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COWPENS NATIONAL BATTLEGROUND SITE, PISCATAWAY  
NATIONAL PARK, JOHN D. ROCKFELLER, JR., MEMORIAL  
PARKWAY, GULF ISLANDS NATIONAL SEASHORE, AND  
WOLF TRAP FARM PARK

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DOCUMENTS

MAY 30 1972

KANSAS STATE UNIVERSITY

HEARINGS

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

ON

S. 1552

TO AMEND THE ACT OF JULY 18, 1958, TO PROVIDE FOR THE  
EXPANSION OF COWPENS NATIONAL BATTLEGROUND SITE

S. 1291

A BILL TO FURTHER AMEND THE ACT OF OCTOBER 4, 1961,  
AMENDED BY THE ACT OF JULY 19, 1966, TO FACILITATE THE  
EFFICIENT PRESERVATION AND PROTECTION OF CERTAIN  
LANDS IN PRINCE GEORGES AND CHARLES COUNTIES,  
MARYLAND

S. 3159

A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO  
ESTABLISH THE JOHN D. ROCKEFELLER, JUNIOR, MEMORIAL  
PARKWAY

S. 3153

A BILL TO AMEND THE ACT OF JANUARY 8, 1971 (PUBLIC LAW  
91-660; 84 STAT. 1967), AN ACT TO PROVIDE FOR THE ESTAB-  
LISHMENT OF THE GULF ISLANDS NATIONAL SEASHORE IN THE  
STATES OF FLORIDA AND MISSISSIPPI

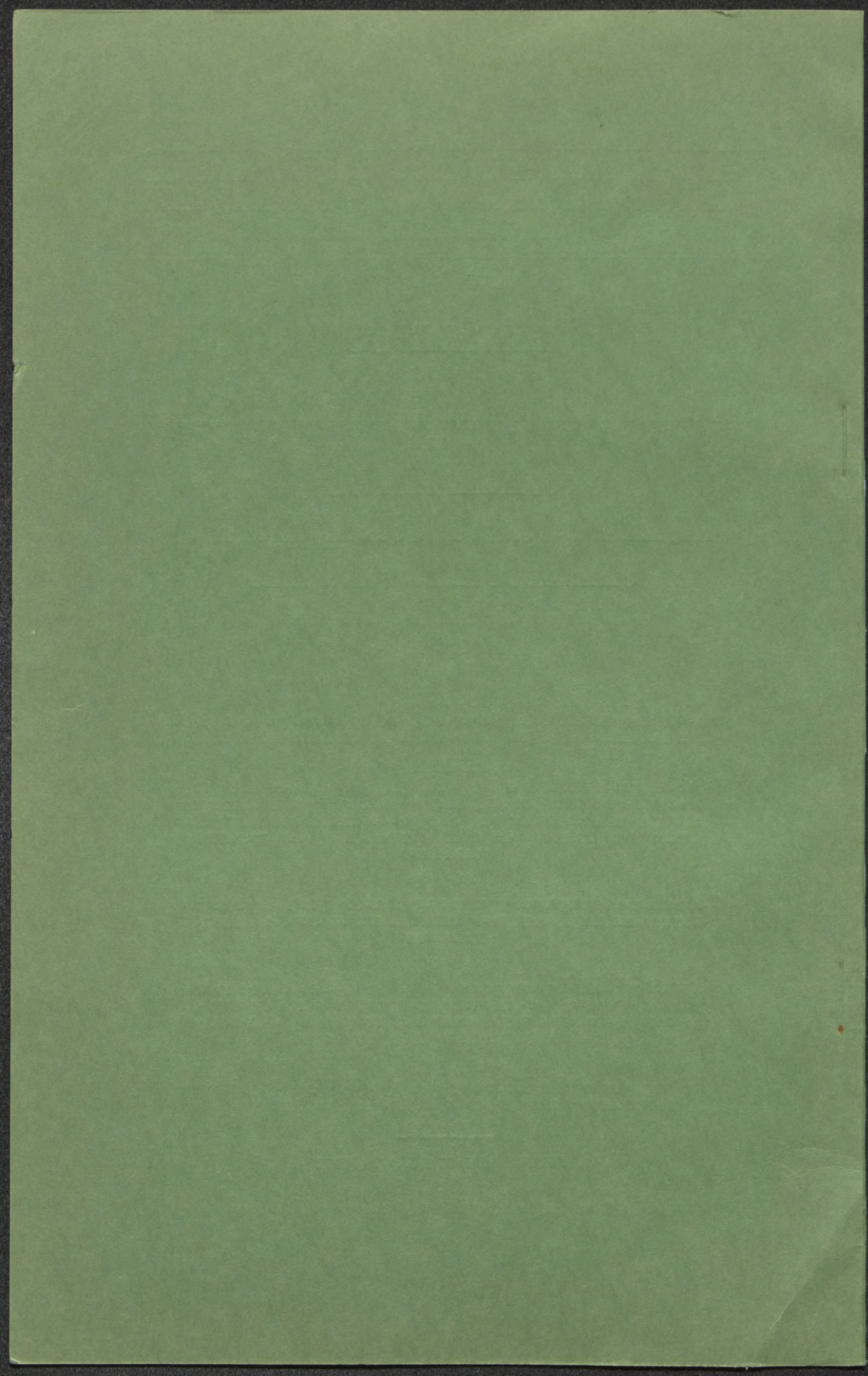
S. 2725

TO REMOVE THE STATUTORY CEILING ON FUNDS FOR THE  
DEVELOPMENT OF WOLF TRAP FARM PARK, VIRGINIA

FEBRUARY 27 AND 28, 1972

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

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COWPENS NATIONAL BATTLEGROUND SITE, PISCATAWAY  
NATIONAL PARK, JOHN D. ROCKEFELLER, JR., MEMORIAL  
PARKWAY, GULF ISLANDS NATIONAL SEASHORE, AND  
WOLF TRAP FARM PARK

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U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1972

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COWPENS NATIONAL BATTLEGROUND SITE, PISCATAWAY NATIONAL PARK, JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY, GULF ISLANDS NATIONAL SEASHORE, AND WOLF TRAP FARM PARK

THURSDAY, FEBRUARY 17, 1972

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

The subcommittee met at 10 a.m. in room 3110, New Senate Office Building, Hon. Alan Bible, presiding.

Present: Senator Bible.

Also present: Jerry T. Verkler, staff director; Bernard C. Hartung, professional staff member, and Thomas Nelson, assistant minority counsel.

Senator BIBLE. The hearing will come to order.

We have three park proposals to consider this morning. The first one that we will consider will be S. 1552, a bill to amend the act of July 18, 1958, to provide for expansion of the Cowpens National Battlefield site.

This bill, Mr. Reporter, will be made part of the record at this point.

The official position of the Department of the Interior, dated February 10, 1972, signed by Nathaniel Reed, will be made a part of the record.

A statement by Senator Hollings in support of this legislation will also be made a part of the record.

A statement on behalf of Representative Thomas S. Gettys will be made a part of the record at this point, unless he is here personally. I don't believe he is.

And a letter from Senator Gambrell will be made a part of the record at this point.

(The documents referred to follow:)

[S. 1552, 92d Cong., First sess.]

A BILL To amend the Act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act to provide for the acquisition of additional land to be used in connection with the Cowpens National Battleground Site," approved July 18, 1958 (72 Stat. 368; Public Law 85-527), is amended by adding at the end thereof the following new section:

"Sec. 2. The Secretary of the Interior is further authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal department or agency, or exchange such lands and interest therein contiguous

ous to the Cowpens National Battleground Site, South Carolina, as he designates as being necessary for the interpretation, protection, administration, or public use of the site. Upon its acquisition, such property shall be a part of the Cowpens National Battleground Site. Such site shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916, entitled An Act to establish a National Park Service, and for other purposes (39 Stat. 535) as amended and supplemented (16 U.S.C. 1 and others), and the provisions of the Act of August 21, 1935, entitled 'An Act to provide for the preservation of historic American sites, buildings, and antiquities of national significance, and for other purposes' (49 Stat. 666; 16 U.S.C. 461-467).

"Sec. 3. The Cowpens National Battleground Site is hereby redesignated as the Cowpens National Battlefield.

"Sec. 4. There are authorized to be appropriated not more than \$ \_\_\_\_\_ for the acquisition of lands and interests in lands and not more than \$ \_\_\_\_\_ ( \_\_\_\_\_ prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein."

DEPARTMENT OF THE INTERIOR,  
Washington, D.C., February 10, 1972.

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

DEAR MR. CHAIRMAN: Your Committee has requested a report on S. 1552, a bill "To amend the Act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site."

We recommend that the Congress defer action on S. 1552 pending our further review of legislative priorities and the availability of funds for this purpose.

The Act of March 4, 1929 (45 Stat. 1558), authorized the acceptance of a donation of not more than 1 acre to preserve part of the Cowpens Battlegrounds, South Carolina, where General Daniel Morgan defeated the British on January 17, 1781, and it authorized the appropriation of not more than \$25,000 for development. The Act of July 18, 1958 (72 Stat. 368), authorized the acceptance of a donation of not more than 1 additional acre. The area now consists of 1.24 acres, all in Federal ownership.

S. 1552 would add three new sections to the 1958 Act authorizing the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, transfer, or exchange, such lands and interests therein contiguous to the site as he designates as being necessary for the interpretation, protection, administration, or public use of the site (new section 2); redesignating the site as Cowpens National Battlefield (new section 3); and authorizing the appropriation of additional funds in unstated amounts for land acquisition and development (new section 4).

This Department recognizes both the historic significance of the Cowpens Battlegrounds, and desirability of providing visitors with a greater opportunity to gain an appreciation of General Morgan's "signal victory" on this site. Additional acquisition of land and related expenses for development must be evaluated in terms of their priority among other important proposals. The Department is now reviewing the long-range impact of all such proposals upon available resources, and anticipates the completion of this assessment in time for consideration by the Second Session of this Congress. We cannot now recommend, therefore, that the Congress proceed with the authorization contemplated by S. 1552.

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

Sincerely yours,

NATHANIEL P. REED,  
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, D.C., February 15, 1972.

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 February 4, 1972, for the views of the Office of Management and Budget on S. 1552, a bill "To amend the Act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 1552, and accordingly recommends that action on the bill be deferred.

Sincerely,

WILFRED H. ROMMEL,  
Assistant Director for Legislative Reference.

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STATEMENT OF HON. ERNEST F. HOLLINGS, A U.S. SENATOR FROM THE STATE OF  
SOUTH CAROLINA

Mr. Chairman and committee members, today I urge your approval to give proper national recognition to a battlefield in South Carolina which has long been recognized by the people of my state for its importance to the success of the American Revolution. My bill, S. 1552—introduced on the House side by the Honorable Tom Gettys of Rock Hill, S.C.—would authorize the expansion and development of the Cowpens Battlefield.

On this spot in January 1781, an outmanned American force of 940 men destroyed a British force of 1,100 men. The Battle of Cowpens was so significant that the Continental Congress awarded special medals to three men in command there—Gen. Daniel Morgan and Col. William Washington of Virginia and Lt. Col. John Eager Howard of Maryland. Col. Andrew Pickens of South Carolina was awarded a sword for his leadership of the state militia of Georgia, South Carolina and North Carolina. I point out that the Continental Congress, deliberating after the war, honored only six battles. And in only two instances did the Congress award three medals for a single battle. The militia and Continental troops who fought at Cowpens were among the world's finest, and their leadership carried over from the war to a peacetime guidance of the emerging nation. Ten who fought at Cowpens later were elected to the United States Congress. One signed the Declaration of Independence. Another founded the State of Missouri. Yet today, the Battle of Cowpens is commemorated by only a granite shaft erected on an acre and a quarter of land.

For many years, the people of South Carolina have urged the proper restoration of this neglected site. Particular support has come from residents and leaders in Spartanburg and Cherokee counties. These counties would share in the immediate economic benefits of an expanded battlefield site. I point out that the Cowpens Battlefield is just off Interstate 85, a route heavily traveled by the vacationing public. This location, therefore, meets both the historic justification for development and the practical standard that must be applied as we determine how best to spend funds to celebrate the nation's Bicentennial. I urge your favorable action on S. 1552 to properly honor the Battle of Cowpens and its part in the early history of this nation.

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STATEMENT OF HON. TOM S. GETTYS, A U.S. REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF SOUTH CAROLINA

Mr. Chairman, the Omnibus National Parks Bill, S. 2601, was amended in the House to include provisions to enlarge and develop the Cowpens National Battleground site in Cherokee County, South Carolina, my Congressional District, and was passed on January 31.

It is my hope, Mr. Chairman, that your Committee will recommend acceptance of this project.

The Battle of Cowpens has long been recognized by historians as one of the major turning points of the American Revolution. Yet Cowpens has never been accorded the honor that its importance in our national history warrants,

for it was here on the morning of January 17, 1781, that American forces under the command of General Daniel Morgan defeated 1,100 of the finest troops of Lord Cornwallis and set the stage for the surrender of Cornwallis at Yorktown. Executing the first and only successful double envelopment maneuver on American soil, the Americans permitted only 200 of the British soldiers to escape.

The Cowpens Battle site is now commemorated by a granite shaft erected in 1930 on an acre and a quarter of land. The Master Plan developed by the National Park Service calls for the acquisition of an additional 845 acres and the restoration and development of the site as a national battlefield. Development of the Battlefield under the Master Plan would require about five years and the expenditure of \$5,471,500.

Mr. Chairman, the plan for acquiring the original battlefield and surrounding lands has been on the drawing boards for several years. It was approved by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments in 1968. It is particularly fitting that we authorize the restoration of the Cowpens Battlefield as we approach the Bicentennial celebration. It is also a matter of practical necessity that we start now if we are to preserve this historic battlefield. Residential development is moving nearer and nearer the battle site and unless the necessary properties are acquired promptly, the cost may become prohibitive.

The National Park Service indicates that more than 32,000 persons visit the present Cowpens battle site each year. With the restoration of the battlefield and other developments contemplated by the Master Plan, that number could increase to as many as a million and a half visitors a year and make this one of the major tourist attractions in South Carolina during the Bicentennial Celebration.

Land surrounding the actual battlefield would provide parking and picknicking facilities, foot trails and bridle paths and an environmental education area. Because Cowpens was the only battle in the American Revolution in which cavalry played a decisive role, the Park Service plans to include a riding stable in the facilities at the park.

Mr. Chairman, I appreciate the consideration your committee is giving this project and I hope you will see fit to report this measure favorably.

Senator BIBLE. Our first witness this morning is Senator Thurmond, and we will be happy to hear from you now.

#### STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator THURMOND. Mr. Chairman and gentlemen of the committee, I wish to thank you for your courtesy in permitting me to testify prior to taking a plane.

Mr. Chairman, I greatly appreciate having an opportunity to testify before this subcommittee on S. 1552, a bill to amend the act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site.

In my opinion, this bill is of great importance, not only to the people of South Carolina, but to the Nation as a whole. The Battle of Cowpens was of national significance because it was a major turning point in the Revolutionary War.

In the Battle of Cowpens, a large part of Cornwallis' army was destroyed and he was deprived of light troops when he needed them most. Aside from these immediate results, the far-reaching effects of General Morgan's victory over the British at Cowpens was to raise patriotic morale when it was badly needed. After the Battle of Cowpens, Southern militia started turning out in greater numbers, and the North started sending the support that the South so badly needed.

Cowpens showed, for only the second time since Bunker Hill, what can be done with militia provided they are good marksmen and are commanded by competent officers who understand them. By magnificent personal leadership of precisely the sort needed for the occasion, and with a few outstanding subordinates, General Morgan achieved a spectacular victory with fewer troops and with fewer weapons, and terrain. This classic victory was accomplished even though the Americans were outnumbered more than 3 to 1 by General Tarleton's superior force.

The importance of this battle was recognized as early as the Continental Congress. The Continental Congress awarded medals in honor of only six Revolutionary battles and Cowpens was the recipient of one of these medals.

In only two instances did the Continental Congress present three medals for a single battle, Cowpens was one, and the Battle of Stony Point in New York was the other.

At the present time, this important battle is only marked by a 1½-acre plot containing only one granite monument and two glass display cases.

S. 1552 would expand the Cowpens Battlefield to 845 acres as well as provide for its development. Under the present development plan, the battlefield would have a visitor's center, a circular tour road, a picnic area, and other facilities available for the use of visitors.

Over the past few years, the Cowpens National Battleground Site has averaged 32,000 visitors a year and 44,000 individuals will probably visit the site in 1972. If nothing is done to enlarge and develop the present site, it is estimated that only 63,000 people will visit the battleground in 1976, the Bicentennial year.

In contrast to this figure, the Department of Interior has estimated that at least 250,000 people will visit the battlesite the first year following completion of the development program.

Since we are now preparing for our 200th year anniversary, the American Bicentennial, it is imperative that this bill be passed now. As soon as this bill is passed into law work can be begun to enlarge and develop the Cowpens National Battlefield so that it will be ready for the American Bicentennial—due to commence in only 4 years.

There is no nobler way to commemorate the birth of this great Nation than to expand and develop the grounds of one of the most significant national battlefields; namely, the Battle of Cowpens.

Mr. Chairman, I could continue to expound the importance of this battle both to our fight for independence and to the coming American Bicentennial. However, I believe I have adequately demonstrated the need for expanding and developing the present site of the Battle of Cowpens.

Therefore, I will close by saying that I wholeheartedly support this bill and urge this subcommittee to act favorably on it.

Mr. Chairman, I would like at this time to state that Congressman Mann of the Fourth Congressional District is here with us, and he has a statement, I believe, that should be placed in the record and I ask unanimous consent.

Senator BIBLE. Is he here personally? He can testify for himself, if he wants.

Mr. MANN. Thank you, Mr. Chairman.

It is my privilege to appear in behalf of this project, and I ask permission to prepare a statement within 48 hours.

Senator BIBLE. I don't have you on my list of witnesses, and I am happy to add your name, Mr. Congressman, and this record will be kept open for 5 days so if you can have your written statement to us at that time it will be incorporated just as given.

Senator THURMOND. Mr. Chairman, we have with us a very distinguished gentleman, a former gentleman of the Fourth Congressional District, Congressman Robert T. Ashmore, and he is chairman of the South Carolina Appalachian Council of Governments and he has a brief testimony which can be placed in the record or presented personally.

Senator BIBLE. Do either way you want to, Mr. Ashmore.

Mr. ASHMORE. Thank you, I will just submit the statement.

Mr. Manning from Spartanburg is quite a historian, and he can go into the details we have not covered in our written statement.

Senator BIBLE. Very well, and the same thing applies to you as to the Congressman. The record will be kept open for 5 days and you can submit your statement at any time before that.

Senator THURMOND. Mr. Chairman, we have a number of outstanding citizens of South Carolina here, and some of them will have statements, and I shall present them, and they can testify briefly, and then I will ask the Chair to excuse me, if you will.

Senator BIBLE. Proceed.

Senator THURMOND. I would like to present at this time Mr. Samuel Manning, a very outstanding citizen of our State, and he is going to present a statement here that will go into more detail, and this is Mr. Manning right here; and I would like to present to the committee Dr. Charles E. Lee, president of the Society of American Archivists, and he will testify briefly; and the mayor of Spartanburg, the Honorable Robert L. Stoddard; and Mr. Jack Millwood, the immediate past president of the chamber of commerce, and he will have a brief statement; and Mr. Bradley Moore, a former State senator of Greenville, who is representing John C. West here, and he will cover the national significance of the battle.

Senator BIBLE. I have a statement here from Governor West.

Senator THURMOND. I would like to call attention to the fact we have some other South Carolinians here, Mr. W. O. Brown, Mr. Orn Bick, and Mr. Jim Thompson.

Are there any other South Carolinians here?

Senator BIBLE. Just so the reporter gets all of those fine South Carolinians' names, I hope you will take the burden of supplying them to the reporter, because I want the people back home to know they were here and testified.

Are they all going to say they want this bill?

Senator THURMOND. Yes; they want the bill. They have come at their own expense and they are very much interested in the prompt enactment of this bill.

Senator BIBLE. Mr. Reporter, you get all of the names and say they said all these things, they are all for it. They came at their own expense, and they don't want any delay in getting the bill passed and they don't need to take pages and pages to tell us that.

Senator THURMOND. Mr. Chairman, I thank you for your kindness this morning, and at this time I present Mr. Manning, and he will present his statement at this time.

**STATEMENT OF SAMUEL MANNING, SPARTANBURG, S.C., ACCOMPANIED BY CHARLES LEE, ROBERT ASHMORE, BRADLEY MOORE, ROBERT STODDARD, AND JACK MILLWOOD**

Mr. MANNING. I would like to ask several distinguished South Carolinians and historians here with me to submit a short statement for the record.

Senator Moore, who is representing John C. West, if he would submit his statement or summarize his statement into the record, we will proceed along, if that is all right.

Senator BIBLE. How many witnesses will you be presenting, Mr. Manning, and about how long will it take?

Mr. MANNING. I think about 7 minutes, if that is all right.

Senator BIBLE. That is refreshingly short.

Mr. MANNING. I would like to call Hon. P. Bradley Moore.

Mr. MOORE. Mr. Chairman, I have submitted this in writing. I don't want to bore the chairman; it is there. The Governor endorses this bill. The bicentennial commission endorses it. It is a bill that, to my knowledge, has nothing to detract it. It makes a most commemorative spot of importance to all Americans. I say this: There is no definite date set for our birthday celebration. It has been suggested that the target date be 1976. This park will be available to the people and children in any State.

Senator BIBLE. I have read the statement of Governor West, and it has been introduced by you as a part of the record, and that is a very fine statement and I appreciate getting it very much.

(Statement of Gov. John C. West follows:)

**STATEMENT OF HON. JOHN C. WEST, GOVERNOR OF THE STATE OF SOUTH CAROLINA**

The Battle of Cowpens was one of the great American victories in the Revolution. It belongs not to one state but to the nation, and to all who love liberty. In the words of the British historian, Stedman, "The defeat of his Majesty's troops at Cowpens formed a very principal link in the chain of circumstances which led to the independence of America." With the passage of years, the victory at Cowpens has not lost its luster.

Henry Steele Commager and Richard Morris, the distinguished historians in their classic "The Spirit of 76" refer to General Daniel Morgan, the Commander at Cowpens, as one of the few geniuses produced in the Revolution. The chapter in their book dealing with Cowpens is entitled the "Turning of the Tide." At Cowpens, Cornwallis lost the finest front soldiers in his command, a loss which was to prove fatal at Yorktown. The Oxford Encyclopedia of American History refers to Cowpens as "The Classic battle of the war of Independence" and Scribners Encyclopedia of America refers to it "as one of the most brilliant American victories in the Revolution."

On the morning of January 17, 1781 the forces of the King under Lieutenant Colonel Banastre Tarleton engaged the American forces in battle. The British force consisted of approximately 1100 men, the American, 970. In less than an hour, the British force was destroyed and Colonel Banastre Tarleton barely escaped with his life. The Americans suffered sixty wounded and twelve killed.

The American force under General Morgan included units from six states: Maryland, Delaware, Virginia, North Carolina, South Carolina, and Georgia. It consisted of some of the finest units in the Continental Army and some of the finest militia in the nation.

The development of the Cowpens Battlefield into the Cowpens National Battlefield as recommended by the Department of Interior and in compliance with Congressman Tom Getty's Bill has my full support.

Senator BIBLE. Mr. Manning.

Mr. MANNING. Mr. Charles Lee.

Mr. LEE. Senator, I, too, have a prepared statement which I would like for you to enter into the record, if you will.

Senator BIBLE. Without objection, we will do that.

Mr. LEE. I would like to make two points briefly.

This battle has a great significance in being one in which the Continental Congress, the progenitor of the present Congress of the United States, to the decision they would not let conquered Georgia and South Carolina go free to the British.

The army sent south under Nathaniel Greene fought the British at Cowpens, and that was the guarantee that the original United States of America would consist of 13 States and not 11.

It defeated the British of conquering the United States of America, to use Winston Churchill's phrase, by attacking the assault from the belly of a new nation. That was fought at the Cowpens; it was farther west than the battle of Kings Mountain, fought by men who had the western spirit in view of the Blue Ridge Mountains, which Americans were later to cross, cover the plains, and go all of the way to the Pacific.

I think the national significance of this battle, outside of being a resounding American victory, was that it exemplifies the determination of the Congress, was that there would be a new United States of America, and exemplifies the American spirit.

Senator BIBLE. Very well, and if you want to amplify the remarks you have given, the record is open 5 days for this purpose.

(Statement of Charles E. Lee follows:)

STATEMENT OF CHARLES E. LEE, DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY AND PRESIDENT OF THE SOCIETY OF AMERICAN ARCHIVISTS

Mr. Chairman and Members of the Committee. Among the one-hundred and sixty-eight battles and engagements of the American Revolution fought in South Carolina there were two terrible defeats and three glorious victories.

On June 28, 1776, a little palmetto log fort in Charleston Harbor beat off the attack of the British fleet and showed that the American quest for freedom was no transient notion but a deadly serious business in which men were willing to sacrifice their lives.

Yet on May 11, 1780, it appeared that four years of dedication and sacrifice had not been enough, when the proud city of Charleston and her harbor, together with five-thousand American troops under General Benjamin Lincoln capitulated to the British armies under Sir Henry Clinton. It was probably the greatest American military disaster of the entire war.

The British overran South Carolina, and American government collapsed, as it previously had collapsed in our sister state of Georgia. The British policy of victory by attacking the soft underbelly of the new nation seemed to be working. Its success seemed assured later in the year, when in August, 1780, Lord Cornwallis at Camden, South Carolina, totally routed the American army under Horatio Gates which had been sent to rescue the two prostrate most southern states.

After Gates' defeat the best that an ordinary man could hope for was re-subjugation of the southern colonies and the establishment of a northern confederacy independent of Great Britain. But our ancestors who had adopted the American cause as their own were not ordinary men. They included men like Thomas Sumter, Francis Marion, and Andrew Pickens—men who refused

to admit defeat even when victory seemed beyond hope and who continued to fight a guerrilla war from their hiding places in the Carolina swamps, hills, and woods.

They included also the men from the first American West—men like John Sevier, Benjamin Cleveland, Isaac Shelby, and the boy Andrew Jackson, who grew up on the original American frontier east of the Blue Ridge, whose spirit had already taken them across the mountains and which would eventually take them across plain and still higher mountains all the way to the Pacific Ocean. The second great American victory in South Carolina was made by these men at Kings Mountain in October, 1780—by men “who came from places not even on the map yet,” as the British General Lord Balfour complained. Think of the American place names which have been added to the map during the last two-hundred years as a result of that victory!

The Revolutionary generation contained not only men who were unwilling to accept defeat and men who dreamed of a golden west; it also contained men committed to a United States of America—“one nation indivisible,” as Daniel Webster was later to put it. This commitment was made real when the Continental Congress, progenitor of the present Congress, sent a new army southward—Maryland, Delaware, and Virginia troops, under a military genius from Rhode Island—as evidence of a new nation’s deep conviction that it could not exist without the participation of the southern states.

The Battle of Cowpens, January 17, 1781, the third great American victory on South Carolina soil, brought together all of these elements. The Carolina partisans were there; Andrew Pickens’ militia took the brunt of the first attack. It was a western battle again—fought at a spot further west than Kings Mountain and at a place which westerners today would call a corral, where early cowboys herded their cattle and separated them by sighting registered brands still used in the West today. Above all, it was a national battle, fought by national troops, sent by the American Congress. It was a victory, which perhaps more than any other, meant that there would be a United States of America.

Beautiful Charleston and her harbor flourish today. She is proud that the National Park Service maintains Sullivan’s Island, the place where the palmetto fort of 1776 stood. She will always remember with gratitude her eventual rescue by American arms after the defeat of May, 1780. Through state and local efforts restoration of the British fortifications at Camden tell the story of Gates’s defeat and of the later drawn battle between Greene and Rawdon. Adequate land, scholarly research, and imaginative interpretation by the National Park Service make a visit to Kings Mountain almost a living re-experience of the battle.

The Battle of Cowpens is marked by the intersection of three roads, a small plot of grass, and a modest national monument.

I am sure that the Congress will take heed of the plight of this neglected, nationally important place, as it took heed of the plight of the southern states two-hundred years ago, and see that it is treated with the dedication and dignity it deserves.

Mr. MANNING. I call on Robert L. Stoddard.

Mayor STODDARD. Mr. Chairman, as mayer of the city of Spartanburg, it gives me great pleasure in supporting my classmate, Mr. Hollings’ bill.

We have a monument which was dedicated in 1881 on Morgan Square, upon which the entire city revolves around. It is an imposing bronze statue on a granite pedestal. It honors also Col. William Washington of Virginia and Col. Andrew Pickens of both Pennsylvania and South Carolina.

On one side of this monument, I think it is significant for it is inscribed, “One People, No North, No South, No East, No West, A Common Interest, One Country—One Destiny, 1881, As It Was, So Ever Let It Be.”

We think of this as a national monument because it was the first monument dedicated by Congress, authorized and dedicated, following the War Between the States.

We feel like this is something that all of the citizens of the United States should know more about. More than 210,000 citizens visited the

nearby Kings Mountain last year, and we feel more people will visit this because it will be easily accessible.

I not only speak for the city of Spartanburg, but for the town of Cowpens, and as chairman of the Southern Legislative Committee of Municipal Association of South Carolina. We feel like this is a national unity monument, and we sincerely hope you can give it favorable consideration.

Senator BIBLE. Thank you.

(Statement of Mayor Robert L. Stoddard follows:)

STATEMENT OF HON. ROBERT L. STODDARD, MAYOR, SPARTANBURG, S.C.

As Mayor of the City of Spartanburg and as one vitally aware of our national heritage, I am happy to endorse and support Senator Ernest F. Hollings' Bill, S. 1552, providing for the development of the Cowpens National Battlefield. The Battle of Cowpens was one of the great American victories in the Revolution and a turning point in that war.

The people of Spartanburg are proud that the battlefield is only twelve miles from our City and they take pride in the fact that in Morgan Square in the center of their city is one of the great monuments to the American Revolution, the Morgan Monument. When one considers the national significance of the battle, it is interesting to think of this monument which is also a monument to national unity.

The Morgan Monument was the first monument erected after the Civil War by the States of the North and South to commemorate their common heritage. The monument which is an imposing bronze statue of General Daniel Morgan by the famous sculptor, J. Q. A. Ward on a granite pedestal was authorized by a Joint Resolution of Congress and was sponsored by the thirteen original states and Tennessee. It honors the American victory at Cowpens, the gallant patriots in that battle and four of their great leaders: General Daniel Morgan of New Jersey and Virginia, Colonel John Eager Howard of Maryland, Colonel William Washington of Virginia, and Colonel Andrew Pickens of Pennsylvania and South Carolina.

On one side of the monument is inscribed: "One People, No North, No South, No East, No West, A Common Interest, One Country—One Destiny, 1881, As It was. So Ever Let It Be."

Included among the distinguished speakers at the dedication of the monument which was erected on the centennial anniversary of the Battle of Cowpens were Col. Thomas Wentworth Higginson of Boston, Massachusetts who had commanded a black regiment of federal troops in South Carolina in the Civil War and United States Senator Wade Hampton, a former Lt. General and Chief of Confederate cavalry.

The people of the country would I am confident support the development of the Cowpens National Battlefield. It is a site of national significance. Its development would provide a beautiful site for recreation and inspiration and it would have great appeal to all Americans.

In addition to being Mayor, I am Town Attorney for the Town of Cowpens, which lies three miles from the site; Chairman of the Municipal Association of South Carolina Federal Legislative Committee, both of which have endorsed this important legislation.

Mr. MANNING. I would like to call Mr. Jack Millwood.

Mr. MILLWOOD. Mr. Chairman, I am honored this morning to have the privilege to come and represent my hometown county, in which this battlefield is located, and know that our country is taking time out to recognize our home county which is the first time it has ever heard of in Washington.

There are two facts, from a local standpoint, I feel this committee should know. One, there is a scenic highway being built immediately by this battlefield which will bring many people by this park. Also, although at the present time it is rural land in cultivation and pasture land there, just a couple of years ago, a rural water line is running in

this area and houses are beginning to be built. We feel that in the next few years, and I say few, meaning the next 5 or 10 years, there will be some houses in this area and this park will no longer be feasible. We feel from this, time is very important that this park be built.

I bring greetings from our city council, a delegation, our local Senator, our chamber of commerce, many other organizations, most of our civic clubs, and I have these which I will submit for the record, if you don't mind, sir. We had a public hearing in our county a little over a year ago, there is no local opposition to this. In fact, it has been a dream of all of the local people, and I say this being a fifth generation, this is something we hoped for and dreamed of for many years, and I am sure all of the local authorities will do everything to cooperate with this park that is developed, sir.

Senator BIBLE. You say there is no local opposition. How about the homeowners and the year round residents?

Mr. MILLWOOD. Mr. Chairman, I have talked with most of these people personally. There are only two or three elderly people that said they would rather not move, and this is their home place, they have been there all their lives. But most of the people, and I am in the insurance business and I know them personally, dealing with them, have expressed the interest that they recognize the importance of this battle, they have grown up there and they recognize the importance, and I don't think there is any opposition, and I have talked to most of the people directly involved.

Senator BIBLE. I notice you have 27 farm units; how large is a farm unit in South Carolina language? How big it is, 160 acres, 320—

Mr. MILLWOOD. No, sir; in this area it is not true. Some of these houses maybe only have a couple of acres with the land.

Senator BIBLE. More of a bedroom than an actual working farm, is that what you are saying?

Mr. MILLWOOD. Yes, some of these houses would be substandard by almost any criteria that would be used. They are old farmhouses.

Senator BIBLE. You have five general stores and service stations. They are just general country style stores?

Mr. MILLWOOD. That is all they are. Nothing new or modern there.

Senator BIBLE. How about the storekeeper, doesn't he want to stay there and make his living from that store?

Mr. MILLWOOD. I can speak personally, that the storeowners, they are looking forward to this park as much as I am. They can visualize relocating. There would be no objection from them.

Senator BIBLE. We will develop from the Director of Park Service what he intends to do about this. I am very reluctant to displace long-time residents. We built into most of our bills a so-called Cape Cod formula, that the residents can stay there as long as they live. I take, personally, a dim view of displacing these people. We have been able to work out a formula which has worked out reasonably well in other areas.

Mr. MILLWOOD. This would be very good, I am sure, in these two or three cases.

Senator BIBLE. Mr. Hartzog will be up to bat pretty soon, and he is also a good target, so we will hear from him in a short time.

Mr. MANNING. Senator, I would like to express my appreciation for being before this subcommittee hearing this morning, sir. Mr. Chair-

man, I would like to make this statement in support of Senator Ernest F. Hollings' bill No. S. 1552 and pursuant thereto the development of the Cowpens National Battlefield as recommended by the Department of the Interior. My statement is made as a member of the South Carolina Legislature which passed unanimously a resolution requesting the development of the Cowpens National Battlefield and also in behalf of the Spartanburg County Historical Association and the Spartanburg chamber of commerce.

Congressman Tom S. Gettys of South Carolina has introduced bill H.R. 2160 which is identical to Senator Hollings' bill S. 1552. Last fall, with Congressman Gettys' approval, I contacted a number of distinguished Americans and asked for their support for the legislation providing for the Cowpens National Battlefield. Without exception, they have expressed their full support.

I have also discussed this with Senator Hollings and he has expressed his approval and appreciation. Last week I received notification of this hearing. I have not, however, had an opportunity to contact all of those individuals who sent in letters supporting this identical legislation to the House Committee on Interior and Insular Affairs and request them to send similar letters to the Parks and Recreation Subcommittee of the Senate Committee on Interior and Insular Affairs. This I plan to do. In my testimony today when I refer to individuals sending in a letter or wire of support for the Cowpens National Battlefield, I am referring to those sent to the House Committee on Insular Affairs unless otherwise stated.

In the next 10 days, I hope to submit an amendment to this testimony referring to those individuals who are sending in letters to this committee. I regret I do not have a final report at this time. Due to their schedules some may not be able to submit letters of support within the allocated 10 days. I refer to such individuals as Gen. W. C. Westmoreland, Chief of Staff, U.S. Army; Dr. James R. Killian, former president of MIT; Dr. Charles H. Townes, recipient of the Nobel Prize in physics for discovering the concept of the laser or maser beam; all of whom have sent in strong letters of support to the House Committee on Interior and Insular Affairs recommending the development of the Cowpens National Battlefield.

Justice Bruce Littlejohn of the South Carolina Supreme Court and former Speaker of the South Carolina House of Representatives, has expressed his strong support for this legislation providing for the Cowpens National Battlefield and is sending a letter of support to the parks and recreation subcommittee. Mr. Walter S. Montgomery, chairman of the board of Spartan Mills and distinguished textile and educational leader, is sending a letter of support to this committee as are Mrs. Peggy Gignilliat and her distinguished husband, Charles N. Gignilliat. Both are well known for their interest in history and Mrs. Gignilliat is a member of the board of the South Carolina Department of Archives and History.

Dr. Louis B. Wright, former director of the Folger Shakespeare Library, trustee of the National Geographic Society, and an authority on early American history, has asked me to express his regrets to the committee that he could not be here today as he had to be in New York, and asked me to quote him as being "enthusiastically in favor." He has sent in a letter of support.

Hon. David E. Finley, former dean of the National Gallery of Art, has sent in a letter expressing his strong support, and testified in behalf of Congressman Gettys' bill, H.R. 2160, at the House committee hearing. Mr. Finley asked me to express his personal regrets to the committee that he could not be here today. He asked me to state that he strongly supported the legislation and would be happy to send in a letter to this committee.

Dr. Archibald Rutledge, poet laureate of South Carolina, beloved author and naturalist, asked me to express his strong and enthusiastic support.

Mrs. Ernest L. Ives, sister of the late Ambassador Adlai E. Stevenson, has expressed her enthusiastic support and has sent in a wire of support.

Dr. Benjamin E. Mays, the famous educator and former president of Morehouse College, has expressed his support. His full statement is referred to later in my testimony. He is also sending in a letter of support.

Dr. James R. Killian of Cambridge, Mass., former president of MIT, has expressed his full support and has sent in a letter. Dr. Charles T. Towne of the University of California at Berkeley, a recipient of the Nobel Prize in physics, has sent in a letter expressing full support.

Hon. W. B. Camp, the world famous agriculturist of Bakersfield, Calif., has expressed his interest and enthusiastic support.

Hon. E. Smythe Gambrell, former president of the American Bar Association, distinguished attorney, and civic leader in Atlanta, Ga., has sent a strong endorsement of the legislation as had Hon. John M. Slaton of Atlanta.

Judge Donald S. Russell of the Fourth Circuit U.S. Court of Appeals, former Assistant Secretary of State, president of the University of South Carolina, Governor, and U.S. Senator, has written a letter expressing his support as has Mayor Robert L. Stoddard of Spartanburg, S.C. Mayor Stoddard also has a statement to enter in the record today. The Spartanburg City Council has unanimously passed a resolution of support. Mayor Gordon Henry of the town of Cowpens has expressed his strong support as has Mayor Cliff Edwards of Chesnee, S.C.

Gen. W. C. Westmoreland, Chief of Staff of the U.S. Army, has written to me expressing his full support and has sent in a letter of support, and Gen. Mark Clark of the U.S. Army, retired, has sent in a wire requesting favorable action.

Mr. Fred Dent, the famous textile leader, chairman of the Spartanburg County Development Board, and a director of the General Electric Co., has requested favorable action as has Mr. W. D. Workman, Jr., editor of The State paper of Columbia, S.C.; Mr. Broadus R. Littlejohn, merchant and civic leader; Mr. B. E. Geer, Jr., the distinguished tax attorney, and Dr. Chalmers Davidson of Davidson College, the historian, all of whom have sent in letters.

Mrs. W. D. Bain, president of the Spartanburg County Historical Association, has expressed her strong support, as has Dr. Robert D. Bass, the famous biographer of Banastre Tarleton, Francis Mation, and Thomas Sumter.

Dr. Lewis Jones of Wofford College, the historian, has also expressed his support. Dr. J. C. Bull of Spartanburg, has expressed his full support and has sent in a letter.

Others in process of sending in letters are Mrs. Benjamin O. Johnson, general counsel for Spartan Mills and international bridge expert; Mr. Hubert Hendrix of the Spartanburg Herald-Journal, and Mr. Alexander Schench of the Richardson Foundation. Mr. Johnson is a former captain of the world champion contract bridge team, a past president of the American Contract Bridge League, and a successor to Gen. Alfred M. Gruenther as president of the Bridge Charity Foundation which supports medical research.

