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EVERGLADES-BIG CYPRESS NATIONAL RECREATION AREA

GOVERNMENT DOCUMENTS

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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. 2465

A BILL TO ESTABLISH THE EVERGLADES-BIG CYPRESS NATIONAL RECREATION AREA IN THE STATE OF FLORIDA, AND FOR OTHER PURPOSES

S. 3139

TO AUTHORIZE THE ACQUISITION OF THE BIG CYPRESS NATIONAL FRESH WATER RESERVE IN THE STATE OF FLORIDA, AND FOR OTHER PURPOSES

APRIL 20 AND 21, 1972

PART 2



U.S. GOVERNMENT PRINTING OFFICE

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EVERGLADES-BIG CYPRESS NATIONAL
RECREATION AREA

THURSDAY, APRIL 20, 1972

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

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, New Senate Office Building, Senator Alan Bible, presiding.

Present: Senators Bible (presiding) and Moss.

Also present: Jerry Verkler, staff director; Bernard Hartung, professional staff member; Steve Quarles, special counsel; and Tom Nelson, assistant minority counsel.

Senator BIBLE. The hearing will come to order.

The hearing today is on two bills, S. 2465 and S. 3139. Each of these bills and Department reports will be made a part of the record at this point.

(The documents referred to follows:)

(1)

92D CONGRESS
1ST SESSION

S. 2465

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 1971

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

A BILL

To establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That in order to protect for the benefit, education, and rec-
4 reational use of present and future generations the unique
5 environment found in the Big Cypress Swamp area of south-
6 western Florida, in order to preserve Everglades National
7 Park, which is dependent for more than half its surface water
8 supply on water flowing from the Big Cypress Swamp, in
9 order to preserve the fresh water supply and estuarine de-
10 pendent fisheries of south Florida, and in order to assure

1 the economic well-being and cultural integrity of the Mic-
2 cosukee Tribe of Indians of Florida and Seminole Tribe of
3 Florida, there is hereby established the Everglades-Big
4 Cypress National Recreation Area (hereinafter referred to
5 as the "recreation area"). The boundaries of the recreation
6 area shall be as generally depicted on the map entitled
7 "Everglades-Big Cypress National Recreation Area," num-
8 bered NRA-BC-91,000, and dated March 1971, which
9 shall be on file and available for public inspection in the
10 offices of the National Park Service, Department of the In-
11 terior. The Secretary of the Interior (hereinafter referred to
12 as the "Secretary") may make minor adjustments in the
13 boundary from time to time by publication of a revised map
14 or other description in the Federal Register, but the total
15 area within the recreation area shall not exceed 585,000
16 acres.

17 SEC. 2. (a) Within the boundaries of the recreation
18 area the Secretary is authorized to acquire lands, waters,
19 and interests therein by donation, purchase with donated or
20 appropriated funds, exchange, or transfer from any other
21 Federal agency, except that property owned by the State
22 of Florida or any political subdivision thereof may be ac-
23 quired only with the consent of the owner. Federal property
24 within the boundaries of the recreation area may, with the
25 concurrence of the head of the agency having jurisdiction

1 thereof, be transferred without reimbursement to the admin-
2 istrative jurisdiction of the Secretary for the purposes of
3 this Act.

4 (b) Effective on the date of enactment of this Act,
5 there is hereby vested in the United States all right, title,
6 and interest in, and the right to immediate possession of,
7 all real property, except real property owned by the State
8 of Florida or any political subdivision thereof and except
9 improved property as defined in this Act, within that part
10 of the recreation area described as follows:

11 Beginning, from the section corner common to sec-
12 tions 11, 12, 13, and 14, township 53 south, range
13 30 east, first principal meridian, northerly along the
14 section lines approximately 10 miles to the section corner
15 common to sections 23, 24, 25, and 26, township 51
16 south, range 30 east;

17 thence west along the section lines approximately
18 3 miles to the section corner common to sections 20,
19 21, 28, and 29, township 51 south, range 30 east;

20 thence north along the section lines approximately
21 7 miles to the section corner common to sections 16,
22 17, 20, and 21, township 50 south, range 30 east;

23 thence east along the section lines approximately
24 3 miles to the section corner common to sections 13,
25 14, 23, and 24, township 50 south, range 30 east;

1 thence north along the section lines approximately
2 3 miles to the intersection of the south right-of-way
3 line of Alligator Alley, State Highway numbered 84
4 which point is near the corner common to sections 35
5 and 36, township 49 south, range 30 east, and sections
6 1 and 2, township 50 south, range 30 east;

7 thence generally east along said south right-of-way
8 line of State Highway numbered 84 apporximately 8
9 miles to a point near the corner common to sections 31
10 and 32, township 49 south, range 32 east, and sections
11 5 and 6, township 50 south, range 32 east;

12 thence south along the section lines approximately
13 1 mile to the corner common to sections 5, 6, 7, and 8,
14 township 50 south, range 32 east;

15 thence east along section lines approximately 2
16 miles to the corner common to sections 3, 4, 9, and 10,
17 township 50 south, range 32 east;

18 thence south approximately 1 mile along section
19 lines to the corner common to sections 9, 10, 15, and
20 16, township 50 south, range 32 east;

21 thence east approximately 1 mile along section lines
22 to the corner common to sections 10, 11, 14, and 15,
23 township 50 south, range 32 east;

24 thence south approximately 1 mile along section

1 lines to section corner common to sections 14, 15, 22,
2 and 23, township 50 south, range 32 east;

3 thence east along section lines approximately 3
4 miles to the corner common to sections 17, 18, 19, and
5 20, township 50 south, range 33 east;

6 thence south along section lines approximately 1
7 mile to the corner common to sections 19, 20, 29, and
8 30, township 50 south, range 33 east;

9 thence east along section lines approximately 4
10 miles to the section corner common to sections 23, 24,
11 25, and 26, township 50 south, range 33 east;

12 thence south along section lines approximately one
13 mile to the corner common to sections 25, 26, 35, and
14 36, township 50 south, range 33 east;

15 thence east along section lines approximately 2
16 miles to the corner common to sections 29, 30, 31,
17 and 32, township 50 south, range 34 east;

18 thence south along section lines approximately 1
19 mile to the corner common to sections 31 and 32, town-
20 ship 50 north, range 34 east, and sections 5 and 6,
21 township 51 south, range 34 east;

22 thence east along section lines approximately 3
23 miles to the corner common to sections 34 and 35,
24 township 50 south, range 34 east, and sections 2 and
25 3, township 51 south, range 34 east;

1 thence south approximately 1 mile to the corner
2 common to sections 2, 3, 10, and 11, township 51
3 south, range 34 east;

