.

Mr. Chairman, this concludes our presentation on the specific areas referred to in the bill. Two points of a general nature bear mention at this time, however:

First, as stated in the Department's transmittal letter to the Congress of July 21, we have developed, in consultation with the Office of Management and Budget, proposed criteria to guide our submission of future omnibus proposals for existing areas. These criteria, which we would be pleased to discuss with the committee, are attached. Second, the cost estimates which we have submitted for land acquisition, except those for Assateague, Ozarks, and Muir Woods, do not include the costs involved in compliance with the mandatory provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Under that Act, costs (in addition to the fair market value) for relocating displaced owners, title work, and several other items are chargeable to acquisition funds. In the case of park land acquisition, this would mean that Land and Water Conservation Fund money would be used. In order that we can pay these mandatory costs without going over our statutory acquisition ceilings, we will propose general legislation which provides that such payments will not be charged against the statutory ceiling. We expect to submit such legislation in the near future.

Thank you very much, Mr. Chairman.

ADMINISTRATIVE CRITERIA FOR OMNIBUS PROPOSALS RELATING TO EXISTING AREAS OF THE NATIONAL PARK SYSTEM

Proposed amendments to legislation relating to existing areas of the National Park System may be considered for inclusion in omnibus proposals if they meet one of the following criteria:

1. The proposed amendment is substantially in accord with the legislation establishing the area, and the proposed amendment is necessary to adjust or "round out" boundaries of existing areas to meet new management needs.

2. The proposed amendment is needed to authorize increased appropriations to complete land acquisition and development programs for an existing area, as it is now authorized.

A proposal would not be considered for inclusion in omnibus proposals if it would substantially alter the existing authorization insofar as the size, cost, or the general character of the existing area is concerned.