Mr. Marshall I. Pickens, the former director and vice chairman of the Duke Endowment, has also sent in a strong and enthusiastic letter of support. Mr. N. Jerue Babb of Community Newspapers, Inc. of Asheville, N.C., and Spartanburg, S.C., Mr. Daniel S. Henderson of Belk-Hudson stores and Dr. John B. Edmunds, Jr. of the University of South Carolina at Spartanburg have also expressed their active support. State Senator Horace C. Smith of Spartanburg County, S.C., has asked me to express his support of this legislation, and his regrets that he was not able to attend this hearing.

The development of the Cowpens Battlefield, one of America's great historic sites, has the support of many great Americans and many fine citizens. Their support symbolizes, I believe, the public support this legislation has and deserves.

The testimony of Gov. John C. West, of South Carolina, who is represented by the Honorable P. Bradley Morrah, chairman of the South Carolina Bicentennial Commission of the American Revolution, will cover the national significance of the battle as cited by various historians. The Honorable Robert T. Ashmore, former Member of Congress and chairman of the South Carolina Appalachian Council of Governments, has in his testimony referred to the accessibility of the site to the traveling public and to the beneficial economic impact that the development of the Cowpens National Battlefield will have on the Appalachian region of South Carolina.

Dr. Charles E. Lee, director of the South Carolina Department of Archives and History and president of the Society of American Archivists testimony will concern the historical importance of the battle.

Mayor Robert L. Stoddard will testify as to the battle being a symbol of national unity. Mr. Jack Millwood, immediate past president of the Gaffney Chamber of Commerce, will also testify as to the importance of this legislation.

My testimony will refer to the Battle of Cowpens and some of the national heroes who fought there.

#### THE BATTLE OF COWPENS

The Battle of Cowpens was a decisive victory for the American cause in the Revolution. The tactics of Morgan coupled with the events of that day produced one of the classic battles in warfare, a perfect illustration of an envelopment movement. On the morning of January 17, 1781, the British force of 1,100 men under Col. Banastre Tarleton caught up with the American force under Gen. Daniel Morgan consisting of 970 men and engaged them in combat. In less than an

hour the British force was destroyed and Tarleton put to flight. The British lost 100 killed—including one major, 13 captains, 11 lieutenants, and nine ensigns—and 826 captured including 229 wounded. Less than 200 escaped. The Americans suffered 12 killed and 60 wounded.

The Continental Congress in grateful appreciation awarded a gold medal to General Morgan for the victory, silver medals to Lt. Col. John Eager Howard and Lt. Col. William Washington, and a sword to Col. Andrew Pickens. During the entire Revolution, the Continental Congress awarded medals in honor of only six battles which were: Washington before Boston 1776, Saratoga 1777, Stony Point 1779, Paulus Hook 1779, Cowpens 1781, and Eutaw Springs 1781. In only two instances did it award three medals in commemoration of a single battle, Stony Point in New York State, and Cowpens in South Carolina. Gen. George Washington later sent the gold medal to Brig. Gen. Daniel Morgan and expressed the appreciation of a grateful Nation to Morgan for his services at the Battle of Cowpens.

The people of South Carolina have always taken pride in the fact that Cowpens was fought on the soil of their State. South Carolina has been referred to as the "Battleground of Freedom" because of the 137 battles that were fought within her borders. Gallant soldiers, heroes everyone, came from many States to fight for liberty and independence on her soil during the Revolution. Their courage and glory is a part of our national heritage.

At Cowpens there were military units from six States: Continental troops from Delaware, Maryland, and Virginia and State militia from Virginia, North Carolina, South Carolina, and Georgia. It is interesting to note that at least 10 of the 970 patriots who fought at Cowpens later served in the U.S. Congress representing five different States.

As the Continental troops have often received greater recognition than the State militia who fought in the battle, the State militia are discussed first in this presentation. Gen. Daniel Morgan who was one of the great generals and heroes of the Revolution, knew his Continental troops by experience and reputation, but not the militia. The State militia under his command at Cowpens did not arrive in many instances until late into the night of January 16, 1781. He did not command them again. Many of the militia at Cowpens were seasoned troops in partisan warfare and included among them were some of the finest riflemen in the world.

It is also interesting to note that the night before the Battle of Kings Mountain, October 7, 1780, the mountainmen camped out at the future site of the Battle of Cowpens. Included among these were Col. Isaac Shelby, the first Governor of Kentucky, and Col. John Sevier, the first Governor of Tennessee.

History has too often forgotten the part that Georgia played in this great victory at Cowpens, and too often the names of these gallant heroes: James Jackson, George Walton, and Samuel Hammond are left out. James Jackson, a 23-year-old major commanded the Georgia Militia in the battle, at 24 he was a colonel, commander of the Georgia Legion, and accepted the surrender of Savannah. He later served as a Member of the U.S. House of Representatives,

brigadier general, major general. Governor of Georgia, and as a U.S. Senator.

George Walton, who commanded a company of Georgia Militia at Cowpens, had signed the Declaration of Independence and had been Governor of Georgia. Later he served as Governor of Georgia again and as a U.S. Senator.

Samuel Hammond commanded a company of Georgia Militia in the battle. Later he served as a member of the U.S. House of Representatives from Georgia and as the first President of the Territorial Council of the Territory of Missouri.

Major Cunningham of Georgia, commanded Col. Elijah Clarke's men in the battle. Clarke, like Gen. Thomas Sumter, was recovering from wounds.

Col. Andrew Pickens, who was born in Pennsylvania and later moved to South Carolina, commanded the militia from Georgia, South Carolina, and North Carolina in the battle. Later in the Revolution, he was promoted to brigadier general. After the war he served in the U.S. Congress and negotiated several treaties where much of the lands of Georgia, and the future States of Alabama and Mississippi were ceded to the Federal Government by the Indians. His son and grandson served as Governors of South Carolina.

The South Carolina Militia also included the Spartan Regiment commanded by Col. John Thomas, Jr. Colonel Brandon and Colonel Roebuck were also in the battle.

Kate Barry is a legendary heroine for her work before the battle. Her younger brother, Thomas Moore, fought as a teenager. Later he served in the U.S. Congress and as a major general in the War of 1812.

Capt. Robert Anderson of South Carolina also served as a member of the U.S. Congress in later years.

No troops in the battle served more gallantly than the North Carolina Militia under Maj. Joseph McDowell, who commanded the regiment of his brother, Col. Charles McDowell. Three months before Major McDowell had also commanded the regiment at the Battle of Kings Mountain. His first cousin, with the same name, Capt. Joseph McDowell, commanded one of the North Carolina companies and Capt. David Vance another.

Captain Vance was the grandfather of the famous Gov. Zeb Vance of North Carolina. Both Major McDowell and Capt. McDowell represented North Carolina in the U.S. Congress. Gen. William Davidson of Mecklenburg County had been at Cowpens the day before the battle, but returned to Charlotte to get more volunteers and missed the battle on January 17, 1781. A month later General Davidson died heroically at Cowan's Ford defending North Carolina against the invasion of the British under Lord Cornwallis.

The militia and Continental soldiers from Virginia played a vital part in the victory at Cowpens. They were seasoned and experienced. Most of the Virginia Militia had been members of the Continental Line.

Gen. Daniel Morgan was one of the legendary heroes of the Revolution. General Morgan, a first cousin of Daniel Boone, was born in New Jersey, but moved on to Virginia as a young man. He served as a sergeant in the French and Indian War. In 1776 he organized a company of riflemen in Virginia and marched with his company 650 miles in 30 days for the defense of Boston, Mass. Later he participated in

the epic and tragic attack on Quebec. In preparation for the attack, it was necessary for them to carry their wooden boats and supplies across the snow and wilderness of the future State of Maine. He was also a hero and one of the officers responsible for the victory at Saratoga in New York State.

After the Revolution he served as a member of the U.S. Congress from Virginia and for a while served as a major general in the Continental Army.

Col. William Washington of Virginia, a kinsman of the general, commanded the dragoons of the Continental Army in the battle. He moved to Charleston, S.C., after the Revolution. He served in the State legislature but refused to run for Governor. During a period of national crisis he served as a brigadier general in the Continental Army.

Col. John Eager Howard of Maryland, was one of the great officers in the Continental Army in the Revolution. After the war, he served as Governor of Maryland, as U.S. Senator, and was offered a position as Secretary of War in the Cabinet, which he declined. In 1816 he was vice presidential nominee on the Federalist ticket. David Schenck, in his book, "North Carolina 1780-81," wrote of the First Maryland Regiment on page 327 on discussing the Battle of Guilford Court-house:

The First Maryland was the finest regiment in Greene's Army, and had seen service under Washington in all his New Jersey campaigns. It came South, under DeKalb, after the fall of Charleston in May, 1780. It bore the onset of the whole British Army with the aid of Dixon's North Carolina battalion, at Gates' defeat, and Major Anderson of this regiment was the only officer who retreated with an organized force to Charlotte. Under Lieutenant Colon Howard it charged and routed the British regulars at Cowpens and finished the defeat of Tarleton on that auspicious day. It was about to add another laurel to its wreath of glory.

The State of Delaware furnished perhaps the finest company in the Continental Army which was called Kirkwood's Delawares or "The Blue Hen's Chickens." They had received this nickname early in the war when someone recruiting for the regiment compared them to a group of gamecocks. Due to death, wounds, and illness, the regiment was now only a company command. It was a fine company a great regiment, the First Maryland, commanded by Lt. Col. John Eager Howard.

Many years after the Revolution, Lt. Col. Henry Lee, "Light Horse Harry" of the Revolution, and father of Gen. Robert E. Lee, wrote of the noble Captain Kirkwood, commander of Kirkwood's Delawares:

The State of Delaware furnished one regiment only, and certainly no regiment in the army surpassed it in soldiership. The remnant of the corps, less than two companies, from the battle of Camden, was commanded by Captain Kirkwood, who passed through the war with high reputation; and yet, as the line of Delaware consisted of but one regiment, and that regiment reduced to a Captain's command, Kirkwood never could be promoted in regular routine—a very glaring defect in the organization of the army, as it gave advantages to parts of the same army denied to other portions of it. The sequel is singularly hard. Kirkwood retired, upon peace, a Captain; and when the Army, under St. Clair, was raised to defend the West from the Indian enemy, this veteran resumed his sword as the eldest Captain of the oldest regiment. In the decisive defeat on the 4th of November, the gallant Kirkwood fell, bravely sustaining his point of the action. It was the thirty-third time he had risked his life for his country; and he died as he lived—brave, meritorious, unrewarded Kirkwood.

This quote by Lt. Col. Henry Lee appears on page 185 of "Lee's Memoirs," and is given on page 326 of "North Carolina 1780-81," by David Schenck, LL. D. Captain Kirkwood died on the soil of the future State of Ohio.

Captain Kirkwood and his gallant company, "The Blue Hen's Chickens," are not forgotten in the State of Delaware. In their honor the people of Delaware are often referred to as "The Blue Hen's Chickens," the State is called the Hen State and the State university football team is referred to as "The Fighting Blue Hens." What is regarded as the oldest U.S. flag in existence with the Betsy Ross design, belongs to the State of Maryland. It is called "The Cowpens Flag," because it was carried in the Battle of Cowpens by Col. John Eager Howard's Maryland Regiment of which Captain Kirkwood's company was a part. The Cowpens flag is on display in the Maryland State Capitol in Annapolis.

In the commemoration of the Battle of Cowpens it is interesting to note that the most famous painting of the battle by Ranney depicts the cavalry skirmish between Col. William Washington and Colonel Tarleton. The painting is also interesting because it shows Colonel Washington's black orderly saving the colonel's life by shooting one of the British officers through the shoulder. It is probably one of the earliest scenes showing a black soldier as a combatant in the American Army. When I discussed this with Dr. Benjamin E. Mays, former president of Morehouse College, he said he felt it should be brought to the attention of the committee. Dr. Mays is sending in a letter of support on this legislation, as are many other distinguished Americans.

The American soldiers at Cowpens and their families symbolize the early settlers who founded this Nation and helped make it great. Some, like Maj. James Jackson of Georgia, were recent immigrants, and others like Col. John Eager Howard of Maryland, came from established, prosperous families, while others, like the Peden brothers of the Spartan Regiment, were rugged, God-fearing frontiersmen who carved homes from the wilderness. John Peden was an old gentleman with a white beard, an elder in the Nazareth Presbyterian Church. Seven of his sons were in the American Army, three of his sons-in-law and 12 grandsons. A number of them served as riflemen in the Battle of Cowpens. Today the Peden descendants, which number in the thousands, have scattered from the Carolinas to California.

Among the distinguished descendants are Gen. W. C. Westmoreland, the Chief of Staff, and Senator John C. Stennis of Mississippi.

In the battle, a member of the North Carolina Militia was Nathanael Ewing. Later he married the daughter of Adlai Osborne of North Carolina. Among his descendants were Adlai Ewing Stevenson, Vice President of the United States, the late Ambassador Adlai Ewing Stevenson, and his son, Senator Adlai Ewing Stevenson III of Illinois.

Captain Anderson of the Maryland line grandson was Lt. Gen. Richard H. Anderson of the Confederacy, "Fighting Dick Anderson" of military fame. Capt. Joseph McDowell of North Carolina's son moved to Ohio and served as a Member of Congress shortly before the Civil War. These are but a few examples of the heroes of Cowpens and some of their descendants. No doubt many thousands of Americans in every State are descended from the patriots at Cowpens who won a signal victory on January 17, 1781.

I am glad that Congressman Roy A. Taylor's Subcommittee on National Parks and Recreation recommended the development of the Cowpens National Battlefield after the hearing on November 15, 1971. Congressman Wayne N. Aspinall, of Colorado, chairman of the House Committee on Interior and Insular Affairs, and Congressman John P.

Saylor, of Pennsylvania, the ranking Republican on that committee, both took a personal interest in the legislation, and I am grateful that the House of Representatives has approved it.

The Battle of Cowpens is part of the heart and sinew of our Nation. The development of the Cowpens National Battlefield deserves, I believe, the support of every American because it is an inspiring part of our heritage. I hope that this committee will approve and support this legislation, Senator Ernest F. Hollings' bill, S. 1552, providing for the Cowpens National Battlefield.

Senator BIBLE. You have made a very fine presentation. Do you have others that are going to add anything to what you said, Mr. Manning?

Mr. MANNING. In my testimony I mentioned, last fall I contacted a number of people, Dr. Cannons, the Noble Prize winner, and Mr. Smith, Dr. Mays, and the others. Now, the letters that they sent in are part of the House record.

Senator BIBLE. That could be referred to by reference and we, most of the time, speak very friendly and favorably of our House Representatives, and sometimes they do the same about us, so if we need access to that document, we will ask them for a copy. We will make it part of this record. No need to duplicate it.

Mr. MANNING. All right. There were three citizens, Mr. Walter Montgomery, Justice Bruce Littlejohn, and Mr. and Mrs. Charles Gignilliat. I meant to call them. I will check back with them so they can get in letters.

Senator BIBLE. I don't think that is necessary. We will ask the staff to obtain the printed record of the hearings on the House side and we will incorporate that by refence on the Senate side.

Mr. MANNING. The Governors of Delaware, Maryland and North Carolina and Virginia, sent in letters of support. I simply mentioned that for your consideration on it.

Senator BIBLE. Very well. The record will be kept open for 5 days for the purpose of your adding any other endorsements to this project. A very fine presentation, gentlemen. I have no questions from you.

Mr. MANNING. Thank you.

(The statements of Congressman Mann and Mr. Ashmore referred to follows:)

*February 17, 1972.*

STATEMENT OF HON. JAMES R. MANN, A U.S. REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF SOUTH CAROLINA

Mr. Chairman and distinguished members of the Committee, I thank you for the opportunity to appear today to urge the designation of the Cowpens Battleground as a national battlefield and to expand its acreage.

The great significance of the battle has been widely recognized by both American and British historians. The fight which took place on this ground helped to turn the course of the War for American Independence. As such it directly precipitated the surrender of the British to Washington at Yorktown. Truly, this battle, fought with brilliant execution by the patriots, deserves recognition from this Congress and the people for its tremendous worth to the cause of American liberty.

Initiating in 1780, the military activity of the Revolution began to shift southward. Lord Cornwallis planned to use the Southern area for a base to divide the former colonies and conquer them. When General Benjamin Lincoln and his 6,000 troops surrendered at Charleston, the South, virtually undefended, was open to almost any advance of the British. General David Morgan of the American forces was dispatched by General Nathaniel Greene, Southern Commander

under Washington, to engage the enemy where possible. Cornwallis directed Colonel Banistre Tarleton to meet these American forces who might threaten the British outpost at Ninety Six.

On the morning of January 17, 1781, the forces met in fierce battle. The center of Morgan's men were directed to resist briefly, then quickly fall back behind a strong battle line at the rear and act as reserves. The remaining patriot force enclosed from both sides as the British, busily chasing the "retreating" Americans, met the rear line. This double envelopment movement, modeled after Hannibal's victory over the Romans at Cannae, allowed the Americans to crush the Redcoats while sustaining only minimal loss. Of 1,100 troops, mostly British regulars, 200 escaped. Morgan, conversely, lost 12 killed, 60 wounded from a force of 970 men.

Cornwallis, believing his position untenable, struck for the North in an attempt to reunite with the British forces there. Subsequently, Washington was able to force Cornwallis to surrender at Yorktown, thus ending the major military activities of the Revolutionary War.

The interest in the Cowpens Battlefield is widespread. It is pertinent to note that the Cowpens battleflag, which belongs to the State of Maryland is on display at the state capitol in Annapolis. The Washington Light Infantry of Charleston has for over one and one-half centuries been the proud custodian of the battleflag carried by the William Washington cavalry unit at Cowpens and Eutaw Springs. The Washington Light Infantry military unit also participated in the erection of a monument at the battlefield in 1854, the ceremony of the dedication of the centennial monument at Spartanburg in 1881, and in the formal dedication of the present monument which was placed at the scene in 1931. These two battleflags which were present at the Cowpens battle, represent two of the great flags of the Revolution that are still in existence.

With these facts in mind, I am sure you gentlemen can understand the true significance of the event. However, the development of the battlefield will serve not only to glorify the heroism of the men who fought for American Independence, but it will act as an economic boon to those persons now living in this area. Since Interstate 85 is only eight miles distant, and Interstate 26 is but twenty-two miles away, the easy accessibility of the area and true importance of the battle will insure a large tourism trade.

Therefore gentlemen, to do justice to the people of the vicinity, to properly honor our heroes of the Revolution, and to do justice to all American people, I urge prompt and favorable action by this subcommittee on the pending legislation to develop the Cowpens Battlefield.

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STATEMENT OF ROBERT T. ASHMORE, CHAIRMAN OF THE SOUTH CAROLINA  
APPALACHIAN COUNCIL OF GOVERNMENTS

As Chairman of the South Carolina Appalachian Council of Governments, I am happy to endorse Senator Ernest F. Hollings' Bill S 1552 providing for the Cowpens National Battlefield.

The Battle of Cowpens is a battle of great importance because it was a turning point in the Revolution and gave new hope to the patriot cause.

Its development as has been recommended by the Department of Interior would be a great financial help to the Appalachian region of South Carolina. The battlefield is located on Highway 11 which is being developed as the Cherokee Foothills Scenic Highway with the active support of our council. It is also in close proximity to Interstate 85 and Interstate 26. These two great arteries of traffic carry thousands of tourist each month. I-26 is one of the great routes from the midwest to the Atlantic coast and I-85 is the main artery of traffic from the east to the Gulf Coast. If the Cowpens National Battlefield is properly developed, it would provide one of our country's great tourist attractions of the Bicentennial Era and for future generations. It is reasonable to anticipate that it would draw 30 to 40 thousand visitors a month. Both as to its historic significance and as a help to the financial well being of the Appalachian region.

I am happy to support this legislation providing for the Cowpens National Battlefield.

(Subsequent to the hearing the following communications were received.)

HOUSE OF REPRESENTATIVES, STATE OF SOUTH CAROLINA, COLUMBIA,  
Spartanburg, S.C., February 21, 1972.

Senator ALAN BIBLE,  
Chairman, Subcommittee on Parks and Recreation, Senate Committee on Interior  
and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: It was a privilege and pleasure to appear on Thursday, February 17, 1972, before your Committee in behalf of Senator Ernest F. Hollings' Bill S 1552 which provides for the Cowpens National Battlefield. I would appreciate it if you would regard this letter as a supplement to my testimony on February 17th. Your statement that your Committee would take notice of those letters written in behalf of Congressman Tom S. Getty's Bill HR 2160 which is identical in language to Senator Hollings' Bill S 1552 is helpful and appreciated. Due to the fact that I have recently been recovering from flu, I did not have an opportunity to contact several distinguished Americans who I thought would be interested in the development of the Cowpens National Battlefield. I also find that some distinguished citizens who expressed interest in sending in letters of support were not mentioned in my statement on February 17.

Mrs. Gladys Johnston, widow of South Carolina's distinguished son, Olin D. Johnston former Governor of South Carolina twice, United States Senator and Chairman of the Post Office Committee, asked me to express her support. Mrs. Johnston said that her late husband took a keen interest in the Cowpens Battlefield, and that he had hoped to have it developed in his lifetime. Mrs. Johnston is sending in a letter of support. She also spoke of her warm regard for you and of her close friendship with Mrs. Bible.

The Honorable James E. Webb asked me to express his support and stated that he would send a letter forthwith but that he had to be at the Space Center today. Mr. Webb is a former Director of the Bureau of the Budget, Under Secretary of State, and Administrator of NASA 1961-68. He is presently a member of the Board of Trustees of the National Geographic Society and the Board of Regents of the Smithsonian Institute of which he is a member of the Executive Committee.

Judge James P. Coleman of the United States Court of Appeals for the Fifth Circuit also expressed his support. Judge Coleman is a former Governor and Attorney General for the State of Mississippi. He asked to be remembered to you and said that you were the Attorney General for the State of Nevada during the same period that he was Attorney General for the State of Mississippi. He is sending in a letter of support on the legislation.

The Honorable Oscar G. Ewing has expressed his strong support. He is the former Vice Chairman of the National Democratic Committee and was Federal Security Agency Administrator 1947-1952. Mr. Ewing is sending in a letter of support on the Cowpens National Battlefield.

George Dean Johnson, M.D., prominent physician and former President of the South Carolina Medical Association is sending in a letter of support.

Mr. Horace L. Bomar, a distinguished Attorney, and his law partner, Honorable Neville Holcombe, a former Mayor of Spartanburg, have both expressed their support and are sending in letters to your Committee as is Mr. John Gentry, Chairman of the South Carolina Highway Commission. Mr. S. J. Workman of Woodruff, South Carolina, a former member of the State Highway Commission, has expressed his active interest and is sending in a letter to your Committee in behalf of the Washington Light Infantry of Charleston, South Carolina, one of the great military units in the nation, has expressed his interest and the interest of his military unit. The Washington Light Infantry for over 150 years has been the proud custodian of the Battle Flag of Colonel William Washington's Cavalry Unit which was carried in the Battle of Cowpens. He is sending in a letter of support.

I am aware that most of these letters will be received after the five days allotted time for additional statement. It is not my purpose to ask delay of your consideration of S. 1552, but I respectfully request, however, that you take note of these citizens interest and that when their letters are received, they be regarded as part of the official record. There are several other distinguished citizens whom I have not yet heard from who may send letters of support in the near future which I hope will also be accepted for the record.

With best wishes,  
Sincerely yours,

SAM P. MANNING.

HOUSE OF REPRESENTATIVES,  
STATE OF SOUTH CAROLINA, COLUMBIA,  
February 22, 1972.

SENATOR ALAN BIBLE,

*Chairman, Subcommittee on Parks and Recreation, Senate Committee on Interior and Insular Affairs, Senate Building, Washington, D.C.*

DEAR SENATOR BIBLE: Two days ago I talked to Mrs. James F. Byrnes in respect to the Cowpens National Battlefield. Mrs. Byrnes requested me to come by her home in Columbia today and explain the proposed legislation, which I did this morning.

Mrs. James F. Byrnes, wife of South Carolina's revered elder statesman, asked me to express to you her support of the legislation providing for the Cowpens National Battlefield which is S. 1552. She, also, asked me to state that she was confident that Justice Byrnes would want her to express his support and that she would tell him of our conversation. Justice Byrnes is a former member of the United States House of Representatives, United States Senator, Justice of the United States Supreme Court, Assistant President, Secretary of State, and Governor of South Carolina.

I had not contacted Justice or Mrs. Byrnes earlier because Justice Byrnes' health has not been good since he had a heart attack some months ago. As I thought the Cowpens National Battlefield would be of interest to both Justice and Mrs. Byrnes and because they are two of South Carolina's greatest citizens, I decided to go ahead.

It would be appreciated if you would accept this letter as a supplement to my letter of February 21 and my statement as to my testimony at the Subcommittee Hearing on February 17, 1972.

With kind regards.

Sincerely yours,

SAM P. MANNING.

Senator BIBLE. We will proceed to the testimony of Mr. Hartzog. Senator Case is appearing on another bill.

**STATEMENT OF GEORGE B. HARTZOG, DIRECTOR, NATIONAL PARK SERVICE, ACCOMPANIED BY MR. BEN MOOMAW, SUPERINTENDENT OF KINGS MOUNTAIN AND COWPENS**

Mr. HARTZOG. Thank you very much, Mr. Chairman, and with your permission, I would like to ask Mr. Moomaw, the Superintendent of Kings Mountain and Cowpens, to join me at the witness table.

Senator BIBLE. Very well.

Mr. HARTZOG. Mr. Chairman, it is a privilege to appear before your subcommittee. I have a prepared statement, which, with your permission, I would like to have included in full in the record and I would like to summarize the pertinent parts that have not been covered by the previous witnesses.

Senator BIBLE. Very well.

Mr. HARTZOG. The Cowpens Battle is commemorated by a memorial to the county. We have completed our field studies and it involves the acquisition of 843 acres. This is the site map. This is the one and a quarter acre site now, at the junction of these two roads, South Carolina A-11 and A-110, and it is proposed to relocate these two roads along these outside perimeter lines, and then to develop a one-way interpretive automobile trail, picnic area, and environmental education interpretive center, a visitors center from this main access from State Highway 11. Highway 11 is the one that was referred to earlier as a scenic highway, which is supported by everybody down there, including the Appalachian Commission, and the Honorable Bob Ashmore was here on that this morning.

Even though we have completed our field studies and developed this plan, the Department is still evaluating it and as I stated in the report of February 10th, additional acquisition of land and related expenses for development must be evaluated in terms of their priorities among more important proposals.

The Department is now reviewing the long range impact of all such proposed available resources and anticipates completion of this assessment in time for the considerations by the second session of this Congress.

We can recommend now that the——

Senator BIBLE. This is the Second Session. When will the evaluations be completed? When will we know whether the Department is for or against?

Mr. HARTZOG. We are hoping we will have that information for you before the end of this session.

Senator BIBLE. This session runs to December 31. When do you expect to have it, by December 15? Where is it hung up?

Mr. HARTZOG. In the Department.

Senator BIBLE. In the hands of your Interior Secretary or the OMB?

Mr. HARTZOG. I think it would be OMB.

Senator BIBLE. It is out of your Department into a different Department?

Mr. HARTZOG. Yes.

Senator HARTZOG. Is there any question within your Department whether this is a worthwhile project or not a worthwhile project?

Mr. HARTZOG. I know of no question in our Department.

Senator BIBLE. It is your judgment it should come forward if OMB would approve, is that what you are saying?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. Isn't it true the House passed the bill, this is a part of the omnibus bill?

Mr. HARTZOG. Yes.

Senator BIBLE. What position does the Department take on this particular bill, the Cowpens, and on the House side?

Mr. HARTZOG. Exactly the same position.

Senator BIBLE. That isn't much of a position, but nevertheless the House apparently felt, notwithstanding rather equivocal position, of the administration that they would put it into the omnibus bill.

As I understand it, Mr. Hartzog, the estimated costs of acquiring the land in the Cowpens is something in excess of \$2 million, do you have the exact cost, or an estimate of it? I realize you can't be exact.

Mr. HARTZOG. \$2,306,900, excluding relocation costs. Relocation costs are \$579.

Senator BIBLE. Are those the figures used in the House-passed bill?

Mr. HARTZOG. Yes. I don't believe the House-passed bill included the relocation costs, because of the general legislation we have pending.

Senator BIBLE. The House-passed bill, had a figure of \$2 million—they did not include the relocation costs, is that correct?

Mr. HARTZOG. Yes.

Senator BIBLE. How much do you anticipate spending on the development of the property?

Mr. HARTZOG. The development figure is \$3,108,000.

Senator BIBLE. How many improvements do you have on that property? My summary sheet says there are 27 farm units; is that accurate?

Mr. HARTZOG. Twenty-seven farm units, 45 year-round residents, 12 trailers, two service stations, three garages, one dog kennel. That is all we have there, for a total of 90 improvements.

Senator BIBLE. What is the nature of the year-round residences, \$10,000 class, \$15,000 class, 20, 25, 30, 40, 50?

Mr. HARTZOG. Price range?

Senator BIBLE. Price range of the individual residences, approximately.

Mr. HARTZOG. I don't know. They are modest homes. When I was last there they were subdividing some of the property across that road there, across the South Carolina 11. I don't know, I imagine those were \$25,000 homes.

Mr. MANNING. I think some will be modest. I think there is the danger that as every year goes by, you are more likely to get into the subdivision concept. Mr. Millwood, have they built any new houses in that concept yet?

Mr. MILWOOD. Yes. They have built two new houses.

Mr. MANNING. Would they be about \$25,000?

Mr. MILLWOOD. I would say \$20,000.

Senator BIBLE. Thank you. What do you propose doing with these 45 residents?

Mr. HARTZOG. We propose to remove them, Mr. Chairman.

Senator BIBLE. Are you going to work out any life tenure for those people?

Mr. HARTZOG. Mr. Moomaw can explain that.

Mr. MOOMAW. There can be some, Mr. Chairman. There are two families that have some age, frankly, I don't think one is going to live even past the time this bill can be passed. The other is a lifelong resident of 74, and he is willing to move. These are the only two families, I think, to which we would have to say no, the others I would say yes.

Senator BIBLE. I would certainly hope you can protect these people who have lived there their whole life. I think it is an unconscionable way to treat people, to have them move off.

Mr. MOOMAW. We are considering that fact, sir, and considering their condition, sir.

Senator BIBLE. People who lived in one home all their lives, you can't give them a mansion six times as expensive and make them happy in their declining years. I want you to consider that necessity. I will personally write that type of protection into the act. The Director knows my philosophy on that and I hope he will respect it.

Mr. HARTZOG. I want you to know it is always respected in these dealings.

Senator BIBLE. We will nail it down and write it down. In case there is a change in your position or in mine, history will know what we said here this fateful day.

Mr. MANNING. I think I found some of the early books in the 1840's and 1850's, people would trek through the wilderness to get out to the Cowpens Battlefield. Actually the realization of the development of the Cowpens Battlefield to many of them, is a realization of their dreams.

Senator BIBLE. The gentleman here testified there are two people involved, one about ready to die, which is an unfortunate thing that is beyond our control, and the second one is presently willing to move. If that is factually true, you don't have any problem on it.

How is the weather down there now?

Mr. MOOMAW. A little better than it is here today, sir.

Senator BIBLE. That doesn't say anything. Orient me with Spartanburg, where is it from Spartanburg.

Mr. MOOMAW. Two hundred northwest.

Senator BIBLE. I will tell you that when we schedule that trip we can stop in South Carolina on our way down without any difficulty.

Were you born in South Carolina?

Mr. HARTZOG. Sure. As a matter of fact, I went to school not too far from here.

Senator BIBLE. We will have the record show that you spoke with unusual feeling about this project. Are there other witnesses on the Cowpens National Battlefield? The record will be kept open 5 days, the hearing is adjourned subject to that 5 days.

(Mr. Hartzog's prepared statement follows:)

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

Mr. Chairman, I appreciate this opportunity to appear before you to present the Department's views on S. 1552, a bill "To amend the Act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site."

Mr. Chairman, in this current Bicentennial Era, of heightened interest to all Americans are those sites commemorating the birth of our Nation. Cowpens Battleground is such a site.

In late 1780 and early 1781, events in the Southern colonies were setting the stage for the Yorktown surrender of Earl Charles Cornwallis' British forces. The British strategy was to occupy the Southern colonies, defeat or disperse any organized resistance, and strike northward to smash the Revolution, gathering Loyalists to the banners along the way.

Georgia fell to a seaborne British force. A well-led, well-trained column of British and German professional soldiers landed at Charleston, seized the city, and began spreading through South Carolina. Cornwallis, opposed by only one organized army—a band of Maryland and Delaware soldiers commanded by General Horatio Gates, which proved no match—came to believe that his plan to clear the Carolinas and march into Virginia was an almost certainty.

The British commander then miscalculated by deploying a force of 1,100 loyalists to secure the northwest South Carolina countryside. The frontiersmen rallied, marched eastward, and on October 7, 1780, completely smashed the Loyalist force on Kings Mountain.

On January 17, 1781, a detachment of 1,100 from Cornwallis' army, pursuing what they believed was General Nathanael Greene's troops, fell for a diversionary maneuver by Brigadier General Daniel Morgan and his 600-man troop. About 30 miles from Kings Mountain at Cowpens—the area once was a cow pasture—the Americans faced about and executed the first double envelopment of military history and in a slashing, 50-minute battle devastated the British force, permitting only 200 cavalymen to escape.

Two months later, at Guilford Courthouse, Cornwallis won a costly battle over Greene's army. So weakened were the British that they marched off to Yorktown where on October 19, 1781, they surrendered, ending, for all practical purposes, the American Revolution.

Mr. Chairman, today we commemorate the Cowpens Battle by maintaining a site of 1.24 acres in size. The bill before the Committee would authorize the expansion of the site so that a fitting memorial to this decisive encounter could be developed.

Mr. Chairman, the National Park Service has completed field studies of how best to preserve, develop, and interpret the historic events which occurred in the

area. We have identified 843 acres surrounding the 1.24-acre national battlefield site, which could be restored to its appearance in colonial times, and could contain the basic features present on the day of the Cowpens battle.

There has not been an opportunity, however, for the Department to review the plan in light of all other pending authorizations for park land and development funds. As the Departmental report to your committee dated February 10, states:

"Additional acquisition of land and related expenses for development must be evaluated in terms of their priority among other important proposals. The Department is now reviewing the long-range impact of all such proposals upon available resources, and anticipates the completion of this assessment in time for consideration by the Second Session of this Congress. We cannot now recommend, therefore, that the Congress proceed with the authorization contemplated by S. 1552."

Accordingly, it is our recommendation, Mr. Chairman, that action on S. 1552 be deferred pending the Department's further review of legislative priorities and the availability of funds for this purpose.

I shall be happy to answer any questions you may have at this time.  
Thank you.

Senator BIBLE. The hearing will resume.

We will next go to the Piscataway legislation.

S. 1291 and Department reports will be incorporated in the record at this point.

(The documents referred to follows:)

[S. 1291, 92d Cong., First sess.]

A BILL To further amend the Act of October 4, 1961, amended by the Act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to achieve more efficiently the purposes of the Act of October 4, 1961 (75 Stat. 780), the first sentence of section 2 (b) of said Act, as amended by the Act of July 19, 1966 (80 Stat. 319), is further amended to read as follows: "When the Secretary of the Interior receives a commitment, subject to such conditions as shall be agreeable to him and the potential donor or donors, in accordance with which commitment the property referred to in subsection (a) will be donated to the United States for purposes of this Act, he is authorized to acquire by such means as he finds are in the public interest other land and interests in land lying generally within the area identified as 'Fee Acquisition Area' on the drawing entitled 'Piscataway Park,' numbered NCR 69. 714-18B and dated June 1970, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

SEC. 2. Section 4 of the Act of October 4, 1961, as amended by the Act of July 19, 1966, is further amended to read as follows:

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

DEPARTMENT OF THE INTERIOR,  
Washington, D.C., February 16, 1972.

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

DEAR MR. CHAIRMAN: We respond to your request for comment on S. 1291, a bill "To further amend the Act of October 4, 1961, amended by the Act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes".

This Department recommends that action be deferred on S. 1291, pending the resolution of litigation which directly affects the lands in question.

The Act of October 4, 1961 (75 Stat. 781), as amended by the Act of July 19, 1966 (80 Stat. 319), authorizes the acquisition of real property on the Maryland bank of the Potomac River to preserve the view from Mount Vernon, on the ad-

jaacent Virginia bank. Within the boundaries of a "Fee Acquisition Area", the Secretary is authorized to acquire fee simple title. He is limited to the acquisition of scenic easements within that area depicted as the "Scenic Protection Area". S. 1291 would revise the boundaries of each zone through substitution of a new map, placing within the "Fee Acquisition Area" a 367.5-acre tract formerly known as the Marshall Hall property. The bill would also remove a limitation on the appropriation of funds for land acquisition, now set at \$4,132,000.

In the early summer of 1970, the owner of the Marshall Hall tract obtained from the Charles County Commissioners a change in zoning to facilitate expansion of the amusement park which now occupies part of the property. Area residents appealed this reclassification, however, and the matter was sent before the County Circuit Court for final disposition. On December 9, 1971, the Circuit Court reversed the zoning action by the Commissioners, and the owner has taken an appeal.

To forestall such further development within the "Scenic Protection Area", this Department had sought without success to obtain by donation a scenic easement that would preserve the overview from Mount Vernon while permitting continuation of profitable use. With approval from your Committee and the House Committee on Interior and Insular Affairs, the Secretary on December 23, 1970, initiated an action to condemn a scenic easement on 332 acres of the Marshall Hall tract. The acreage subject to the condemnation action has been reduced, owing to the sale of approximately 256.2 acres of the property to the Tricent Corporation, which has voluntarily conveyed a scenic easement in its property to the United States. A trial date on the reduced acreage subject to condemnation has been set by the Federal District Court for May 15, 1972.

Pending final determination of the appeal from the County Circuit Court's action, and of our suit for condemnation of a scenic easement, it is difficult to assess the need for enactment of S. 1291. Should the threat of further development be diminished, or acquisition of an easement prove satisfactory to protect the overview, authority to acquire fee simple title may not be necessary. It is an option to be preserved, however, and this matter will continue to receive our very close attention.

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

Sincerely yours,

NATHANIEL REED,  
*Assistant Secretary of the Interior.*

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EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, D.C., February 16, 1972.*

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

DEAR MR. CHAIRMAN: This is in response to your request of April 20, 1971, for the views of the Office of Management and Budget on S. 1291, a bill "To further amend the Act of October 4, 1961, amended by the Act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 1291, and accordingly recommends that action on the bill be deferred.

Sincerely,

WILFRED H. ROMMEL,  
*Assistant Director for Legislative Reference.*

Senator BIBLE. Our first witness is the distinguished Senator from New Jersey, Senator Case.

STATEMENT OF HON. CLIFFORD P. CASE, A U.S. SENATOR FROM  
THE STATE OF NEW JERSEY

Senator CASE. Thank you, Mr. Chairman, I appreciate your considering this matter now and hearing me. I have a brief statement. If it is proper, I will submit it for the record.

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

Senator CASE. I just want to say this, that whenever I have any matter of consequence, I am always made very happy if it is placed in the hands of the Senator from Nevada, and that applies in this case, because I know of his deep concern and interest in the preservation of the environment across the river. I know the actual recommendation depending upon his recommendation to his committee and in the Senate, I know will be the wisest that can be discovered here.

My own bill, as you know, provides for enlarging the park across the river and for lifting the limit upon the money that may be spent for that purpose, for the purpose of acquisition of the land.

I am quite content to accept the revisions of the House bill. I would think it would be desirable to add a provision of mine also for enabling legislation, so there will be the greatest flexibility on the part of the Department in handling this matter.

Senator BIBLE. What is the difference between the House-passed bill and yours?

Senator CASE. The House bill provides for scenic easements, and mine will be for enlarging the park and the area, which may be the subject of outright purview of the Department. While I have no objection to the acquisition of easements, the problem with easement is—it seems there are many problems—what the definition of easements may permit the owner to do, without violation of the easement, the duration of the easement, enforceability of it, and the need to enforce it, all of these problems do not exist if you own the land. I am rather prejudiced in favor of acquisition of all of the land we can get our hands on for this park purpose.