4 thence east along section lines approximately 2
5 miles to the section corner common to sections 1 and
6 12, township 51 south, range 34 east, and sections 6
7 and 7, township 51 south, range 35 east;

8 thence south along section lines approximately 5
9 miles to the corner common to section 36, township
10 51 south, range 34 east, section 1, township 52 south,
11 range 34 east, section 31, township 51 south, range 35
12 east, and section 6, township 52 south, range 35 east;

13 thence east approximately 3 miles to the west right-
14 of-way line of levee of C28 Central and Southern Flood
15 Control Project, thence generally south along said right-
16 of-way line approximately 14 miles to the intersection
17 north of the right-of-way line of the Tamiami Trail;

18 thence south to the south right-of-way line which
19 point is near the section corner common to sections 5,
20 6, 7 and 8, township 54 south, range 35 east;

21 thence generally southeasterly along said right-of-
22 way approximately 3 miles to the intersection with the
23 north boundary of Everglades National Park near the
24 location of a point known as Forty Mile Bend on the
25 Tamiami Trail;

1 of the Central and Southern Florida Flood Control
2 Project;

3 thence, southerly along said right-of-way approxi-
4 mately 11 miles to the intersection north of the right-
5 of-way line of the Tamiami Trail, State Highway num-
6 bered 41;

7 thence, due south across the Tamiami Trail, to the
8 south right-of-way line which point is near the corner
9 common to sections 5, 6, 7, and 8, township 54 south,
10 range 35 east;

11 thence, southeasterly along said right-of-way ap-
12 proximately 3 miles to the intersection with the north
13 boundary of Everglades National Park near the location
14 of a point known as Forty Mile Bend on the Tamiami
15 Trail;

16 thence, along the north boundary of Everglades Na-
17 tional Park to the point of beginning, consisting of
18 262,700 acres more or less.

19 (c) The United States will pay just compensation to
20 the owner of any real property taken by subsection (b) of
21 this section. Such compensation shall be paid either: (1) by
22 the Secretary of the Treasury from money appropriated from
23 the Land and Water Conservation Fund, including money
24 appropriated to the fund pursuant to section 2 (c) of the
25 Land and Water Conservation Fund Act of 1965, as

1 amended, upon certification to him by the Secretary of the
2 agreed negotiated value of such property, or the valuation
3 of the property awarded by judgment, including interest at
4 the rate of 6 per centum per annum from the date of taking
5 the property to the date of payment thereof; or (2) by the
6 Secretary, if the owner of the land concurs, with any feder-
7 ally owned property available to him or acquired by him for
8 purposes of exchange pursuant to the provisions of section 4
9 of this Act; or (3) by the Secretary using any combination
10 of such money or federally owned property. Any action
11 against the United States for the recovery of just compensa-
12 tion for the land and interests therein taken by the United
13 States by subsection (b) of this section shall be brought not
14 later than two years from the effective date of this Act in
15 the Court of Claims as provided in title 28, United States
16 Code, section 1491.

17 (d) With respect to any property taken pursuant to
18 subsection (b) which in the Secretary's judgment is not
19 essential for the protection, or administration of the recrea-
20 tion area in accordance with the purposes of this Act, the
21 Secretary may take appropriate action to revest title to such
22 property in the former owner.

23 SEC. 3. (a) The owner of improved property on the date
24 of its acquisition by the Secretary may, as a condition of such
25 acquisition, retain for himself and his heirs and assigns a right

1 of use and occupancy of the improved property for noncom-
2 mercial residential purposes for a definite term of not more
3 than twenty-five years or, in lieu thereof, for a term ending
4 at the death of the owner or the death of his spouse, which-
5 ever is later. The owner shall elect the term to be reserved.
6 Unless this property is wholly or partially donated to the
7 United States, the Secretary shall pay the owner the fair
8 market value of the property on the date of acquisition less
9 the fair market value on that date of the right retained by the
10 owner. A right retained pursuant to this section shall be sub-
11 ject to termination by the Secretary upon his determination
12 that it is being exercised in a manner inconsistent with the
13 purposes of this Act, and it shall terminate by operation of
14 law upon the Secretary's notifying the holder of the right of
15 such determination and tendering to him an amount equal
16 to the fair market value of that portion of the right which
17 remains unexpired.

18 (b) As used in this Act the term "improved property"
19 means a detached, one-family dwelling, construction of which
20 was begun before January 1, 1971, which is used for non-
21 commercial residential purposes, together with not to exceed
22 three acres of the land on which the dwelling is situated,
23 such land being in the same ownership as the dwelling, to-
24 gether with any structures accessory to the dwelling which
25 are situated on such land.

1 SEC. 4. Notwithstanding any other provision of law, the
2 Secretary may acquire, by any of the methods set forth in
3 section 2 (a) of this Act, lands, waters, and interests therein
4 outside the boundaries of the recreation area but within the
5 State of Florida and exchange such property for property of
6 approximately equal value within the boundaries.

7 SEC. 5. (a) The Secretary shall administer the recrea-
8 tion area in accordance with the provisions of the Act of
9 August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as
10 amended and supplemented, and in accordance with such
11 other statutory authorities available to the Secretary for
12 the conservation and management of natural resources to
13 the extent that he finds such authorities will further the pur-
14 poses of this Act. In administering the recreation area the
15 Secretary shall make appropriate use of the authority in
16 section 5 (a) of the Act of July 15, 1968 (82 Stat. 354,
17 356), to convey property acquired for the purposes of this
18 Act to former owners thereof.

19 (b) No additional access roads or canals shall be con-
20 structed within or leading to the recreation area, and no
21 facilities for the care and accommodation of visitors shall
22 be constructed or permitted other than on lands which, on
23 the effective date of this Act, have been filled, dredged,
24 built up, or otherwise permanently altered for construction
25 purposes, it being the intention of this subsection that estab-

1 lishment of the recreation area shall in no way further
2 adversely alter the natural ecology of the area.

3 SEC. 6. The Secretary shall permit hunting, fishing, and
4 trapping on lands and waters under his jurisdiction within
5 the recreation area in accordance with applicable laws of
6 the State of Florida and of the United States, except that
7 he may designate zones where and establish periods when
8 no hunting, fishing, or trapping may be permitted for reasons
9 of public safety, administration, fish or wildlife management,
10 or public use and enjoyment. Except in emergencies, any
11 regulations of the Secretary to carry out the purposes of this
12 section shall be issued only after consultation with the
13 Florida Department of Natural Resources. Notwithstanding
14 this section or any other provision of this Act, members of
15 the Miccosukee Tribe of Indians of Florida and members of
16 the Seminole Tribe of Florida may continue their usual and
17 customary use and occupancy of lands and waters within the
18 recreation area, including hunting, fishing, and trapping on
19 a subsistence basis and traditional tribal ceremonials.