I think, Mr. Chairman, in the years ahead there will not be much land left in the United States, unless it is in the hands of the Government, or preserved as park land or some similar purpose. More and more the owners of the property are saying just hold this a little longer for the rise in realty values and then turn it into a development of some sort, either industrial or some houses or some commercial purpose. When it is possible to make a profit on the land, people are going to do it, and this has been the history of our country.

It means, I think, that unless we get the land in the hands of the Government, preserve it, there is not going to be much green space left in this part of the world, and I am deeply concerned that we take the actions that will forever make it possible to preserve this little part of our country, so rich in history and so important for future generations as well as for our own, as evidence of the heritage which means so much to the country.

I leave the matter in your hands. My assistant reminded me if I didn't say I should emphasize, my bill. This eliminates on the authority, the amount that may be spent to purchase the park land, as well as the area for this particular park and that, I think, is desirable too, because we want to have complete protection across the river.

Mr. Chairman, I join with you too, in the matter that I know you are concerned with and I am, we have discussed this a number of times. We want to protect, however, the view of the general area. I would think, maybe giving the authority which my bill will provide, and in addition to that which the House bill would cover, there might be a provision in the report, or in the legislation itself, reserving some sort of view. I leave that to your discretion.

Senator BIBLE. I don't know whether you are familiar, Senator Case, with the report from the Department of Interior dated February 16, 1972. It is about a page and a half long. It was just handed to me and is current. The Department recommends that action be deferred on S. 1291, your bill, pending the resolution of litigation which affects the land in question. I would suggest to you that you and your staff might study the matter and furnish this committee whatever comments you want to make. You may prefer to do that now. Fine. If you want to study the letter you may do so.

Senator CASE. I appreciate it. I am aware of the letter, but I have not had an opportunity to study it. It is dated yesterday. I was only advised hearings on this matter were going to be held a day ahead of time. So, I suggest the chairman's indulgence in this matter. I appreciate it. As I said before, all I am trying to do, Mr. Chairman, is to give all necessary authority so that we get this property in the hands of the public forever, and the scenery across the river, and the view in general around there, protect it from all kinds of exploitation and retain it as it is now in its natural state. I am quite content to leave to the committee matters of time, or the content of any legislation, so long as this purpose is accomplished.

Senator BIBLE. Our next witness on the Piscataway National Park will be the Director of the Park Service, George Hartzog.

**STATEMENT OF GEORGE B. HARTZOG, DIRECTOR, NATIONAL PARK SERVICE, ACCOMPANIED BY MR. PHILIP O. STEWART**

Mr. HARTZOG. Thank you very much, Mr. Chairman. It is always a great delight to appear before you, especially on this particular matter which has been of such great interest and concern both to the Congress and the administration.

That is a map of the land area involved within the Piscataway Park, and there is an involved history of this, I think, Mr. Chairman, and while the statement is fairly long, perhaps the best thing to do is to go through it and give you a picture as to where we are.

Senator BIBLE. You may proceed.

Mr. HARTZOG. The act of October 4, 1961—75 Stat. 781—as amended by the act of July 19, 1966—80 Stat. 319—authorized the acquisition of real property on the Maryland shore of the Potomac River to preserve the view from Mount Vernon, on the adjacent Virginia bank. The act provided for two acquisition zones: the "Fee

Acquisition Area," which is between the water and this heavy broken line, and a scenic protection zone which lies behind the fee acquisition zone and is marked by this light dotted line, and the "Scenic Protection Area."

Within the "Fee Acquisition Area" the Secretary is authorized to acquire fee simple title; within the "Scenic Protection Area" he is limited to the acquisition of scenic easements. The act authorized the appropriation of not to exceed \$4,132,000.

The acquisition in the "Fee Acquisition Area," covering 1,058 acres, has been completed except for 2 acre reservations which the act provides may be retained in this area. One of them, here, and one right here. Acquisition of these lands has been accomplished at a cost of \$2,786,149, with \$1,345,851 remaining appropriated but unexpended.

Senator BIBLE. Right at this point, describe the color legend you have on the map. What are all those different colors.

Mr. HARTZOG. Well, the green you see on this map is property owned by Mr. Joe Goldstein or corporations controlled by him, that is outside of the boundaries of Piscataway.

Senator BIBLE. Where is Marshall Hall?

Mr. HARTZOG. Marshall Hall is right here. This property you see includes Marshall Hall in the scenic easement area. In addition to that, Mr. Goldstein owns 14 acres on the river, and 9 acres over here in the vicinity of, but not quite adjacent to the Fort Washington Historical Park.

For orientation purposes, this is Mount Vernon.

Senator BIBLE. I see.

Mr. HARTZOG. The brown is land which was purchased in fee. The orange is land which was donated in fee. And the yellow are scenic easements which have been purchased, and the mottled tan or gray are scenic easements which have been donated. The white is non-Federal land, which is the subject of this legislation.

Senator BIBLE. That is completely in private ownership?

Mr. HARTZOG. Yes.

Senator BIBLE. Not in any governmental ownership, State, city?

Mr. HARTZOG. No, sir.

Senator BIBLE. All privately owned?

Mr. HARTZOG. Privately owned.

Senator BIBLE. Wasn't there an Accokeek Foundation?

Mr. HARTZOG. That is the area.

Senator BIBLE. They have no land remaining whatever in the Piscataway area, is that correct?

Mr. HARTZOG. That is correct to my knowledge.

Senator BIBLE. Then the—

Mr. HARTZOG. I will verify the record on that, since you asked the question. But my current knowledge is that they own nothing in there. But we can easily ascertain that by checking with the officers of the Foundation.

Senator BIBLE. Let me restate the problem as I understand it, and you correct me where I am wrong.

The white areas that show on this map are—within the taking area, are in private ownership, and they are the subject of this bill and are the property to be acquired in fee simple or in—

Mr. HARTZOG. No, sir, in scenic easements. You see, all of this white, except for this reserve estate here, lies outside of the fee acquisition area. That is why I was trying to get clear the two types of acquisitions that go on here. This is the subject that the distinguished Senator from New Jersey addressed himself on. His bill would amend the act by authorizing fee acquisition.

Senator BIBLE. Now, that gray, is that—

Mr. HARTZOG. Those are the properties over which scenic easements have been donated.

Senator BIBLE. I see.

Mr. HARTZOG. And the yellow, are those properties over which we have purchased scenic easements.

Senator BIBLE. I see. So those are all owned today by the Federal Government as a scenic easement?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. The whites are still in private ownership?

Mr. HARTZOG. Yes, sir; unencumbered by the scenic easements in the Government.

Senator BIBLE. They are the ones you want to acquire not by way of fee simple but by way of a scenic easement, is that correct?

Mr. HARTZOG. Yes.

Senator BIBLE. And that is what your bill so provided?

Mr. HARTZOG. I think your question completely clarified my statement. As a matter of fact, that is what we recommend and we recommend deferral of Senator Case's bill.

Senator BIBLE. You might think you are done, but you are not.

Mr. HARTZOG. I didn't mean "finished," but you really have gotten to the essence, and your questions are clarifying the points I was trying to make in this statement.

With your permission, we could speed things up by including my statement in its entirety in the record.

Senator BIBLE. That will be done in addition, without objection, that will be incorporated in the record.

The white areas which are privately owned, embrace how many different parcels?

Mr. HARTZOG. About 90. I want to give you the exact number here. It is about 90, Mr. Chairman, I am sorry, I thought I had the exact number here.

Senator BIBLE. And there would appear to be at least one, two, three large white areas. Are they single ownership?

Mr. HARTZOG. Those are large areas that are outside of the Moyaone type easements that are over there now. These properties that have been subdivided along in here, are subject to deed restrictions of the Moyaone type, which is comparable to the type of easement we want to acquire.

Senator BIBLE. What is the Moyaone type?

Mr. HARTZOG. One house to 5 acres.

Senator BIBLE. One house to 5 acres?

Mr. HARTZOG. Yes.

Senator BIBLE. Within the white area, privately owned home residences are there.

Mr. HARTZOG. How many residences are there?

Senator BIBLE. I think you said there were nine ownerships.

Mr. HARTZOG. People have given us 177 of these scenic a estemens already. Not all of them are improved with houses.

Senator BIBLE. How many of them are, half of them, one-third of them?

Mr. HARTZOG. About half of them are improved with residential properties now.

Senator BIBLE. Then you have 90 individual parcels in the white areas for which you seek a scenic easement, about half of them, about 45, have private residences on them?

Mr. HARTZOG. No, I answered the question the other way. Of the 177 parcels over which scenic easements were donated, about half of them have residences on them. Most of the remaining parcels have residences on them.

Senator BIBLE. Most of the remaining parcels have some type of residences on them?

Mr. HARTZOG. Yes. Marshall Hall has the mansion on there and you have a block of private. In other words, Marshall Hall is not encumbered with a 5-acre restriction, neither are these properties back here.

Senator BIBLE. Now, the House-passed bill authorized the Department to acquire the areas in white?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. As scenic easements?

Mr. HARTZOG. Yes.

Senator BIBLE. And did the Department support the House-passed bill?

Mr. HARTZOG. Yes.

Senator BIBLE. Did the House support the acquisition of the Marshall Hall within the House-passed bill?

Mr. HARTZOG. Yes. As a matter of fact, this committee and the House committee gave us authorization sometime ago and a condemnation suit is pending to impose a scenic easement on the Marshall Hall property now.

Senator BIBLE. Before I get to the Marshall Hall problem, which is probably a little different, in fact I know it is different, what is the status of the 90 residences that are within the white areas?

Mr. HARTZOG. I don't want to limit my response to the 90 residences. About half of the property outside of Marshall Hall is encumbered now with Moyaone type restrictions and half of it is unencumbered with the Moyaone type restrictions in the deeds.

Senator BIBLE. How many homes or residences of the Moyaone type do you have within the white area to which you must acquire a scenic easement or want to acquire a scenic easement?

Mr. HARTZOG. How many homes?

Senator BIBLE. Or properties?

Mr. HARTZOG. There are 49 lots yet to be acquired that are encumbered with Moyaone type restrictions and about that many more ownerships are unencumbered. A little over 800 acres are unencumbered with the Moyaone type.

Senator BIBLE. How do you handle the 800 acres—

Mr. HARTZOG. We have to impose the Moyaone type, because that is the standard under which we have been acquiring the scenic easements. That is going to mean rolling back present permitted uses.

Senator BIBLE. If this bill passes would that permit you to do that?

Mr. HARTZOG. Yes; that is, S. 2601 as passed by the House would give us money to do it.

Senator BIBLE. And what is the total cost to acquire everything you want in this bill, either by scenic easements or in fee simple?

Mr. HARTZOG. You are talking about the House-passed bill or Senator Case's bill?

Senator BIBLE. I am talking about the House-passed bill.

Mr. HARTZOG. \$2.8 million is the figure.

Senator BIBLE. You have \$2.8 million?

Mr. HARTZOG. In addition to that now authorized.

Senator BIBLE. And what is the amount now authorized?

Mr. HARTZOG. \$4,132,000.

Senator BIBLE. How much?

Mr. HARTZOG. \$4,132,000, and you add \$2.8 million to that, it is \$6.932 million.

Senator BIBLE. So you need another \$2,804,000 to do what you want to do?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. Does that include acquiring Marshall Hall property?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. How, by fee simple or by scenic easement?

Mr. HARTZOG. By scenic easement.

Senator BIBLE. Does that take into consideration the exchange which I understood you worked out with Mr. Joe Goldstein?

Mr. HARTZOG. No, sir; it doesn't.

Senator BIBLE. Did the Park Service or did they not enter into an agreement with Mr. Goldstein on the Marshall Hall property for exchange?

Mr. HARTZOG. I entered into an agreement with Mr. Goldstein to trade him completely off the river for all of his properties, subject to administration approval of legislation and its enactment by the Congress, which would have the effect of adding this 14 acres, this 157 acres, and this 9 acres and acquiring the remaining 111 acres in Marshall Hall in fee, everything in fee. Then Mr. Goldstein is off the river and we are both happy about it.

Senator BIBLE. Does that meet the approval of—is that the administration's position?

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

Senator BIBLE. It is not?

Mr. HARTZOG. No.

Senator BIBLE. Why doesn't the administration approve this?

Mr. HARTZOG. I have not had an opportunity to talk with the Assistant Secretary, but I am advised by the staff when they briefed him on this last week he indicated that he was not going to approve it and he was in turn going to ask for additional money to buy it in fee.

Senator BIBLE. To buy it in fee?

Mr. HARTZOG. Yes.

Senator BIBLE. Is that embraced within the bill?

Mr. HARTZOG. No, sir.

Senator BIBLE. How much more money would it take?

Mr. HARTZOG. The estimated dollar value of our exchange, it was a \$4,200,000 package.

Senator BIBLE. How much more money would you need than is in the bill now?

Mr. HARTZOG. I would need the difference, if you were going to wipe him out, the way our exchange proposal would be contemplated, the difference between the \$4,200,000 and the amount we have in there for the scenic easement. I would need about a \$7 million increase instead of a \$2,800,000 increase.

Senator BIBLE. You would need \$7 million instead of \$2 million?

Mr. HARTZOG. Yes, sir; to do what this exchange contemplates doing.

Senator BIBLE. Well, I think we will have to hear from Mr. Reed, is he the proper witness on this?

Mr. HARTZOG. Yes, sir.

Senator BIBLE. We will at the proper time hear from Mr. Reed. I don't expect you to testify as to why he objects to the exchange, because you don't know.

Mr. HARTZOG. No.

Senator BIBLE. Well, we will hear him on this. What other problems do you have. This Piscataway has been going along just about as long as Mount Vernon, I would like in my lifetime or certainly within your longer lifetime to see it resolved. Is there anything else that I should be aware of to try to get this problem worked out or help get it worked out.

Mr. HARTZOG. You should be aware of the fact that there is some opposition from these homeowners from whom we have not yet acquired scenic easements. I looked at the witness list this morning, I believe there is a representative of that group that is going to appear.

Senator BIBLE. I am sure these other people here in the room, and particularly these beautiful ladies, are not foes of yours and the Park Service, you have some beautiful ladies working for you, and I am sure these people have interests that don't completely coincide with yours. We will hear from whoever wants to be heard or a spokesman, at the proper time. I could anticipate everyone was not in complete harmony or agreement, and this does not surprise me.

Is there anything else I should know?

Mr. HARTZOG. You should know the basis upon which we have offered to negotiate for these scenic easements. That is 25 percent of the fair market value appraisal or 50 percent of the assessed valuation, whichever is higher.

Senator BIBLE. I have a home, and I am one of these homeowners, one of these people sitting out in the audience, and I have a little home there that is my home, it is where I live, where I raised my children, and if you acquire scenic easements, what does that do to my property?

Mr. HARTZOG. It simply freezes the restrictions now in the deeds.

Senator BIBLE. What does that mean?

Mr. HARTZOG. That means one house to 5 acres and the use can never be changed.

Senator BIBLE. I have a house that is on what, 5 acres?

Mr. HARTZOG. Yes.

Senator BIBLE. And I have a three-bedroom house?

Mr. HARTZOG. Yes.

Senator BIBLE. And that is all I need for the present size of my family, but I can't change that once you have acquired the scenic easement?

Mr. HARTZOG. You can't subdivide that 5 acres into five 1-acre lots, you see.

Senator BIBLE. That is no subdivisions in there?

Mr. HARTZOG. Yes. This is to freeze to one house to 5 acres, the plan of use of that property. There is no access being acquired in connection with these easements, so its is not subjecting the property to public use.

Senator BIBLE. I understand I can continue to use it as my private residence, one home on 5-acres, and I can give you a scenic easement. The only thing I can't do is put other homes on that 5 acres or change the use or build a high-rise apartment?

Mr. HARTZOG. That is correct.

VOICE IN THE AUDIENCE. That is not true.

Senator BIBLE. Just a minute, we will hear the other side, if Mr. Hartzog says something is wrong. We will hear what the opposition has to say. That is why we have these hearings, trying to make us aware, trying to hear everyone and maybe there will be areas here where we can get together.

In this troubled old world we have today, we can find certain areas where we can work together. It is hard to do, but we will look for a way.

Is there anything else that will help me on this?

Mr. HARTZOG. I can't think of anything else, Mr. Chairman, that is relevant to it. You are aware of it, because I informed you when we started doing it, when this legislation was introduced, we began buying scenic easements from these folks willing to sell it over here, and as a result we have purchased seven to date, in this area.

Senator BIBLE. I have no further questions at this time. We are still going to hear from Secretary Reed when we can. I think we have to head into this problem and try once and for all to get it worked out and in back of us. We tried rather hard, unsuccessfully, I am afraid. I have no further questions of you at this time. I don't believe we can finish this this morning, so we will continue until we have a good full—there is another question here that has escaped me.

Senator Church is asking this of you, as a park specialist with substantial knowledge of the Piscataway Park situation, wouldn't you agree that Senator Case's bill increases the range of options open to us on the Marshall Hall matter?

Mr. HARTZOG. Yes, sir, I would.

Senator BIBLE. Why?

Mr. HARTZOG. Because it gives you the option of acquiring in fee or in scenic easement, so if in this condemnation the court comes in with an award that is excessive in our judgment, you can amend the complaint and take the fee. Which was what we did at Point Reyes. We amended the complaint and took the fee. That is the flexibility that you would have here with Senator Case's bill, whereas now if the award is excessive, there is really nothing you can do except either pay or dismiss the condemnation, which is also now under the terms of S. 1 of the 91st Congress going to cost you money too. You can no longer dismiss without liability under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(Mr. Hartzog's prepared statement follows:)

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

Mr. Chairman, I appreciate the opportunity to come before this committee and testify as to our efforts to protect the overview from Mount Vernon under existing legislation, and to testify concerning additional legislative authority which will assist us in that objective.

## EXISTING AUTHORITY

The Act of October 4, 1961 (75 Stat. 781), as amended by the Act of July 19, 1966 (80 Stat. 319), authorized the acquisition of real property on the Maryland shore of the Potomac River to preserve the view from Mount Vernon, on the adjacent Virginia bank. The Act provided for two acquisition areas: the "Fee Acquisition Area" and the "Scenic Protection Area." Within the "Fee Acquisition Area" the Secretary is authorized to acquire fee simple title; within the "Scenic Protection Area" he is limited to the acquisition of scenic easements. The Act authorized the appropriation of not to exceed \$4,132,000.

## STATUS OF ACQUISITION

The acquisition in the "Fee Acquisition Area," covering 1,058 acres, has been completed except for two acre reservations which the Act provides may be retained in this area. Acquisition of these lands has been accomplished at a cost of \$2,786,149, with \$1,345,851 remaining appropriated but unexpended.

Although we currently have on hand funds which have been appropriated but is unexpended, you will recall that all of the \$4,132,000 authorized was justified to the Committee at the time of the authorization for use in the "Fee Acquisition Area" along the shoreline. Although the use of funds in the "Scenic Protection Area" was not specifically precluded by the Act, the legislative history is quite clear that it was not believed by anyone—the Department of the Interior, the citizen witnesses, or the Foundation which so generously donated property—that it would be necessary to purchase such scenic controls in this zone. However, we recently have purchased some scenic controls in the "Scenic Protection Area" with funds not calculated to be needed.

You are aware of our concern with the Marshall Hall Amusement Park at the far downstream end of the park. Despite repeated efforts over a period of now more than 10 years, we have sought, but have been unsuccessful, in getting the owner, Joseph I. Goldstein (Star Enterprises, Ltd.), to donate a scenic easement over his 367.5-acres of his property within the "Scenic Protection Area" that was satisfactory to all concerned.

## LITIGATION

In the early summer of 1970, the owner of the Marshall Hall tract obtained from the Charles County Commissioners a change in zoning to facilitate expansion of the amusement park which now occupies part of the property. Area residents appealed this reclassification, however, and the matter was sent before the County Circuit Court for final disposition. On December 9, 1971, the Circuit Court reversed the zoning action by the Commissioners, and the owner has taken an appeal.

To forestall such further development within the "Scenic Protection Area," this Department had sought without success to obtain by deonation a scenic easement that would preserve the overview from Mount Vernon while permitting continuation of profitable use. With approval from your committee and the House Committee on Interior and Insular Affairs, this Department on December 23, 1970, initiated an action to condemn a scenic easement on 332 acres of the Marshall Hall tract subject to continuing use on 35.5 acres. The acreage subject to the condemnation action has been reduced, owing to the sale of approximately 256.2 acres of the property to the Tricent Corporation, which has voluntarily conveyed a scenic easement in its property to the United States. A trial date on the reduced acreage subject to condemnation has been set by the Federal District Court for May 15, 1972.

## PENDING LEGISLATION

S. 1291, which is before your committee for consideration today, would alter the boundaries of the "Fee Acquisition Area" to include the entire 367.5-acre former Marshall Hall tract, and it would provide an open-ended authorization

for land acquisition funds. Thus, if S. 1291 were enacted, we would be authorized to acquire the entire former Marshall Hall tract in fee, rather than—as we are now—be limited to a scenic easement.

Pending final determination of the appeal from the County Circuit Court's action, and of our suit for condemnation of a scenic easement, it is difficult to assess the need for enactment of S. 1291. Should the threat of further development be diminished, or acquisition of an easement prove satisfactory to protect the overview, authority to acquire fee simple title may not be necessary. It is an option that would be preserved, however, by S. 1291. In this connection I call your attention to our display map. You will notice the green areas on that map. All of these properties are owned by Star Enterprises Ltd. The first two are 157 acres back of River Road south of and contiguous to the boundaries of Piscataway Park. The second is 14 acres of waterfront property riverward from River Road with frontage on the Potomac River south of and contiguous to Piscataway Park. The third is an area on Piscataway Creek known as the Fort Washington Marina adjacent but not contiguous to Fort Washington administered by this Service.

I point out these other properties because merely acquiring the fee to part of the Marshall Hall property within the park will in no way insure that Mr. Goldstein will not develop contiguous properties that he already owns, in a similar manner.

There is also pending before the Senate S. 2601 as passed by the House of Representatives on January 31. You will recall that S. 2601, the National Park Service omnibus legislation, was considered by your committee last year and passed by the Senate on November 19, 1971, without a provision for Piscataway Park. When the House Committee considered the omnibus bill, it added the provisions of H.R. 11391, which would increase the authorization for Piscataway Park land acquisition from \$4,132,000 to \$6,972,000, an increase of \$2,840,000 for purchase of the remaining unacquired easements in the "Scenic Protection Area." There was no companion Senate bill.

The House then passed S. 2601 on January 31, amended to conform to the House Committee version of the omnibus bill, which contained the increase for Piscataway Park of \$2,840,000. This provision appears in paragraph (8), section 101 of S. 2601 as amended by the House.

As mentioned, the purpose of this paragraph in S. 2601 is to provide the necessary additional funds to purchase controls of the Moyaone type in all of the "Scenic Protection Area." Of the some 266 tracts in the "Scenic Protection Area," the owners of 177 tracts have donated controls over their properties in the form of perpetual encumbrances of the Moyaone type. From an acreage standpoint, however, this only represents less than one-half of the 2,596 acres in the "Scenic Protection Area."

We estimate that the cost of acquiring easements in the remaining properties, including the remainder of the Marshall Hall tract, in the "Scenic Protection Area," is \$2,840,000, which is provided in S. 2601 as amended by the House. We therefore recommend the adoption of the House amendment to S. 2601.

Thank you very much.

Senator BIBLE. The next witness is Walter Stephen Gasparovic of the ROUR Association.

Would you introduce those with you at the witness table.

**STATEMENT OF WALTER STEPHEN GASPAROVIC, ROUR ASSOCIATION, ACCOMPANIED BY MRS. ZADORETZSKY**

Mr. GASPAROVIC. Mrs. Zadoretzky, our executive secretary. Senator BIBLE. What is the ROUR Association?

Mr. GASPAROVIC. Recognition of Our Rights Association.

Senator BIBLE. Who makes up this association, Mr. Gasparovic?

Mr. GASPAROVIC. We have just organized recently. We have been organized formally for the past 2 weeks and we have approximately 60 members.

Senator BIBLE. All right.

You may proceed.

Mr. GASPAROVIC. Mr. Chairman, Senators, my name is Walter Steven Gasparovic. I live in Accokeek, Md. I am president of the Recognition of our Rights Association (ROUR).

Thank you for giving us the opportunity to testify before this committee. ROUR was caused to be formed as a nonprofit association to protect the rights of and assure equity for the individual landowners located in the so-called "scenic easement protection area" as defined by the Department of the Interior for the Piscataway National Park.

Ours is an established community of citizens dedicated to the preservation and refinement of the natural beauty and open space character of mostly wooded lands. These lands are not only filled with varied species of trees and plants, but are also one of the few remaining havens where wildlife has a chance for survival in this area.

Due to the preponderance of evidence as to the intents and activities of the Department of Interior in this area, we are forced to appeal to this committee to oppose the inclusion of the request of the Piscataway Park item in this omnibus bill, which will provide for the increase in appropriations from \$4.1 to \$6.9 million since we believe that the Department of the Interior is straining the literal phraseology of the initial act of October 4, 1961, in such a way as to violate the intent of the act as well as cause inequities and damages to us, the landowners and residents.

As we understand it, for an item to be included in an omnibus bill, the proposal that is contained in said bill had to pass the following tests:

1. It had to be subject of a public hearing.

Senator BIBLE. I think the first point is moot. It is subject to public hearing right now. I don't know whether that is relevant or not. I don't know whether I can buy the second point. Obviously, there is controversy on this.

I mean that in order to pass the bill you pass many bills that are controversial. The last 12 years—

Mr. GASPAROVIC. We are going to point this out in our testimony.

2. It had to be relatively noncontroversial.

3. It had to be able to stand on its own merits.

While we now know this item of Piscataway Park had been subject to earlier hearings and proposed legislation in 1971, it was not until many of us received letters late in November and December 1971, from the Department of the Interior urging us either to donate our lands, or sell our lands, or that the Secretary of the Interior "may acquire by other appropriate means" an interest in such lands, that we sensed that there was something new going on concerning this park.

We were too late for public hearings in the House. We are grateful for the invitation to come before this Senate committee.

The matter of Piscataway Park, we believe, is not relatively noncontroversial. It is very controversial, as evidenced by our appearance here today; as evidenced by the owners of some 1,300 acres of land who have not given interest in their land to the Department of the Interior, more than 50 percent we believe of the so-called scenic easement properties the National Park Service is attempting to acquire.

Senator BIBLE. How many owners are involved? Is that figure about 90?

Mr. GASPAROVIC. Yes, that figure is about 90, sir.

Senator BIBLE. The area that I pointed out?

Mr. GASPAROVIC. Yes.

Senator BIBLE. All right; go ahead.

Mr. GASPAROVIC. We do not feel that this item is able to stand on its own merits. Our supporting testimony will bear this out.

Intent of original act of October 4, 1971 (76 Stat. 780).

I quote from House Appropriations Committee Report No. 1447, accompanying H.R. 10802 of March 1962:

Authorization for acquiring these lands was rushed through the closing moments of the last session of Congress," 87th, "because of the threat to build a sewage treatment plant in the vicinity of Mockley Point which it feared would mar the beauty of the Maryland Shore.

The act of October 4, 1961 provided "to preserve for the benefit of present and future generations the historic and scenic values, the unusual cultural, scientific, and recreational values, and the present open and wooded character of certain lands situated along the Potomac River in Prince Georges and Charles Counties, Md.," and in order to preserve lands which provide the principal overview from the Mount Vernon estate and Fort Washington, we believe the proposed plans of the Department of the Interior for the high development of this park will eradicate this original intent. For example:

On January 31, 1962, Mr. Freeman, Assistant Regional Director, Region 6, assured a scenic easement committee from the area that the proposed facilities for the Piscataway National Park would be designed to attract persons who are interested in colonial agriculture, Indian history, nature, and wildlife.

The proposed land map included a small visitor center, small parking area, and a lunch area, but no grills or fireplaces. In addition a network of trails would be added in the portion between Bryan Point Road and Mockley Point. A hard surface park road and possibly an organized campsite, not family camp, but rather about the same as the one being used by the Girl Scouts. Masses of people looking for recreational areas would be routed to Fort Washington and nearby Cedarville State Park.

In 1963, the Department of the Interior elaborated on their plans. They published a brochure entitled, "Land Use Survey of Piscataway Park." This protection of lands and overlook includes among other things: Waterfront camping sites, waterfront paved parking lot, steamboat landings, picnic area, foot trails, paved areas for structures for interpretation stations and visitors centers, boating and fishing headquarters and concessions, paved roadways running the length of the park.

Drawing No. NCP 117.4-136-1, August 14, 1962, Map E showing these proposed development plans, taken from the booklet "Land Use Survey of Piscataway Park," is attached.

All this intense and busy development in full view from Mount Vernon and Fort Washington.

We seriously question whether the Department of the Interior and the National Park Service, by this proposed high development, are acting, using their own words, within the parameters prescribed by the legislation, to preserve for the benefit of present and future generations the historic and scenic values and the present open and wooded character of the lands along the Maryland shoreline, and to preserve these

lands, which provide the principal overview from the Mount Vernon Estate and Fort Washington.

#### BOUNDARY CHANGES

Since the establishment of the Piscataway National Park in 1961, a credibility gap has existed between many landowners in the area, and the Department of the Interior, concerning the boundaries of the park, and particularly the scenic easement protection area, for the following reasons.

1. The act of 1961 limits the Secretary of the Interior to a fee acquisition area described by metes and bounds in section 2(b) of the act, and further specifically limits the scenic easement area in section 2(c) via the words "a line approximately 3,000 feet south of said boundary,"—and further limits the Secretary of the Interior to boundaries, and I quote, "as per drawing 1961-1, a copy of which is on file with the Secretary of the Interior."

This 1961 scenic easement boundary area is shown by the green line on the map we are holding. We will show this line. Now, this is the original line that was established in 1961.

2. The fee acquisition area and the scenic protection area were subsequently revised by the act of July 1966. We were told this adjustment was necessary. It was a minor contour adjustment and we take issue with that.

Senator BIBLE. Your point is when this was first presented—were the people in your association, were they here in 1961 and 1962?

Mr. GASPAROVIC. Some of them were; yes.

Senator BIBLE. How many?

Mr. GASPAROVIC. A few.

Senator BIBLE. Four, five, 10 of the 90—what percentage? The point you are making that this was represented to you as having certain boundary lines, and within a few years the boundary lines were extended—that is what you are saying?

Mr. GASPAROVIC. Right, without any hearings on consultation of our group.

Senator BIBLE. What I am asking is how many people does that effect, and I think it is worded differently by saying how many of the 95 were there in 1961? I mean roughly.

Mr. GASPAROVIC. The same people opposed to it in 1961 are opposed to it today.

Senator BIBLE. Of the 90, how many—

VOICE. We are many new owners. The land is still under development.

Senator BIBLE. I know new owners have come in. I am trying to get a percentage. If there were 90 owners involved today, were there 45 involved in 1961; is that a fair estimate?

VOICE. Approximately.

Mr. GASPAROVIC. We can give you this information by checking the records.

Senator BIBLE. It does not need to be exactly accurate. I want a rough idea of the difference. OK?

Mr. GASPAROVIC. All right, sir.

Senator BIBLE. You may proceed.

Mr. GASPAROVIC. These revised boundaries are shown by the black broken line on this map. These revised boundaries are also shown on map NCR 69.714-18, of January 25, 1966.

It will be noted that the scenic protection zone has now almost doubled from the area of approximately 3,000 feet to areas extending 5,000 feet and more. Why?

Senator BIBLE. I have asked Mr. Hartzog and his crew to make a note of that question and he will give us the answer.

You may proceed.

Mr. GASPAROVIC. Mrs. Zadoretzsky, ROUR secretary, seeking assistance in this matter through Members of Congress, received through the office of Congressman Hogan, a letter from the Department of the Interior, signed by the Associate Deputy Director, signature indiscernible, which in part states:

\* \* \* Miss Zadoretzsky indicated that the Department of the Interior has enlarged the areas of acquisition and scenic protection since 1961. This is completely untrue. The areas in both the "fee acquisition zone" and "scenic protection zone" have remained exactly the same in land area and scope since the initial authorization.

We point this out on the map; that indeed it has been changed.

The evidence shows that the statements of the Associate Deputy Director of the National Park Service are not true. The boundaries have been changed since the original legislation.

We submit map 1961-1 showing the original boundaries.

We submit map E, drawing No. NCP 117.4-136-1, August 14, 1962, showing original boundaries.

We submit map NCR 69.714-18, January 25, 1966, showing increase.

We submit map NCR 69.714-18-B, June 1970, showing increase.

Senator BIBLE. Those are maps obtainable through the Park Service, and you are actually submitting them for the record?

Mr. GASPAROVIC. Yes, sir.

Senator BIBLE. All right. Very well.

Mr. GASPAROVIC. Item 4, Controversy and Credibility Gap.

The initial intent of the Act of October 1961 was good. However, implementation of the original legislation, as amended to date, has produced serious inequities, damages, and credibility gaps between the citizens and the Government.

The above actions by the Department of the Interior have certainly served to justify our misgivings concerning the eventual development of the park. Boundaries have been changed, which Interior denies, but which evidence shows otherwise. Letters to landowners from Interior of November 1971 state:

"The fee acquisition zone fronts the Potomac River and averages some 1,000 feet in width. The scenic protection zone is located behind the fee acquisition zone and averages 2,000 feet in width." November 21, 1971, Acting Director, NCP.

Who are we to believe? National Capital Parks maps show an area extending almost 5,000 feet, thus making the outermost areas of the park some 4½ miles from the verandah of Mt. Vernon.

It includes under "scenic protection" Christ Episcopal Church established in 1698, and the graveyard. Are we to believe that the Department of the Interior seriously wishes to place under Federal

controls, an established and active church? Some might question the constitutionality of this action.

The "increased area" under proposed "scenic protection" comprises the bulk of the land held by people who have not given scenic easements.

Interior would have you believe, when they appeared before House committee on H.R. 10086 requesting these additional millions, that the reason they need this increased appropriation is that "landowners in this area now see an opportunity to capitalize on their holdings."

This is an irresponsible statement to be made by an official high in the Department of the Interior. It is totally without basis in fact. Interior, it appears, would rather fault landowners than it would their agency, self-admitted who have made "bad estimates."

They would have you believe that the landowners who have not donated scenic easements are holding up development of the park, if not holding up the Government for more money. The people we represent have made no demands on the Government for money. It is the Department of the Interior who is seeking these lands, and the "development rights" in these lands, to use the definition of Mr. Hartzog. Our membership is not anxious to part with their property, their interests, their title, nor development rights.

We have reviewed this omnibus bill and find it is replete with examples of Interior's creeping expansion in national parks across the country, and we would be naive to believe that the verbal promise given under one administration would be carried out by all other administrations to follow.

The Department of the Interior seems to have the right to change its mind at any time, but we, the landowners, must commit ourselves to an almost unknown factor for perpetuity.

This seems completely arbitrary to our freedoms as provided by the Constitution of these United States.

What legal guarantee do we have that Piscataway National Park will remain a low density park in perpetuity? What assurances do we have that sometime in the future the Department of the Interior will not extend the present park boundaries and facilities to include the present scenic easement zone?

The scenic easement deed forms submitted to landowners essentially offers to remove from our ownership virtually all rights in our property above the surface, with the exception of one-half acre for a house, lawn, garden, and other such approved uses. Nothing in this deed indicates that the party of the second part, United States of America, is not restricted to the same degree as the party of the first part, the landowner.

#### CONCLUSION

In view of all of the above, we ask that this committee disallow the request for increased appropriations to \$6.9 million, for Piscataway Park, to be included in this omnibus bill.

We also ask this committee for an investigation and thorough review of the entire matter of Piscataway Park before any further properties are sought, further plans are developed, or additional funds are appropriated. Our association will be happy to cooperate with the committee, the Department of the Interior, or any other agency you name.

Senator BIBLE. That is an excellent statement, and I understand what is troubling you and I have great sympathy for the position you are presenting.

I think, in fairness, the Park Service is not at fault in saying these boundaries are the only boundaries that will be held to forever and a day. Life simply does not work that way.

That prior bill was a very large expansion of an earlier bill, and year after year we have a request by the Park Service to expand parks beyond what they originally asked for.

I think most of that comes about because of the pressures of the population. I don't think that the change of the boundaries from 1961 to 1966 or 1967, whatever that date is there, is of too much significance, even though it may have been so represented back in 1961.

We have enlarged Yellowstone and Grand Canyon. Different conditions come as we move along, and as we get more and more people in this country and more people who are recreation minded.

I am interested in your point of what they are going to do with this overlook area. In other words, my understanding originally was that they were going to leave it pretty much in the natural state so when you went to Mt. Vernon and looked over the Potomac you would see it pretty much in the same condition as it was in the days George Washington lived in Mt. Vernon.

I understand your point of view to be if they are going to put in routes or paths they are not carrying out the original intent, is that what in part you are saying?

Mr. GASPAROVIC. Yes, sir.

Senator BIBLE. I am going to let the Park Service answer that rather than myself. When this was originally worked out, my understanding was that it was to be left pretty much in the same state as it was in the days of George Washington.

Your worry seems to be they are going to develop something where you are going to have all kinds of people crawling all over the place, and you will have campers and visitors, and that won't be the way it was when George Washington was here.

I have been in Mt. Vernon many, many times, looked over there, and that was my understanding, keep it pretty much in its natural state.

We will ask the Park Service, during the noon recess, which we are going to take almost immediately, to study it and come up with some answers at that point.

(The material submitted by Mr. Gasparovic was retained in the committee file.)

Senator BIBLE. I still have to hear from Spencer Smith and Joe Goldstein, and then we have another bill to hear after that, which I think maybe has more problems than this.

I don't know whether we will finish today or not. Tomorrow is Friday and we can work Saturday, but we are not going to work Sunday.

We will stand in recess until 2 p.m. and we will resume on Piscataway first.

Before we recess, Spencer Smith has been a longtime friend of mine. I think I first heard of Piscataway through him.

He says he must catch a plane this afternoon, and he says if I will let him testify now, he will agree to limit himself to 5 minutes, and that is a big concession for Spencer, so you can be recognized for 5 minutes Mr. Smith.

The hearing will resume.

**STATEMENT OF DR. SPENCER M. SMITH, CITIZENS COMMITTEE ON NATURAL RESOURCES, 1346 CONNECTICUT AVENUE NW., WASHINGTON, D.C.**

Dr. SMITH. Let me say one thing, that the conservation organization as a whole did not know the extensiveness of this hearing. They assumed what the House said was relatively true, that this matter probably was relatively noncontroversial.

The reason they assumed that was on January 31 the House passed this measure by a vote of 30 to 32.

I think one can assume they didn't feel this was the most pressing matter before them today. That is why they are not here. I think the Chairman knows we can certainly have them here, and other members, in terms of trying to complete Piscataway Park—

Senator BIBLE. I thought the witness that just testified said the reason he hadn't appeared on the House side is because he didn't receive any notice of the hearing. They may have had just as big a controversy over there.

Dr. SMITH. Mr. Chairman, I assume the House had advantage of their views, because Mr. Hogan put forth their views on the floor.

Senator BIBLE. I understand.

Dr. SMITH. I want to say what right, in terms of public development down there—as you will recall we debated this in 1961 when we were considering this legislation which was not rushed through, I might add, but held extensive hearings in the House, and I think the chairman of this subcommittee can attest he held pretty extensive hearings, and they were rather firey ones right here in this chamber.

So, the matter was considered just as the matter in 1966 was considered in great length, in terms of legislation.

Now, Mr. Chairman, the Accokeek Foundation, the Alex Ferguson Foundation, donated a significant amount of the land on the map, in that if all of the development takes place, and the other things that the previous witnesses were describing, there is a reversion clause, which I am sure will be acted upon, where if this land is used for purposes other than those described in the act, it will revert back to this organization. I think a similar reversion clause in the act is in the easements. The Park Department has agreed to the contract it has made in the acceptance of this area.

Senator BIBLE. Your statement, then, is there should be no misunderstanding as to the purpose of acquiring this land across the overlook. It was to be preserved as nearly as possible in the same state as it was back in the days of George Washington, was not to be highly developed in high rises or apartments or anything that was inimical to the natural state of that area. You say that is what the Accokeek Foundation believes, the Ferguson Foundation believes, and that is what the scenic easements say?

Dr. SMITH. That is true, sir.

Senator BIBLE. That is all in black and white?

Dr. SMITH. It would occur to me this might have possibly been made a part of the record, especially the conveyance of the fee title, from the Accokeek Foundation.

Senator BIBLE. All right. They will be made a part of the record. You can furnish them.

Dr. SMITH. That concludes my remarks. I am planning to leave this committee hearing room and notify the other organizations on the details of this act. We weren't aware that we were still in the middle of a rather torrid controversy. I need to take some significant and additional actions in order to get this thing wound up.

Senator BIBLE. I hope you realize there is controversy after sitting here for 2 hours.

Dr. SMITH. We do.

Senator BIBLE. We are going to keep this record open 10 days for the purpose of letting anyone furnish anything for the record.

You better catch that airplane because it is snowing.

We will stand in recess until 2 o'clock.

(Whereupon, the hearing was recessed to reconvene at 2 p.m. this same day.)

#### AFTERNOON SESSION

Senator BIBLE. The hearing will resume.  
Our next witness is Joseph Goldstein.

#### STATEMENT OF JOSEPH GOLDSTEIN, STAR ENTERPRISES, MAINE AVENUE AND SIXTH STREET SW., WASHINGTON, D.C. 20021, ACCOMPANIED BY ERNEST F. HENRY

Mr. GOLDSTEIN. Senator Bible, is it all right if I bring my attorney up?

Senator BIBLE. Certainly, no problem.

Please identify your attorney for the record and proceed in your own manner.

Mr. GOLDSTEIN. I would like to introduce Mr. Henry who has been my attorney for the last 10 years, the gentleman who has represented me in all my dealings with the Government.

Senator BIBLE. Very fine.

Mr. GOLDSTEIN. I appreciate the fact that you let me come here today to read a letter to you that was written by Mr. George Hartzog of the Department of the Interior of a deal we made on February 4, 1972.

It is written to Mr. Joseph I. Goldstein, president of Star Enterprises, Ltd., Pier 4, Main Avenue and Sixth Street, SW., Washington, D.C.

DEAR MR. GOLDSTEIN: The purpose of this letter is to confirm the understanding recently reached after numerous meetings with you to resolve the matter of Piscataway Park and your landholdings in and adjacent to said park and Fort Washington.

In our conferences it was agreed that you would do the following:

Convey to the United States in fee simple absolute all right, title, and interest you or Star Enterprises, Ltd., have in the following properties located in the State of Maryland:

a. 111 acres presently within the scenic protection zone of Piscataway Park fronting on the Potomac River, including all improvements thereon.

Senator BIBLE. Have somebody point that out on the map.

Mr. GOLDSTEIN (continuing).

b. 157 acres which you own back of River Road south of and contiguous to Piscataway Park.

c. 14 acres of waterfront property riverward from River Road with frontage on the Potomac River south of and contiguous to Piscataway Park.

d. Some nine acres, more or less, which you own on Picataway Creek known as the Fort Washington Marina, adjacent but not contiguous to Fort Washington which is administered by this service.

In consideration the United States, acting by and through the authorities of the National Park Service, agrees to convey to Star Enterprises, Ltd., the following properties designated as Tracks A, B, and C, located at Greenbelt Park, Maryland, all as shown on Exhibit 1 to this letter:

Exhibit 1 of this letter is a map.

a. An area consisting of 17,196 acres located at the intersection of Kenilworth Avenue and Greenbelt Road, known as Tract A.

b. Tract C, an area consisting of 283,690 acres severed from the remainder of Greenbelt Park by the Baltimore-Washington Parkway, together with one off ramp from the off ramp of said parkway at its intersection with the Capital Beltway, but without any other access rights whatsoever, except those to Good Luck Road which the property adjoins on the south.

c. An area beginning at the intersection of a small creek just east of Kenilworth Avenue, thence easterly along Good Luck Road, the northern boundary of which shall be determined by survey to include some 95 acres known as Tract B, but without right of access to Kenilworth Avenue other than across said stream by a bridge, the design to be approved by the National Park Service but constructed at the sole expense of Star Enterprises, Ltd.

The National Park Service further agrees, in order to provide substitute amusement park facilities for those which Star Enterprises, Ltd., now operates on the Potomac River, to negotiate with Star Enterprises, Ltd., certain concession rights over some 414 acres with access to the Baltimore-Washington Parkway for the purpose of providing amusement park and other concession type facilities consisting of youth hostels and other overnight accommodations at a rental formula to be agreed upon by the parties, as provided by the Act of October 9, 1965 (79 Stat. 969).

The National Park Service also agrees to permit Star Enterprises, Ltd., to continue its present Marshall Hall Amusement Park on a year-to-year basis for a period not to exceed 3 years from the date of closing at a rental to be agreed upon.

All of the above are to be accomplished only when necessary congressional authority is available to add the areas to be acquired to Piscataway Park in fee and to Fort Washington, respectively.

In addition, the parties agree that full settlement and transfer of property rights indicated will be completed herein within 6 months from the date of acknowledgment of this letter by you or the whole matter will become null and void.

It is further understood and agree that, if this arrangement is acceptable to you, we will join with you in seeking an indefinite continuance of Civil No. 70-1449T now pending against Star Enterprises, Ltd.

With kindest regards and every good wish, I am, Sincerely yours, George B. Hartzog, Jr., Director.

I see this letter of February 4, 1972, the same date as the letter. There is one part of this letter, Mr. Chairman, that I have seen fit after much conversation to change our ideas on, and that is the amusement park that we were thinking about building on this piece of land. I have now abandoned that amusement park idea.

Senator BIBLE. You mean in the Greenbelt area?

Mr. GOLDSTEIN. Yes, sir.

Instead, I would like to do something more compatible with the neighborhood and the people of Prince George's County, by putting in mostly a beautiful golf course with a clubhouse, large skating rink, tennis course, youth hostel, all types of things that would tend to

make a fine year-round recreational center, rather than an amusement park.

I feel—I have had enough trouble with amusement parks and I don't think I want another one. I feel it would be better to do this type of thing and I would be doing more for the general public. I assume that would meet with the approval of the Park Service, because I have already told Mr. Hartzog of my plans.

Senator BIBLE. Fine. I have no questions to ask of you, Mr. Goldstein.

It seems to me that the person who has to respond as to whether this agreement is satisfactory or not is Mr. Reed. He is the Under Secretary, and as I indicated earlier, I intend to have him here to testify.

Mr. Hartzog can't testify for him. He can't give him his position. At least, that is the way I understood him to testify this morning. We will continue this chapter of this problem by having Mr. Reed appear.

Mr. GOLDSTEIN. I hope you can do it pretty soon.

Senator BIBLE. I would want to do it pretty soon. I think time is of the essence here.

I appreciate your appearance here this morning.

Mr. GOLDSTEIN. Thank you, Mr. Chairman.

Senator BIBLE. I have one more witness, and I want to make it clear that we have to vote. Those two bells mean we will be voting within about 15 minutes.

Our next bill is S. 2725, Wolf Trap Farm Park.

Do we have witnesses on that other than the Director?

Well, we will continue that one until tomorrow, because we have two other park bills tomorrow, J. D. Rockefeller, Jr., Memorial Parkway and Gulf Islands National Seashore Addition.

So, if you are the only witness and there aren't other witnesses appearing here on behalf of Wolf Trap, for or against, we will simply hear from Mr. Walter Zadoretzsky, resident of Accokeek.

Is he here?

How brief can you be?

#### STATEMENT OF MR. WALTER ZADORETZSKY, RESIDENT OF ACCOKEEK

Mr. ZADORETZSKY. I will be as brief as I can.

Senator BIBLE. All right.

Mr. ZADORETZSKY. I am one of the group of about 30 or 40 people here who are represented by our president of the rural committee, hoping to clarify the issues concerning our position before this committee.

However, certain witnesses for the Government, I believe, have tended to confuse certain rather important points that concern our position.

1. That gentleman by the name of Smith, I believe, conservationist, made the remark that in effect what these easements provide is 5 acres to one house. This is not what the easements provide. It provides one house to one-half acre and anything on that half acre

beyond the present situation would have to have the approval of the Department of the Interior.

He also indicated—

Senator BIBLE. I wish you would furnish documentation of that. I am not questioning what you are saying, but that is what Spencer Smith said. So, why don't you supply that information.

Mr. ZADORETZSKY. You have that information in the scenic easement that has been submitted to you.

Senator BIBLE. All right.

Mr. ZADORETZSKY. Secondly, he indicated that there was a 5-year reversion clause in the scenic easements. You will find that the present scenic easements being submitted, there is no such reversion clause.

Mr. Smith also indicated that the House of Representatives voted overwhelmingly in behalf of his bill and this is some sort of indication what the people in the area want.

I again reiterate we did not know of these hearings.

Senator BIBLE. I am clear on that point and I so stated when I talked to Mr. Smith. I said that isn't the point. The point is, the people here in opposition, said they didn't have notice. You didn't have the opportunity to appear.

Mr. ZADORETZSKY. We were very happy to hear a rather honest statement made by Senator Case, because it was probably the first honest statement in this matter made by anyone to us. That is, let's wipe the area out, let the Government hold it and the Department of Interior can do what they wish in the area. At least that was clear and understandable.

The Department of the Interior has been using this trick clause called scenic easement which by their own admission are in no other words other than development rights as the key to protecting the area.

For years they have been tying our people. We have very simply straightforward living standards in our neighborhood. We usually believe what the Government representatives tell us.

Senator BIBLE. And you should.

Mr. ZADORETZSKY. However, we have found what they tell us and what they do are considerably different things.

We find that this development in the Accokeek area, all these buildings, parking lots, and roads and so forth they intend, may in fact be in accordance with the act of 1961, simply because the act of 1961 says to preserve the area, yes, yes, yes, but they throw in a few clauses and say similar to the time when Washington, Mt. Vernon was active.

Well, sir, I don't know how much of the history of this area the committee is familiar with. However, when Mt. Vernon was active you and two fisheries on that section of shoreline, you had a fort, wharfs, tons of tobacco, my property was not wooded. It was a farm area, growing tobacco. A lot of that so-called beauty was not there. It was badly used farm land.

Consequently, we are afraid that what the Department of Interior has, the authority of the Department of Interior has written in the writing of this bill, is so dangerous to the area, and to us, and to the things that we have been working for, that we want, that we want things held up, we want things stopped.

Senator BIBLE. Will you repeat that last sentence?

Mr. ZADORETZSKY. We are so concerned with the activities of the Department of Interior in this area and the dangers to our areas built into the act itself that we would like to have the appropriations stopped until these things are clarified.

Senator BIBLE. Tomorrow, I will ask Mr. Hartzog to tell what he does plan on doing with the area in detail, furnishing it for the record in detail.

I don't think he plans on sowing these fields with tobacco or putting what was there or putting adverse structures on it. I thought he intended to preserve it just the way it is today.

Mr. ZADORETZSKY. Senator Bible, so did we, but we find out this is not the case.

Senator BIBLE. I will have to go. I don't want to miss a vote. Somebody will say something nasty about me being absent. I have a good voting record, 93 percent, and I want to leave it that way.

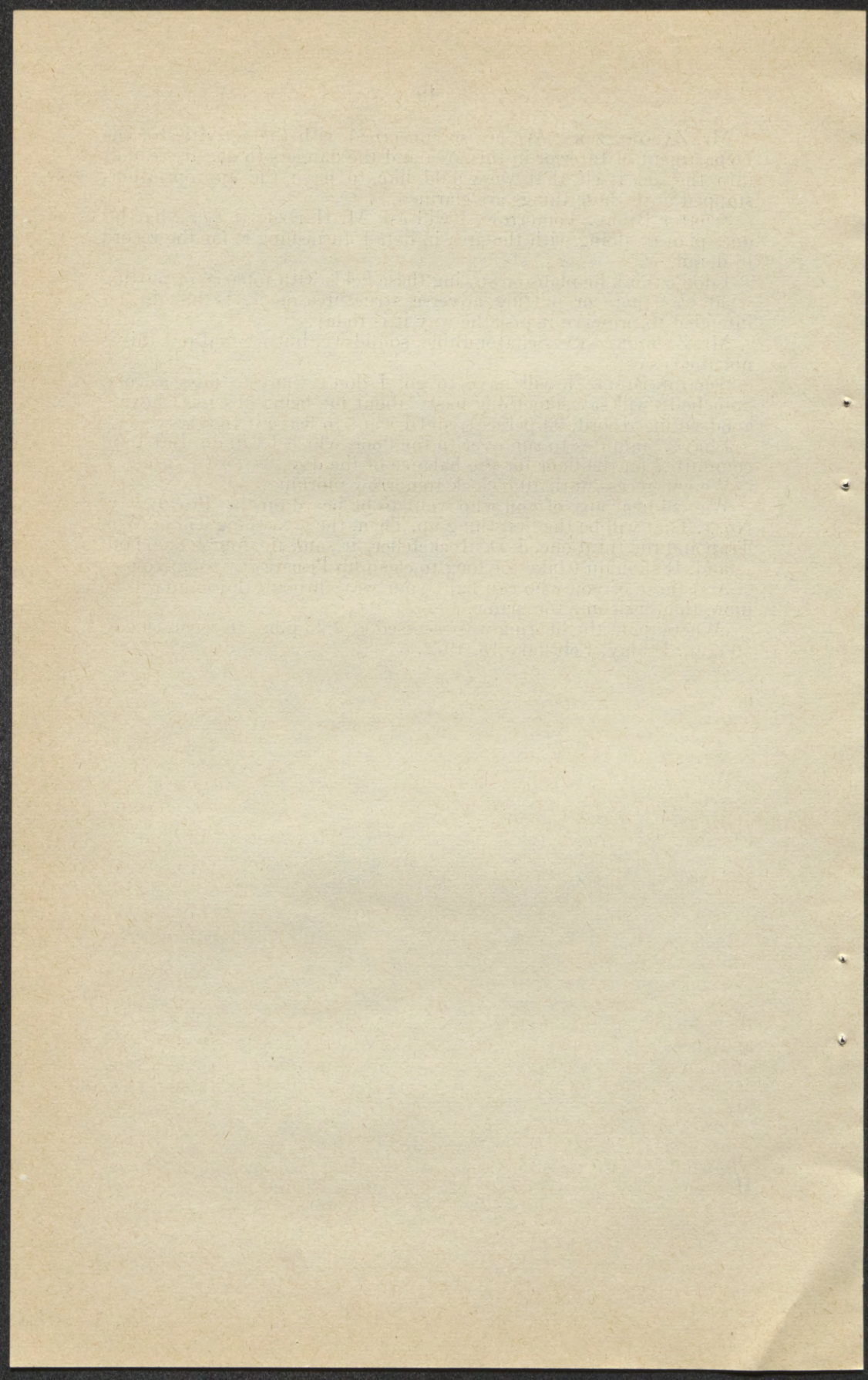
I have 7 minutes to run over to the floor, which I will do. But I am committed on the floor for the balance of the day.

We will recess until 10 o'clock tomorrow morning.

We will hear any of you who want to be heard on this Piscataway, No. 1. That will be the first thing up. Then, the next thing will be Wolf Trap and the third one, J. D. Rockefeller, Jr., and the fourth one, Gulf Island. It shouldn't take too long to clean up Piscataway tomorrow.

And those of you who can fight your way through the snow will be more than welcome tomorrow.

(Whereupon, the hearing was recessed at 2:25 p.m., to reconvene at 10 a.m., Friday, February 18, 1972.)



COWPENS NATIONAL BATTLEGROUND SITE, PISCATAWAY NATIONAL PARK, JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY, GULF ISLANDS NATIONAL SEASHORE, AND WOLF TRAP FARM PARK

FRIDAY, FEBRUARY 18, 1972

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

The subcommittee met at 10 a.m. in room 3110, New Senate Office Building, Hon. Alan Bible, presiding.

Present: Senators Bible, Hansen, and Hatfield.

Also present Jerry T. Verkler, staff director; Bernard C. Hartung, professional staff member, and Thomas Nelson, assistant minority counsel.

Senator BIBLE. The hearing will come to order.

We started out with the controversial Piscataway yesterday and we haven't gotten any further.

Ed Cliff, are you here on John D. Rockefeller Memorial Parkway?

Well, notwithstanding, what I said when we recessed yesterday, if Senator Hansen comes in we will hear his testimony.

How long will your testimony take?

Mr. CLIFF. Very short.

Senator BIBLE. I would assume that, and I think I know the problem, and I really do think that is a noncontroversial thing and we will—suppose, Mr. Reporter, that we proceed to hear the John D. Rockefeller Memorial Parkway.

How many Piscataway witnesses do we have?

[Showing of hands.]

Senator BIBLE. There are four. Did I finish with the witness who was testifying yesterday? I didn't?

Mr. ZADORETZSKY. No, sir, you did not. I have another 15 minutes.

Senator BIBLE. Oh, no, we are going to give you 5 minutes. I thought you were completely done. We will hear you for 5 minutes and then you can put in the balance of your statement in writing. I have got to move along because I have five other park hearings. If you can make your salient points and avoid the repetition—I thought you made your points.

Mr. ZADORETZSKY. Not quite, sir.

Senator BIBLE. We have 5 minutes to testify on Piscataway—we will wind up with you, with the understanding that as soon as Senator Hansen comes, we will sidetrack you and put him on.

Mr. ZADORETZSKY. If you wish, sir.

Senator BIBLE. You may proceed.

I completely understood that you finished yesterday.

Go ahead.

**STATEMENT OF WALTER ZADORETZSKY—Continued**

Mr. ZADORETZSKY. My name is Walter Zadoretzsky, a member of the ROUR organization, a group of approximately 90 property owners in the Piscataway Accokeek area, and I would like to continue my testimony to show that we are being victimized by professionals in the Department of Interior in an effort to acquire interests in our lands and affect our homes.

Senator BIBLE. Do you have a prepared statement, by chance?

Mr. ZADORETZSKY. No, sir; I do not.

To continue, the Department of Interior has been representing to both the committee and the press and all concerned that there scenic easement is "a Moyaone type of restriction." This is false. There is—

Senator BIBLE. That is what you said yesterday, and you made the point and the staff will, of course, examine the easements which will speak for themselves. And your point, if I can recall it correctly, these were ½-acre tracts, they said 5 acres, you said ½-acre tract. Isn't that true?

Mr. ZADORETZSKY. We were talking yesterday of the scenic easements prepared by the Department of Interior where they indicated that their scenic easement indicated one house to 5 acres.

Senator BIBLE. That is what they said, the way I understood it.

Mr. ZADORETZSKY. What I am trying to describe to you today, sir, is not necessarily the scenic easement any more, but the reference to the Department of the Interior has been using to sort of justify the extent of these restrictions comparing it to Moyaone type covenants.

They made statements yesterday that this is nothing more than a continuation similar to the Moyaone type covenants.

Senator BIBLE. That was my understanding. And you say that is wrong and why is it wrong?

Mr. ZADORETZSKY. I am trying to tell you, sir, this is a misnomer, that there is no such thing as a Moyaone type covenant since there are at least nine different subdivisions within Moyaone. There are at least five or six types of covenants, the oldest of which have the least restrictions, some 20 years old, two or three refer to 5-acre tracts, nothing else, no other restrictions about trees or anything else.

It has been the policy of our community to preserve the area. It was not necessary, or it is not necessary, for the Government to come in and tell us how to do it, because this area that has impressed so many people as being beautiful, as an overlook from Mount Vernon, is not in effect the culture that existed at the time of George Washington. It is our culture, something that we created, something that we did.

This is something that we want to preserve and we believe that the Government's intrusion into our community will demean the area rather than preserve it.

Senator BIBLE. Why?

Mr. ZADORETZSKY. Because the Government has given evidence as to their understanding of the act of 1961, supposedly to preserve the area, means—they are talking of development.

They admit that what they are acquiring in the scenic easements are development rights.

In your 1966 testimony in this very room, Mr. Hartzog admitted that these things are development rights. We have acquired an opinion from a very reputable attorney, the firm of Edgar A. Wren—by some coincidence we found out he is also the personal counsel of Rogers C. B. Morton, Secretary of the Interior.

In summary, after reviewing the easements and covenants, they concluded the following, in part:

Whether the rights which the Department of the Interior seeks in my own reserve is called scenic easements or by any other term, it is clear that the Department proposes to take in full vital ownership rights. The proposed scenic easements would forever destroy not only development rights, which might otherwise arise in the future, they would also immediately deprive the owners of the most significant element of land ownership, the right to use one's land as he in his judgment, his own judgment, and consistent with law, sees fit. It is my opinion that the value of these easements are commensurate to the fair market value of the entire field.

Mr. Hartzog generously establishes a formula, 25 percent of assessed valuation—pardon me, 50 percent of the assessed value or 25 percent of the fair market value, and this is apparently, by some wave of the wand, the thing the Government will go by.

The most important part of our testimony, Senator Bible, is this: We are not commercial interests like Mr. Goldstein. We cannot unemotionally view transfer of lands, picking up, going, transplanting, giving up our rights, things affecting our home and land. We have to be very subjective.

Ours is a unique community. We are not people that pay the few dollars and walk into somebody else's work, a home. We came into this wilderness, we cleared the land, we built our own homes. Many of us took 8 years to build a home. It took me 5 years to finish mine. Our families took part in this work. Our attachment to these lands are not those of an apartment dweller or some development occupant.

Our concern with this land, our culture, that you are trying to preserve, or claim you want to preserve, it is not that of Washington.

We have imposed on ourselves hardships to keep the area scenic and devoid of traffic. We have given ourselves gravel roads to keep the area secluded.

Senator BIBLE. How large a plot of land do you have?

Mr. ZADORETZSKY. I have 5.4 acres.

Senator BIBLE. You have 5 acres and one home on it?

Mr. ZADORETZSKY. Yes, sir.

Senator BIBLE. The position you are making is your home is compatible with that area and there is nothing that should violate the overlook, overlooking Mt. Vernon?

Mr. ZADORETZSKY. I am saying, sir, presently I have the right to use that land as I see fit.

Senator BIBLE. Does that mean put a high rise apartment on it?

Mr. ZADORETZSKY. Senator Bible, the area has been in its present situation for over 20 years, in the hands of the people who reside there for the past 20 years.

The covenants as such are pieces of paper, agreements between neighbors. We have preserved and cultured the area.

Senator BIBLE. My question is, and as long as it is kept in the present state, I don't suppose anybody has any problem with it. My question, if you want to, do you take the position you could put a high-rise apartment on it?

Mr. ZADORETZSKY. No.

Senator BIBLE. Why can't you?

Mr. ZADORETZSKY. Because I don't want to.

Senator BIBLE. Is there any local zoning ordinance or provision that would prevent you from doing so if you wanted to?

Mr. ZADORETZSKY. Yes, there is local zoning against it.

Senator BIBLE. Where do I go to find those local zoning provisions?

Mr. ZADORETZSKY. In the county records.

Senator BIBLE. And you are in which county?

Mr. ZADORETZSKY. Prince Georges County.

Senator BIBLE. And there is an ordinance in Prince Georges County that would prohibit you from putting up a high-rise apartment?

Mr. ZADORETZSKY. Correct, sir. It is zoned rural area.

Senator BIBLE. It is zoned rural area. What can you have in a zoned rural area?

Mr. ZADORETZSKY. I think the trouble—

Senator BIBLE. We will ask the staff to get the zoning ordinances of Prince Georges County and the Accokeek area, and they will speak for themselves. It will tell you what you can do or can't do, and you will be bound by that, of course, absent of change in the zoning provisions.

Your statement is that your home now conforms to the zoning provisions of that section, isn't that what you are saying?

Mr. ZADORETZSKY. No, it exceeds the open space requirements of the zoning regulations of our area. In other words, we have set up for ourselves conditions far beyond the zoning requirements.

Senator BIBLE. By we, you mean just yourself as an individual?

Mr. ZADORETZSKY. Our community, sir.

Senator BIBLE. There is nothing binding on the other members of our community, is there?

Mr. ZADORETZSKY. Well, it is the same things that bind any community, sir, the fact we agree.

Senator BIBLE. How do you agree? Do you sign and seal it?

Mr. ZADORETZSKY. In various cases we do. We have in our deeds, there is the particular restriction.

Senator BIBLE. You say restrictions within the deeds by which you hold your property?

Mr. ZADORETZSKY. Yes.

Senator BIBLE. It took me a long time to get that, but I think I understand it now.

I have no further questions.

Do you have anything further to say?

Mr. ZADORETZSKY. Yes, I do.

Senator BIBLE. Make it quickly, because I have given you 12 minutes. All right.

I have a whole room of witnesses which are going to take all day.

How long will it take you to wind up?

Mr. ZADORETZSKY. About 2 minutes.

Senator BIBLE. All right, take 2 minutes.

Mr. ZADORETZSKY. We have witnessed yesterday that there are powerful interests within the Senate who are pushing for the complete takeover of this area for use by the Department of the Interior. We would be remiss if we disregarded these elements.

At the present time these scenic easements which would remove from us our development rights on  $4\frac{1}{2}$  acres of a 5-acre tract would make—we would have to consider as the first stage of an overall land takeover, which as you said in previous comments, Senator, that the Department of Interior can change the boundaries of this area.

Senator BIBLE. I am convinced they can, if the Congress approves this.

Mr. ZADORETZSKY. If they can change the boundaries, they can also change other conditions of these acquisitions.

Senator BIBLE. If they want to go in on a fee sample, they could go in as a matter of law and condemn your property. They are trying not to do that. I don't think there is any doubt about the power of the Park Service. I have never misled anybody on that, that they have the power, constitutionally and by the statute, to condemn property, just the same as you condemn property for the building of a highway.

I think they have the power. They say they don't want to use that. They want to use the scenic easement so they can permit you to use your home in its present condition. That is the purpose of a scenic easement. I think they can have that power.

Mr. ZADORETZSKY. Well, sir, the only thing I can observe, after all development rights of  $4\frac{1}{2}$  acres have been removed from our property, should they require to acquire, say, the value of these lands of which they already control completely, would be absolutely worthless. The value in any condemnational court would be absolutely worthless.

We have no right to it anyway. I would suggest that the committee consider that our group cannot understand why all that land is necessary. It is not.

Second, we would consider that this is an attack on our homes and lands by the Department of the Interior with the auspices of the Federal Government.

We would have to defend ourselves and our homes and our interests to the fullest.

Senator BIBLE. I would expect you to do that. I would do the same thing.

Mr. ZADORETZSKY. I would hope that the Senator would consider that this appropriation of \$2.8 million would not begin to take care of the inclinations and intents of the Department of the Interior.

Therefore, we suggest that this appropriation be held up, that the law be thoroughly reviewed, that the act be thoroughly reviewed, to provide, as the Senator himself very aptly observed in the Cowpen situation, that if property owners are possibly subjected to mislocation and/or have their homes taken away, it should be written into the law and prescribed how they will be handled. We would like to see something like that, too, sir.

Senator BIBLE. Let me ask two further questions.

I understand your position clearly. No. 1, when did you acquire property there? How long have you been there?

Mr. ZADORETZSKY. About 17 years.

Senator BIBLE. And you say you have 5½/acres?

Mr. ZADORETZSKY. 5.4.

Senator BIBLE. 5.4, 5 acres. I wrote just a little over 5 acres.

Mr. ZADORETZSKY. Yes.

Senator BIBLE. You have a home on it, two bedroom, three, how large a home?

Mr. ZADORETZSKY. Traditional, federal period home consistent with the area. The improvements to that home take up more than one-half acre right now.

Senator BIBLE. What is on it besides the home?

Mr. ZADORETZSKY. We have a three-horse barn. We have a horse trail running through arbor sections. We have a patio, and we have a driveway with a little circle out in front.

Senator BIBLE. Yes, I understand.

I think I have no further questions of you.

Senator HATFIELD. Senator Hansen?

Senator HANSEN. No questions.

Senator HATFIELD. No questions.

Senator BIBLE. Thank you very much.

If you want to supplement that or add to it by furnishing any additional information, you can feel free to do so.

I have to cut witnesses because we have so many of them. If you gave everybody all the time they wanted, we are going to be here until December 31 this year.

Thank you very much.

Senator BIBLE. Now, we are going to return to the J. D. Rockefeller Memorial Parkway.

We have as our first witness—Mr. Reporter, we will now make a part of the record—the reason I am making this move, I do not anticipate this should take too long, and we have Ed Cliff, Chief of Forestry here, Senator Hansen here, the only two witnesses.

As near as I know this is a noncontroversial Park proposal. It might turn out to be controversial as Piscataway, and if it is, I would have made a mistake.

But, without objection, I will make part of the record the bill introduced by Senator Hansen on February 9 to establish the John D. Rockefeller, Jr., Memorial Parkway.

Also a letter from Clifford Hardin, Secretary of Agriculture.

(The document referred to follows:)

[S. 3159, 92d Cong., second session]

V BILL To authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memoria Parkway, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Jr., and to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the*

"parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY-JDRM-20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such time as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the South Entrance of Grand Teton National Park: *Provided*, That notwithstanding such designation, such roads within the Yellowstone and Grand Teton National Parks shall continue to be managed in accordance with the statutes and policies applicable to these parks.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the National Park System in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

(b) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

UNITED STATES DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., February 7, 1972.

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

DEAR MR. PRESIDENT: We enclose herewith a draft bill "To authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes".

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

Establishment of the John D. Rockefeller Memorial Parkway, as a new area of the National Park System and designation of connecting roads, from West Thumb in Yellowstone National Park to the South Entrance of Grand Teton National Park, as "Rockefeller Parkway" would be a national tribute to this great philanthropist and conservationist. John D. Rockefeller, Jr., has made many gifts to the American people in furtherance of the National Park System. The Memorial Parkway area would be an appropriate recognition of his activities since it would provide both a symbolic and desirable physical connection between the World's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the generosity and foresight of Mr. Rockefeller. It is also fitting that existing roadways, not only within the Memorial Parkway but within the two national parks, be identified with Mr. Rockefeller. The draft bill enclosed herewith would accomplish these purposes.

Section 1 of the bill would authorize the Secretary of the Interior to designate certain lands lying between Yellowstone and Grand Teton National Parks, as generally depicted on the map referred to therein, as the John D. Rockefeller, Jr.,

Memorial Parkway. The lands involved constitute approximately 23,700 acres of the Teton National Forest, which the Department of Agriculture has agreed to transfer to this Department for the purpose of the Parkway. The bill also provides for the designation by the Secretary of existing and connecting roads within the new area, and within the two national parks, as "Rockefeller Parkway," while specifying that such designation shall not change the existing management of the road areas within the parks.

Within the Memorial Parkway the Secretary would be authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. As indicated previously, the Department of Agriculture has agreed to transfer approximately 23,700 acres of Teton National Forest for the Parkway. Though there are no privately owned lands within the boundaries of the Parkway, we have proposed authority to acquire outstanding mineral interests.

Section 3 of the draft bill provides that the Memorial Parkway would be administered as a part of the National Park System in accordance with the Act of August 25, 1916 (16 U.S.C. 1, 2-4) as amended and supplemented. It also provides for the lands within the Parkway being withdrawn from location, entry and patent under the United States mining laws. The area will be in the recreation management category. Hunting and fishing would be permitted, and cooperative wildlife management programs with the Wyoming Game and Fish Commission would continue. In addition, existing resort facility operations would be continued under National Park Service jurisdiction, pursuant to the Concessions Policies Act of 1965 (79 Stat. 969; 16 U.S.C. 20 *et seq.*).

In agreeing to the transfer of lands under its jurisdiction, the Department of Agriculture has indicated the intention of seeking wilderness designation for the remainder of Teton National Forest adjacent to and eastward of the Memorial Parkway and Grand Teton National Park. That portion of the national forest is not now in the Wilderness Preservation System.

The final section of the draft bill authorizes such sums to be appropriated as may be necessary to carry out the purposes of the Act.

Based on current assumptions and estimates (August 1971) development costs for the Memorial Parkway will total \$3,092,000, all of which would be programmed for the first five years after establishment. Operating costs are expected to reach \$173,500 by the fifth year after establishment.

A man-year and cost data statement is enclosed.

The John D. Rockefeller, Jr., Memorial Parkway would not only be a tribute to a great American, but would directly benefit visitors to the two national parks by providing a continuity of service and protection. Visitors in transit between the two parks are now somewhat isolated from those empowered to provide protective and other services. This would be remedied, and better service could be afforded visitors. In addition, transfer of the area would reduce visitor confusion caused by alternating jurisdictions, and would result in economy of resources by eliminating dual management of contiguous areas.

Enactment of this legislation would, therefore, provide both a fitting tribute to Mr. Rockefeller, and a desirable management objective.

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

Sincerely yours,

ROGERS C. B. MORTON,  
*Secretary of the Interior.*

## U.S. DEPARTMENT OF THE INTERIOR—NATIONAL PARK SERVICE

ESTIMATED ADDITIONAL MAN-YEARS OF CIVILIAN EMPLOYMENT AND EXPENDITURES FOR THE 1ST 5 YEARS OF PROPOSED NEW PROGRAMS, JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY, WYO. (PROPOSED)

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
ESTIMATED MAN-YEARS OF CIVILIAN EMPLOYMENT					
Executive direction: None.....					
Substantive:					
Park technician, GS-7.....	1.0	1.0	1.0	1.0	1.0
Foreman II, maintenance.....	1.0	1.0	1.0	1.0	1.0
Truckdriver.....	1.0	1.0	1.0	1.0	1.0
Total, substantive.....	3.0	3.0	3.0	3.0	3.0
Seasonal:					
Park ranger, GS-4.....	2.0	2.0	3.0	3.0	3.5
Park aid, GS-3.....	1.0	1.0	1.0	1.0	1.0
Park naturalist, GS-4.....	.3	.5	.9	1.5	1.5
Clerk-typist, GS-3.....	.5	.5	.5	.7	.7
Caretaker.....	.6	.6	1.5	1.5	1.5
Laborer.....	1.5	1.5	2.5	2.5	2.5
Maintenance man.....	.5	.5	1.0	1.0	1.0
Truckdriver.....	.5	.5	1.0	1.0	1.0
Total, seasonal.....	6.9	7.1	11.4	12.2	12.7
Total, executive direction, substantive and seasonal.....	9.9	10.1	14.4	15.2	15.7
ESTIMATED EXPENDITURES					
Personnel services.....	\$76,400	\$77,700	\$108,800	\$114,200	\$117,500
All other.....	114,600	967,900	929,700	1,013,100	286,900
Total.....	191,000	1,045,600	1,038,500	1,127,300	404,400
ESTIMATED OBLIGATIONS					
Land and property acquisition.....	24,250				
Developments.....	110,000	1,136,000	811,000	995,000	40,000
Operations (management, protection, and maintenance).....	112,900	114,600	162,600	169,200	173,500
Total.....	247,150	1,250,600	973,600	1,164,200	213,500

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., August 6, 1971.Hon. Rogers C. B. Morton,  
Secretary of the Interior,  
Washington, D.C.

Dear Mr. Secretary: This is in reference to a proposal for a National Memorial Parkway in the Corridor between Yellowstone and Grand Teton National Parks.

A National Park Service-Forest Service study of the Corridor area has been completed. As a result of this study and additional evaluation, we are now prepared to recommend and support transfer of approximately 23,000 acres of National Forest land to National Park Service administration.

The transfer area includes all of the Teton National Forest in the Corridor area from its western boundary to a proposed, revised west boundary of the Teton Wilderness. The basic objective of this transfer would be to facilitate establishment of a National Memorial Parkway and to coordinate recreation development related to the Parkway and the two National Parks.

In order to accomplish the transfer and to establish a National Memorial Parkway and to facilitate management of the Teton National Forest lands lying immediately to the east of the transfer area, we propose the entire matter be handled by a single legislative measure. It should provide that all the National Forest lands remaining between the proposed eastern boundary of the transfer area and the existing Teton Wilderness be given Wilderness status and made part of the Teton Wilderness. This would add approximately 29,000 acres to the existing Wilderness. We assume you would also want to provide for permanent withdrawal of the transferred lands from the operation of the Mining Law of 1872, as amended, and the Mineral Leasing Act. We will be glad to work with you in preparation of the appropriate legislation.

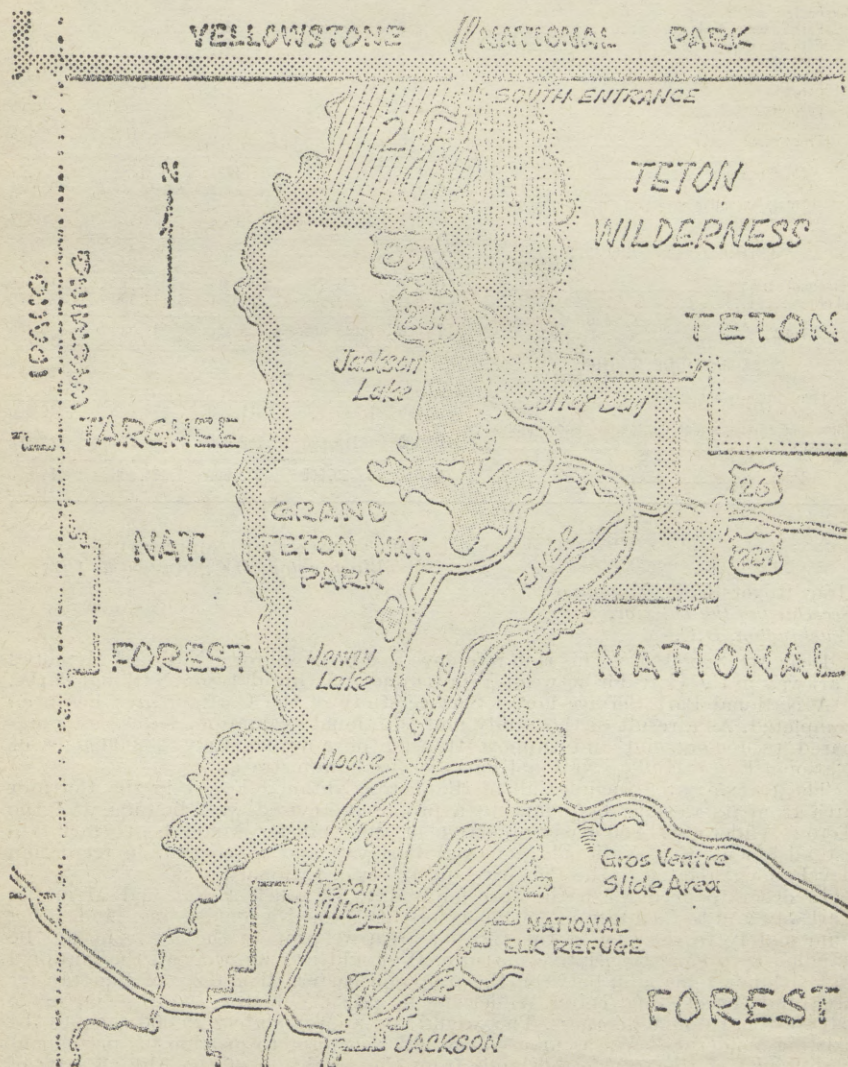
It would be desirable to work out provisions between our respective Departments for camp and other facilities needed to accommodate visitors going into the Teton Wilderness from trailheads at Sheffield Creek, Arizona Creek, Bailey Creek, and Pilgrim Creek. These would have to be located on lands under jurisdiction of the National Park Service.

It is also our understanding that the proposed transfer area would remain open to public hunting, and existing special-use areas will continue, and that the recreation potential will be developed by the National Park Service. Our studies and other background material concerning the transfer area are available for your use.

A map is enclosed showing the proposed area to be transferred, the boundary between the enlarged Teton Wilderness and the transfer lands and other features of the area.

Sincerely,

CLIFFORD HARDIN, *Secretary.*



1. PROPOSED ADDITION, - TETON WILDERNESS (29,000 ACRES)
2. PROPOSED NATIONAL MEMORIAL PARKWAY (97,000 ACRES)

Senator BIBLE. The first witness is the author of the bill, the distinguished member of this committee, Senator Hansen, former Governor of Wyoming.

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

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

Mr. Chairman, in view of the fact we have a great number of witnesses here to testify before the subcommittee, if I may, I ask to have my statement be included in the record as though read.

Senator BIBLE. Without objection that will be the order.

Senator HANSEN. Mr. Chairman, let me express my deep appreciation to you for the cooperation and help which you have given in scheduling these hearings.

I am indebted to you for adjusting your busy schedule and agreeing to hold these hearings so promptly.

Your knowledge, interest, and cooperation in working to establish a really meaningful national park system is appreciated by all of us.

Thank you a great deal for your cooperation.