20 SEC. 7. Notwithstanding any other provision of law, the
21 Secretary may enter into cooperative agreements with the
22 recognized tribal governing bodies of the Miccosukee Tribe
23 of Indians of Florida and the Seminole Tribe of Florida, for
24 the construction and operation by such recognized Indian
25 tribes, or their assigns, of revenue-producing facilities and

1 services for visitors to the recreation area. Such agreements
2 may provide that all or an appropriate portion of the net
3 receipts may be retained by such Indian tribes or their
4 assigns shall be subject to such standards, terms, and con-
5 ditions as the Secretary may establish and may be conducted
6 only at locations designated by the Secretary. Before enter-
7 ing into any other contract for the provision of revenue-
8 producing visitor services or facilities for the recreation area,
9 the Secretary shall give the governing bodies of such Indian
10 tribes recognized by the United States ninety days in which
11 to enter into a cooperative agreement pursuant to this sec-
12 tion for the provision of such visitor services or facilities.

13 SEC. 8. There are hereby authorized to be appropri-
14 ated such sums as may be necessary to carry out the provi-
15 sions of this Act, not to exceed, however, \$—————
16 (February 1971 prices) for development of the recreation
17 area, plus or minus such amounts, if any, as may be justified
18 by reason of ordinary fluctuations in construction costs as
19 indicated by engineering cost indices applicable to the types
20 of construction involved herein.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 19 1972

Dear Mr. Chairman:

This responds to your request for comment on S. 2465, a bill "To establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes".

We recommend the enactment of S. 3139, this Administration's proposal "To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes", in lieu of S. 2465.

S. 2465 would establish an Everglades-Big Cypress National Recreation Area of not more than 585,000 acres to be acquired and administered by the Secretary of the Interior "in order to protect for the benefit, education, and recreational use of present and future generations the unique environment found in the Big Cypress Swamp area of southwestern Florida. . .". Lands within the recreation area which are owned by the State of Florida or a political subdivision thereof would be acquired only with the consent of the owner, but title to all privately-owned, unimproved real property would be vested in the United States effective on the date of enactment, with compensation to be paid therefor upon negotiated settlement or judgment. Owners of improved property could elect to retain beneficial interest for a term not to exceed 25 years, or for a term ending at the death of the owner or his spouse. The Secretary would be authorized by subsection 2(d) to revest title in the former owner of unimproved property if he determines that such property would not be essential to administration of the recreation area. S. 2465 also contains a prohibition against construction on lands other than those altered prior to enactment (section 5(b)); provision for the regulation of hunting, fishing, and trapping within the recreation area, subject to the continuation of customary use and occupancy by the Miccosukee and Seminole Tribes (section 6); and provision for cooperative agreements that would enable the Miccosukee and Seminole Tribes to construct and operate "revenue-producing facilities and services for visitors to the recreation area" (section 7).

On November 23, 1971, President Nixon announced his intention to propose legislation that "would protect Big Cypress Swamp from private development that would destroy it, and to insure its

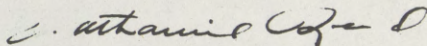
survival for future generations. . .". Early this year, following a visit to Big Cypress, Secretary Morton transmitted to the Congress draft legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve. Our proposal, now pending before the Committee as S. 3139, differs from S. 2460 in several respects. First, it contemplates protection and management of Big Cypress through cooperative action by the Federal government and the State of Florida. While S. 3139 would authorize Federal acquisition of not more than 547,000 acres of privately-owned land and approximately 37,000 acres of public lands, section 4 would authorize the Secretary to enter into an agreement with the State of Florida or any appropriate political subdivision thereof for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement would contain provisions regulating such uses as the Secretary determines must be limited or controlled. Our proposal places greater emphasis upon conservation of fresh water and the fragile ecology of Big Cypress than upon its development for recreation use.

Further, S. 3139 does not contain provision for a legislative taking of unimproved property. Rather, we propose that the Secretary be authorized to acquire privately-owned improved property within the reserve by payment of fair market value on the date of acquisition, less the fair market value of any right retained by the owner. In addition to providing that members of the Miccosukee and Seminole Tribes may be authorized to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, S. 3139 would require that the Secretary provide to members of these tribes a first opportunity for the continued provision of visitor services within the reserve. A detailed discussion of our proposal is contained in Secretary Morton's letter of February 4 to the President of the Senate.

We urge that your Committee and the Congress act promptly to preserve and protect this highly significant fresh water resource. Speaking at Big Cypress in January, Secretary Morton described it as "biologically one of the most unique ecosystems in the world and hydrologically the most important watershed in Florida". Enactment of S. 3139 would assure for future generations the opportunity to enjoy this great component of our natural heritage.

The Office of Management and Budget has advised that there is no objection to the presentation of this report and enactment of S. 3139 would be in accord with the program of the President.

Sincerely yours,



Assistant Secretary of the Interior

Hon. Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D. C.

S. 3139

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 1972

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

A BILL

To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes.

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

4 (a) the unique natural environment of the Big
5 Cypress area of southwestern Florida should be protected
6 from further development which would significantly and
7 adversely affect its ecology;

8 (b) the Big Cypress is a fragile area, ecologically
9 interlocked with Everglades National Park and the con-
10 tinued viability of Everglades National Park and certain

II

1 of the estuarine fisheries of south Florida are directly
2 dependent upon fresh water of adequate quality and vol-
3 ume from the Big Cypress area; and

4 (e) appropriate measures must be taken by the
5 United States and the State of Florida to assure the con-
6 servation of fresh water from the Big Cypress area.

7 It is, accordingly, the purpose of this Act to provide for
8 the protection of the Big Cypress area and for appropriate
9 uses thereof through cooperative action by the Federal Gov-
10 ernment and the State of Florida.

11 SEC. 2. In order to effectuate the purpose of this Act
12 the Secretary of the Interior (hereinafter referred to as the
13 "Secretary") is authorized to acquire by donation, purchase
14 with donated or appropriated funds, transfer from any other
15 Federal agency, or exchange, lands, waters, and interests
16 therein within the area generally depicted on the map en-
17 titled "Boundary Map, Big Cypress National Fresh Water
18 Reserve, Florida", numbered BC-91,001, and dated No-
19 vember 1971, which shall be on file and available for public
20 inspection in the Office of the National Park Service, De-
21 partment of the Interior. The Secretary may from time to
22 time make minor revisions in the boundaries of the area by
23 publication of a revised map or other boundary description
24 in the Federal Register, and he may acquire property within
25 the revised boundaries in accordance with the provisions of

1 this section: *Provided*, That the boundaries of the area may
2 not encompass more than five hundred and forty-seven thou-
3 sand acres of privately owned land. Property owned by the
4 State of Florida or any political subdivision thereof may be
5 acquired only by donation. Notwithstanding any other provi-
6 sion of law, Federal property within the boundaries of the
7 area may, with the concurrence of the head of the admin-
8 istering agency, be transferred to the administrative juris-
9 diction of the Secretary for the purposes of this Act, with-
10 out a transfer of funds.