Mr. Chairman, S. 3159 is the administration proposal which I have introduced. This bill would establish an 82-mile national parkway leading from West Thumb in Yellowstone National Park, Wyo., to the south entrance of Grand Teton National Park near Jackson, Wyo.

This parkway is to be named after a great benefactor and innovator who not only provided a significant amount of financial support to acquire and preserve the resources which now make up so many of our national parks, but also led the way in promoting specific programs which now make our national parks so enjoyable and which serve the public interest so meritoriously.

I know that the chairman of this subcommittee is well aware of the many contributions which John D. Rockefeller, Jr., made to the national park system. I do not think the late Mr. Rockefeller or his family would want to dwell on his financial contributions, but I cannot help but believe that one of his gifts should be mentioned because it is of major significance as we consider the proposed legislation.

Mr. Chairman, last year over 3,284,500 visitors viewed Grand Teton National Park. I am sure that every one of these visitors experiences the same, almost breathless awe which I still feel when I view the Teton Mountain Range. The fact that more travelers each year now visit Teton National Park than Yellowstone National Park bears simple, unquestionable witness to the majesty of these mountains.

It was through the foresight and generosity of John D. Rockefeller, Jr., that many of the visitors today are able to view the Tetons in such a magnificent, unspoiled manner. For it was Mr. Rockefeller's contribution which led to the acquisition of 33,000 acres in Jackson Hole, Wyo., that not only has made it possible to view the Teton Range from close up but provided public sites for camping, fishing, and hiking in the valley. Other gifts by John D. Rockefeller, Jr., enabled the development of accommodations and other facilities which now serve as an example of what can be accomplished for parks all over the United States.

I think it is entirely fitting that this proposed parkway pay honor to the memory of John D. Rockefeller, Jr.

Mr. Chairman, the major provision in this bill calls for the transfer of 23,700 acres of Teton National Forest land to National Park Service authority. This land lies between Yellowstone and Teton National Parks. With this transfer, the visitor to Yellowstone or Grand Teton will be provided with a continuity of service when he travels from one park to the other.

The fact that there is 6 or 7 miles of U.S. Forest Service road between Yellowstone and Grand Teton at present has created some problems in administration and supervision by the Forest Service. I believe that one continual stretch of parkway administered land will alleviate the problem and serve the best interests of the public.

Mr. Chairman, I note that my friend, the Chief of the U.S. Forest Service, Ed Cliff, is to be one of the witnesses today.

I am pleased that he will be testifying because it is important to note that this section of the Teton National Forest is one of the areas where the Forest Service has done an exceptional job in protecting the unique features of the land under its charge.

In fact, and I think this is important to note, concern has been expressed about shifting the authority for control of this sector out of Forest Service hands. I think it is a tribute to the Forest Service and its ability as a manager that this feeling exists.

Mr. Chairman, questions need to be answered as to how the transfer of Forest Service land and the designation of the parkway will affect such problems as access, travel, facility development, and visitor orientation. I am anxious to pursue these topics with the director.

After these questions are answered, I hope that this Congress will proceed to rapid consideration and action of this proposal.

In Wyoming this year, we will have the excellent opportunity of playing host to a great many visitors who will be taking part in the centennial celebration of our National Park System. We are pleased to mark 100 years of National Park activities.

The John D. Rockefeller, Jr., Memorial Parkway can be a part of this celebration and can provide for added service and convenience to our guests in two of the most outstanding and popular parks in our National Park System.

I do have questions to propound to Mr. Hartzog, and hope they will clarify the status of the land—what will be the rights of the State of Wyoming and so forth. I don't anticipate any problem at all with my very good friend, Mr. Hartzog, but I think it is necessary and important that we develop by colloquy a clarification of the status of the land in order that everyone might understand it.

Senator BIBLE. Very well.

Senator HANSEN. My colleague, the junior Senator from Wyoming, Senator McGee, has a statement he would like to submit for inclusion in the record.

Senator BIBLE. Without objection his statement will be incorporated in the record we receive.

(The statement referred to follows:)

STATEMENT OF HON. GALE W. MCGEE, A. U.S. SENATOR FROM THE  
STATE OF WYOMING

Mr. Chairman: On behalf of the people of Wyoming, I am pleased to offer my support for the prompt adoption and passage of S. 3159. This bill would represent a most fitting recognition of the philanthropic efforts of Mr. John D. Rockefeller to create the Grand Teton National Park.

As we approach the Centennial of Yellowstone National Park and the National Park System, it is fitting that we also not forget Mr. Rockefeller's initiative in providing the people of the United States with the first national park created by private efforts. That the highway which links these two milestones of conservation history should be redesignated the John D. Rockefeller, Jr. Memorial Parkway is a most proper undertaking.

This bill, for the establishment of the Parkway, is under a great deal of time pressure if the transaction is to be completed in time for the celebration of Yellowstone National Park's Hundredth Birthday. But it is equally important that Congress give every consideration to the views of the people of Wyoming and others who share a concern for the future use of the Teton Corridor area and its superb environmental qualities. It is my hope that the Committee will consider, by way of amendments to S. 3159, or at least by including appropriate language in the Committee report to clearly reflect Congressional intent, the following two provisos:

1. The original understanding reached between then—Secretary of Agriculture Clifford Hardin and Secretary of the Interior Rogers C. B. Morton in a letter of August 6, 1971, to transfer the easterly 29,000 acres to the Teton Wilderness should be honored. This would be in accordance with the map submitted with the aforementioned letter. Secretary Hardin, in his letter, recommended that the entire matter, including the transfer of the eastern 29,000 acres to wilderness status, be "handled by a single legislative measure." I favor that approach.

2. Because of the urgency of this bill, I am afraid that we have not given sufficient consideration to the future management policies and development plans for the 23,000-acre corridor area to be included in the Parkway. Also public opinion should be given every consideration. Therefore, it is my hope that the Secretary of the Interior will be required to hold full and publicly accessible hearings before management policies and development plans are finally adopted.

The adoption of my provisos will serve to eliminate the fears which I share with many concerned citizens over the future of this beautiful and unique area.

Mr. Chairman, I request that this letter and Secretary Hardin's letter of August 6, 1971, be made a part of the hearing record on S. 3159. I appreciate very much the attention which you and your Committee have given this matter.

GALE MCGEE. }

Senator HANSEN. Mr. Chairman, I thank you very much.

Senator BIBLE. Our next witness on this bill is listed as Edward Cliff, Chief of the Forest Service.

#### STATEMENT OF EDWARD P. CLIFF, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. CLIFF. Mr. Chairman, and members of the committee, we appreciate this opportunity to express the support of the Department of Agriculture for the establishment of a Rockefeller Memorial Parkway.

We believe the parkway will be a fitting and desirable memorial to a man who has made invaluable contributions to the creation of the national park system, and to the conservation of Federal lands for public uses.

The legislation you are considering would transfer to the Department of the Interior, for the purposes of the parkway, 23,700 acres of lands which are now within the Teton National Forest. This area comprises a portion of a corridor of national forest lands lying between Yellowstone and Grand Teton National Parks.

Over the past year we have worked with the National Park Service to determine what portion of the Teton National Forest might be transferred to the Department of the Interior for the purpose of establishing a Rockefeller Memorial Parkway.

We conducted a detailed study of the area, with the assistance of the Park Service, and we sought the views of interested groups and individuals and government officials, both local, and nationwide.

At the conclusion of the study we recommended to the Department of the Interior that the 23,700 acres involved in S. 3159 be transferred for the purposes of the parkway.

When the parkway is established, there will remain approximately 29,000 acres of national forest lands between the two parks, and between the eastern boundary of the parkway and the western boundary of the present Teton Wilderness.

This land has wilderness characteristics, and should be studied as to its suitability for addition to the Teton Wilderness. We are taking prompt steps to make and arrange for an analysis of this area, in the same manner as the Wilderness Act prescribes for review of areas now classified as primitive areas.

That is not embraced within this bill.

Senator BIBLE. No, sir. We are taking steps to make an analysis of this area.

Mr. CLIFF. We believe that legislation to establish the Rockefeller Memorial Parkway will permit sound management of an area with high public recreation and other resource values. We recommend its early enactment.

Mr. Chairman, this completes my statement and I will be glad to answer any questions you may have.

Senator BIBLE. I think I will rely on Senator Hansen. This is an area in which he is extremely well versed and familiar. He may have some questions on the presentation you have made.

Senator Hansen.

Senator HANSEN. First, Mr. Chairman, let me take this occasion to compliment the Chief of the Forest Service and his great crew for the really tremendous job they have done in protecting and preserving the values of this most unique area.

I think the fact that it so outstanding today, that it has been so well cared for attests to the dedication of people in the Forest Service. I want to say that because I think we have heard really far more criticism of the Forest Service than has been their due in recent years.

I understand that guidelines and feelings of people change from time to time. Sentiments in the country change. I would simply call attention to this area, the excellent manner which it has been managed, to point out that whatever job the American people would like to have the Forest Service do for them, they have demonstrated their ability to do that job well.

Your feeling, Mr. Cliff, is that it makes sense to transfer this block of 23,700 acres between the two parks to the Park Service for administration?

Mr. CLIFF. Yes, that is our conclusion, yes, sir.

Senator HANSEN. This is an area presently under Forest Service administration, ownership, and control, and in line with Yellowstone and Grand Teton, has it felt the impact of increasing amount of tourist travel in recent years?

Mr. CLIFF. Yes. Of course, all people who enter Yellowstone from the Grand Teton National Park travel through this area on a highway. There are about 1.5 million visitors traveling that highway through this corridor.

In addition, we have some recreational developments, two resort areas, and the Forest Service campground, and the visitation to those areas, about 142,000 visitors a year, and this has been growing.

Senator HANSEN. Has that served to relieve the pressure that otherwise would have impacted upon Yellowstone and Grand Teton?

Mr. CLIFF. I am sure it has. This is sort of a bedroom for the two national parks it lies between.

Senator HANSEN. A year ago, or roughly some such period of time, there were some mining claims in the corridor between Grand Teton and Yellowstone.

As I recall, I wrote to you asking that steps be taken to hold any development of these claims in abeyance anticipating that something could be worked out and has now been proposed to make certain that there would be no mining. What steps did you take, do you recall?

Mr. CLIFF. This area, of course, has been open to mining claims under the general mining laws. In the last year or two about 90 association claims have been staked along the Snake River which parallels the highway there.

These claims cover some 14,000 acres of prime land along the Snake River. We have entered into an agreement with the National Park Service to examine those claims jointly to help each other in the examination, and if the examination indicates that the claims are invalid, the discovery has not been made. They will be contested and we will work jointly on that, as long as it is national forest land.

After it is transferred, that responsibility will be solely with the Department of the Interior. We do have a working agreement with the Park Service to work on this problem.

Senator HANSEN. To your knowledge, would it have been a disaster, and I use that word advisedly, considering the national importance of this area, to have had those mining claims actively worked on?

Mr. CLIFF. Yes, it would, Senator Hansen. I think the impact would be very great along an area that is advisable and very sensitive.

The geological studies of this area indicated that there is not much probability—there is enough in there to justify mining and the claims may have been located for purposes other than mining, I don't know. This will come out in the detailed investigation. The geological studies indicate there is not much mineralization.

Senator HANSEN. There are a great number of elk, you know, in northwest Wyoming, some of which are in the thoroughfare country to the east of Grand Teton. This is an important hunting area, is that not true?

Mr. CLIFF. Hunting has been permitted in this area under State law for many years and it does provide an opportunity to control the elk numbers that come out of Yellowstone during the fall migration.

It is my understanding that the Park Service will continue to permit hunting in this area in cooperation with the State of Wyoming.

Senator HANSEN. I suspect this question will be more appropriately directed to Mr. Hartzog, but as you have been able to learn in your business, it is not the intention of the Park Service to greatly expand campgrounds and trailer parks and motels throughout this entire corridor, is that your understanding?

Mr. CLIFF. I think that that question might better be answered by the National Park Service so they would have their specific plans on record and—

Senator HANSEN. One final question, Mr. Cliff. You did allude to the darkly shaded green area immediately to the east of the northern tip of Grand Teton and immediately east of this corridor area appearing in the pinning.

Would you comment on your feelings about the advisability, though I realize the proposal is not part of the bill I have entered. Would you comment briefly on the advisability of including that darkly shaded green area as part of the Teton wilderness area immediately to the east of it?

Mr. CLIFF. This was my original proposal, Senator Hansen, that this be added to the Teton wilderness area. It has wilderness characteristics. It is unlikely that it will be managed for anything but primitive recreation.

The Department of the Interior felt it would be best not to include it in this bill because they want this bill passed quickly. We also concluded it would be best to follow the standard procedure for examination of wilderness areas which included mineral examination and other studies and public review before moving to make it a wilderness area.

We will make these studies and be assisted by the geological survey, and they will be done as expeditiously as they can be handled. I expect the progress will be governed by the geological survey.

Senator HANSEN. I have no other questions.

Mr. CLIFF. One other comment with regard to the minerals. We have taken steps to get the area withdrawn. That does nullify the claims that were filed prior to that act.

Senator HANSEN. I am grateful to you for that as I feel certain most people are who know the area, those who read about it.

Thank you very much.

Senator BIBLE. Senator Hatfield?

Senator HATFIELD. I have no other questions.

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

Is hunting permitted within this orange area? Under control of the Forest Service, can you hunt?

Mr. CLIFF. Yes, it is permitted.

Senator BIBLE. This is what, deer and elk country?

Mr. CLIFF. Yes, deer and elk primarily.

Senator BIBLE. Deer and elk are the main ones?

Mr. CLIFF. Yes.

Senator BIBLE. Do you have any records or guidelines that would indicate how many elk or deer are taken in this particular area?

Mr. CLIFF. I am not sure we have broken it down that fine, Senator, I don't have any figures in mind.

Senator BIBLE. Don't make a study of it. It would be hard to tell where a poor old deer hunter got a poor old deer—

Senator HANSEN. We don't have any poor old deer out there, Senator. They are all fat.

Senator BIBLE. I am glad to have the record corrected.

I have no further questions of you, Mr. Cliff.

That is all.

You are not involved in Piscataway, are you?

Mr. CLIFF. No, sir.

Senator BIBLE. Boy, you are lucky.

The next witness is Director Hartzog.

STATEMENT OF GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL  
PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED  
BY GARY EVERHARDT

Mr. HARTZOG. Mr. Chairman, with your permission, I would like to have Mr. Gary Everhardt join me.

Senator BIBLE. Mr. Everhardt, happy to see you again.

Mr. HARTZOG. Mr. Chairman, it is a privilege to appear before you today to testify in favor of S. 3159, a bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes.

This bill is identical to the draft legislation recommended by the Department in a letter to the President of the Senate dated February 7.

I have a prepared statement which I would like to have included in the record and I will try to summarize the pertinent parts.

Senator BIBLE. Very well.

Mr. HARTZOG. The proposal involves the transfer of this area of approximately 25,000 acres and the 8 mile road segment through it, to the administration of the National Park Service from the Forest Service and the authorization for the designation of 82 miles from West Thumb in Yellowstone National Park to the entrance of Grand Teton National Park as a memorial parkway dedicated to the late John D. Rockefeller. The existing services will be continued and improved if necessary.

Establishment of the John D. Rockefeller, Jr., Memorial Parkway would be a tribute by a grateful nation to one of its distinguished citizens, a prominent philanthropist, and conservationist.

John D. Rockefeller, Jr., made many gifts to the American people in furtherance of the National Park System. The memorial parkway would be an appropriate recognition of his activities, since it would be both a symbolic link and a desirable physical connection between the world's first national park, Yellowstone, and Grand Teton National Park, which was made possible largely through the generosity and foresight of Mr. Rockefeller.

The parkway so designated would lie between West Thumb, in Yellowstone, and the south entrance of Grand Teton National Park, a distance of 82 miles. A portion of the Teton National Forest along the highway and the Snake River, between Yellowstone and Grand Teton National Parks, would be transferred from the Secretary of Agriculture to the Secretary of the Interior, and would be administered under policies for national recreation areas.

Hunting and fishing would be permitted, and cooperative wildlife management programs with the Wyoming Game and Fish Commission would continue.

The transfer would unify the administration of the principal traffic artery between the parks. Visitor services would be attuned to park visitors, who comprise the majority of travelers in this corridor.

The existing concessioner services would be continued and improved as necessary. There has been neither grazing nor logging in the corridor area under the Forest Service.

No land acquisition costs would be incurred, but the cost of extinguishing existing mining claims will be about \$24,250. Approximate development costs would be \$3,092,000 with annual operating costs of \$173,600 anticipated by the fifth year after establishment.

The Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments endorsed the concept of this memorial to Mr. Rockefeller in a memorandum to the Secretary at its meeting in April 1971.

The Advisory Board noted how appropriate it would be if enactment of this legislation could be accomplished by the date of the Yellowstone Centennial: March 1, 1972.

The John D. Rockefeller, Jr., Memorial Parkway would not only be a tribute to a great American, but would directly benefit visitors to the two national parks by providing a continuity of service and protection.

In addition, transfer of the area would reduce visitor confusion caused by alternating jurisdictions, and would result in economy of operation by eliminating dual management of contiguous Federal areas.

Therefore, Mr. Chairman, we enthusiastically endorse enactment of this legislation as a fitting tribute to Mr. Rockefeller and as a desirable management objective.

Mr. Chairman, I shall be happy to answer any questions you may have at this time.

Senator BIBLE. I have before me a summary sheet showing the various roads and trails, and buildings and utilities to be placed in this area. The biggest cost, I assume, goes to the park?

Mr. HARTZOG. It goes to the completion of this segment of road from the parkway to the forest boundary.

This road to Ashton is now being improved as a part of the forest road system with the State. The Forest Service and the State are building this segment over the boundary of this area, and the \$1,390,000 that you refer to would be to grade it and pave it to its junction with the parkway.

Senator BIBLE. How do you change the character of the road that goes north of Grand Teton—

Mr. HARTZOG. Not at all.

Senator BIBLE. That has not been widened or anything?

Mr. HARTZOG. It has just been built by the Forest Service. It is a good road.

Senator BIBLE. What is the need for building the road to the west?

Mr. HARTZOG. It is a completion of this road.

Senator BIBLE. I know, but where does it lead to?

Mr. HARTZOG. You get to Idaho on this side. Idaho has built its section down to this junction.

Senator BIBLE. This connects so you could get to the State of Idaho and up to that great wonderful State of Oregon?

Senator HATFIELD. Right.

Senator BIBLE. Why don't you do it under the Bureau of Public Roads?

Mr. HARTZOG. They do it for us—

Senator BIBLE. I know, but you pay for it?

Mr. HARTZOG. Yes, we do. All of the park roads we pay for.

Senator BIBLE. It did come out of the Federal highway funds. Wouldn't that be on a 90-10 basis?

Mr. HARTZOG. No, sir, it is not an interstate.

Senator BIBLE. What would be the basis?

Mr. HARTZOG. It would probably, if it were on a primary road system.

Senator BIBLE. It is not a primary road system. You have established that. It is on a secondary road system. What is the maximum percentage?

Mr. HARTZOG. I understand it is 50-50.

Senator BIBLE. Even in the Western States?

Mr. HARTZOG. There you get into supplemental funds from the Forest funds, and I am not familiar with them.

Senator BIBLE. Forest highways, I think, are 100 percent, aren't they Mr. Cliff?

Mr. CLIFF. Yes, sir, on the forest highway system it would be 100 percent. This is not on forest highway system.

We have been improving the road from Ashton to——

Senator BIBLE. If you put it on the forest highway system, that would be 100 percent, but by putting it over to the Park Service, it is still 100 percent, but comes out of the Park Service appropriation instead of yours?

Mr. CLIFF. Yes.

Senator BIBLE. This just transfers the funds over to Mr. Hartzog's appropriation and he has a lot more difficulty getting his money than you do?

Mr. CLIFF. That is not the way I understand it. We have quite a job to bring this section of the road up.

Senator BIBLE. All right.

How will the character of the area be changed, Mr. Hartzog, when you become the landlord of it instead of Mr. Cliff?

Mr. HARTZOG. There will be signs on it saying it is the John D. Rockefeller, Jr. Memorial Parkway, and other than that there will be no changes. For convenience, we will eliminate these two checking stations here and have a combined check-in station at this location. [Indicating on map.]

This will bring considerable improvement in the visitor service. You now have to stop here and here.

Senator BIBLE. I have no further questions.

Senator Hansen.

Senator HANSEN. In a general way, Mr. Hartzog, there has been concern expressed to me about the Park Service's plans for development. Could you comment generally?

Mr. HARTZOG. I would be pleased to, Senator Hansen.

Our development program is that \$1,390,000 for the road, \$100,000 for the parking, and so forth, associated with the entrance station, \$33,000 for trails, \$27,000 for internal administrative roads, sewer and water improvement system, because this is a pollution project there right now, of \$926,000, a seasonal employee quarters of \$80,000, maintenance building of \$80,000, utility connection of \$5,000, the entrance station buildings, \$266,000, utilities for it of \$266, 250-seat amphitheater of \$40,000, and communications \$70,000.

Senator HANSEN. Does the Park Service plan to open that section up to year-around traffic?

Mr. HARTZOG. Yes, sir. That is my agreement with Governor Hathaway. At such time as this proposal materializes. We now plow snow to Flag Ranch, which is right here, and I agreed with him, when

this is opened up we will plow snow over in this direction. We have not worked out the details of it, but our equipment is up here, and it is more economical for us to do this. He can trade off with us for snow plowing down south. I will charge Mr. Cliff for this when I get over that far.

Senator HANSEN. What development plans do you have for the Flag Ranch?

Mr. HARTZOG. We don't have any plan other than the upgrading of the quality of water and sewer system.

Senator HANSEN. Are there any private estate lands within the boundary of the proposed transferred land?

Mr. HARTZOG. None that I am aware of except for the mining claim lands.

Senator HANSEN. Is that the reason for section 2 of the bill, the mining claims?

Mr. HARTZOG. Yes. We have contested those, 75 of those claims involving eight different cases. Six of them defaulted without contest and two of them are in contest. One is to be tried in March and one in August.

Senator HANSEN. I am told there are several private seasonal cottages within this transferred land. What will happen to those cottages?

Mr. HARTZOG. We have committed ourselves to the Forest Service and the people involved that all of the existing permits on the lands transferred to us will be honored.

Senator HANSEN. Is there an existing radio tower in the transfer area?

Mr. HARTZOG. I am advised there is, and it is also under permit.

Senator HANSEN. And its use will be continued?

Mr. HARTZOG. Yes, sir.

Senator HANSEN. I understand there is a special existing-use permit for a ready-mix-operation gravel pit in the transfer area. What effect will this transfer have on that?

Mr. HARTZOG. None. The Forest Service has it under environmental controls that we think are adequate.

Senator HANSEN. What about hunting in the area?

Mr. HARTZOG. Hunting will be carried on, as it historically has been, in accordance with the State statutes in this area.

Senator HANSEN. I have no further questions.

Thank you very much.

(Subsequent to the hearing the following material was submitted to Senator Hansen:)

MOOSE, WYO., February 28, 1972.

HON. CLIFFORD P. HANSEN,  
Senate Office Building,  
Washington, D.C.

DEAR CLIFF: I am writing that this letter may be entered in the hearings of the Senate Interior and Insular Affairs Committee held on February 18, 1972. The subject is the John D. Rockefeller Memorial Parkway. More specifically, I wish to discuss the transfer of the "Corridor" from the Forest Service to the Park Service, to be administered as a National Recreation Area. I am submitting the following statement as a concerned resident:

I have been a resident of Jackson Hole for 26 years and first visited this area in 1934. I have long been familiar with the "Corridor", consisting of some 52,000 acres between Grand Teton and Yellowstone National Parks. In an illustrated article for the Jackson Hole GUIDE of Sept. 9, 1971, I emphasized that the

corridor is outstanding in its scenic, wildlife, fishing, hunting, historical, geological, and other values. These resources and values exceed many of those in areas of comparable size in either Grand Teton or Yellowstone National Parks.

The corridor is not only unique but is strategically located. I am concerned lest it become the site of concentrations of people and excessive development. If past history of this area and present trends are any indication of the future, we can certainly look forward to considerable development unless steps are taken now to curtail it. I can readily visualize that in time the area from the South Gate of Yellowstone down to Jackson Lake Lodge will be highly developed. There appears to be agreement that this area should remain natural, but policy changes with administrators. To make sure that development will not occur the decision should be clearly stated in the enabling legislation legalizing the transfer; that is, that the corridor will not be developed but will be managed more or less in a natural condition as it exists today. Establishing this policy through legislation is, I believe, far better than leaving it to later administrative decision. A change in the future, if deemed desirable, can be achieved through the legislative process. This has the advantage of being much more responsive to the expressed desires of the people than is bureaucratic decisionmaking.

The Master Plan for Grand Teton National Park on page 33 reveals the Flagg Ranch-Corridor area as a regional services center, comparable to Gardiner, West Yellowstone and Jackson. In addition to this, I have learned that approximately \$3,000,000 will be spent in this area over the next five years. An estimated \$1,390,000 of this will be used to blacktop the present road from the Flagg Ranch toward Ashton, Idaho. Other expenditures include those for trails, sewer construction and pollution abatement, maintenance buildings and utility connections, entrance building, amphitheatre and communications in the corridor. Such initial expenditures could well presage the beginning of an extensive development which will only tend to destroy, not to protect, the natural resources and fragile values of the area. In addition, such development will not be in the long range economic interests of most of the people of Jackson Hole.

I would consider this change of administration—Forest Service land to National Park Recreation Area—and the development already planned to be a major federal action and one that should be preceded by an Environmental Impact Statement as required by the National Environmental Policy Act of 1969.

I would like to suggest that if the enabling legislation does not specifically restrict development in this area that a detailed environmental statement should be required which considers the impact of the proposed action, any adverse environmental effects, alternatives to the proposed action, and any irreversible and irretrievable commitments of resources should the proposed action be implemented. Alternative possibilities should be explored, such as the feasibility of developing or locating visitor facilities, campgrounds, maintenance buildings, and so on in the area between the Lewis Canyon highway and the Pitchstone Plateau. This timbered expanse could readily swallow concentrations of people and considerable development without destroying very unique and scenic Park values. Another approach that should be investigated is the encouragement of accommodations and visitor facilities on private lands in and around Jackson, Ashton, and West Yellowstone. Additional developments between Yellowstone National Park and the Jackson Lake Lodge will only tend to detract from the wilderness nature of this now scenic stretch of highway.

Sincerely,

FRANK C. CRAIGHEAD, JR.

[From the Jackson Hole Guide, September 9, 1971]

CRAIGHEAD SAYS CORRIDOR SHOULD REMAIN AS IS . . .

(By Dr. Frank Craighead)

It has been recently announced that the "corridor" between Yellowstone National Park and Teton National Park, now administered by the Forest Service, will be turned over to the Park Service to be administered by a National Recreational Area.

In a letter to the Forest Service following a public meeting regarding the transfer of the corridor, I expressed the view that I would like to see this area remain as it is now that is, "managed in general for dispersed recreation with a minimum of development, other than a few scattered small campground".

It is probably not too important which federal agency administers the area. What particularly concerns and will affect the people of Jackson Hole and surrounding cities is just how this area is managed and what is done with it.

I believe that if Jackson Hole residents are in general agreement that the corridor should not be an area for extensive development or even any additional development that we should see that this is clearly stated in the enabling legislation legalizing the transfer.

The announced policy of the National Park Service is to gradually eliminate accommodations and developments within Yellowstone National Park and to establish these outside the Park. This is a commendable goal but I do not believe that a unique area such as the corridor should be the site of concentrations of people or developments. This is probably not a present Park Service objective but it could be in the future.

The corridor, as illustrated by the photographs, is outstanding in its scenic wildlife, fishing, hunting, historical, geological and other values. These values exceed those of many areas of comparable size in either Teton National Park or Yellowstone National Park. The corridor contains a small, picturesque canyon of the Snake River, a stretch of relatively slow-moving, meandering river well noted for its excellent fishing.

It also embraces a section of Polecat Creek and some unusual thermal areas, beautiful little mountain streams and gem-like lakes in the eastern portion as well as habitat that is excellent for elk, mule deer, black bear, beaver, otter, mink, ducks, and geese. It is the only place where I have seen what I identified as wolverine tracks. It is a location where the uncommon harlequin duck is regularly seen each spring.

The bottom lands along the Snake River support moose and are the nesting grounds for numerous species of ducks, Canadian geese, sandhill cranes and possibly even swans. Bald eagles and ospreys are found here as well as a varied assortment of captors that both nest and summer in this area.

These wildlife, scenic and other values mentioned are rather fragile and readily destroyed by developments or by the impact of large numbers of people. Their loss appears inevitable if there is additional extensive development in this area. I am personally quite familiar with the corridor and consider it unique and strategic. Unless definite steps are taken to the contrary this area will tend to be developed, perhaps highly developed to care for the increasing number for people who will be seeking food, lodging, and other facilities prior to entering or just after leaving Yellowstone National Park. It should not serve as an overflow camp and Accomodation site for Yellowstone.

One approach which is undoubtedly being considered would be to take care of the increasing number of visitors through the development of private lands in and around Jackson, West Yellowstone and Afton.

If the residents of Jackson Hole are concerned about loss of this area through people impact we should look into the situation and perhaps take steps to insure that the enabling legislation needed for transfer contains clauses prohibiting or limiting developments in this unusual area. With the current rapid rate of change this is something to think about and act on now.

Senator BIBLE. Do we have further witnesses on the John D. Rockefeller, Jr., Memorial Parkway?

The hearing on this bill will be closed.

(The prepared statement of Mr. Hartzog follows:)

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

Mr. Chairman, it is a privilege to appear before you today to testify in favor of S. 3159, a bill "To authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes." This bill is identical to the draft legislation recommended by the Department in a letter to the President of the Senate dated February 7.

Establishment of the John D. Rockefeller, Jr., Memorial Parkway would be a tribute by a grateful Nation to one of its distinguished citizens, a prominent philanthropist and conservationist. John D. Rockefeller, Jr., made many gifts to the American people in furtherance of the National Park System. The memorial parkway would be an appropriate recognition of his activities, since it would be both a symbolic link and a desirable physical connection between the world's first national park, Yellowstone, and Grand Teton National Park, which was made possible largely through the generosity and foresight of Mr. Rockefeller.

The parkway so designated would lie between West Thumb, in Yellowstone, and the south entrance of Grand Teton National Park, a distance of 82 miles. A portion of Teton National Forest along the highway and the Snake River,

between Yellowstone and Grand Teton National Parks, would be transferred from the Secretary of Agriculture to the Secretary of the Interior, and would be administered under policies for national recreation areas. Hunting and fishing would be permitted, and cooperative wildlife management programs with the Wyoming Game and Fish Commission would continue. The transfer would unify the administration of the principal traffic artery between the parks. Visitor services would be attuned to park visitors, who comprise the majority of travellers in this corridor.

The existing concessioner services would be continued and improved as necessary. There has been neither grazing nor logging in the corridor area under the Forest Service.

No land acquisition costs would be incurred, but the cost of extinguishing existing mining claims will be about \$24,250. Approximate development costs would be \$3,092,000, with annual operating costs of \$173,600 anticipated by the fifth year after establishment.

The Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments endorsed the concept of this memorial to Mr. Rockefeller in a memorandum to the Secretary at its meeting in April 1971. The Advisory Board noted how appropriate it would be if enactment of this legislation could be accomplished by the date of the Yellowstone Centennial: March 1, 1972.

The John D. Rockefeller, Jr., Memorial Parkway would not only be a tribute to a great American, but would directly benefit visitors to the two national parks by providing a continuity of service and protection. In addition, transfer of the area would reduce visitor confusion caused by alternating jurisdictions, and would result in economy of operation by eliminating dual management of contiguous Federal areas. Therefore, Mr. Chairman, we enthusiastically endorse enactment of this legislation as a fitting tribute to Mr. Rockefeller and as a desirable management objective.

Mr. Chairman, I shall be happy to answer any questions you may have at this time.

(The statements relative to the Environmental Impact (John D. Rockefeller, Jr., National Memorial Parkway) appear on pp. 90-103).

Senator BIBLE. We will now return to Piscataway, and our first witness on that bill will be the Assistant Secretary of Interior, Mr. Nathaniel Reed.

#### STATEMENT OF HON. NATHANIEL REED, ASSISTANT SECRETARY OF INTERIOR

Mr. REED. Good morning, Mr. Chairman. I have no prepared testimony, Mr. Chairman.

I read the newspaper last night that you wished to see me, and I am always delighted to appear before you and discuss any portion of the Piscataway problem.

Senator BIBLE. I was going to direct a subpoena, but as long as you voluntarily appeared that saved some paperwork.

Mr. REED. You will never have to subpoena me.

Senator BIBLE. You are familiar with the letter of agreement under date of February 4, 1972, between George Hartzog and Joseph A. Goldstein, president of Star Enterprises Ltd.?

Mr. REED. Yes, sir.

Senator BIBLE. You are familiar with this letter?

Mr. REED. Yes, sir. I received a review of it on February 10, late in the afternoon as I was leaving for Florida to be with the House Committee on Interior Affairs to discuss the Big Cypress.

(The letter referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington, D.C., February 4, 1972.

Mr. JOSEPH I. GOLDSTEIN,  
President, Star Enterprises, Ltd.,  
Washington, D.C.

DEAR MR. GOLDSTEIN: The purpose of this letter is to confirm the understanding recently reached after numerous meetings with you to resolve the matter of Piscataway Park and your landholdings in and adjacent to said park and Fort Washington.

In our conferences it was agreed that you would do the following:

Convey to the United States in fee simple absolute all right, title, and interest you or Star Enterprises, Ltd., have in the following properties located in the State of Maryland:

- a. 111 acres presently within the scenic protection zone of Piscataway Park fronting on the Potomac River including all improvements thereon.
- b. 157 acres which you own back of River Road South of and contiguous to Piscataway Park.
- c. 14 acres of waterfront property riverward from River Road with frontage on the Potomac River south of and contiguous to Piscataway Park.
- d. Some 9 acres, more or less, which you own on Piscataway Creek known as the Fort Washington Marina, adjacent but not contiguous to Fort Washington which is administered by this Service.

In consideration the United States, acting by and through the authorities of the National Park Service, agrees to convey to Star Enterprises, Ltd., the following properties designated as Tracts A, B, and C, located at Greenbelt Park, Maryland all as shown on Exhibit 1 to this letter:

- a. An area consisting of 17.196 acres located at the intersection of Kenilworth Avenue and Greenbelt Road, known as Tract A.
- b. Tract C, an area consisting of 283.690 acres severed from the remainder of Greenbelt Park by the Baltimore-Washington Parkway, together with one off ramp from the off ramp of said parkway at its intersection with the Capital Beltway, but without any other access rights whatsoever, except those to Good Luck Road which the property adjoins on the south.
- c. An area beginning at the intersection of a small creek just east of Kenilworth Avenue, thence easterly along Good Luck Road, the northern boundary of which shall be determined by survey to include some 95 acres known as Tract B, but without right of access to Kenilworth Avenue other than across said stream by a bridge, the design to be approved by the National Park Service but constructed at the sole expense of Star Enterprises, Ltd.

The National Park Service further agrees, in order to provide substitute amusement park facilities for those which Star Enterprises, Ltd., now operates on the Potomac River, to negotiate with Star Enterprises, Ltd., certain concession rights over some 414 acres with access to the Baltimore-Washington Parkway for the purpose of providing amusement park and other concession type facilities consisting of youth hostels and other overnight accommodations at a rental formula to be agreed upon by the parties, as provided by the Act of October 9, 1965 (79 Stat. 969).

The National Park Service also agrees to permit Star Enterprises, Ltd., to continue its present Marshall Hall Amusement Park on a year-to-year-basis for a period not to exceed 3 years from the date of closing at a rental to be agreed upon.

All of the above are to be accomplished only when necessary congressional authority is available to add the areas to be acquired to Piscataway Park in fee and to Fort Washington, respectively.

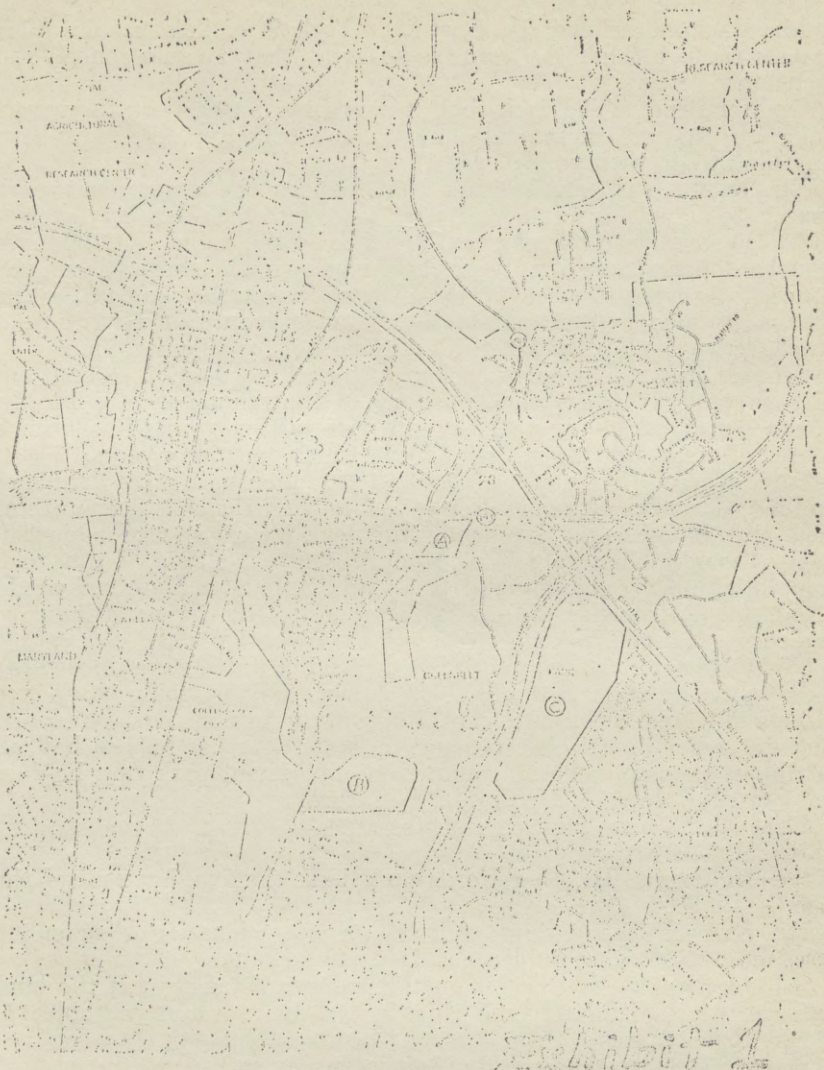
In addition, the parties agree that full settlement and transfer of property rights indicated will be completed herein within 6 months from the date of acknowledgment of this letter by you or the whole matter will become null and void.

It is further understood and agreed that, if this arrangement is acceptable to you, we will join with you in seeking an indefinite continuance of Civil No. 70-1449T now pending against Star Enterprises, Ltd.

With kindest regards and every good wish, I am,

Sincerely yours,

GEORGE B. HARTZOG, Jr.,  
Director.



*Exhibit 1*

Senator BIBLE. My understanding of the testimony of Mr. Hartzog yesterday was through he approved of an agreement, you did not?

Mr. REED. That is correct.

Senator BIBLE. That is a correct statement?

Mr. REED. That is right.

Senator BIBLE. You do not approve it?

Mr. REED. I do not.

Senator BIBLE. Why do you not approve it?

Mr. REED. I would have great difficulty in supporting a plan that exchanged lands within the Greenbelt Park for that very desirable effort to protect the Piscataway view.

Senator BIBLE. Why?

Mr. REED. I believe the Greenbelt Park is of inestimable value at this time. I think the value is so great that I can't conceive of transferring it.

Senator BIBLE. The fact that it was in a letter that they were going to put an amusement park on the beltway, does that have anything to do with your decision?

Mr. REED. Yes, sir. I think that besides the amusement park aspect, to allow this number of acres to go into high-density development is contrary to my personal belief as to the value of 1,100 acres of urban open space, of natural park. I believe wholeheartedly in the concept of trying to clean up the view of Piscataway and protecting that majestic view from the Mt. Vernon front lawn. But if we do that, I believe we should pay for it in cash and not by a land swap.

Senator BIBLE. Our only problem with that is we are just about out of cash, and I believe that was one of the main concerns in Mr. Hartzog's effort to try to clean up Piscataway, which has been a source of great difficulty to your Department for many years.

I am advised that you are about \$400 million in arrears right now and have insufficient money to pay for the land that has been authorized, and that, I think, is his main problem. He can speak for himself.

He thought this would be an opportunity to save, I am told, something in the neighborhood of \$3 million or \$4 million and would also be of service to the Greenbelt area and certainly would improve the very vexatious and troublesome Piscataway area.

Mr. Goldstein testified yesterday, instead of putting an amusement park there, he changed his mind and what he was going to do was put a golf course, swimming pool, and skating rink. He has abandoned the amusement park concept, and he stated further he has had all of the problems possible in running an amusement park that he does not want to face this situation in the future.

Does that change your thinking at all?

Mr. REED. No, sir.

Senator BIBLE. In other words you think that we have all of the cash—

Mr. REED. I do not think that the private utilization of some 800 acres in an 1,100 acre public park is a fair exchange.

Senator BIBLE. You put it on the ground of fairness. If the land was worth approximately the same in each case, would you object?

Mr. REED. Yes.

Senator BIBLE. You would object in any event?

Mr. REED. I would object to a land swap in this area; yes, sir.

Senator BIBLE. And you would object because you want to use the hard-to-come-by dollars out of the Treasury by buying Piscataway rather than giving up 1 acre of park land you already own?

Mr. REED. The 1,100 acres we already own, Mr. Chairman. Its value is so great I don't believe that we or the administration should even suggest it to the Congress. I hope the Congress will really reconsider any idea of swapping this land. As you know, we have a number of different bills before you to add to our holdings of national park lands within urban areas, and I would not agree with the concept.

I have been lucky enough to have been at Greenbelt. I have been fortunate enough to be at Mount Vernon across the river from Piscataway. My opinion would be that we would not be in favor of the swap.

Senator BIBLE. Under any circumstances?

Mr. REED. Yes.

Senator BIBLE. I would assume by the same token what you would prefer to do at Piscataway is acquire all of the land in fee simple?

Mr. Reed. No, sir. On February 16 I wrote to Hon. Henry Jackson, giving the Secretary's views on this bill.

Senator BIBLE. On which bill, Piscataway?

Mr. REED. S. 1291, which applies only to Marshall Hall.

Senator BIBLE. What did you say in that instance?

Mr. REED. We wanted to defer until the litigation was settled. We have strong feeling the litigation will show a course of action.

Senator BIBLE. Will you elaborate on that?

Mr. REED. Yes, sir. If I may quote from my letter.

Senator BIBLE. We put your letter in the record yesterday.

Mr. REED. We believe that the litigation which was successfully concluded in early or mid-December will also hold under appeal, and that there will not be a zoning change and that the lands and scenic easement can be acquired at a reasonable price to the American taxpayers.

Senator BIBLE. Do you think that will be determined out of court litigation, is that what you are saying?

Mr. REED. Yes, sir.

Senator BIBLE. Does the court litigation in Prince Georges County go to acquiring scenic easements—

Mr. REED. The litigation is entirely on the merits of the zoning appeal.

Senator BIBLE. I understand. Your position is that if the zoning appeal is dismissed, in other words, the present zoning is upheld, then the scenic easements over the remaining individual owners at Piscataway, is all that you need, is that what you are saying?

Mr. REED. I would be delighted—

Senator BIBLE. If I am not stating it correctly, you clarify it.

Mr. REED. I think that would be concurrent agreement. I think the Secretary would like to know what his options are at that time, to go for scenic easement or fee simple. I think we should wait until the litigation is concluded.

Senator BIBLE. You are recommending that we defer doing anything on Piscataway until such time as the litigation is completed?

Mr. REED. Yes, sir. That is in the context of my letter.

Senator BIBLE. If I am not stating it right, you tell me.

Mr. REED. That is exactly right, sir.

Senator BIBLE. All right. Repeat then exactly what your position is, and we have a lot of people here from Piscataway.

Mr. REED. I would like to read that paragraph.

Pending final determination of the appeal from the County Circuit Court action and our suit for condemnation of scenic easement, it is difficult to assess the need for enactment of S. 1291. Should the threat of further development be diminished or acquisition of an easement be satisfactory to protect the overview, authority to acquire fee simple may not be necessary.

Senator BIBLE. When will the appeal be determined?

Mr. REED. Well, the trial date is on May 15, 1972.

Senator BIBLE. That is the trial date before the—which court?

Mr. REED. I would have to have—

Senator BIBLE. Is that an intermediate court of last resort of Maryland or what? Is that the Supreme Court of Maryland?

Mr. REED. I may have to ask a lawyer from the Department to give me help on that one. If I may ask assistance from the National Park Service.

Senator BIBLE. Mr. Hartzog, do you have anybody that can answer that question?

Mr. HARTZOG. I believe it is the court of last resort on this appeal, because the decision which is upset from which an appeal is taken is in the circuit court.

Senator BIBLE. This is an appeal from the circuit court to the Supreme Court of the State of Maryland, is that what you are saying?

Mr. HARTZOG. That is my understanding.

Senator BIBLE. If the Supreme Court of the State of Maryland rules, whichever way they rule, will that appeal go to the U.S. Supreme Court?

Mr. HARTZOG. It is possible, sir. I am not qualified to answer that question.

Senator BIBLE. I would ask you, Mr. Under Secretary, or Mr. Hartzog, to answer that question by taking it up with the Solicitor of the Department of Interior and get an opinion from him that we can put into this record as to exactly what the options are open at the present time on the appeal situation.

You understand my question?

Mr. REED. Absolutely, sir.

Senator BIBLE. Your statement to me is that your appeal, as you understand it, is to the Supreme Court of the State of Maryland?

Mr. REED. Yes.

Senator BIBLE. My question to you is can you take an appeal from the Supreme Court of the State of Maryland to the U.S. Supreme Court?

Mr. REED. We will be delighted to answer that question.

Senator BIBLE. Can you do it promptly?

Mr. REED. Yes, sir.

(The information referred to follows:)

#### STATEMENT ON LITIGATION—PP 137 V.2

After the ruling in the lower Court in Maryland, the Circuit Court for the Seventh Circuit, on the rezoning of the Marshall Hall property, Mr. Goldstein filed a notice of appeal to the Court of Appeals of the State of Maryland. This is the court of last resort in the State. Though we do not know the grounds on which the appeal is being taken, we are not aware of any Federal Constitutional questions on which an appeal could be taken to the Supreme Court of the United States.

However, the case for which the trial date of May 15 is set is in the United States District Court for Maryland in Baltimore. The issue in that case is that of compensation for a scenic easement over 111 acres more or less, owned by Star Enterprises Ltd., under condemnation case no. 79-1449T.

Because these two cases, both of which apply only to the area known as Marshall Hall, are still in litigation, the Department recommends that action on S. 1291, which also applies only to the former Marshall Hall property, be deferred.

Senator BIBLE. I have do further questions of you. You made your position clear. You do not favor an exchange, you won't approve it. As long as you won't approve it, I don't know that we have to worry about it.

In your personal judgment it is not a good thing to do, is that correct?

Mr. REED. That is correct.

Senator BIBLE. You have come through loud and clear so I have no further questions of you.

Mr. REED. Thank you, Mr. Chairman.

Senator BIBLE. Thank you for coming up this morning.

Now we will go back to any other witnesses from Piscataway. There is no need to have any witnesses from Greenbelt. It is crystal clear to me there will be no exchange. Greenbelt land is not involved.

Mr. SWANN. Mr. Chairman, my name is Swann. Might I ask if this were revised that we have an opportunity to testify?

Senator BIBLE. Yes; you can be sure of that. I would think—as you stand now, it looks to me like you don't have any problem.

Mr. SWANN. I believe it is, sir, thank you.

Senator BIBLE. If the facts are changed with another Secretary or another administration or another time, that is a different matter. I am not going to report on any legislation that OK's the exchange.

He has given his reasons. He does not like the exchange.

He is over Mr. Hartzog, and he said the Secretary approves what he says. It looks to me like Mr. Hartzog labored diligently to get out of a sticky situation.

We have no need to worry about the Greenbelt problem as of now. If it comes up again, you will get due and timely notice.

Do we have any other witnesses for Piscataway?

#### STATEMENT OF A. G. JOHNSON, CHARLES COUNTY LANDOWNER

Mr. JOHNSON. My name is Johnson.

Senator BIBLE. Be seated and make yourself comfortable.

Mr. JOHNSON. Can I go to the map?

Senator BIBLE. Yes, sir; certainly.

Mr. JOHNSON. I own about 90 acres here.

Senator BIBLE. In the white or in the dark?

Mr. JOHNSON. In the white and in the dark. I have been there 23 years.

Senator BIBLE. Yes, sir.

Mr. JOHNSON. And the reason why this brown part is here, I donated easements to the U.S. Government on this approximately 50 acres here, and at the moment I am negotiating with the Department of Interior to place some of the easements on the balance of the land here.

Senator BIBLE. What would be the balance, roughly?

Mr. JOHNSON. About 40 acres.

Senator BIBLE. About 40?

Mr. JOHNSON. Yes.

Senator BIBLE. You have entered into an agreement—

Mr. JOHNSON. I donated the easements.

Senator BIBLE. Yes; I understand.

Mr. JOHNSON. This dark area and this area where we are now working on. Probably by the end of the month or before the end of next month, easements will be on this part here.

Senator BIBLE. Yes.

Mr. JOHNSON. The reason I did this is that right from the very beginning of—

Senator BIBLE. Would you feel more comfortable if you sat down?

Mr. JOHNSON. Yes. Before the concept of Piscataway Park existed, I was also in favor of preserving this area, with the same objectives which eventually caused the creation of the park. Now the question of easements is one which I think is the solution to it and I think the perfect answer as to why easements are necessary, is over here on the left there, in this white area here, which is part of Marshall Hall Park, recently some months back some of this land which is zoned 1-acre, residential, which is the county zone, was—the zoning was changed. In other words, the owner of this land which is 1-acre residential went to the county commissioner and obtained a ruling from the county commissioners changing that zoning from 1-acre residential to commercial industrial.

When certain people claim that we in the area in fact have no intention to preserve this, that is not true. This is also something which potentially can happen.

It is my full intention to keep that and preserve it, if there were no easements on it, I might die, I don't know whether my child might sell it to a developer, the next thing, it is rezoned and off we go.

I cannot speak in the same of the other donors, I am not authorized to do so, but as a donor, we have 177 of us who have donated.

Senator BIBLE. Have donated scenic easements?

Mr. JOHNSON. Yes.

Senator BIBLE. Does part of that donation of the scenic easement, does that cause you any problems in the property you still hold at Piscataway? What do you have on your property?

Mr. JOHNSON. I have a house and the rest is wooded, and a small amount is cleared. The rest is wooded.

Senator BIBLE. What type of restrictions does your own personal easement put on you that would not exist if you didn't have the easement on it?

Mr. JOHNSON. Without the easement, county zoning as it stands permits me to develop it in 1-acre residential. One-acre pieces. The zoning is basically the same in this whole area.

Senator BIBLE. So it is one house to 5 acres?

Mr. JOHNSON. Yes, sir.

Senator BIBLE. That is one problem that there seemed to be some difference of opinion on, one house to 5 acres?

Mr. JOHNSON. Yes.

Senator BIBLE. If you have 5 acres you can put five homes on it, is that true?

Mr. JOHNSON. If I have 25 acres, I can put five homes.

Senator BIBLE. If you have 5 acres you can put one home?

Mr. JOHNSON. Yes.

Senator BIBLE. And you don't think this unduly restricts you, you want to keep it 5 acres and have one home on it?

Mr. JOHNSON. Yes.

Senator BIBLE. If you didn't have the scenic easement, your child will come along and put five homes on it?

Mr. JOHNSON. They could sell it to a developer. It is possible this could happen unless there is a positive easement.

Senator BIBLE. In your judgment, the use of the scenic easement there, I don't want to put words in your mouth, and if I mistake your position you clarify it, the use of the scenic easement in your case has caused you no undue hardship?

Mr. JOHNSON. No.

Senator BIBLE. Do you think it has properly protected the property the way you would like it protected?

Mr. JOHNSON. Yes.

Senator BIBLE. And so you donated it for that purpose?

Mr. JOHNSON. Yes, sir.

Senator BIBLE. Are you fearful the Park Service is going to turn around and develop this into a high-density recreation area?

Mr. JOHNSON. That is the next point I want to make, sir.

Senator BIBLE. I don't know what they intend doing. I know what they say. But as you know park directors come and go and another park director might come along and do something else.

Mr. JOHNSON. That is one point I am in full agreement with this organization represented here yesterday, called ROUR.

Senator BIBLE. Right.

Mr. JOHNSON. They claim, quite rightly, I believe, that the purpose of the park was to preserve the area as is. In effect, and I may be wrong and Mr. Hartzog will correct me if I am wrong, but the intention of the Park Service is in effect to develop the park which is north of the black dotted line, what is known as the fee area, into—I don't know what you would call it, it would be high density, perhaps that may not be the right term for it, for recreation purposes.

Senator BIBLE. Picnic tables and camping sites?

Mr. JOHNSON. Yes.

Senator BIBLE. We will ask him what he plans on doing with the area. You are talking about the area in orange, yellow, and brown, right next to the Potomac?

Mr. JOHNSON. Yes. There is question, I believe, of building a dock for bringing the visitors in by water and making facilities for large busloads of people, and so forth. In this respect I would not certainly be in favor of this, I think there are many other people who would agree with me.

Senator BIBLE. We will ask him what he intends to do—that is a good question.

Mr. JOHNSON. As far as the bill under consideration at the moment, to provide further funds for this park, I regret, and I would like to express my regret that the money which has been available to the Department of the Interior now for quite some time has not been used as yet to purchase further easements. It seems to me this could have been done. I am sorry to have seen this has not been done more rapidly and the money has not been used. There may be excellent reasons why it has not.

Senator BIBLE. That is another good question.

Mr. JOHNSON. I would like to say that I am 100 percent for the preservation of this area through easements; I am opposed to the development of the fee area. One item which would concern me personally, for instance: there is a plan, I believe, for creating a public path all along the riverfront, along the edge of the park. It so happens that my house has a lawn in front of it, 200 feet between the house and riverbank, and I can see how enjoyable it would be to have a public path—

Senator BIBLE. You might see a lot of different kinds of humanity come by your home on a Sunday afternoon. I understand what you are saying.

Mr. JOHNSON. I object to the one type of amusement park.

Senator BIBLE. I think you expressed it better than anybody has to date, as to where the core of this problem rests, and I think that is the problem with some of the people in ROUR, they don't want to see one park eliminated and then——

You may complete your statement.

Mr. JOHNSON. I, together with three or four other people who live down there in Charles County, are members of the suit against the County Commissioners of Charles County and Mr. Goldstein, and have managed to obtain the reversal of this zoning. It is now coming up before the court of appeal in Annapolis.

Senator BIBLE. Thank you, very much. I think you have made a very valuable contribution. I think a contribution such as this clears the air. I have handled park hearings for 12 years, all over the United States, and there is one thing I always insisted on with the Park Service, and they perform a fine service and are a wonderful institution, and they have a great director, but I have always insisted they completely level with the people and tell them of their plans and live up to those announcements. After all, you are taxpayers, American people, and you are entitled to that type of treatment. I appreciate your appearance.

Do we have any other witnesses on Piscataway? Yes, sir.

**STATEMENT OF CHARLES CECIL WALL, RESIDENT DIRECTOR,  
MOUNT VERNON**

Mr. WALL. My name is Charles Cecil Wall, resident director at Mount Vernon. I came to listen, sir, but I have heard so much. Much has muddied the water a bit.

I would like to call attention to some of the virtues of this project that seem to get lost. We hear continually about the view from Mount Vernon, preserving the view and so forth, we seem to lose sight of the fact this is a great scenic enclave here. It is unique in the Washington area. We have an overlook here of several miles from the memorial highway which should not go ignored, and we have the overview from the battlements from this old fort, which is really a great scenic experience. We have 500 acres here at Mount Vernon, which completes the perimeter here, which is the great scenic protection from the tide-water Potomac. I feel, having that overview, would justify the project.

One further thing I have to say, would represent the point of view of the Mount Vernon Ladies Association and in the absence of the director of the Accokeek Association, who is out of the country, I don't think I can speak for that association. I am not qualified to have any opinion as to the virtues or benefits or the demerits of an exchange of land in this case. I would like to say there would be merit in expanding the boundary of the park here as proposed in that proposed exchange and that the acquisition of this little area here, so close to Fort Washington, which is commercially zoned and now a marina, and which would have more potentialities as a commercial zone, which could constitute a greater encroachment on the concept of the park, it would be valuable to have that marina. I am not qualified to speak of the other aspect of that proposal. I do want to say with a sense of urgency, this project is long overdue for completion. I speak for the Honorable Francis Golding, who would like to see this project completed in his

lifetime, who gave hundreds of acres for it. I think I can speak for the Ferguson Foundation and somebody should speak for the 177 people who have given scenic easements. In the years of the National Park Service, I doubt whether so many private benefactors have so given to the Park Service as these people have.

This bill calling for \$2.8 million, was carefully estimated to make possible the completion of the park, the acquisition of these easements, including 5 acres on Marshall Hall, when the litigation there makes it possible to move in and take possession. I believe in fairness to Mr. Goldstein, there is inequity; he should be left off the hook. I speak for the visitors of Mount Vernon, who have enjoyed the view, I can only say, let's get on with this and get it completed and in that frame of reference I would say that the bill from the other side of the Hill was carefully measured to do that.

Senator BIBLE. Then you take issue with what Secretary Reed said in that we should defer action on this, until the litigation is solved?

Mr. WALL. I didn't intend to do that, sir. I disqualify myself where the problem rests within the administration. I simply say I am not qualified to question a point of policy that he raised. If the Secretary does not wish to alienate other public land to complete this I can't—

Senator BIBLE. I don't think his point was directed to—he spoke of the exchange as you heard clearly and flatly and positively. But over and above that, if I understood him correctly, he didn't want to make a final determination on the acquisition of the balance of the land in the overlook area, whether by scenic easement or in fee simple, until such time as he had a ruling on this appeal now pending in Annapolis.

Mr. WALL. I am sure that the Secretary wants to see Piscataway Park completed; I believe he so stated here.

Senator BIBLE. I think he does too, but he seems to say let's wait and see how the appeal comes out?

Mr. WALL. I can't quarrel with that. I am urging that the legislation from the other side of the Hill, the increased authorization for \$2.8 million, which, with the moneys already in hand, is estimated to make possible the acquisition of these additional necessary scenic easements, be made available.

Senator BIBLE. I understand him to say that even the legislation or the other side of the Hill shouldn't move forward until such time as the legal features have been settled.

Thank you very much. I appreciate your appearance.

Now, Mr. Hartzog—

Mr. WALL. Mr. Chairman, I have one further word. Your previous witness, Mr. Johnson, is rather modest, I think. For the record he should be identified as, next to Mrs. Bolton, being the greatest single benefactor of Piscataway National Park. He has given much, and as I say, next to Mrs. Bolton, he is the single greatest benefactor of Piscataway Park.

Senator BIBLE. I am delighted to have you submit that for the record, and I think it is well deserved, and I certainly appreciate that very civic-minded action.

Mr. Hartzog, do you understand the question raised?

Mr. HARTZOG. Mr. Chairman, there were several questions raised that you asked me to comment on. I will see if I can summarize.

One is with respect to the allegation that we are changing the boundaries, and that is not a fact. The boundary of this area is specified in the metes and bounds descriptions included in the 1961 act. What has been changed is our original recommendation to the Congress of what the boundary of this park should be, which, as you well know, is not a unique situation for us to be in, because we frequently get the boundaries changed.

Originally, we proposed that this park stop here. We proposed a line of taking further back in this scenic preservation zone. When the legislation was finally enacted it included all of the Marshall Hall property and set out a metes and bounds description of the boundary and it remains unchanged.

This controversy came up in 1966 when it came up before you.

Senator BIBLE. I was not concerned at that time, because I said you were always changing your mind—

Mr. HARTZOG. This time I didn't.

Senator BIBLE. All right.

Mr. HARTZOG. The development plan to which they refer was a plan developed by our staff several years ago. When I saw it, I was horrified and I disapproved it, and to the best of my knowledge, no copies of it now exist. This is the approved development plan. It provides access on an existing road. It provides for an orientation visit or center, parking for 30 cars and two buses. It provides a 50-site picnic area and comfort stations in this location.

Senator BIBLE. What is the number?

Mr. HARTZOG. Fifty picnic sites and two comfort sites, which is not high-density use.

Senator BIBLE. That is the present plan as of today?

Mr. HARTZOG. Yes.

VOICE FROM AUDIENCE. Mr. Hartzog, will you please—

Senator BIBLE. There will be no interruptions from the audience.

Mr. HARTZOG. This is the area for the parking lot and for the picnic area and two comfort stations and visitor orientation center here, with parking for three cars and two buses, with an extension of this road along this route indicated in red, that comes to a boat landing excursion point here. This is a colonial farm operation here and in this we would propose a group camp with a 50-tent capacity on tent platforms—you know, the group camping type of facilities we have, with a parking area for 30 cars and two buses. This is under restudy now as to whether or not it wouldn't be more desirable to concentrate all parking at one or the other of these and run a shuttle bus operation back and forth through here rather than upgrading the road to extend it which would be required for automobile traveling. That has not yet been resolved.

There would be a group camp with a 50-tent capacity in this area, comparable to those group camps that we have at Catocin and Prince William, for instance, except that these would be tent platform instead of the hostel-type facilities we have out there. There will be a trail the entire length of this and we are aware of Mr. Johnson's problem and we propose that the trail go behind his property on this side, because it would be an intrusion in his front yard. That is the development plan.

Senator BIBLE. The most desirable day in the summer or spring or fall in the Mount Vernon area, the Piscataway area, how many people would be in this area?

Mr. HARTZOG. Visitation will be 11,700 people per year. We estimate 16,100 per year in 1975.

Senator BIBLE. Are there overnight facilities in this area?

Mr. HARTZOG. Only those group camp facilities.

Senator BIBLE. How many of them?

Mr. HARTZOG. One there with 500 and one here with 50 and that is the extent of it, the 100 sites for group camping.

Senator BIBLE. How many overnight people does that accomodate?

Mr. HARTZOG. Well, it depends on how your groups are structured in context of boys and girls. You could probably put in a site as many as 150 or 200 youngsters of one sex or the other, but on the mixed basis, probably half that many.

Senator BIBLE. I suppose there are plans laid out in 1972. If I understand you correctly, you said you are bringing two buses in. I don't suppose there is anything in the years to come to prevent you from bringing in 10 buses of 15 or 20?

Mr. HARTZOG. Except for the fact, Mr. Chairman, that in the types of ownership we have here, there isn't any way in which we could put extensive permanent development. All these lands that we have got from the Accokeek Foundation have reversion clauses in the deed and we can't put a capital improvement on a deed with a reversion clause. That is why you have the original legislation for Ozarks back here for amendment.

That amendment to the Ozarks legislation would specifically authorize me to accept those State parks subject to the State's reversionary clause which they insist on having in that deed. We don't have such authority here at Piscataway, so there is no basis on which you can go in there and put in the kind of extensive permanent developments that were originally envisioned.

Senator BIBLE. Your answer is, if you put extensive activities in, they could take—

Mr. HARTZOG. If you attempt to develop permanent parking facilities, you couldn't spend the money on the reversionary land. You are compacted with the amount of land. You see that dark-colored land is the only land that we have unrestricted fee interest.

Senator BIBLE. And there is no way that one would handle that much traffic?

Mr. HARTZOG. That's correct, a physical impossibility.

Senator BIBLE. All right. You have answered the first question. Now answer the second.

Mr. HARTZOG. The question is, what is in this scenic easement, and I have a copy of the form of the scenic easement and I would like to have it included in the record.

Senator BIBLE. Without objection, it will be included in the record, and if there is anyone here who wants a copy, we will get it thermo-faxed and send it to you.

Mr. HARTZOG. This is the form of easement when we receive a donation. It is exactly the same form that we use when we purchase, except, when there is a mortgage on the property, we obtain a subordination.

Senator BIBLE. Copies of that easement will be made available, it is a public document and people have had concerns about what the easement says and does not say. The easement should speak for itself. (The easement referred to follows:)

SCENIC EASEMENT DEED

THIS DEED, made this ----- day of ----- 19--, by and between ----- parties of the first part, and the *United States of America*, party of the second part.

WITNESSETH:

WHEREAS, the Act of October 4, 1961 (Public Law 87-362), as amended by the Act of July 19, 1966 (Public Law 89-513), enacted for the preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes, authorizes the Secretary of the Interior to acquire scenic easements and covenants by donation or other appropriate means and to enter into agreements with property owners and others for the preservation of the scenic values of the area described in the said Acts; and

WHEREAS, the parties of the first part are the owners in fee of certain real property, hereinafter described, situated in Prince Georges County, Maryland, included within the area covered by the said Act of October 4, 1961, as amended by the Act of July 19, 1966, and over which the Secretary of the Interior has determined it to be necessary to acquire a scenic easement in order to assure uniform application of scenic control over the area covered by the said Acts:

NOW, THEREFORE, for and in consideration of the foregoing and of the desire of the parties of the first part to assure preservation of their lands and of others in the vicinity affecting their lands, the parties of the first part, do hereby grant and convey, in perpetuity, subject to the conditions hereinafter set forth, unto the United States of America and its assigns an estate, interest, and scenic easement in said real property of the parties of the first part, of the nature and character and to the extent hereinafter expressed to be and to constitute a servitude upon said real property of the parties of the first part, and to that end and for the purpose of accomplishing the intent of the parties hereto, said parties of the first part covenant on behalf of themselves, their heirs, successors, heirs, successors, and assigns, with the United States of America and its assigns to do and refrain from doing, severally and collectively, upon the said lands of the parties of the first part, the various acts hereinafter mentioned, it being hereby agreed and expressed that the doing and the refraining from said acts, and each thereof, upon said lands are and will be for the benefit of the United States of America through the preservation for the benefit of present and future generations of the historic and scenic values of lands comprising the principal overview from Mount Vernon and from Fort Washington, in accordance with the said Act of October 4, 1961 (Public Law 87-362), as amended by the Act of July 19, 1966 (Public Law 89-513).

The restrictions hereby imposed upon the use of said lands of the parties of the first part, and the acts which said parties of the first part so covenant to do and refrain from doing upon their said lands in connection therewith, are and shall be as follows:

1. The lands shall not be used for any professional or commercial activities except such as can be and are in fact conducted from a residential dwelling without alteration of the dwelling.

2. No trailer shall be used on the lands as a substitute for a residential building or other structure except on a temporary basis, not to exceed one year.

3. The lands shall not be used as a site for any of the following: airports, hotels, taverns, dancehalls, apartment houses, flats, boarding houses, cemeteries, schools, nurseries, golf courses, hospitals, churches, sand, gravel, or claypits, sawmills, skeet or golf driving ranges, commercial swimming pools, tourist homes or cabins, trailer camps, entertainment centers, dumps, junkyards, greenhouses not attached to dwellings. Nothing herein, however, shall be deemed to prohibit the use of residential dwellings for purposes which can be and are in fact conducted therein without alteration of the dwelling.

4. The land shall not be used as a site for any major public utilities installations such as electric generating plants, electric power substations, high tension electric power transmission lines, gas generating plants, gas storage tanks, water storage tanks or reservoirs, sewage treatment plants, microwave relay stations, or telephone exchanges. Nothing herein shall, however, be deemed to prevent the construction or maintenance on, over, or under the lands of facilities usual to a residential neighborhood such as telephone and electric lines and water mains.

5. No advertising signs or billboards shall be displayed or placed upon the land, with the exception of professional nameplates and signs not larger than two square feet advertising home occupations or products or the sale or lease of the lands.

6. No mining or industrial activity shall be conducted on the lands.

7. No part of any of the lands is to be sold or leased in lots smaller than five acres, or otherwise conveyed or divided into lots smaller than five acres.

8. No building shall be erected, altered, placed or permitted to be built or remain on the said lands, except that on each five-acre parcel thereof there is permitted to be one detached single dwelling and such guesthouse, garage, stable or other outbuildings which may be required for the need of the owner or occupant of such residence. In the event the lands described in this instrument are less than five acres in area, the provisions of the preceding sentence shall apply as if the land were exactly five acres in area. In no case is any building to be constructed on the lands described herein which, when completed, is to be used for any of the purposes which are expressly prohibited in this instrument.

9. No tree larger than six inches in diameter and thirty feet in height shall be cut down without the written permission of the Secretary of the Interior or his authorized representative.

Plans for the removal of trees for the clearing of homesites shall be submitted to the Secretary of the Interior or his designated representative for approval. In passing upon such plans the said Secretary or his designated representative shall take into consideration not only the needs of the landowner but also the extent of clearing around similar homesites in the vicinity.

Permission need not be obtained for the removal of trees by or upon advice of the appropriate utility company or other organization for the purpose of protecting utility lines or water or sewer mains. Likewise, permission need not be obtained for the removal of dead, diseased, or injured trees when such removal is necessary for reasons of safety.

10. Approval of a requested action shall be deemed to have been granted if the Secretary of the Interior or his designated representative has not responded to a written request within thirty days.

11. No dump of ashes, trash or any unsightly offensive material shall be placed upon the land, except that in eroding areas of a drainage system where surface water runoff is destroying the natural ground cover, suitable heavy fill may be so placed as to control and prevent further erosion provided said fill is covered by arable soil or humus.

It is understood and agreed that the imposition of the covenants and restrictions set forth herein are in no way intended to nullify, supersede, or amend any covenants or restrictions which have heretofore or which may hereafter be placed upon said lands.

It is also understood and agreed that the authority of the Secretary of the Interior in passing upon homesite clearing shall be used to prevent clearing that would materially affect the natural wooded appearance of the area, but that the authority shall not operate to deny the owner a suitable clearing or clearings totaling about one half acre on each five-acre tract for a house, lawn, garden and other such approved uses.

Nothing herein shall be deemed to affect any mortgage, lien, or other interest in the lands described herein which was in existence at the time of the recordation of this instrument in the county land records.

The lands of the parties of the first part, hereinabove referred to and to which the provisions of the instrument apply, are situated in the County of Prince Georges, State of Maryland, and are more particularly described as follows:

IN WITNESS WHEREOF, the parties of the first part have here unto set their hands and seals on the day and year first above written.

-----[Seal]

-----[Seal]

WITNESSES:

Signed, sealed, and delivered  
in the presence of

-----  
STATE OF MARYLAND,

County of -----, ss:

On this the ----- day of ----- 19--, before me personally appeared -----, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

-----  
(Notary Public)

My commission expires-----

Senator BIBLE. Now, what other points do you have?

Mr. HARTZOG. The question raised was why we didn't spend this money any faster.

Senator BIBLE. I was told we are holding this money because we have a condemnation suit against Star Enterprises and when that case goes to judgment, we have to pay the judgment.

Mr. HARTZOG. That is what I am holding the money for. I have been spending the money ever since I reached agreement that they would give me the increased ceiling to offset the money I am spending for these scenic easements, I spent \$342,295 in the last 90 to 120 days acquiring scenic easements over 296 acres in that zone. When that case in the condemnation on Joe Goldstein's property goes to judgment, if we don't have the money to pay it, it draws interest at 6 percent.

Senator BIBLE. As you know you have this problem, you are an expert on this, you have had this happen time and time again, it is not a problem to you and you can come back to Congress and we will enact the legislation. If there are judgments against the U.S. Government, they are going to have to be met and should be met at an early date to prevent the accumulation of interest. We went through the project out on the West Side—

Mr. HARTZOG. I am finished with that.

Senator BIBLE. There is the Redwoods, and that makes Piscataway seem small.

I have no further questions. Senator Hansen?

Senator HANSEN. Mr. Chairman, I would like to ask the Director if he might submit a comparison of the Senate bill and the House-passed bill, showing the manner in which these two bills differ?

Mr. HARTZOG. I would be pleased to do that. I can summarize the substantive differences. What Senator Case's bill does is to extend fee acquisition authority over all of the Marshall Hall property, which is now, you see, in the scenic easement area. It does not include this property of Mr. Goldstein, which is now outside of the scenic protection area.

The House-passed bill simply increases the appropriation authorization by \$2,800,000, which is the estimated value of imposing scenic

easements over the rest of this property. Except for the amusement park.

The amusement park of 35 acres would be less since that is already an existing commercial use and we are not attempting in this condemnation to roll back that commercial use to the 5-acre tract, so long as existing uses continue. The rest of it would be 5-acre tracts.

Senator HANSEN. No further questions.

Senator BIBLE. I only have one further question. I understood Secretary Reed to say he thought this should be deferred until we see what happens in court, what do you gain by that?

Mr. HARTZOG. I understood that too and I honestly—you know he has to speak for himself.

Senator BIBLE. I understand.

Mr. HARTZOG. I think he was confused because, as a matter of fact, the administration supported H.R. 11391 that provides for the increase, and as a matter of fact, he signed the letter supporting it. I think, you know, he misheard the question or misunderstood it.

Senator BIBLE. My voice carries well, but he may have misunderstood me.

Mr. HARTZOG. Yes.

Senator BIBLE. Why don't you convey my question to him and have him clarify it, because it looks as if the administration is going two ways. We have enough problems with the administration, even when they are going one way. Will you convey that to him?

Mr. HARTZOG. Yes, sir; I shall.

Senator BIBLE. I don't think there is anything further on Pisataway.

Mr. WALL. May I amend my statement, sir; I think it might reassure some of the people present here. I remind you that the basic legislation calls for preservation of the present open and wooded character of this area. I recognize that the present personnel of the Interior Department of the National Park Service may change and they might forget this and they might propose structures over here which would be objectionable to the community. I can assure you that Mount Vernon Ladies Association will be sitting watchfully on the other side of the river and be prepared to protest any development over here which seems to us to impair the basic original purpose of presenting the open and wooded character of this area.

Senator BIBLE. That was the original concept and we can write it again in our report language, make it clear again in the year 1972, we can send a copy of it to spokesmen for ROUR. We have an awful lot of initials in the Government and private industry and I sometimes confuse them. We will submit a suggested statement as to how this is to be reserved for the years in the future to ROUR and let them make a comment on it. We can't get everyone's language at one time, but we are doing our best to try to preserve it and that is very apparent throughout all of this testimony and that is against high rises and areas that are inimical to that wonderful country you have down there.

That ends this hearing.

(A draft environmental statement by the Midwest regional office of the National Park Service and a letter to Senator Bible from the National Parks and Conservation Association follows:)

ENVIRONMENTAL STATEMENT—JOHN D. ROCKEFELLER, JR., NATIONAL  
MEMORIAL PARKWAY

DRAFT

United States Department of the Interior  
National Park Service  
Midwest Region

1. *Type of action.* ( ) Administrative (X) Legislative

2. *Brief Description of Action.* The National Park Service proposes that a Corridor area between Grand Teton and Yellowstone National Parks in Teton County, Wyoming, be designated as John D. Rockefeller, Jr. National Memorial Parkway. In addition, it is proposed that certain connecting roads within these national parks be designated by Secretarial action as Rockefeller Parkway.

2. *Summary of Environmental Impact.* Environmental impacts discussed include ecological, social, and economical consideration. It appears the values of these impacts are more beneficial than detrimental. Some of the adverse effects are: Increased visitation with increased pollution possibilities; restricted use of some motorized vehicles; possible disturbance of some wildlife; and restricted use of some natural resources and development of non-related Corridor use facilities. These impacts are generally offset by the favorable environmental effects or they can be minimized or provided elsewhere.

4. *Alternatives Considered.* Designation of Federal Highway 89/287 as a Memorial Parkway with narrow buffer strip incorporating visitor developments; designate road with larger land area than present proposal as Memorial Parkway; provide Parkway under Forest Service administration; no change from present status; provide recognition of Mr. Rockefeller's contribution at another location.

5. *Comments have been requested from the following:*

Department of the Interior  
Bureau of Sport Fisheries and Wildlife  
Bureau of Land Management  
Geological Survey  
Bureau of Outdoor Recreation  
Bureau of Mines  
Department of Agriculture  
Department of Transportation  
Environmental Protection Agency

6. *Date draft statement made available to CEQ and the public:* February 4, 1972.

JOHN D. ROCKEFELLER, JR., NATIONAL MEMORIAL PARKWAY

I. DESCRIPTION

A proposal has been made by the Department of the Interior and the National Park Service to create a John D. Rockefeller, Jr. National Memorial Parkway between Grand Teton and Yellowstone National Parks. It will be administered as a unit of the National Park System in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented. The Parkway will include the Corridor area between the two parks, bounded by the Targhee National Forest on the west and the Teton Wilderness boundary on the east and be administered by the National Park Service under the policies of a National Recreation Area.

The proposals involve that portion of Federal Highway 89/287 between the north boundary of Grand Teton and the south boundary of Yellowstone National Parks, a distance of 6.8 miles and the U.S. Forest Service lands on each side of the road as described above comprising about 23,000 acres. The area will be about six miles square as shown on the attached maps.

In addition, it is proposed to designate by Secretarial action that portion of the present park roads from near Moose to the northern boundary of Grand Teton National Park and from the South Entrance of Yellowstone National Park to West Thumb as in-park extension of the Memorial Parkway but administered under present park management policies as Rockefeller Parkway. With the designation of these roads, the Memorial Parkway and Parkway will encompass a total of 82 linear miles. The purpose for designating these roads and related lands is to commemorate the many significant contributions to the cause of conservation in the United States made by John D. Rockefeller, Jr., and to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of Mr. Rockefeller.

In relation to this proposed action by the National Park Service, the U.S. Forest Service is considering gaining wilderness status for those national forest lands remaining between the proposed eastern boundary of the Memorial Parkway and the present Teton Wilderness, to be added to the latter. This would add approximately 29,000 acres to the existing wilderness.

This proposal to establish the Parkway grew out of a 1970 proposal by the National Park Service for transfer of 52,475 acres from the Teton National Forest. A subsequent study by the Forest Service, which was approved by the Department of Agriculture, resulted in the present proposal.

The proposed Parkway Corridor was a portion of the Yellowstone Park Timber Land Reserve created on March 30, 1891. On July 1, 1898, the Yellowstone Park Timber Land Reserve and the adjacent Teton Forest Reserve were joined as one unit for Administrative purposes. Later, on March 4, 1907, the name Forest Reserve was changed to National Forest. Then, on July 1, 1908, an executive order established the 1,991,200 acre Teton National Forest which encompassed the area later to be known as the Corridor. With the establishment of Grand Teton National Park in 1929, and then enlarged in 1950, the Corridor became increasingly related to recreational use as this activity dominated the northwestern Wyoming region. All lands involved in the proposal are Federally owned.

## II. DESCRIPTION OF THE ENVIRONMENT

The Corridor area between Grand Teton and Yellowstone National Parks lies principally in the Canadian Life Zone.

The Snake River is one of the principal natural features of the area. It generally follows a course synonymous with its name through the east half of the Corridor leaving the proposed Parkway at its lowest elevation, approximately 6,770 feet. A series of marsh lands border the river for several miles before it empties into Jackson Lake at the area's south boundary.

Occasional steep cliffs and rock outcrops punctuate the highlands that border the west rim of the valley. At Mount Harry, elevation 8,961 feet, the highest point is reached along the boundary contiguous with Grand Teton National Park. Steamboat Mountain, 7,872 feet, and the headland above Glade Creek, together with the cliffs above the Snake River, are significant land forms in the area. A few small ponds, but no lakes, are found on the benches that rise to the Parkway's west boundary. Glade and Polecat Creeks are the principal tributaries to the Snake River from the west, while Dime, Nickel, Quarter and Sheffield enter the river from the east. The Snake River carries considerable sediment during spring runoff, but much of the material is undoubtedly being transported from geologically unstable land forms. High ground water tables are found in some areas and generally the water quality is high.

The Parkway area is a high water producing area with the mean annual precipitation ranging from 30 to 40 inches. Most of the moisture comes in the form of snow during the months of November through April with accumulation of up to 140 inches.

The predominant cover type for the area is lodgepole pine interspersed with large openings and meadows. Spruce, fir, and a small amount of aspen are also found on portions of the area. Along the Snake River from the highway bridge downstream to the Grand Teton NP boundary, the river bottom is interspersed with willow patches and wet meadows.