11 SEC. 3. (a) The owner of improved property on the
12 date of its acquisition by the Secretary may, as a condition
13 of such acquisition, retain for himself and his heirs and assigns
14 a right of use and occupancy of the improved property for
15 noncommercial residential purposes for a definite term of not
16 more than twenty-five years or, in lieu thereof, for a term
17 ending at the death of the owner or the death of his spouse,
18 whichever is later. The owner shall elect the term to be re-
19 served. Unless this property is wholly or partially donated
20 to the United States, the Secretary shall pay the owner the
21 fair market value of the property on the date of acquisition
22 less the fair market value on that date of the right retained
23 by the owner. A right retained pursuant to this section shall
24 be subject to termination by the Secretary upon his determi-
25 nation that it is being exercised in a manner inconsistent with

1 the purposes of this Act, and it shall terminate by operation
2 of law upon the Secretary's notifying the holder of the right
3 of such determination and tendering to him an amount equal
4 to the fair market value of that portion of the right which
5 remains unexpired.

6 (b) As used in this Act the term "improved property"
7 means a detached, one-family dwelling, construction of which
8 was begun before November 23, 1971, which is used for non-
9 commercial residential purposes, together with not to exceed
10 three acres of the land on which the dwelling is situated, such
11 land being in the same ownership as the dwelling, together
12 with any structures accessory to the dwelling which are
13 situated on such land.

14 SEC. 4. The area within the boundaries depicted on the
15 map referred to in section 2, or as such boundaries may be
16 revised, shall be known as the Big Cypress National Fresh
17 Water Reserve, and it shall be administered by the Secretary
18 in accordance with the laws applicable to the national park
19 system, and in a manner consistent with the findings and
20 purposes of this Act. The Secretary is authorized to enter
21 into an agreement with the State of Florida, or any political
22 subdivision thereof having jurisdiction over the lands, waters,
23 and interests therein within the reserve, pursuant to which
24 such State or political subdivision may agree to manage and
25 administer any property acquired by the Secretary pursuant

1 to this Act for the purpose of protecting the unique natural
2 environment of the Big Cypress area. Any such agreement
3 shall contain provisions which, as applied to the area within
4 the reserve, will limit or control the use of the lands and
5 waters therein for the purposes of motorized access, explora-
6 tion for an extraction of oil, gas, and other minerals, grazing,
7 draining, or constructing works to alter the natural water
8 courses, agriculture, hunting, fishing, and trapping, new con-
9 struction of any kind, and such other uses as the Secretary
10 determines must be limited or controlled in order to carry out
11 the purpose of this Act: *Provided, however,* That the Sec-
12 retary shall consult and cooperate with the Secretary of
13 Transportation to assure that necessary transportation fa-
14 cilities shall be located within existing or reasonably ex-
15 panded rights-of-way and constructed within the reserve in
16 a manner consistent with the purposes of this Act.

17 SEC. 5. The Secretary shall permit hunting, fishing, and
18 trapping on lands and waters under his jurisdiction within the
19 reserve in accordance with the applicable laws of the United
20 States and the State of Florida, except that he may designate
21 zones where and periods when no hunting, fishing, or trap-
22 ping may be permitted for reasons of public safety, adminis-
23 tration, fish or wildlife management, or public use and enjoy-
24 ment. Except in emergencies, any regulations prescribing
25 such restrictions shall be put into effect only after consultation

1 with the appropriate State agency having jurisdiction over
2 hunting, fishing, and trapping activities. Notwithstanding
3 this section or any other provision of this Act, the Secretary
4 may authorize members of the Miccosukee Tribe of Indians
5 of Florida and members of the Seminole Tribe of Florida to
6 continue their usual and customary use and occupancy of
7 Federal lands and waters within the reserve, including hunt-
8 ing, fishing, and trapping on a subsistence basis and tradi-
9 tional tribal ceremonies.

10 SEC. 6. Notwithstanding any other provision of law, be-
11 fore entering into any contract for the provision of revenue-
12 producing visitor services, the Secretary shall provide those
13 members of the Miccosukee and Seminole Indian Tribes who
14 on January 1, 1972, were engaged in the provision of similar
15 services, a reasonable opportunity to continue providing such
16 services within the reserve in accordance with such terms
17 and conditions as he may by agreement, hereby authorized,
18 provide.

19 SEC. 7. There are authorized to be appropriated such
20 sums as may be necessary to carry out the provisions of this
21 Act, but not to exceed \$156,000,000 for the acquisition of
22 lands and interests therein.



United States Department of the Interior 144

 OFFICE OF THE SECRETARY
 WASHINGTON, D.C. 20240

FEB 4 1972

Dear Mr. President:

Enclosed is a draft of a bill "To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes."

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

Evidencing a deep concern and understanding of the conservation problems involved in protecting the Big Cypress area of south Florida, President Nixon on November 23, 1971 stated:

About 35 miles west of Miami lies the Big Cypress Swamp, a unique ecological preserve of paramount importance to the future of Southern Florida. In order to protect Big Cypress Swamp from private development that would destroy it, and to insure its survival for future generations, it is now essential for the Federal Government to acquire this unique and vital watershed. I will therefore propose legislation to acquire the requisite legal interest in 547,000 acres of the swamp.

The enclosed draft bill would authorize the implementation of plans announced by President Nixon on November 23, 1971.

The bill authorizes the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within an area depicted on a map on file with the National Park Service of this Department. The area to be acquired, consisting of not to exceed 547,000 acres of private land and approximately 37,000 acres of publicly owned land, shall be known as the Big Cypress National Fresh Water Reserve.

The reserve shall be administered by the Secretary of the Interior in accordance with the laws applicable to the National Park System. However, the bill authorizes the Secretary to enter into an agreement with the State of Florida or an appropriate political subdivision thereof, pursuant to which the State or local political subdivision may manage and administer the lands acquired for the reserve for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement shall contain

provisions to limit or control such uses as motorized access, exploration for and extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, and new construction of any kind. The bill directs the Secretary to permit hunting, fishing, and trapping within the reserve in accordance with applicable State and Federal laws.