The area provides habitat for a wide variety of wildlife, including elk, moose, deer, bear, and small fur bearing animals. Streams support an aquatic fauna including cutthroat, mackinaw, and brook trout, as well as whitefish. Species of special significance in the area are osprey, bald eagle, trumpeter swan, grizzly, and cutthroat trout. Four species, the osprey, bald eagle, trumpeter swan and grizzly are receiving, and must continue to receive, special consideration due to low population levels.

Use and occupancy of the area prior to Caucasian activity in the late 1800's is largely unknown. There are no known archeological sites. Archeological investigation in the Jackson Lake (reservoir) area may be illuminating about this part of the area's history. From this period forward, the remaining physical evidences of early activity center around a grave site, an Army camp, and a freight station site, all believed to date from the 1800's or the early 1900's.

This 23,000 acre zone between Yellowstone and Grand Teton National Parks has become the focus of greatly accelerated recreational use in the last decade. While some recreational pursuits relate directly to the area, i.e., hunting, fishing, and river floating, the majority of visitors use the area for travel between the parks

and overnight use—both camping and cabin accommodations. With over 3,000,000 visitors annually to Grand Teton, and 2,000,000 to Yellowstone, the impact of visitor use, at least along travel zones, can be readily appreciated. The Forest Service estimated that 1,500,000 persons traveled through the area in 1970, with over 14,000 total visitor days' use spent in the Corridor.

The developed recreation capacity in the area now is for 1,935 persons. This consists of the Flagg Ranch and Huckleberry Hot Springs Resorts and the Forest Service 24-unit Snake River Campground. Considerable off-road camping occurs in undesignated sites resulting in heavy impacts on the environs along the Parkway road route.

Hunting use is generally oriented to departure from the Corridor zone and then moves eastward into the Teton Wilderness for the actual hunt. Fishing, likewise, uses the Corridor and the Wilderness, while river floating has been an increasingly popular activity from Flagg Ranch to Jackson Lake.

The Ashton-Flagg Ranch Road, which connects the Corridor with Idaho, began as a primitive jeep trail a few years ago but is being upgraded by the Forest Service on the Targhee National Forest side to provide access for sanitation logging on this forest, as well as access to the Grassy Lake Reservoir just west of the Parkway lands. This is a Bureau of Reclamation reservoir on the Falls River Drainage and does not influence water projects on the upper Snake River. Increasing use and interest has developed in recent years for an improved access to Yellowstone and Grand Teton via this route while at the same time concern was being expressed for destruction of primitive values through the same region.

Limitations on expanded overnight development in Yellowstone and Grand Teton National Parks will result in increased pressures to meet visitor use—camping and lodging—in the future.

The winter of 1970-71 inaugurated snowmobile tours into Yellowstone from Flagg Ranch on a regular scheduled basis. With Route 89/287 plowed north to Flagg Ranch, this area now assumes a new importance in providing over-snow access into Yellowstone. In addition, this general area has also become increasingly popular for snowmobile touring as well as other forms of winter-use activities.

The area, with the exception of Pilgrim Creek and Arizona Creek located in the lower reaches of the Corridor, has never had a history of cattle grazing. The grazing that existed in Pilgrim Creek and Arizona Creek was terminated in 1960. The only grazing that remains in the entire area is for recreation horse use by outfitters and the Flagg Ranch. Present use by horses is light and this is expected to decrease as commercial operators change from grazing to feeding of their stock.

No timber has been harvested from the Corridor other than posts, poles, and house logs used primarily for developments within the general area. There is an estimated 430 MBFM of timber in the Corridor, but this is not considered available for harvest during the present planning period, 1970-1980. The area has been deferred from commercial timber cutting in the Buffalo Ranger District Multiple Use Plan, pending the outcome of intensive recreation studies. It is doubtful if most of the area will ever be considered available for normal harvest.

There is no history of mineral development in the Corridor other than sand and gravel. One of the few good sources of sand and gravel for a radius of 40 miles is located near Flagg Ranch. A report from the U.S. Geological Survey states that some potential for oil and gas, coal, and gold is present, but no economic discoveries have been made. They also report the presence of some potential thermal resources. The area is closed to oil and gas exploration and development by an order issued by the Secretary of the Interior in 1947. There are 14 special use permits in the area (see attached list). They are for resorts, outfitting, gravel pits, pasture, power and telephone lines, and a radio repeater. Future use of the area under National Forest administration contemplates some additional developments under permit. Two of the existing permits are for large resorts, the Flagg Ranch and Huckleberry Hot Springs campground and swimming pool.

The Flagg Ranch is a large complex containing a restaurant, store, service station, souvenir concession, 150 motel units with cabins, and a 100 unit trailer park with complete service hook-ups. This resort has been the largest fee producing commercial development on National Forest land in Region Four for a number of years.

The Huckleberry Hot Springs is providing needed facilities in the form of a warm water swimming pool and camping accommodations, including showers and store, for 715 persons.

The existing Forest Service recreation development in the Corridor includes the 24-unit Snake River Campground.

Transportation developments include Forest Highway No. 17, also known as U.S. Highway 89/287, running north and south through the Corridor for a distance of 6.8 miles and the low standard Ashton-Flagg Ranch road running east and west from the Flagg Ranch for a distance of 9.6 miles, of which one mile is paved leading to the Huckleberry Hot Springs Resort. Eleven miles of trail leading to the Teton Wilderness, and a Forest Service radio repeater station, also exist in the area.

### III. THE ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION

The environmental impact of designating the existing in-park roads as parkways is negligible since they will continue to be administered under present park management policies.

Establishment of the 23,000 acre Corridor with its present road system as a memorial parkway under the National Recreation Area administrative policies would permit the existing uses and activities to be managed as follows:

(1) *Hunting*.—This area is a part of several Forest Service management units in the Jackson Hole elk management program. Elk hunting, as well as hunting of other species of wildlife, would continue. Cooperative wildlife management programs with the Wyoming Game and Fish Commission would continue.

Trailheads used by packers and outfitters who participate in big game hunts would continue under permit with the National Park Service. The addition of base camps in the proposed parkway should not be permitted.

(2) *Resort Facilities*.—Permits now authorizing the operation of Flagg Ranch and Huckleberry Hot Springs by the Forest Service would be transferred to the National Park Service for administration. Both agencies operate under the Concessions Act of 1965, thereby allowing for the continuance of these permits under similar conditions. Since the Flagg Ranch provides campground and trailer court facilities, these operations would continue in order to meet the demand for visitor accommodations in the Yellowstone-Grand Teton region. No consolidation of these operations under a single concessioner is contemplated, and experience in Grand Teton National Park would not indicate a direction toward a forced merger of concessions.

(3) *Parkway Road Standards*.—As a recreational motor road, the emphasis on road maintenance and management would be to preserve leisure driving opportunities. Twenty-two foot pavement with up to three-foot shoulders would be maintained in order to allow the road to lie lightly upon the land. A connecting road between Ashton, Idaho, and the Flagg Ranch is currently under development by the Forest Service. Road construction eastward through the Targhee National Forest has been completed to Squirrel Meadows, and is under design to Grassy Lake. Using recreation park road standards, the National Park Service would complete approximately eight miles of the road development project from Flagg Ranch westward to the Targhee National Forest boundary.

(4) *Natural Area Values*.—Area management would recognize natural area values as they relate to stream courses, meadows and significant land forms that have high natural values. The dispersal of small visitor facility development in the area would be controlled in order to preserve intact the natural values of significant importance. By the same token, significant historic sites within the Corridor area would also receive attention directed toward their preservation and interpretation for the public.

(5) *Grazing*.—A pasture lease in the vicinity of Arizona Lake, and some pasturage in relation to recreation horse stock currently exist in the area. Such uses and management could be continued under National Park Service administration.

(6) *Timber*.—Logging is not currently included in the management plan of the Corridor area by the Forest Service. Such use would not be proposed in the area as a part of the memorial parkway.

(7) *Mining*.—Lands within the Corridor, subject to valid existing rights are withdrawn from location, entry and patent under the United States mining claims. There are presently 79 mining claims in the Corridor area. These claims will be acquired so as to eliminate this possible impact on the land. There is no mining activity at the present time and a closure is in effect for the entire area which prohibits the use of earth moving equipment.

(8) *Visitor Services and Facilities*.—Visitor facilities now exist and are operated by concessioners, with the exception of the Forest Service Snake River Campground. National Park Service management of the Corridor does not anticipate any immediate enlargement of overnight accommodations; however, facilities for visitor contact and interpretation will be provided in the near future plus personnel housing and facilities for administration and maintenance of the Parkway.

Associated with the continued operation and the development of the above facilities are the necessary utility and sewage systems. These will be designed to have the least impact on the land and to alleviate any existing visual or pollution problems.

At present, the 6.8 miles of road between Grand Teton and Yellowstone National Parks are quite isolated from authorities empowered to provide protection service for motorists and other visitors. Establishment of the Parkway would afford better service and protection for visitors in transit between the two parks, and eliminate the serial changes in management practices, with their attendant confusing effects on the public.

All of the above mentioned factors can and will have an impact on the environment. This impact may be beneficial, detrimental or both. They are also of a social, physical, biological, and economic nature.

Hunting and fishing will continue to be available for visitor recreational enjoyment and play a role in the socio-economic values of the region.

Resort area have already made their impact on the environment. Through Master Plan studies, the impact of future development to meet visitor and management needs will be held to a minimum while still providing the visitor a rewarding outdoor experience. Where present impacts are not tolerable, such as in the case of water and air pollution, corrective action will be taken.

Parkway roads are not roads that merely conform to standards of technical road building excellence. Preserving the integrity of the landscape, respecting ecological processes, insuring a fully rewarding visitor experience are elements which dictate the means of visitor access and development of design standards.

Natural values will be respected and visitor use activities and developments will be managed to have minimum environmental impact, relative to the administrative policies for national recreation areas.

There is little or no competition for forage between wildlife and recreation pack and saddle stock. The expected increase in recreation use could result in a potential for over-utilization of the available forage; however, it is expected that commercial operators will soon change from grazing to feeding of their stock.

There is an impact associated with the timber resources of the area. An estimated 430 million board feet of timber exists in the Corridor and markets occur in the general region. Change from multiple use status to management as a National Recreation Area under Park policies would have the effect of removing the resource from future market consideration. Only minor local use of the timber for fence post and lodge logs occurs now, and present management intent is not to conduct logging operations.

The apparent value in mineral and geothermal resources does not appear great, but the fullest potential is not well defined, the observation of one qualifying hot spring and some volcanism characteristics in the area gave rise to geothermal resources classification. References indicate mineralization and fuel resources which may offer potential economic opportunities.

The eventual development and proper management of visitor services and facilities will eliminate the present adverse impact of uncontrolled overnight roadside camping. Development of campgrounds will have an impact; however, through area development studies and good design, the impact will be minimal.

Some of the impacts are intangible and are not easily qualified other than through the number of visitors who take part in the interpretive programs, enjoy an outdoor hiking, camping and riding experience. Many visitors are motivated by a need to escape from the stress of a highly complex urban existence and seek the positive attraction of natural beauty. Designation of the Corridor as a National Memorial Parkway will help provide places where man can fulfill these motivational needs.

The uncontrolled and/or uneducated activities of man within the Parkway could lead to various forms of pollution. Examples are: Water pollution by improper human sanitation and control of recreation of livestock, air pollution from man-caused wildfires, visual pollution from littering, and frequent encounters of man himself and his recreational livestock.

#### IV. ADVERSE ENVIRONMENTAL EFFECT WHICH CANNOT BE AVOIDED

Parkway designation will result in some adverse environmental impacts. These are generally associated with the economic aspects of life, but may also have adverse social, physical and biological implications.

1. The very fact that the Corridor will be designated a unit of the National Park System will increase visitor interest and use. Thus, by the most stringent

standards, some pollution of water, air, sound, and visual values by man is inevitable. However, by personal contacts, education and administrative controls, such actions as improper sanitation, man-caused fires, non-compatible recreation activities, and littering can be reduced below levels already attained under present management.

2. Parkway designation will restrict off-road freedom of use of some types of motorized units such as over-snow or off-road vehicles. However, opportunities for this motorized recreational activity are available elsewhere and this social impact is not considered serious. Regulated use of these vehicles will aid in preventing the harassment of wildlife.

3. There may be possible constraints placed on migrating wildlife. Most of the migration of large mammals occurs in the spring and fall when present visitation is low, thus, disturbance is now minimal. Random wildlife movements are also disturbed during the summer season by the roads and traffic. With the expected demand for extending the season, disruption of migrating animals can be expected to increase. Improvement of the road west from Flagg Ranch may have a detrimental effect as animal movement is in a north-south direction across the Corridor. This adverse effect is not expected to be overly serious. This area offers potential for development as camping grounds for visitors to both parks. Approximately 300-400 elk migrate through the Corridor during spring and fall periods. Campgrounds, concession facilities, roads, etc., could be so located and managed with relationship to traditional elk migration routes as to have minimal, if any, effect upon elk migrations. Periods of use of these areas by the public will also be controlled as and if needed and hunting so regulated as to not interfere with normal elk movement. Since elk have for many years been migrating across existing highways in the area with no harmful effects, none is anticipated here.

4. Some projects such as transmission lines, pipelines, dams and reservoirs, etc., and uses of natural resources such as sand and gravel, oil extraction, mining, timber cutting, etc., are generally considered as not compatible with Parkway designation where these activities interfere with public recreation or the conservation of scenic, scientific, historic, or other values contributing to public enjoyment. Thus, the controls placed on these resources or projects can have an adverse and social impact; however, these potential losses are not expected to be high.

5. Restriction on the development of a timber resource in the Corridor, while a long range potential effect, is not an immediate adverse action. The Forest Service recognizes the strategic location of the Corridor tract and presently plans no logging operations. The very high social values involved in retaining the park character of the Corridor region between Yellowstone and Grand Teton National Parks outweigh the strictly commercial possibilities involved for timber. The aesthetic contrast and adverse impact of logging itself, so close to the Memorial Parkway, boundaries and entrances of these two Parks would be severe also and has been considered in the transfer of management for the 23,000 acres.

6. Some potential may exist for mineral and geothermal resource development in the area, which could be considered an economic loss effect.

#### V. RELATIONSHIP BETWEEN SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE OF LONG TERM PRODUCTIVITY

This proposal recognizes the need for protecting the natural and human resources while still providing the desirable public recreational opportunities and providing commemoration to the contributions of Mr. Rockefeller to conservation.

The flora, fauna, and land will receive protected, regulated use which will result in long-term productivity for the above purposes.

Short-term use would result in the extraction and depletion of nonrenewal resources such as minerals, sand and gravel, etc., with related negative impact on the environment resulting from these operations. As stated before, there appears to be no potential economical deposits of these resources in the Corridor, and thus the economical loss appears to be negligible.

Beneficial impacts appear to out-weigh adverse ones. The options remain open, however, for the use or removal of any resources which the area may have in the event that the public interest may in the future so require.

#### VI. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

No appreciable commitment of resources is anticipated.

Any possible cutting of trees connected with development would probably be considered irretrievable in this instance. However any amount that would be

anticipated from the construction in the Corridor would be considered relatively small.

Under the Parkway designation, there are many options open for the use of the Corridor resources in the public interest. At such possible time that this designation would conflict with public needs, the President or the Congress could declassify the area, or authorize certain non-compatible but vitally needed uses therein.

#### VII. ALTERNATIVE TO THE PROPOSED ACTION

A study was undertaken to investigate the alternatives for a Memorial Parkway in the Corridor area located between Yellowstone and Grand Teton National Parks to provide an adequate basis for further decision.

The study was conducted by the U.S. Forest Service at the local level by personnel of the Teton National Forest with the assistance of personnel from Grand Teton National Park.

In the course of the study, public involvement of individuals and organizations both local and nationwide was solicited and received. Personal contacts were made with State officials—and Congressional delegations in Wyoming and Idaho, and local officials and community leaders in western Wyoming and southeastern Idaho. A special meeting was held in Cheyenne, Wyoming with Governor Stanley K. Hathaway and his department heads.

Representatives of leading conservation organizations throughout the country were contacted for opinions relating to management of the Corridor area and the Parkway proposal. Approximately one hundred and twenty letters were mailed soliciting opinions and all of the permittees operating in the area were contacted personally.

Broad coverage of the study objectives was obtained through the media of public meetings in Jackson and southeastern Idaho, as well as radio, TV, and press coverage in this area. The public meetings were attended by over 100 persons, leaders in the communities in Jackson Hole and eastern Idaho. Press coverage extended beyond the local papers with articles appearing in Idaho, Colorado, and Utah.

Approximately 50 letters were received representing a good cross section of individuals and organizations. The idea and opinions expressed in these letters have been evaluated and are reflected in the alternatives.

The following alternatives have been identified:

1. Designation of a Parkway of sufficient width to include existing resorts and campgrounds, with a buffer strip along the Parkway route to be administered by the National Park Service.
2. The Memorial Parkway bounded on the north and south by Yellowstone and Grand Teton National Parks, and to the east by the existing Teton Wilderness, and on the west by the Targhee National Forest to be administered by the National Park Service under policies applicable to National Recreation Areas.
3. Designate the existing highway through the Corridor as a memorial Parkway under National Forest administration and continue administration of the remaining area within the Corridor by the United States Forest Service.
4. No change from present status, including no designation of a memorial highway.

5. Provide recognition of Mr. Rockefeller's contribution at another location.

A brief analysis of the alternatives follows:

Alternative # 1: This restricted area would not provide for the necessary recreational opportunities for the public. Bi-management of closely located visitor impact areas would lead to inefficiency and visitor confusion.

Lack of adequate land could place restraints on future development of needed recreational facilities.

Alternative # 2: This alternative was the 1970 proposal made by the National Park Service. The Forest Service countered the proposal by stating they would be willing to support the transfer of 23,000 acres of Teton National Forest in the Corridor area to National Park administration. The Forest Service would then attempt to gain wilderness status for those lands remaining between the east boundary of the Corridor and the west boundary of the existing Teton wilderness.

Alternative # 3: Without National Park Service management and related association of the Service to the Memorial Parkway, the significance of the designation may be tempered. The symbolic and desirable physical connection between Grand Teton and Yellowstone National Parks would also be lacking.

Alternative # 4: This alternative would not provide the desirable recognition of the many significant contributions to the cause of conservation in the United States made by Mr. Rockefeller.

Alternative # 5: Recognition of Mr. Rockefeller's contributions at another location would not provide the close physical and symbolic connection between Yellowstone, the world's first national park and Grand Teton National Park with which Mr. Rockefeller is so closely associated.

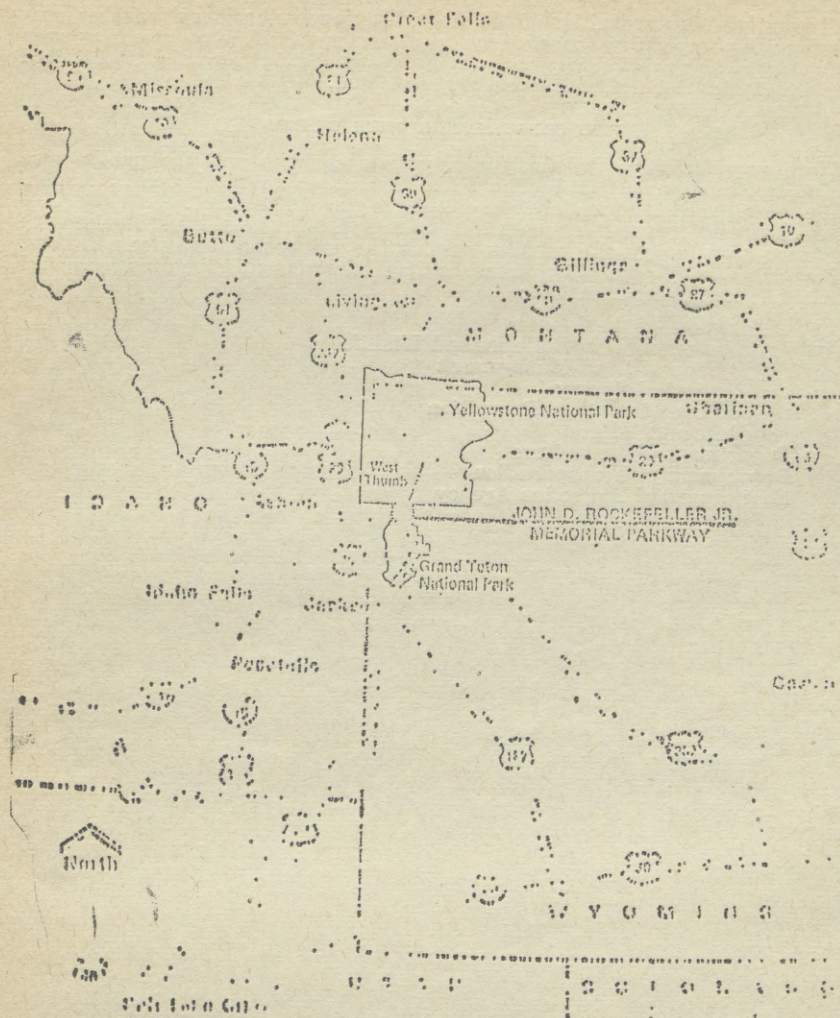
#### VIII. CONSULTATION WITH OTHERS

Meetings with other Federal, State, private agencies and the public were carried out as discussed in Section VII. Alternatives to the Proposed Action. These meetings resulted in development of the present proposal.

Informal meetings of this type will be held by the National Park Service with interested agencies and the public to explain the proposal and answer questions.

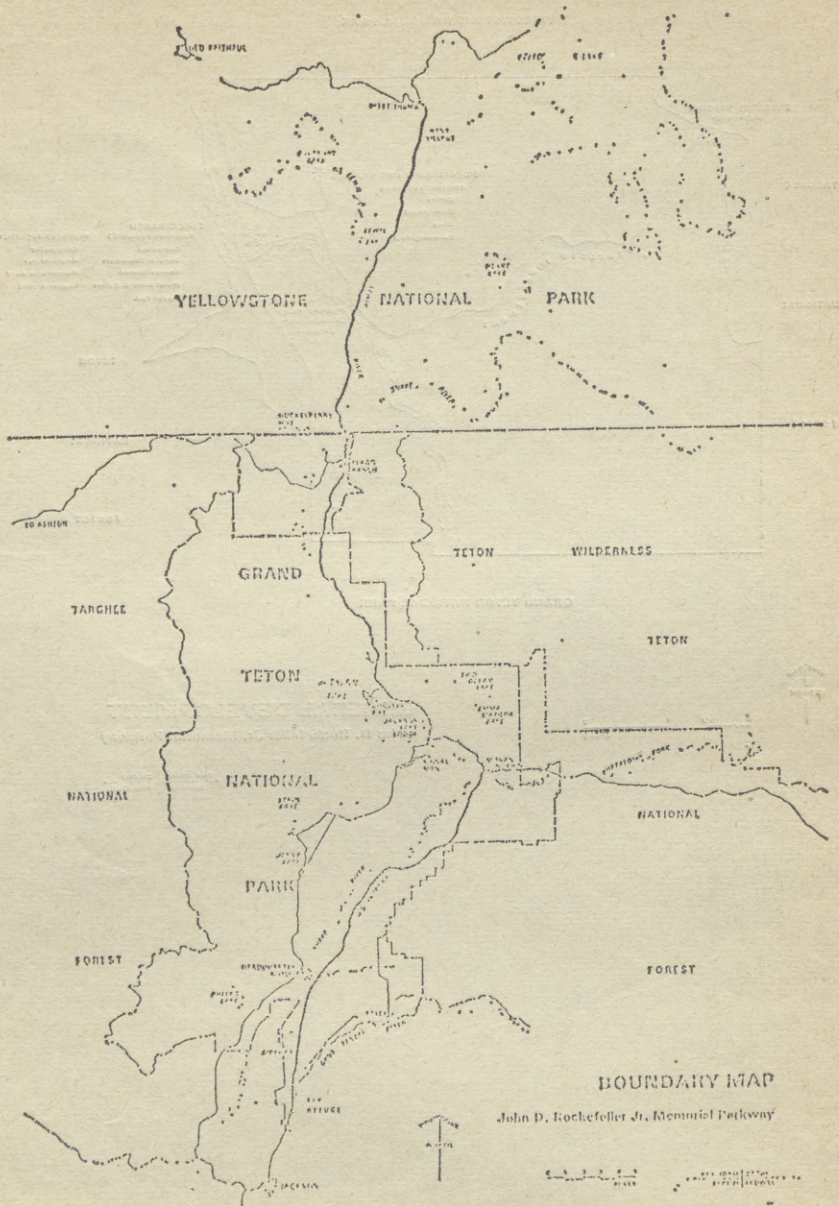
Comments on this draft environmental impact statement have been requested from the following organizations:

- Department of the Interior
  - Bureau of Sport Fisheries and Wildlife
  - Bureau of Land Management
  - Geological Survey
  - Bureau of Outdoor Recreation
  - Bureau of Mines
- Department of Agriculture
- Department of Transportation
- Environmental Protection Agency



VICINITY MAP

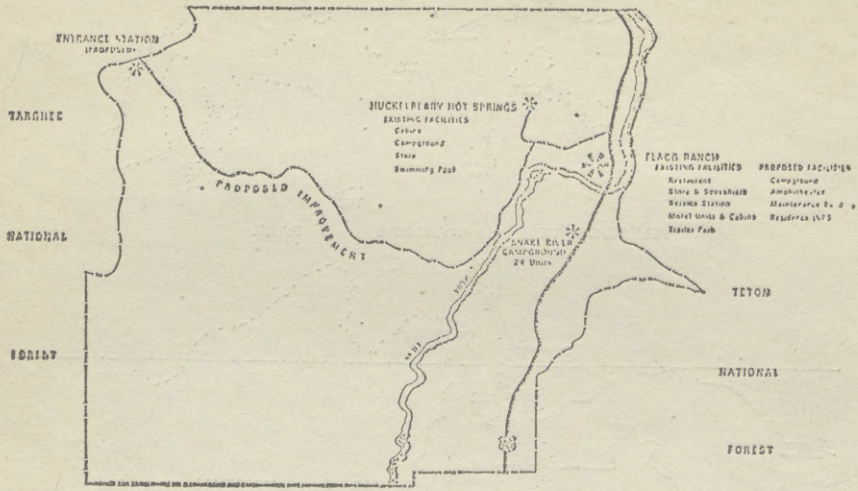
PKY-JDRM	10001
SEPT. 71	EPDWGC



**BOUNDARY MAP**

John D. Rockefeller Jr. Memorial Parkway

YELLOWSTONE NATIONAL PARK



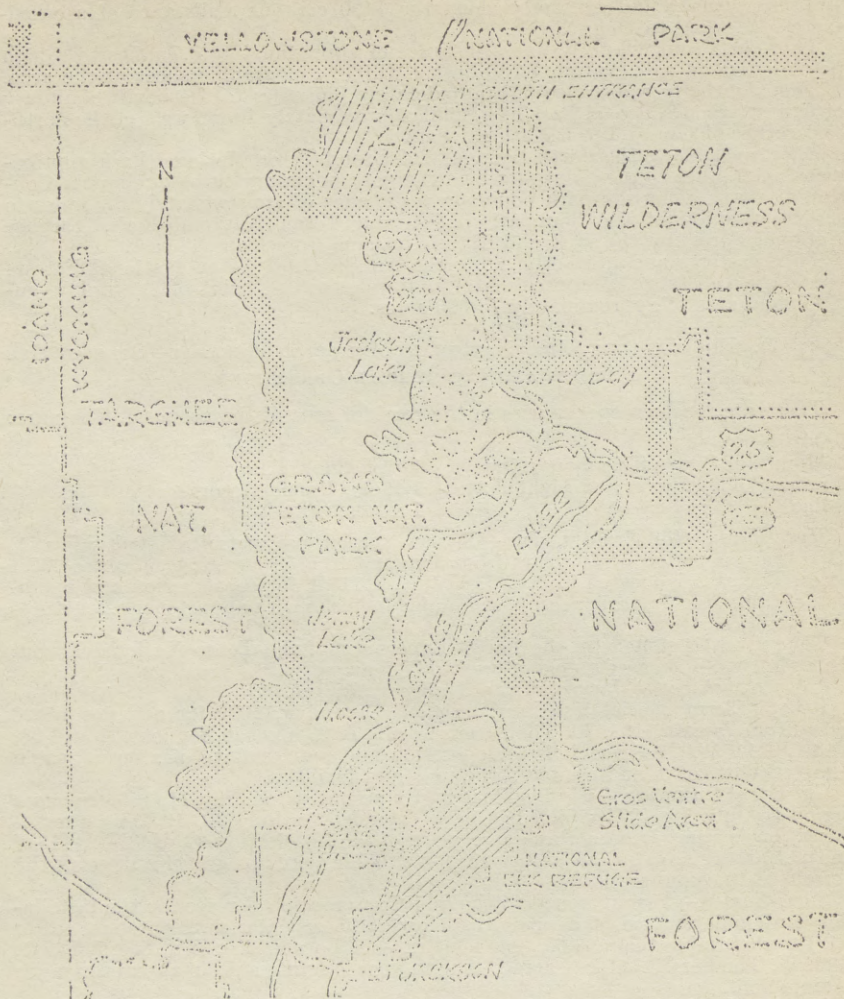
GRAND TETON NATIONAL PARK



Scale: 0 1/2 1 3/4 Miles  
 0 1/2 1 3/4 Kilometers

GENERAL DEVELOPMENT  
 John D. Rockefeller Jr. Memorial Parkway

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1. PROPOSED ADDITION - TETON WILDERNESS (29,000 ACRES)
2. PROPOSED NATIONAL MEMORIAL PARKWAY (22,000 ACRES)

JOHN D. ROCKEFELLER, JR., NATIONAL MEMORIAL PARKWAY—BOUNDARY DESCRIPTION

Beginning at the northwest corner of the land area between Yellowstone National Park on the north and Grand Teton National Park to the south at the point where the Targhee National Forest northeast corner and Teton National Forest northwest corner boundaries join the south boundary of Yellowstone National Park in Section 10, R116W, T48N, sixth principal meridian.

Then due east along the Yellowstone NP-Teton NF boundary, a distance of approximately 5.3 miles to the east shore of the Snake River.

Then southerly along the east bank of the Snake River a distance of  $3\frac{1}{2}$  miles to the junction of the Snake River and tributary Sheffield Creek entering from the southeast.

Then along the north bank of Sheffield Creek southerly and easterly a distance slightly in excess of two miles to the 7400 elevation of the creek in the east part of Section 34, R115W, T48N projected.

Then westerly and southerly along the 7400 contour a distance of approximately 2½ miles to Dime Creek.

Then on a southwesterly line a distance of approximately 0.7 miles to a high point indicated as elevation 7,780 on the USGS topographic sheet of the area.

Then southerly a distance of approximately 0.6 miles to the north boundary of Grand Teton National Park at a point approximately 1 mile west of the northeast corner of Grand Teton National Park.

Then west along the north boundary of Grand Teton National Park approximately 5.9 miles to the point at which the park boundary turns due north. Continuing north along the park boundary a distance of approximately 2.7 miles to the intersection of the boundaries of Grand Teton National Park, Targhee National Forest on the west and Teton National Forest on the east.

Then easterly and northerly along the Targhee and Teton National Forests boundary a distance of approximately 5.0 miles to the point of beginning enclosing an area of approximately 23,000 acres.

JOHN D. ROCKEFELLER, JR., NATIONAL MEMORIAL PARKWAY—SPECIAL USE PERMITS AND COMMERCIAL OPERATIONS

There are fourteen special uses in the corridor area of the proposal. They are:

1 Outfitter	1 Huckleberry Hot Springs Resort
1 Mountain States Telephone Line	1 SCS Snow Pillow
1 Lower Valley Power and Light Power-line	1 Flagg Ranch Resort
	1 Gravel Pit

*Huckleberry Hot Springs, Inc.*—Resort special use permit dated May 1, 1966 is for a period of 26 years from January 1, 1966 covering a tract of 67.1 acres. The area is located in Sec. 20, T48N, R115W for construction and operation of camp, picnic, trailer camp, swimming facilities with appurtenant structures and facilities.

The permit is signed by the Forest Supervisor of the Teton National Forest. Amendment 2 increased the land area to 78.5 acres.

*Flagg Ranch Site.*—Jackson Lake Trailer Park, Inc.

Resort, Term Special Use Permit signed December, 1970 for a period of 20 years from January 1, 1970. The permit area is 72.93 acres in Sections 21 and 28, T48N, R115W. The permit is for operation and maintenance of a resort, cabin camp, trailer court and related structures and facilities.

*Gravel Pit Operation.*—Clark's Ready Mix permit dated July 11, 1966 covers a period to July 10, 1971 which has been extended to June 30, 1972 by amendment. The permit is on a three acre piece of land in Section 32, T48N, R115W and permits removal of an additional 6,000 cubic yards of gravel and costs the permittee 10 cents per yard.

*Snow Survey.*—Permit issued to the Soil Conservation Service for the installation and maintenance of a pressure pillow radio repeater and antenna tower (20') to determine the rate of snow melt run-off. Located in SE ¼, Sec. 7, T47R, R115W. The permit is for ¼ acre plot with year long use and no apparent length of time limit.

*Outfitter Guide Permit.*—Issued to Walter Korn of Box K Ranch Moran, Wyoming. Permit effective for summer and fall of 1971 for summer pack trips and fall hunting trips. Maximum number is 40 animals for a total of 60 animal unit months. The other outfitter-guide permits are of the same type and with the same general requirements. The Teton National Forest has a general "outfitter policy" which applies to all of the permits.

*Lower Valley Power and Light, Inc.*—Known as the Kelly-North, and the Jackson-South Transmission Lines, the permit dated January 9, 1958, granted a 40' right-of-way for a period of 50 years covering 246.8 acres over a length of 51 miles. The Jackson-South line is 7,200 volt. The Kelly-Worth is for a 14,400 volt transmission line. There is no fee. May, 1971 the permit was extended in length to 94.7 miles.

*Mountain States Telephone and Telegraph Company.*—The permit was issued June 30, 1958 for a right-of-way, 40' wide and 6.55 miles long. This permit was for one year. Subsequent permits have been issued on an annual basis and added another two miles of line.

NATIONAL PARKS AND CONSERVATION ASSOCIATION  
*Washington, D.C., March 13, 1972.*

HON. ALAN BIBLE,  
*Chairman, Parks and Recreation Subcommittee, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The National Parks and Conservation Association would like to take this opportunity to submit for the record a statement on H.R. 13201 and H.R. 13424, to designate roads located in the Grand Teton and Yellowstone National Parks and the Teton National Forest as the John D. Rockefeller Memorial Parkway. We thank the Committee for inviting us to take this opportunity to submit our views.

NPCA is opposed to H.R. 13201 and H.R. 13424 since we believe that the designation of this Parkway and the establishment of a recreation area between the two parks, as suggested, will greatly encourage use of the road by through-traffic. Also, those visitors attracted to the new recreational opportunities in this area will almost certainly drive through the parks to reach it. This increase in vehicular traffic through Grand Teton and Yellowstone at a time when both parks are experiencing difficulties in handling the existing traffic during peak months, would be a great burden on the parks.

NPCA supports the concept of rerouting highway 89, so as to bypass the parks entirely, while still providing suitable access. This would relieve the parks themselves of the necessity of providing through-traffic routes. Use of private automobiles within the parks should then be discouraged, and eventually, if visitation continues to increase, public transit systems should replace private cars altogether.

In the meantime, encouraging traffic in these areas would only cause additional problems in Yellowstone and Grand Teton National Parks. We therefore urge the Committee to reject these bills, and to direct the Secretary of Agriculture to study the feasibility of establishing a bypass route through Teton National Forest to alleviate existing congestion on park roads.

Sincerely,

JONAS V. MORRIS,  
*NPCA Representative for the National Park System.*

Senator BIBLE. We will next go to another bill, which I assume is equally noncontroversial, the Gulf Islands National Seashore addition. Senate bill 3153, which will be made a part of the record.

(The document referred to follows:)

[S. 3153, 92d Cong., second sess.]

A BILL To amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, 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 Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), is amended by deleting from the second sentence of section 2(a), "one hundred thirty-five," and inserting in lieu thereof "four hundred," and by deleting from section 11, "\$3,120,000," and inserting in lieu thereof "\$3,462,000," and by deleting "\$14,779,000," and inserting in lieu thereof "\$17,774,000."*

U.S. DEPARTMENT OF INTERIOR,  
*Washington, D.C., February 17, 1972.*

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

DEAR MR. CHAIRMAN: Your Committee has requested a report on S. 3153, a bill "To amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes."

We recommend the enactment of S. 3153, and suggest an amendment to correct a clerical error in Public Law 91-660.

S. 3153 would amend the authorizing legislation for the Gulf Islands National Seashore (P.L. 91-660; 84 Stat. 1967), in three respects. First, it would increase the authorization for acquisition of lands on the Mississippi mainland from 135 acres to 400 acres; second, it would increase the amount authorized for land acquisition by \$342,000; and third, it would increase the development ceiling for the seashore by \$2,995,000.

Originally, as proposed by this Department, the Mississippi unit of Gulf Islands National Seashore was to have a mainland base located in the vicinity of Davis Bayou. The site selected included approximately 59 acres of Magnolia State Park and 72 acres of adjacent private lands on which day-use recreational facilities and programs were proposed. It was contemplated that overnight use and other supporting visitor services would be provided by the State of Mississippi in the remainder of the contiguous Magnolia State Park, and by the Federal Government at Cat Island. Federal development costs for the operational base at Davis Bayou were estimated to total \$1,730,000; and at Cat Island, \$3,115,000, at the time the Departmental report was submitted on June 17, 1970.

Public Law 91-660, approved January 8, 1971, while authorizing the acquisition of 135 acres for the mainland base and including in the appropriation authorization the funds necessary for the development of the area, deleted Cat Island and its portion of the proposed land acquisition and development ceilings.

After the enactment of the seashore bill, the legislature of Mississippi enacted legislation to authorize the donation to the United States of all lands owned by the State which were required by the Federal Government for seashore purposes. However, the State has indicated that it desires to transfer all of Magnolia State Park to the Federal Government for seashore purposes. The park totals 266 acres, which is 131 acres more than the Secretary is authorized to acquire under the seashore law.

The generous offer of the State of Mississippi to make the entire park available to the United States will, if accepted, make possible a greatly improved mainland facility. By administering all of the park land, and making the required improvements, we will be able to assure that facilities compatible with seashore requirements will be provided, that there will be no duplication of services, and that visitor enjoyment of the area will be enhanced. The increased acreage will also permit us to provide some of the interpretive and visitor services which had previously been planned for Cat Island, and these will be easily accessible for local schools and youth groups on a year-round basis.

In addition, the facilities which were to be placed on approximately 59 of the 72 acres of private lands originally planned to be acquired would be relocated on the donated lands, eliminating the need to acquire those 59 acres. In regard to obtaining the entire Magnolia State Park, the National Park Service also undertook a study relating to the improvement of existing access to the enlarged facility. It was determined that a 1-mile road of parkway standards to U.S. Highway 90 would permit safe, easy access to the enlarged area. Such an access will require approximately an additional 100 acres of private lands. The cost of acquiring these lands will require an increase of \$342,000 above the existing land acquisition ceiling.

The net increase of only \$342,000 for land acquisition reflects the savings accruing from the 59-acre area of private lands which we had previously planned to acquire. The revised land acquisition requirements would contemplate the acquisition of only 2 year-round residences as compared with 7 residences which would be acquired of the additional State park acreage were not donated.

The development ceiling increase of \$2,995,000 will permit the development of facilities on the increased acreage, estimated to be \$2,210,000, and will permit the construction of a parkway from the area to U.S. Highway 90, estimated to be \$785,000.

We recommend the following amendment to S. 3153 to correct the clerical error which omitted the month "June" from the parenthetical matter in section 11 of Public Law 91-660. On page 2 revise lines 2 and 3 to read as follows: "\$3,462,000," (and by deleting "\$14,779,000 (1970 prices)" and inserting in lieu thereof "\$17,774,000 (June 1970 prices)."

Increased operating costs by reason of enactment would amount to \$92,757 by the fifth year of operation. This includes an increase of 4 permanent positions and 3.5 man-years of seasonal employment over the current staffing estimate for the Mississippi portion of the seashore.

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

Sincerely yours,

NATHANIEL REED,  
*Assistant Secretary of the Interior.*

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

Mr. HARTZOG. Thank you very much, Mr. Chairman, I have a prepared statement, which, with your permission, I would appreciate having incorporated in the record and I will try to summarize briefly what is involved.