Section 5 of the bill authorizes the appropriation of such sums as may be necessary, but not to exceed \$156 million for the acquisition of lands and interests therein. We anticipate the use of proceeds from the Land and Water Conservation Fund to acquire such private property over a 10-year period, with an expenditure of \$15.6 million in each of the first 5 years following enactment, and the balance of \$78.0 million to be spent during the next 5 years.

Everglades National Park, authorized in 1934, represents one of the most unique ecosystems in the world. The biological values of the park, which include habitat for the continued existence of several endangered species, depend on fresh water supplies. In 1971, an estimated 1,420,000 people will visit Everglades National Park.

In the past, the eastern half of the park was threatened due to development along the Shark River drainage, and by development and draining of the Northern wetlands which lie east and south of Lake Okeechobee. This threat has been offset by guarantees of water flow by the Corps of Engineers and the State of Florida. There is now a working arrangement with the Corps and the State which furnishes an optimum water supply to the eastern side of the park. All of the remainder of the park, considerably more than half of the 1,400,533 acres within the authorized boundaries, is dependent upon the Big Cypress for its supply of fresh water.

To describe the resources of the Big Cypress and its basis in the South Florida ecosystem, is to answer the question of why it should be protected.

Aside from its manifold benefits as one of the vital underpinnings of the ecosystems which provide critically important esthetic and economic benefits for much of the southern Florida Gulf Coast, Big Cypress is a highly significant resource in itself. The larger ecosystem of which it is a part is the Nation's only significant subtropical marsh community complex.

The Big Cypress is an intricate mosaic of marsh and lowland forest types--a wilderness of sloughs, tree islands (or hammocks), and bay and cypress heads. Cypress dominates, and gives the area its name.

A vital factor in the Big Cypress-Everglades ecosystem is the almost imperceptible slope of the land. This results in exceedingly slow drainage, which extends the "wet months" well beyond the period of actual rainfall. The unrelieved flatness of the area's topography makes sheet flow the predominant drainage rather than flow in well-defined channels or courses. Thus, a water level change of only a few inches oftentimes affects thousands of acres. Much of those areas still experiencing natural drainage stands under water for as long as 4 months after rainfall ceases in a year of normal rainfall. During the normal dry season, about one-tenth of the land remains inundated.

The Big Cypress Watershed serves as a natural water storage area, and supplements the man-made storage areas in conservation areas one, two, and three, that are considered vital for the protection of an adequate fresh water supply for south Florida.

Nowhere outside the tropics are epiphytes, or "air-plants", which include orchids, some ferns, and fromeliads, found in such abundance and variety as they are in Big Cypress. Seven species of orchids found nowhere else in the world grow in the Big Cypress, and because of depredation by orchid hunters can be classed as endangered flora.

Large portions of Big Cypress have so far experienced little man-made disturbance. The scars left by the early loggers have nearly healed. Nearly all the wildlife species native to semitropical Florida are contained within the watershed. Animal life is diverse and abundant. Large, showy, long-legged wading birds are a major natural attraction. Big Cypress provides important feeding, nesting and wintering areas, as well as a resting place for birds migrating to and from Central and South America. Acquisition of the Big Cypress Swamp would preserve important habitat for at least nine species of wildlife determined by the Secretary of the Interior to be threatened with extinction. Ultimate loss or mismanagement of the area would be most damaging to the endangered Cape Sable sparrow and the peripheral roseate spoonbill, reddish egret, and mangrove cuckoo. To another group of species that have far wider ranges, Big Cypress, along with the adjacent Everglades National Park, serves as a stronghold or retreat. This group includes the endangered American alligator, Florida panther, Florida Everglade kite, and Southern bald eagle, and the rare great white heron. The Big Cypress provides excellent hunting for deer, turkey, quail, and wild hog.

As stated earlier, Everglades National Park is utterly dependent upon a plentiful supply of high quality water flowing through the region in an overland sheet pattern for up to 8 or 9 months of the year.

A major portion of its water supply comes from rainfall over the park itself. The remainder historically comes from Lake Okeechobee drainage system and from Big Cypress Watershed, the latter accounting for about 56 percent of all outside water entering the park.

Because of the extremely slight elevation differences in the park's terrain, the effects of dessication and inundation resulting from seasonal changes in water levels are extraordinarily widespread. Only the alligator holes and ponds retain water throughout the natural annual cycle.

The summer wet period normally inundates extensive areas, allowing expansion of the aquatic populations--phytoplankton, crustaceans and fishes. Subsequently, water levels must sink to concentrate the summer production of food organisms sufficiently to supply the nourishment essential to larger fishes, amphibians, reptiles, mammals, and many species of birds.

This seasonal wet-dry cycle must coincide with the natural reproductive cycles of the many varieties of predatory animals that feed upon the small aquatic organisms supported by the water. If any of the links in this process are broken, the reproduction of the larger animals at the top of the food chain will fail. Either excessively high or low water can cause reproductive failure. So can too short a delivery period.

The coastal zone within the influence of the Big Cypress Watershed contains about one-third of the total mangrove-estuarine complex of Everglades National Park. Levels of productivity and diversity of species as high as any to be found within the United States characterize the coastal zone. In addition to its very large bird population, the area produces or maintains hundreds of species of aquatic organisms. The mangrove forest is considered among the finest in the world.

Following acquisition of the land the bill contemplates that the Secretary of the Interior will enter into an agreement with the State of Florida for the management of the area. Existing uses where compatible with the management objectives will be allowed to continue. Management would be directed toward maintaining the pattern, quantity and quality of waterflow. Hunting and fishing are present, acceptable uses but limitations will have to be placed on travel through the swamp by air boats, swamp buggies, and other

"all terrain vehicles" to insure against rutting, and other impairment of the area. Increased use should result from campers, bird watchers, naturalists, and picnickers. Many will seek escape into near-tractless wilderness-type areas over hiking nature trails. Some portions would be managed as scientific ecological study areas.

Acquisition of the Big Cypress will be expensive--a monumental commitment in terms of funds for environmental protection--but at no time in the future will it be less so. As President Nixon stated on November 23, 1971--

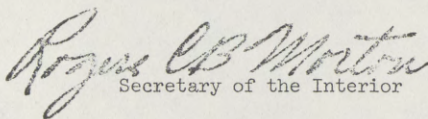
The Nation, as a whole, will benefit through the protection of Everglades National Park and through the addition of another major wildlife haven and recreational area.

We therefore urge the Congress to take early and favorable action to authorize the Big Cypress National Fresh Water Reserve, as proposed herein.

Enclosed is a draft of an environmental impact statement, prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.

The Office of Management and Budget has advised that the enactment of the enclosed bill would be in accord with the Administration's program.

Sincerely yours,


Secretary of the Interior

Hon. Spiro T. Agnew
President of the Senate
Washington, D.C. 20510

Enclosures

Senator BIBLE. The bills that we are considering today authorize the Secretary of Interior to acquire by donation purchase, with donated or appropriated funds, transfer from any other Federal agency or exchange lands, water and interests therein within an area depicted on a map on file with the National Park Service of the Department of Interior.

The area to be acquired consists of not to exceed 547,000 acres of private land and approximately 37,000 acres of publicly owned land, which is to be known as The Big Cypress National Fresh Water Reserve.

A vital factor in the big Cypress ecosystem is the slope of the land. This results in exceedingly slow drainage which extends the wet months beyond the period of actual rainfall. The underneath flatness makes sheet flows, thus a water level change of only a few inches often times affects thousands of acres. Much of those acres stand under water for as long as 4 months after the rainfall ceases. During the normal dry season about one-tenth of the land remains inundated. This is a natural watershed storage area and supplements the manmade areas.

Acquisition will be expensive. A monumental commitment in terms of funds for environment protection, but I am sure in the future it will be equally expensive, probably more so.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act but not to exceed \$156 million, the acquisition of lands and interest therein.

I know from my own mail and various communications I have otherwise received of the intense interest that there is in this particular area of Florida. I know the area reasonably well, I have been there many times. I was not at the field hearing, regretfully, I had a commitment, but I want to make it clear to those in the room today, and I know we have those who are for it and those who are against it.

As nearly as humanly possible, I want to balance out that time so everybody has an equal say, and there will be no restrictions on the time other than reasonable time. I would suggest to the witnesses that they, insofar as possible, try to avoid continuous repetition. In the hearings I have heard over the years, people, time and time again, go over the same points. I hope we can avoid that, and I know that isn't always possible. But we set aside today and we have set aside tomorrow for these hearings. I know many of you good people from Florida have come a long way. If it is possible to accommodate you today, I will by working again this afternoon.

My general pattern of hearing time is from now until about 12:30 p.m., and then we will reconvene at about 2 p.m. and work until 4 or 4:30 p.m.

If there seems to be some indication that we can accommodate those of you who came a long distance from Florida, and I am sure, at your expense, today rather than tomorrow we will try to do it.

I am going to hear the proponents of the bill first, so that we can

set the stage for what this is all about. But the opponents have my assurance they they will have, as we say in the trade, equal time.

This morning I am very happy to recognize the distinguished Senior Senator from the State of Florida, Senator Gurney.

**STATEMENT OF HON. EDWARD J. GURNEY, A U.S. SENATOR
FROM THE STATE OF FLORIDA**

Senator GURNEY. Thank you, Mr. Chairman. I am pleased to be here today to testify in behalf of this acquisition, The Big Cypress Swamp, in support of the two bills, S. 2465 and S. 3139. I have rather lengthy statement and I would ask permission of the chairman to insert it in the record.

Senator BIBLE. Without objection, the full statement will be incorporated in the record as if given word for word.

Senator Gurney. I have a rather serious conflict this morning which I am sure the chairman is aware of—

Senator BIBLE. Very well aware of it, and it has been going on for some weeks.

Senator GURNEY. That's right. And instead of reading my statement or testifying contemporaneously at length, I am going to insert it in the record because I do have this commitment with the Judiciary Committee, the very last day, you know, today of the hearing we are conducting in the Kleindienst matters. I expect it will be the most important day in the very important confirmation of the Attorney General.

But I do want to assure the chairman that I am 100 percent behind the acquisition of The Big Cypress Swamp. I think it will be a tremendous addition to the national park assets of this country in conservation, in protection of wildlife and for recreation of our people.

Then, of course, the other thing that is all important is that I think it is absolutely essential and vital to the water supply of all this great area of southern Florida that we make this acquisition. I feel if we do not make it there might come a time when indeed we might run out of water for our people and other water needs in the southern part of the State.

I would urge the committee to look upon these bills with favor and report them out as rapidly as they can, with due consideration to all the arguments, so that we can act upon during this session. Thank you.

Senator BIBLE. Thank you, Senator. I have no questions of you and I realize you do have a commitment in the Judiciary Committee.

(The complete statement of Senator Gurney follows:)

**STATEMENT OF HON. EDWARD J. GURNEY, A U.S. SENATOR FROM THE STATE
OF FLORIDA**

Mr. Chairman, I am pleased and honored to be here today to testify on the proposals for federal acquisition and development of Big Cypress Swamp. This is of particular interest to the citizens of Florida and affect people from around the nation who come to visit Everglades National Park and the fabulous Gold Coast.

Big Cypress Swamp and the Everglades have remained relatively untouched by the effects of man for many years. It was not until early in this century when rapid development of Florida began that imminent danger, particularly the disturbance of water flows through the swamp lands, occurred. Recognizing the fantastic wildland resource that this entire region constitutes and the threat to its preservation, Congress in 1934 authorized establishment of the Everglades National Park. In 1947, at the urging of our late colleague, Spessard Holland who sponsored the bill, sufficient land was purchased to enable the opening of the park. However, this was done without the incorporation of portions of the big cypress watershed that were originally included in the proposed park boundary.

As Florida grows and demands more water, the sustained natural existence of the Everglades is at stake. The preservation of Big Cypress is essential to insure that the quality and quantity of water flowing across it to the park remains unimpaired.

S. 2465 calling for the establishment of an Everglades-Big Cypress National Recreation Area to be created by federal land purchase is similar to one of the alternatives proposed by the Jetport Advisory Board which was created in January of 1970 following the suspension of construction of the Jetport. A companion bill has been introduced in the House.

On November 23, 1971, President Nixon expressed his desire that the federal government acquire 547,000 acres of the Big Cypress Watershed Area. Subsequently, another bill, S. 3139, authorizing federal acquisition of Big Cypress, was introduced by the distinguished chairman of this committee, Senator Jackson. On behalf of the people of Florida who strongly support this proposal, I am proud to be a co-sponsor of S. 3139 and I am here today to urge that this bill receive a favorable report from this committee.

I would like to emphasize the importance of the Big Cypress Watershed to all of Southern Florida. The unique and fantastic sheet flow of water southward down the almost imperceptible 2 inch per mile slope from Lake Okeechobee to the Gulf of Mexico, together with the dynamic opposition of fresh and salt water in the groundwater, make all of Southern Florida a highly complex and very fragile ecosystem. Wetlands are often very effective natural water conservation areas; Big Cypress Swamp is especially so and plays a vital role in Southern Florida's complex system of water movement. It is estimated that Big Cypress, in its entirety, supplies 55% of the water that flows into the Everglades.

As was pointed out by the Jetport Advisory Board in its report on the Everglades, there are a number of reasons why Big Cypress should be preserved. According to the Jetport Advisory Board report either—

"The Big Cypress watershed can remain a viable resource complex from which its human residents and neighbors will gain enormous and lasting benefits; or it can be carelessly exploited for the immediate gain of a few—and an enduring disaster to many."