This bill would amend Public Law 91-166, which authorized the Gulf Islands National Seashore, in three ways. First it would increase the acreage in Mississippi from 135 to 400 acres. It would do this by including within the park the area outlined in green on this map. It would increase the land acquisition ceiling by \$342,000 to acquire this land here, and that is after taking into account the private land which would be eliminated in this bill which is in this area. (Indicating.)

And it would increase the development ceiling by \$2,995,000. The original legislation authorized us to acquire 59 acres of Magnolia State Park, this area, and 72 acres of privately owned land. At that time Cat Island land was a part of the proposal for the Gulf Islands National Seashore. This was where we planned the principal visitor facility development by the National Park Service.

The Congress deleted Cat Island from the proposal and when we went back to the State, the State had again changed its position and offered to donate to us all of the Magnolia State Park. That then permitted us to put the visitor development that had been planned for Cat Island here at Magnolia State Park.

Senator BIBLE. On the mainland?

Mr. HARTZOG. Yes. This is U.S. Highway 90, and in order to make this area accessible and eliminating the traffic from the city streets, we propose to acquire a right-of-way and build an approach road into Magnolia State Park. Interestingly, Mr. Chairman, by this bill, we reduce from 22 to five the number of homeowners that must be displaced by this project and we reduce the private homes to be acquired from seven to two.

Senator BIBLE. Why are people who want to go into Magnolia State Park, which will now be deeded as I understand it, and will become a part of the Gulf Island Seashore, why can't people go in on the roads as provided today?

Mr. HARTZOG. Well, because the traffic impact on this would be unreasonable in the city streets and, you see, as long as a majority of this State park was still in State hands, we were going to let the State take care of the traffic problem there, but with the whole park being transferred to us we have to pick up the traffic obligation.

Senator BIBLE. I didn't know there was that much traffic on the roads when I was down there. I was down in Gulfport and Pascagoula, and on the Gulf Islands, and I didn't realize it carried that much traffic.

Mr. HARTZOG. It doesn't right now. During the current 1970 calendar year, Magnolia State Park had 184,000 visitors and our projected visitation there is 1,704,000. We are anticipating a significant increase in visitation and particularly with the improved access that you are going to have along U.S. Highway 90.

Senator BIBLE. What is the cost of acquiring that additional right-of-way?

Mr. HARTZOG. \$342,000. That takes into account what you save by eliminating that acreage that is shown in purple on here. In other words, the net cost is \$342,000.

Senator BIBLE. What is the condition of the Magnolia State Park at this time?

Mr. HARTZOG. Well, it has a modest development there now, 52-site camping area, cabins, 100 picnic sites, and a marina for eight boats and a boatramp.

Senator BIBLE. What state of repair are they in?

Mr. HARTZOG. I would say fair.

Senator BIBLE. If that is the best you can say, it must be in a sad state. What is the annual budget for the Magnolia State Park?

Mr. HARTZOG. \$22,000.

Senator BIBLE. \$22,000?

Mr. HARTZOG. Yes.

Senator BIBLE. That ought to answer my question.

Mr. HARTZOG. Yes.

Senator BIBLE. Spending \$22,000 the year 1972 on the upkeep of Magnolia State Park, they really gave you a lemon, didn't they?

Mr. HARTZOG. Well, we think it is making for a much better plan now than what we wound up with with the original legislation.

Senator BIBLE. All right. There will be placed in the record the summary sheet on the expenditures of this money, the main items go, I assume, to the visitors center and to the maintenance and storage building and your utilities. Without objection that will be made a part of the record.

I have no further questions.

(The document referred to follows:)

SUMMARY SHEET, GULF ISLANDS NATIONAL SEASHORE

[Legislation: H.R. 11839 (Colmer), Public Law 91-660 (84 Stat. 1967) of Jan. 8, 1971; location: near Ocean Springs, Miss. in Jackson County; acreage: amendment, 400 A, Public Law 91-660, 135 A, increase, 255 A]

	Public Law 91-660	Amend- ment
<b>Landownership:</b>		
State.....	59.11 A	266.00 A
Private.....	72.21 A	127.77 A
Total.....	131.32 A	393.77 A
Year-around residences.....	7	2
Displaced persons.....	22	5
<b>Land Cost (less S-1 costs)</b>		
	Total seashore	Davis Bayou portion
Amendment.....	\$3,462,000	\$698,100
Public Law 91-660.....	3,120,000	356,970
Increase.....	342,000	341,130
<b>Development Costs</b>		
	Total seashore	Davis Bayou portion
Amendment.....	\$17,774,000	\$4,725,000
Public Law 91-660.....	14,779,000	1,730,000
Increase.....	2,995,000	2,995,000

## STAFFING SUMMARY

	Total seashore <sup>1</sup>	Mississippi district <sup>2</sup>	Incremental increase of amendment				
			1	2	3	4	5
Permanent.....	89.0	14	2.0	4.0	4	4	4.0
Seas. M.Y.....	72.1	13	1.5	1.5	2	3	3.5

<sup>1</sup> Fifth year Public Law 91-660 testimony to include cat. I.

<sup>2</sup> Fifth year without amendment increase.

## PERSONAL SERVICES

	Total seashore <sup>1</sup>	Mississippi district <sup>2</sup>	Incremental increase of H.R. 11839				
			1	2	3	4	5
M. & P.....	\$1,233,800	\$249,970	\$7,431	\$30,117	\$35,107	\$34,607	\$40,953
M. & R.....	758,400	126,885	42,420	39,920	40,120	49,004	51,804
Total.....	1,992,200	376,855	49,851	70,037	75,227	83,611	92,757

<sup>1</sup> Fifth year Public Law 91-660 testimony to include cat. I.

<sup>2</sup> Fifth year without amendment increase.

## PROJECTED ANNUAL VISITATION

	Davis Bayou	Total seashore
1st.....	520,400	1,847,200
2d.....	940,400	2,389,500
3d.....	1,242,400	2,813,700
4th.....	1,347,400	3,146,000
5th.....	1,704,400	3,500,000
Eventual.....		10,000,000

## MAGNOLIA STATE PARK INFORMATION

Acreage.....	266A
Estimated capital investment.....	\$375,000
Annual operating costs.....	22,000
Staffing:	
Year around.....	4
Seasonal man-years.....	2
Visitation in 1970:	
Visitors.....	154,484
Overnighters.....	14,473
Fees, 1970:	
Camping.....	\$2.50-\$3
Cabins:	
Per night.....	\$10
Per week.....	\$60
Fee receipts, 1970:	
Campground.....	\$17,269.50
Cabins.....	5,519

## DAVIS BAYOU DEVELOPMENT COSTS COMPARISON

[In thousands]

	Public Law 91-660 (June 1970)	H.R. 11839 increase (November 1971)	H.R. 11839 total (November 1971)
<b>R. &amp; T.:</b>			
Entrance road .....	\$140	\$895	\$1,035
Interior roads .....		400	400
Parking .....	225	575	800
Walks and trails .....	30	70	100
Utility court .....	50		50
<b>Total .....</b>	<b>445</b>	<b>1,940</b>	<b>2,385</b>
<b>B. &amp; U.:</b>			
Visitor center .....	195	55	250
Headquarters .....	115	35	150
Maintenance and storage buildings .....	175	50	225
Docking and launching .....	145	305	450
Channel dredging .....		200	200
Residences .....	150	-150	0
Utilities .....	440	60	500
Picnic area .....	15	25	40
Signs and interpretive devices .....	20	80	100
Fencing .....	30	120	150
Group camps .....		30	30
Comfort stations .....		100	100
Play equipment .....		30	30
Site rehabilitation .....		115	115
<b>Total .....</b>	<b>1,285</b>	<b>1,055</b>	<b>2,340</b>
<b>Grand total .....</b>	<b>1,730</b>	<b>2,995</b>	<b>4,725</b>

Note: Total parkway development costs \$825.

(Mr. Hartzog's prepared statement follows:)

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

Mr. Chairman, I appreciate the opportunity to appear before you today to present the Department's views of the subject legislation. As the Department's report to your committee indicates, we recommend the enactment of this bill.

The bill you are considering today would amend Public Law 91-660, which authorized Gulf Islands National Seashore, in three ways. First, it would *increase the land acquisition acreage* in Mississippi from 135 acres to 400 acres; second, it would *increase the land acquisition ceiling* by \$342,000; and third, it would *increase the development ceiling* by \$2,995,000.

At the time hearings were held on the Gulf Islands authorizing legislation in the 91st Congress, the National Park Service had planned a 131-acre mainland site, utilizing approximately 59 acres of Magnolia State Park and 72 acres of privately owned property.

It was contemplated that other visitor support facilities and services would be provided by the Federal Government on Cat Island, and by the State of Mississippi on the remaining 207 acres of Magnolia State Park. However, Cat Island, as you know, was eliminated in the legislative process.

Following passage of Public Law 91-660, the State of Mississippi made known its desire to transfer all of Magnolia State Park to the Federal Government for seashore purposes.

Magnolia State Park totals 266 acres, which is 207 acres more than we intended to acquire within the park under Public Law 91-660. Acceptance of this generous offer by the State of Mississippi would make possible a greatly improved mainland visitor facility. By administering all of the park land and making the required improvements, we would be able to assure that facilities compatible with seashore requirements would be provided, that there would be no duplication of facilities or services, and that visitor enjoyment of the area would be heightened. This larger area would also permit us to provide some of the interpretive and visitor services which had previously been planned for Cat Island; these would then be easily accessible for local schools and youth groups on a year-round basis.

We had anticipated, in the original planning for the mainland site, that increasing visitor use of Magnolia State Park would cause the State to improve the access thereto, and that our mainland site would be a beneficiary of this improvement. However, if we receive a transfer of all of Magnolia State Park, there is little likelihood that the State would still improve the access road to it. Thus, if we accept the transfer we propose to acquire a right-of-way and to construct a one-mile-long access road to U.S. Highway 90. To construct this road, we would need to acquire approximately 100 acres of private lands, and a land acquisition ceiling increase of \$342,000 would be necessary. This figure reflects savings accruing from the 59 acres of private land which we had previously planned to acquire but would no longer need. Incidentally, Mr. Chairman, because we would not be acquiring some of the land identified earlier for acquisition, the persons displaced by the project would be reduced from 22 to 5, and the number of private homes to be acquired would be reduced from 7 to 2.

Acceptance of the entire State park and the provision of more facilities and improved access will require an increase in the development ceiling for the seashore, of approximately \$2,995,000.

Increased operating costs by reason of enactment of this amendatory legislation would amount to \$92,757 per year by the fifth year.

Mr. Chairman, I shall be happy to answer any questions you may have at this time.

Thank you very much.

Senator BIBLE. The next is S. 2725, Wolf Trap Farm Park, Va. The Statement from Senator William B. Spong will be made a part of the record.

(The text of S. 2725 and Department report follows:)

[S. 2725, 92d Cong., first sess.]

A BILL To remove the statutory ceiling on funds for the development of Wolf Trap Farm Park, Virginia, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Act of October 15, 1966 (80 Stat. 950), is amended by deleting the words “, but not in excess of \$600,000.”

U.S. DEPARTMENT OF THE INTERIOR,  
Washington, D.C., October 7, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill “To remove the statutory ceiling on funds for the development of Wolf Trap Farm Park, Virginia, 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 Act approved October 15, 1966 (80 Stat. 950), authorized the Secretary of the Interior to establish the Wolf Trap Farm Park in Fairfax County, Virginia, “. . . for the purpose of establishing in the National Capital area a park for the performing arts and related educational programs, and for recreation use in connection therewith . . .” The Act limited the size of the park to 145 acres, and authorized not to exceed \$600,000 for purposes of the park. The enclosed draft bill would amend the 1966 Act by deleting the appropriation limitation of \$600,000.

All of the \$600,000 authorized in the 1966 Act has been appropriated and expended. With these funds, the initial portions of the road, trail, and utility system, and a temporary administrative headquarters have been developed, and 20.98 acres of land have been acquired along with 12.38 acres of scenic easements. Already completed is the Filene Center, which has hosted during the 1971 season a variety of cultural and educational performances. Visitation during this first season, July 1, through September 9, 1971, was approximately 241, 268. The center has been constructed entirely with funds donated for the purpose by Mrs. Jonett Shouse, owner of Wolf Trap Farm, who, with the American Symphony Orchestra League, has also donated approximately 97 acres of the farm for the park.

With completion and initial use of the Filene Center, it has become clear that additional improvements and complementary facilities for public and administrative use are needed or will be needed. These include visitor parking, a permanent

concession building, visitor pavillion, maintenance building, comfort stations, landscaping, picnic sites, walks and trails, and a secondary amphitheatre. Accordingly, we recommend that the appropriation limitation in the 1966 Act be removed so that appropriations may be submitted to fund those improvements and facilities which have priority. The enclosed draft bill would accomplish that purpose.

The need for development over and above the \$600,000 authorized was brought to the attention of the Committees on Interior and Insular Affairs during consideration of the authorizing legislation. During hearings before the Senate Subcommittee on Parks and Recreation, on June 28, 1966, this Department's witness, Director Hartzog of the National Park Service, indicated that the development cost of \$476,500 (which, together with an estimated \$107,500 for land acquisition became the \$600,000 statutory limitation) was to develop the park during the first five years only. The Department was unable at that time to predict the cost and type of such facilities as would be needed after the initial five years of the project development.

On July 15, 1966, Director Hartzog stated to the House Subcommittee on National Parks and Recreation that: "I think in all fairness to the committee I should say that the projections of the Federal cost here of \$476,500 is our estimate of what should be done in the first five years of the development of this park. If this park expands in its use, if the reception of this program is such . . . it does not provide for taking care of additional crowds. If that happens I am going to be back to the Committee to lay the question before you and ask your consideration for additional money to accommodate the additional usage."

At the time the authorizing legislation was being considered, the design of the main amphitheatre, now the Filene Center, was not known. Mrs. Shouse did make a firm offer to donate \$1,750,000 to construct an amphitheatre of 3,000 to 3,500-seat capacity. However, as constructed the center now seats 3,500, with additional open-air space for 3,000, and Mrs. Shouse has donated in excess of \$2 million for its completion. With the experience gained in this past inaugural season behind us we are better able to identify additional needs for visitor and administrative facilities. Studies are now underway to determine what measures can be taken before the 1972 season begins. The early enactment of the enclosed bill will permit requests for appropriations to accomplish the work in an expeditious manner.

The Office of Management and Budget has advised that enactment of this proposed legislation would be consistent with the Administration's objectives.

Sincerely yours,

NATHANIEL REED,  
*Assistant Secretary of the Interior.*

A BILL To remove the statutory ceiling on funds for the development of Wolf Trap Farm Park, Virginia, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of October 15, 1966 (80 Stat. 950), is amended by deleting the words", but not in excess of \$600,000,".*

**STATEMENT OF HON. WILLIAM B. SPONG, JR., A U.S. SENATOR FROM  
THE STATE OF VIRGINIA**

Senator SPONG. Mr. Chairman, I am pleased to have this opportunity to testify in support of the Interior Department's request for increases in the statutory ceiling on funds for the development of Wolf Trap Farm National Park in Virginia and Piscataway National Park in Maryland.

The first mentioned of these increases is needed to enable the Interior Department to improve and expand facilities at the Filene Center and to make the Wolf Trap Farm complex a complete, year-round cultural park for the performing arts ever developed with the assistance of the Department of the Interior. Since its opening, the center has been a resounding success and I believe it will become one of the great cultural assets of this area and the Nation.

Wolf Trap Park was made possible by the generous gifts of Mrs. Jouett Shouse, including the land on which the park is located. Her

vision of a national park for the performing arts is shared by the Interior Department and by the people of this area. I hope this committee also will agree on the value of the project and grant the authority needed to continue Interior Department participation.

Mr. Chairman, while I fully support the projected expenditures for Wolf Trap Park under this bill, I am disappointed by the failure of the Department to also include funds for widening the Dulles road to accommodate Filene Center traffic which temporarily has been permitted to use the airport highway.

In December of 1970, when permission was first granted by the Department of Transportation for local use of the road, I was informed by both DOT and the Interior Department that the permission was contingent upon Interior Department's seeking funds for construction of parallel lanes from Route 7 to Wolf Trap Farm. I am advised that there is an interagency agreement to that effect.

In July of 1971, the commitment was reaffirmed by Russell E. Dickenson, Director of National Capital Parks, who wrote to me as follows:

Under proposed legislation for Wolf Trap Farm Park, which would raise the existing appropriation limitation a \$2 million item for the construction of parallel access roads along Dulles Highway has been included. This item is proposed for accomplishment as soon as practicable after passage of the proposed legislation by the Congress. We have and will continue to accord the parallel access road a high priority.

Mr. Chairman, although my office made inquiries this week of the Department of Transportation and the Park Service, I have not yet had an explanation of what happened to the agreement to build parallel lanes. As the sponsor of the bill, I could hope that both Departments have decided that rapid rail to Dulles, is a better answer and support that approach. On the other hand, it could be that the Park Service still plans to build the parallel lanes but at a later time. Whatever the case, I believe clarification is in order and I would appreciate the Chairman submitting questions I have prepared on this point to both Departments.

I want the record clear that I strongly support some better means of access to Wolf Trap Farm than funneling traffic through Shouse Village. At the same time, however, I would be opposed to opening the airport lanes to local traffic unless some alternative provision is made for that traffic when the highway is needed exclusively for airport uses. According to FAA projections that will be in the 1975-1980 time frame.

Mr. Chairman, the issue of parallel lanes is separate from the request before the committee today and I would not want it to be the cause, in any way, of delay in acting on that request. But I do believe there should be clarification of the issue.

Turning now to Piscataway Park, it is imperative that additional funds be authorized so as to preserve the view from Mount Vernon as Congress has intended. That objective is achieved in the House version of S. 2601, a bill providing for increases in appropriation ceilings and boundary changes in various units of the National Park System.

The existing appropriation limitation for Piscataway is not sufficient to preserve the Potomac River shoreline opposite Mount Vernon, and I support the additional \$2.8 million approved January 31 by the House.

However, in view of the long-standing difficulty in reaching an agreement with the owners of Marshall Hall over a scenic easement on that property, it would be useful in my judgment to broaden the Interior Department's authority so as to permit the outright acquisition of Marshall Hall. This additional leverage is provided in S. 1291, a bill I have cosponsored with Senator Case.

The alternative approach provided in S. 1291 hopefully would give impetus to reaching a settlement in a dispute that has dragged on for years with no hope of resolution.

In order to give the Department of the Interior the maximum leeway in its effort to resolve the problem, I hope the committee will give favorable consideration both to the additional authorization for scenic easement acquisition in the House version of S. 2601, and to the provision for outright acquisition in S. 1291.

I would hope, of course, that congressional consideration of efforts to protect the view from Mount Vernon will not impede any negotiations which may be in progress between the Interior Department and the owners of Marshall Hall over other possible solutions.

Senator BIBLE. Senator Spong has asked some questions and we will furnish them to you and ask you to have them back for the record within a week.

(The questions referred to follow:)

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
Washington, D.C., February 17, 1972.

HON. ALAN BIBLE,  
Chairman, Subcommittee on Parks and Recreation,  
Committee on Interior and Insular Affairs,  
Washington, D.C.

DEAR MR. CHAIRMAN: I regret that a previous commitment to attend the U.S. Canadian Interparliamentary Conference in Canada prevents me from testifying on the bill before the Subcommittee today. I have, however, submitted a statement and will request that it be made part of the hearing record.

In addition, I would greatly appreciate your submitting the enclosed questions relating to parallel lanes on the Dulles road to both the Department of the Interior and the Department of Transportation for reply. As I note in my statement, there was an agreement under which Park Service was to fund construction of these lanes to provide access to Wolf Trap Farm. I believe the record should be clarified on why that agreement has not been carried out and what alternative plans have been made.

I do not believe this issue in any way affects the items that are in the Park Service's request, and I fully support those. So, I would hope that this separate issue will not in any way delay the Subcommittee's action in reporting that bill.

Again, I appreciate your courtesy in this matter.

Sincerely,

WILLIAM B. SPONG, JR.

QUESTIONS BY SENATOR SPONG TO BE SUBMITTED TO THE DEPARTMENT OF THE INTERIOR AND THE DEPARTMENT OF TRANSPORTATION

1. What is the nature of the inter-agency agreement between the Department of Transportation and the Department of the Interior with respect to construction of parallel lanes on Dulles highway from Route 7 to Wolf Trap Farm?
2. My office received a letter on July, 1971 from the Director of National Capital Parks stating that there would be a \$2 million item in this legislation for parallel access roads and that the Department accorded the project a high priority. Why has the Department not followed through on this commitment?
3. What are the present plans of the Department for construction of parallel lanes? If these plans involve an agreement or understanding with the State of Virginia, what is the nature of that agreement, and the time frame contemplated, also the means of financing the project?

4. Has the Department given any thought to endorsing rapid rail as an alternative to parallel lanes? Please elaborate.

Mr. HARTZOG. I have a prepared statement, and I would appreciate having it inserted in full in the record.

The purpose of this legislation is to raise the development ceiling at Wolf Trap by \$4,873,000 to a new ceiling of \$5,473,000, in order to permit us to complete the development of the park and I have a breakdown of those development costs.

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

(The statement referred to follows:)

STATEMENT OF GEORGE B. HARTZOG, DIRECTOR, NATIONAL PARK SERVICE,  
DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate this opportunity to present the Department's views on S. 2725, a bill "To remove the statutory ceiling on funds for the development of Wolf Trap Farm Park, Virginia, and for other purposes." This legislation was recommended by the Department in a letter to the President of the Senate dated October 7, 1971.

Wolf Trap Farm Park for the Performing Arts is a unique area in the National Park System, with its own particular requirements. This past season, the first for this park, has afforded us many opportunities to become aware of the complexities, realities, and public need regarding a facility of this nature. We were aware, in 1966, that we would be meeting new challenges in this operation, and that the costs could only be approximated at that time. I then testified that as the concept developed we would seek Congressional approval for meeting new visitor needs as they became apparent.

It has been both a difficult and rewarding season at Wolf Trap requiring achievement of growth and maturity within a very brief span of time. Not only were we concerned with completion of the Filene Center, but as you are all aware, we were required to cope with the devastating fire of March 13, 1971, which caused \$650,000 worth of damage, and which changed the completion schedule for the building. However, we were able to open the Center and to have a season which has been proclaimed in the media and by visitors as an outstanding success. This success has been generated by the cooperation, activities, and interest of the Wolf Trap Foundation, American University, and by many private citizens, especially the dynamic, creative leadership and support of Mrs. Jouett Shouse. Thousands of hours of time, and thousands of dollars of money have been contributed to the success of this project.

For example, a volunteer usher program was initiated at Wolf Trap, in which 464 local citizens, students, and members of interested groups participated. They contributed 8,564 hours of their time, which represents a value of almost \$30,000. The Wolf Trap Foundation has donated additional funds for the completion of the park, and construction is beginning on the Edward Carr, Sr., Cottage, donated by Mr. Carr, which is being constructed by students of the Vocational Education Foundation of Fairfax County.

Interest in Wolf Trap clearly extends beyond the immediate vicinity, however. This is evidenced by the some 330,000 persons who attended programs at the Filene Center. The gate receipts of over \$1 million, which will be put to use in the programs for 1972, is a positive indication of the favorable reaction of the public to Wolf Trap. In addition, the area served 50,000 visitors who enjoyed free concerts, and thousands of others from urban and suburban areas who were invited to attend as guests of the Wolf Trap Foundation and the National Park Service.

The past season's activities have shown that the environment of relaxed exchange between artist and public, as initially envisioned by Mrs. Jouett Shouse, is becoming reality.

We believe, however, that the potential of the Park requires a further commitment before it is fully realized. We have identified additional requirements for the area, and I would like to outline them for you:

*First, additions to the Filene Center*

Included in these are light and sound control, weather and fire protection, an orchestra shell, and a projection booth. These items not only involve improvement

in services for the patrons, but will help in reducing operating costs created by inefficient and inadequate equipment.

*Second, adequate and safe parking facilities must be provided*

The first season was hampered by inadequate parking, and by improper pedestrian circulation directly affecting the safety of the visitors. In this latter regard, the construction of a pedestrian underpass beneath Trap Road, a four-lane highway, together with adequate trails and lighting to facilitate movement of the public to and from the theater and parking lots will in large measure correct that situation. We also propose to provide additional parking space and surface treatment for the existing space.

*Third, new visitor facilities should be created*

An additional amphitheatre is proposed in order to permit multiple performances, and performances which would not be suitable in the Filene Center. We also propose a visitor center containing an auditorium to be used for rehearsal space or for smaller productions on a year-round basis. Concession facilities must also be vastly improved, since present facilities are clearly inadequate. We also propose to increase picnic facilities, as this is an extremely popular activity at Wolf Trap.

We estimate that the cost of providing the required facilities will be \$4,873,000, based on November 1971 prices. A breakdown of this figure is attached.

Mr. Chairman, in addition to S. 2725, which is pending before your committee, there is also pending before the Senate S. 2601, the National Park Service Omnibus legislation which was passed by the House of Representatives on January 31, amended to include a provision similar to S. 2725. This provision, which appears as paragraph (4) of section 201 of S. 2601, would raise the authorization for development of Wolf Trap from \$600,000 to \$5,473,000, an increase of \$4,873,000. Inasmuch as this increase represents the amount we believe is needed at this time, we recommend that the House version of S. 2601 be adopted.

Mr. Chairman, I shall be happy to answer any questions you may have at this time. Thank you.

*Wolf Trap Farm Park—Development costs*

Light and sound control.....	\$350,000
Weather protection.....	200,000
Fire protection.....	85,000
Projection booth.....	133,000
Air conditioning and heating.....	75,000
Orchestra shell.....	125,000
Pedestrian underpass.....	300,000
Concession facilities.....	450,000
Visitor center, headquarters office, rehearsal room.....	1,500,000
Expansion, restroom facilities.....	100,000
Amphitheater (1) w/lighting and sound.....	500,000
Picnic areas.....	40,000
Maintenance building.....	200,000
West parking area (surface).....	365,000
Miscellaneous surface parking.....	200,000
Concession buildings walks.....	15,000
Visitor center walks.....	15,000
Walks and trail lighting.....	120,000
Picnic area trails.....	60,000
Maintenance area access and parking.....	40,000

SUMMARY SHEET—WOLF TRAP FARM PARK

Proposal: Development ceiling increase of \$4,873,000.  
 Legislation: S. 2725 (Jackson); H.R. 10086 (Taylor/Skubitz)—passed House January 31, 1972; H.R. 11303 (Saylor and seven others); and H.R. 11946 (Aspinal and 10 others).  
 Location: Fairfax County, Va.  
 Authorization: Public Law 89-671, October 15, 1966.

Area:	Acres
Gross area authorized.....	145.00
Federal interests:	
Fee.....	117.86
Adjacent scenic.....	12.38
Easement.....	130.24

How obtained:	Amount
Fee lands:	(\$64,000±)
Donated	103.50
Acquired	14.36
Easement:	(10,000±)
Donated	10.04
Acquired	2.33
Total	74,000±
Appropriations:	
Existing limitation	600,000
Appropriated and expended (roads, trails, utility systems, temporary headquarters, land acquisition)	600,000
Fiscal year 1968	75,000
Fiscal year 1969	318,000
Fiscal year 1970	207,000
Total	600,000
Attributable costs:	
Operations:	
1st	\$559,700
2d-3d	\$600,000
Staffing:	
1st:	
Permanent	30.0
Seasonal	18.0
2d-3d:	
Permanent	34.0
Seasonal	19.5
Development:	
1st-3d	\$4,873,000
R. & T.	815,000
B. & U.	4,058,000

## CURRENT AREA INFORMATION

	M. & P.	M. & R.	Total
Operations—Fiscal year 1972:			
Appropriated	160,000	136,000	296,000
Transferred from other programs	(125,000)	(200,000)	(325,000)
To meet necessary costs	285,000	336,000	621,000

Development—Fiscal year 1972—0.

Staffing—Fiscal year 1972: Permanent, 20 M.Y.; seasonal, 4.4 M.Y.; appropriated (20.0 M.Y. transferred from other programs to cover needs).

Visitation: November 1970 to October 1971, 370,856. (Includes 330,000 admission to the Filene Center, July 1971 to September 1971.)

Average daily visitation July to October 1971: 243 per day plus Filene patrons; 3,951 per performance average Filene patron paid attendance.

Projected 1972 visitation: 389,400.

Income and expense—Wolf Trap Farm Foundation—1971:

Income: Filene receipts, concessions, gifts, loans	—\$1,930,182
Expense: Talent, production, orchestra, capital improvements, advertising, public relations, administration	—1,889,948
Difference	40,234
Loan payable	200,000
Deficit	—159,766

Senator BIBLE. The only question that bothers me with this proposal, I thought your testimony that the Wolf Trap proposal at that time that it was first proposed to this committee, I thought you indicated at that time this was a one-shot deal and that in view of the great generosity of Mrs. Shouse; in the form of donations and contributions, including the structure you are putting at Wolf Trap, this would be the only amount of money (\$600,000) that the Federal Government would be required to put up.

Mr. HARTZOG. Mr. Chairman, I also checked the record because I thought maybe that subject would come up, and I found that I

hedged that statement by saying that we really didn't know how much the ultimate cost was going to be, but we would not be back to the committee for an increase until we had an operable unit.

We now have an operable unit. We had a great season out there last summer.

We are now back.

Senator BIBLE. Obviously you are back. This is not unusual. How much will it cost to give you everything you want at Wolf Trap Farm?

Mr. HARTZOG. \$4,873,000.

Senator BIBLE. After you get the \$5 million, then what else will you project for it?

Mr. HARTZOG. We don't have any other projections for it.

Senator BIBLE. It is safe to put in the record that under oath you say this is going to be the last amount of money you ask for Wolf Trap Farm?

Mr. HARTZOG. Without binding any possible successors of mine, this is all I intend to ask for Wolf Trap Farm, sir.

Senator BIBLE. If you make a career of the Park Service, that should take us to the turn of the century. How much does it cost you annually to operate Wolf Trap Farm?

Mr. HARTZOG. \$621,000.

Senator BIBLE. How much will it cost you for each of the next 5 years?

Mr. HARTZOG. I have the projections, only for 3 years, Mr. Chairman, and we don't project any increase in the cost, over that for the next 3 years. There undoubtedly will be some increasing costs, however, associated with wage increases and this kind of thing, but our staffing is pretty well set at 30 permanent employees, 18 seasonal employees in M and P and 34 in M and R, and 19½ man-years a season.

Senator BIBLE. What is the length of the season at Wolf Trap Farm?

Mr. HARTZOG. Generally from about June through September.

Senator BIBLE. June through September?

Mr. HARTZOG. Yes; we are hoping, Mr. Chairman, by some of these improvements to extend the life of the program there by enclosing, not with boards or batten, but with a screen protection, the Filene Center. Some programs can go on longer than that.

Senator BIBLE. What has been your experience at Wolf Trap Farm, has it worked out or what?

Mr. HARTZOG. I think it is one of the greatest assets in the national park system.

Senator BIBLE. Why?

Mr. HARTZOG. We had 330,000 people out there in that season last year, 50,000 of whom—children and the elderly impoverished in our culture—were given free tickets to participate and share in some of the richest of the performing arts in our country and in the world.

Senator BIBLE. What admission charges do you make at Wolf Trap Farm?

Mr. HARTZOG. We don't make any admission charges to the farm.

Senator BIBLE. To anyone?

Mr. HARTZOG. The only admission charges are to the performances at the Filene Center, and that is done by the Wolf Trap Foundation.

Senator BIBLE. Are they self-supporting?

Mr. HARTZOG. They are self-supporting, Mr. Chairman, in private donations. I have a list here of private donations that have been made there. The private community has supported this program magnificently, to the extent of \$6,400,000 in cash already, through this period of time, and they are still in their fund-raising program.

I gave them, just as I do the Ford Theater Society, a donation to defray part of their work which they do in interpreting the arts as a part of our interpretive program out there, which we otherwise would have to do. Except for that contribution toward the interpretive program, all of their work is self-supporting with private donations.

Senator BIBLE. What does that cost?

Mr. HARTZOG. They had a budget of \$1,500,000.

Senator BIBLE. What is your contribution?

Mr. HARTZOG. \$6,400,000 have been the private donations thus far.

Senator BIBLE. Not the private donations. How much does National Park Service contribute?

Mr. HARTZOG. I gave them \$75,000 the year before last and \$125,000 this year.

Senator BIBLE. Will it run at the \$125,000 rate from here on up?

Mr. HARTZOG. That is where I am trying to hold them, as well as the Ford's Theater Society.

Senator BIBLE. Is this a line operation—

Mr. HARTZOG. No; it is a management and protection item.

Senator BIBLE. Without objection, a letter from Senator Spong will be incorporated in the record. He has asked four questions and I will ask them. I don't know whether you can answer them offhand, or whether you have to consult some of your staff. He does refer to the one that you might be able to answer. Let me read the statement and the question:

My office received a letter on July 1971 from the Director of the National Capital Park stating there would be a \$2 million item in this legislation for parallel access roads and that the Department accorded the project a high priority. Why has not the Department followed through on this commitment?

Mr. HARTZOG. Well, that letter, unfortunately, overwrote the commitment. Our agreement with the Department of Transportation did not commit us to build a parallel access road, it simply covered the access ramps off the existing Dulles Highway Road. When we took this issue to the Office of Management and Budget they directed that a traffic study be made as to the desirability of building those parallel roads, and our traffic study concluded that those parallel roads were not desirable for the purpose of providing access to Wolf Trap Farm Park.

What is desirable is that a visitor underpass be built from these parking lots over here underneath this access ramp coming off of the Dulles road so that the traffic would not have to be stopped inside of the park on its way into the parking lot. That would eliminate traffic backing up on the Dulles Highway. That was a preferable solution, and we took the item out of the program.

Senator BIBLE. What are the present plans of the Department for construction of parallel lanes?

Mr. HARTZOG. We have none.

Senator BIBLE. You don't intend to have any?

Mr. HARTZOG. No.

Senator BIBLE. This agreement with the State of Virginia, what is the statement of the agreement?

Mr. HARTZOG. It does not involve an agreement with the State of Virginia, it involves an agreement with the Department of Transportation. I have a copy of it, and I will be happy to furnish it for the record.

Senator BIBLE. Have you given thought to installing a rapid rail as an alternative for parallel lanes?

Mr. HARTZOG. We have a request from the Congress for a report on Senator Spong's bill on this subject. The Department has not articulated its position, it is in the process of being drafted now. I have no position at this time.

Senator BIBLE. Will that be the position of the National Park Service or the Department of Transportation?

Mr. HARTZOG. We have been asked as the Department of Interior to comment, as well as the Department of Transportation has been asked, to the Office of Management and Budget.

Senator BIBLE. You are furnishing your agreement to the Department of Transportation with respect to the construction—

Mr. HARTZOG. That letter overstated what the agreement was. It was an error in advising the Senator that we had an agreement. There was a discussion. That is what we would do.

Senator BIBLE. Do you have any agreement to enter with the Department of Transportation. That is the one you suggested?

Mr. HARTZOG. Yes; and all it covers is the ramps, but not the parallel roads.

Senator BIBLE. I understand, and it will speak for itself. Furnish a copy of that letter for the record, likewise send a copy of that inter-agency agreement to Senator Spong?

Mr. HARTZOG. Yes.

Senator BIBLE. That will clear the air. You say it does not involve a parallel lane, all it involves is the off ramp?

Mr. HARTZOG. Yes.

Senator BIBLE. All right. I have no further questions.

(The documents referred to follow:)

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF  
TRANSPORTATION AND U.S. DEPARTMENT OF INTERIOR

TEMPORARY ACCESS ROAD RAMPS BETWEEN WOLF TRAP FARM PARK AND THE  
DULLES AIRPORT ACCESS ROAD

Wolf Trap Farm Park was established by the 89th Congress, Public Law 89-671, approved October 15, 1966, and is under the jurisdiction of the National Park Service. The Secretary of Interior has entered into an agreement with the Wolf Trap Foundation for the Performing Arts, a non-profit corporation, which provides that the foundation will assist in the presentation of performing arts programs, related educational activities and will provide certain services and facilities. The park is located adjacent to and north of the Dulles Airport Access Road, a facility of Federal Aviation Administration, in the vicinity of Wolf Trap Road, State Road 676.

The Filene Center of the Performing Arts is located at Wolf Trap Farm Park and consists of an amphitheater with approximately 3,500 seats under cover and room for approximately 3,000 persons in the grassed portion of the viewing area. It is in the public interest to provide adequate access accommodation to Wolf Trap Farm Park from the Dulles Airport Access Road.

The Dulles Airport Access Road was designed to provide space for service roads independent of the freeway. A design plan has been developed which would provide for the construction of service roads within the Dulles Airport Access Road right-of-way, connecting the interchange at Virginia State Route 7 with the park via a half-diamond connection with Wolf Trap Road. Construction of this facility is estimated to cost approximately \$2 million and cannot be built without Congressional action.

The Filene Center will be opened July 1, 1971, and it is urgent that temporary measures be taken to provide adequate public access to the facility.

The following actions will be taken:

1. Ramps will be constructed between Wolf Trap Road and the present Dulles Airport Access highway, so constructed as to provide access to the park. These ramps will be constructed in the northeast and southeast quadrants of the Wolf Trap Road crossing to provide access to and from the direction of Washington, D.C. The ramps will be barricaded in such a manner that their use will be restricted to only those times immediately before, during and after performances at the Wolf Trap Farm Park.

2. In accordance with and subject to the administrative control of the Federal Aviation Administration the National Park Service will control the barricades for the restricted use of the ramps as mentioned above. The National Park Service will assist the present traffic control authority on Route 7 for placing directional signs and directing all traffic desiring to use this access to the park.

3. Construction of the ramps will be the responsibility of the Wolf Trap Foundation for the Performing Arts. The Department of Transportation, Federal Highway Administration will perform the necessary engineering for the design and supervision of construction.

JOHN A. VOLPE,  
*Department of Transportation.*

JUNE 6, 1971.

ROGERS C. B. MORTON,  
*Department of Interior.*

JUNE 4, 1971.

Senator BIBLE. The hearing is adjourned.

(Whereupon, at 12:30 p.m., the hearing was adjourned, subject to the call of the Chair.)



The Ohio - Akron Access Road was designed to provide access for service  
to the independent of the present. It design plan has been approved with  
would provide for the construction of a road which will be the Akron Access  
Road six-to-eight feet wide, with a minimum of 10 feet clear width. It will be  
built on a half-mile road connection with Wolf Run Road. Construction of this  
road is estimated to cost approximately \$2 million and cannot be built without  
Congressional action.

The Ohio - Akron Access Road will be completed July 1, 1967 and it is urgent that the  
monies be taken from the appropriation bill in order to be available.

The following action will be taken:  
1. Plans will be prepared between the State and the Federal Government  
Ohio - Akron Access Road, in connection with the road work in the area. These  
plans will be completed by the end of the year and will be submitted to the  
Federal Government for approval. It is estimated that the cost of this  
road will be approximately \$2 million and it is estimated that the  
road will be completed by the end of the year.

2. In accordance with the plan and subject to the approval of the Federal  
Government, the State will submit the necessary plans to the Federal  
Government for approval. The State will also submit the necessary  
plans to the Federal Government for approval. It is estimated that the  
cost of this road will be approximately \$2 million and it is estimated  
that the road will be completed by the end of the year.

3. The State will submit the necessary plans to the Federal Government  
for approval. It is estimated that the cost of this road will be  
approximately \$2 million and it is estimated that the road will be  
completed by the end of the year.

4. The State will submit the necessary plans to the Federal Government  
for approval. It is estimated that the cost of this road will be  
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completed by the end of the year.

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15. The State will submit the necessary plans to the Federal Government  
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16. The State will submit the necessary plans to the Federal Government  
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17. The State will submit the necessary plans to the Federal Government  
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18. The State will submit the necessary plans to the Federal Government  
for approval. It is estimated that the cost of this road will be  
approximately \$2 million and it is estimated that the road will be  
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19. The State will submit the necessary plans to the Federal Government  
for approval. It is estimated that the cost of this road will be  
approximately \$2 million and it is estimated that the road will be  
completed by the end of the year.

20. The State will submit the necessary plans to the Federal Government  
for approval. It is estimated that the cost of this road will be  
approximately \$2 million and it is estimated that the road will be  
completed by the end of the year.