For the convenience of the committee, I will briefly state the benefits of acquisition and protection of Big Cypress. As pointed out by the Jetport Advisory Board report:

1. "As an entity in itself, considered apart from its surroundings, Big Cypress watershed is a distinctive community of highly diverse flora and fauna, including a number of endangered species, serving as a habitat for the continuing evolution of plant and animal species whose potential in an evolving world is as yet unexplored, and furnishing opportunities for hunting, fishing, and the appreciative forms of recreation in a natural setting of a kind that is increasingly scarce and elusive.

2. "As a source of fresh water and essential nutrient supply to the estuaries of Everglades National Park and the Ten Thousand Islands, Big Cypress Watershed is the key to survival of the far-reaching recreational and commercial fishing enterprises that depend upon those estuaries.

3. "The entire food chain relationship that supports a major segment of Everglades National Park's plant and animal communities is dependent on maintenance of the continuing flow of Big Cypress water. The quality and quantity of the water, and the timing of its delivery into the park, must remain much the same as it is at present if the Everglades ecosystem and its wildlife are to survive.

4. "The Big Cypress Watershed serves as a natural 'water conservation area,' recharging the aquifer from which rapidly growing neighboring communities will draw much of their fresh water. Deprived of such recharge, the aquifer would be vulnerable to damaging salt water intrusion. The aquifer would be vulnerable to damaging salt water intrusion.

5. "The natural cycles of Big Cypress' water flow, and the life cycles of the living things dependent on that flow, are integral and vital parts of the lives of the Miccosukee and Seminole Indians residing on and near the watershed."

Permit me to expand on these for a bit. In and of itself, Big Cypress is a recreation area and a nature study reserve of considerable beauty and national significance. Large portions of Big Cypress have so far experienced little man-made disturbance. The scars left by the early loggers have nearly healed. Nearly all the wildlife species native to semi-tropical Florida are contained within the watershed. In addition to the beautiful cypress trees animal life is diverse and abundant. Large, showy, long-legged wading birds are a major natural attraction. Big Cypress provides important feeding, nesting and wintering areas, as well as a resting place for birds migrating to and from Central and South America. In addition seventeen animal species found in the area have been designated as rare or endangered. Major concentrations of several of these species, such as American Alligator, Florida Panther, Everglades Mink, Mangrove Fox Squirrel, Wood Stork, and the Roseate Spoonbill, are highly dependent on the watershed for all or a portion of their life cycles. Protecting their environment from development, will go a long way towards saving these valued species.

As for protecting the Mangrove forests and rich estuaries of the Gulf Coast upon which extensive commercial fishing and recreational interests are based, the key thing to note is that the balance between fresh and salt water in this highly complex ecosystem is quite fragile. Quoting from the Jetport Advisory Board Report again ". . . Without the seasonal fresh water runoff from Big Cypress Watershed, the Mangrove-dominated estuarine zone along much of the Gulf Coast would for all practical present economic and ecological purposes, cease to exist." Not only are these Mangrove forests and estuaries beautiful natural areas but they are also of great economic importance. Over 40,000 sport fishermen per year come after tarpon, snook and other fish that inhabit the estuaries, or depend on food from them. The annual commercial averages over a million pounds. In addition for many Gulf species, the young grow up in the estuaries. Such species include the pink shrimp which supports \$8 million per year fisheries in the Gulf of Mexico. The great productivity of the estuaries is due in large part to the inflow of nutrient material from the Mangrove forests, so that even without affecting water patterns, destruction or disturbance of the Mangroves could have serious effects. Construction activities within the Big Cypress Watershed would likely increase the amount of suspended matter in the water. This would cause deposition of silt in the estuaries disturbing the bottom life and consequently the entire ecosystem.

Of greater significance is the dependence of Everglades National Park upon water flow from the Big Cypress Watershed. As I noted earlier, it is estimated that Big Cypress, in its entirety, provides around 55% of the water for the Everglades which is without question one of our most unique and outstanding National Parks. The Everglades has, in the past, generally received adequate rainfall which allows for its unique beauty, but in recent years, South Florida has suffered from severe drought. Last year was one of the worst, causing the waterlevel to drop seriously. Nearly 500 fires broke out in the area, causing damage that will take nature years to repair. As it is now, the water shortage is bad enough; to threaten one of the park's remaining sources of supply is inviting disaster, particularly since the River of Grass ecosystem of the Everglades is particularly adapted to this sheet flow of water from Big Cypress.

From the standpoint of the people living in South Florida or those visiting there is another crucial consideration—preservation of this fresh water supply. The reason why the groundwater supplies of Southern Florida are limited and must be carefully managed is the presence of marine waters on three sides. If aquifers are overdrawn, intrusion of salt water occurs which destroys the fresh water source. During last year's drought the Biscayne Aquifer,

from which Miami draws water, had to be recharged with water from Lake Okeechobee to prevent salt water encroachment. With the population of Florida steadily increasing, it seems to me that protecting Big Cypress—since it does help replenish the groundwaters that keep out the salt water—is absolutely essential.

Last, but certainly not least, there are the lifestyles of the Miccosukee and Seminole Indian communities to consider. For them this area has been home for many, many years. To disrupt their lifestyles again would be to work a great hardship on people who have suffered enough.

Mr. Chairman, in past years, due to our general lack of knowledge combined with an unbounded optimism—a feeling that our physical frontiers could expand forever—all of us tended to treat rather cavalierly the question of how development might later affect the world in which we live.

Lately, we have come to realize that man cannot isolate individual circumstances from what happens to our physical environment. We must be extremely careful as to how we treat the environment in the future. Further, we must take steps immediately to prevent future environmental imbalances such as those created through past abuses and neglect.

I have studied with care the need to protect this area as proposed by the National Park Service and have concluded that the preservation of Big Cypress is of the highest priority. The dollar cost of Federal acquisition will be high, but the Everglades and Big Cypress are worth that cost. South Florida needs, as West Florida will soon need, a large contiguous area with relatively easy access for recreation, hunting and fishing. Moreover, both will need a reliable supply of fresh water. By passing these two bills, we can help insure that water supply as well as preserve the magnificent wildlife resource that is Big Cypress. And, finally, we can preserve for the enjoyment of future generations, a unique part of primordial Florida that provides a haven for dwindling numbers of birds and other wildlife that are rare and in danger.

Mr. Chairman, as a Floridian, I personally appreciate the concern of the committee and yourself in this matter. I know that you will study the pending proposals with care. The Federal Government must act to protect Big Cypress. I am confident that it will.

Senator BIBLE. Our next witness is the Honorable Lawton Chiles, junior Senator from the State of Florida.

STATEMENT OF HON. LAWTON CHILES, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator CHILES. Thank you, Mr. Chairman. I appreciate the opportunity of appearing before your committee today again, in support of the acquisition of Big Cypress.

Before I continue I would like to take a minute to commend the long standing leadership and guidance of our chairman, in the continued expansion of our national park system and on other Federal and local recreational programs. I know in my State of Florida today, your leadership in the creation and funding of Biscayne National Monument in the Gulf Island Seashore legislation was vital. This is important for Florida and the Nation, your keen interest for the support of the creation and funding and continued protection of the Everglades National Park.

I understand you are a frequent visitor of the park and I look forward to sometime in the future of having an opportunity to visit with you.

Senator BIBLE. I get there once in a while and I will continue to go down there as long as I can navigate.

Senator CHILES. Thank you, I look forward to visiting with the chairman some time.

Mr. Chairman, before I introduced the acquisition bill last year along with Senator Jackson, I studied various alternatives to protect this beautiful and vital area of Florida. I came to the conclusion that the direct acquisition of this area was the most straightforward and fair approach and the most complete way of protecting a key link to the survival of Everglades National Park.

I am delighted that the President and Secretary Morton have come out in full support of an acquisition approach as the best way to protect the Big Cypress watershed. To date, 30 of our colleagues have cosponsored one or another of the acquisition approaches.

Although the Big Cypress is a treasure worth protecting in itself, its role in supplying over one-half of the flow of ground water into western portions of the park makes the Big Cypress an absolute link in the park's future.

It seems to me that not only is direct acquisition the best way but that it is the only right way to protect the rights of owners in the area. I am sure the chairman is aware of the tremendous problems we have had in trying to obtain moneys for people that have ownership in the Everglades Park itself and over a period of years we have been very derelict in taking people's property without providing compensation for them.

Senator BIBLE. Well, I want to make it very clear that there isn't any property going to be taken in this area without just compensation. First, you can't do it constitutionally and second, that is completely unfair and inequitable. We have built into this bill, as you know, the Cape Cod formula which gives people certain options. Certainly, we want to treat them fairly.

I think that is the record of this committee. I spent 12 years handling parks and recreation areas in every part of the United States, so I have full familiarity with this problem.

Senator CHILES. Well, I am delighted to have the chairman's reassurance of that because I think that is one of the problems with many of the holders in this area. They have the feeling that their property is going to be taken and they are not going to get compensation in a reasonably speedy time, or that they are not going to have a right to a jury trial to determine what that compensation will be.

I assured them that is in the legislation and I am delighted to have your assurance.

Senator BIBLE. If it isn't clear we will make it so before any action is taken.

Senator CHILES. I would like to suggest that the committee in determining the final shape of an acquisition bill also consider protecting the rights of sportsmen, hunters, and fishermen. This has long been a great area for hunters and fishermen and is an area that should be protected and utilized for that purpose.

We have the land in the park itself with its kind of limited use. Big Cypress should be utilized at a much broader base. It has been in the past and that is not going to endanger the system at all if it is allowed a much wider use.

Mr. Chairman, 2 weekends ago I went to the Big Cypress and met with a group of residents who actually live in that part of the

Big Cypress which would be acquired. I feel these people, many of whom have sold their homes in the city and moved into a permanent residence in the Big Cypress, deserve to be protected. In addition, there may be a small handful of commercial establishments in the area which I feel should also retain some rights also subject to proper regulation by the Secretary.

Also, there are a few sportsmen who have long-standing camps who could be included. These sportsmen agree that no further changes should be made in Big Cypress and I want to see the area remain in its present state. In fact, most agree the existing uses of this area today are not the problem. The danger lies in any proposed new uses.

I would hope the committee would adopt language in the bill along the lines of giving a term in years or a life estate in these holdings for the owner, his wife or children as long as the property is being utilized in a consistent way according to the Secretary's rules and the fair market value for his holdings less the rights he retains. It goes without saying that the owner of property has a right to just compensation for his property and if he cannot agree on this compensation, he would be entitled to a jury trial in a Federal district court.

Senator BIBLE. I think we built that into the bill that is before us and you can examine it very carefully or have your staff examine it on that point. I think that point has to be emphasized or re-emphasized because it is an assurance to people who have homes there. If I was a homeowner in the area I would not want to be dispossessed by the Federal Government. But I think section 3 gives them adequate protection and I suggest the people take a look at said section 3 and if it doesn't do what they think it should do, they should tell me what is wrong with it.

You may proceed.

Senator CHILES. I would like to see the committee be as flexible as possible in considering innovations such as the possibility of working with the State of Florida to allow the State to make its contribution to the protection of the area through possible future management of the acquired lands.

The Big Cypress watershed can remain a viable natural resource or it can be carelessly exploited for the immediate gain of a few—and which will result in an enduring disaster to many.

Maintained as a protected ecosystem, Big Cypress will provide major benefits which can be grouped in several broad areas.

As an entity in itself, considered apart from its surroundings, Big Cypress watershed is a distinctive community of highly diverse plant and animal life, including a number of endangered species, such as the Florida panther, the Everglades mink, southern bald eagle, and roseate spoonbill. It serves as a habitat for the continuing evolution of plant and animal species whose potential in an evolving world is as yet unexplored, and furnishes opportunities for hunting, fishing, airboating and other kinds of recreation in a natural setting for a contact with nature of a kind that is increasingly scarce and hard to find.

As a source of fresh water and essential nutrient supply to the estuaries of Everglades National Park and the Ten Thousand Islands, Big Cypress watershed is the key to survival of the far-reaching recreational and commercial shrimping and fishing enterprises that depend upon those estuaries.

The entire food chain relationship that supports a major segment of Everglades National Park's plant and animal communities depends on maintaining the continuing flow of Big Cypress. The quality and quantity of the water and the timing of its delivery into the park must remain much the same as it is at present if the Everglades ecosystem and its wildlife are to survive.

The Big Cypress watershed serves as a natural "water conservation area", recharging the aquifer from which rapidly growing neighboring communities will draw much of their fresh water. Deprived of this recharge, the aquifer would be vulnerable to damaging salt water intrusion.

The natural cycles of Big Cypress' waterflow and the life cycles of the living things dependent on that flow are integral and vital parts of the lives of the Miccosukee and Seminole Indians residing on and near the watershed.

The Big Cypress is threatened today. Already the water in the canals east of Naples contains iron, lead, and aluminum at levels greater than are found in natural waters from undrained areas nearby. Given sufficiently increased concentrations, these contaminants can detrimentally affect the quality of the water supplies in the aquifer. Further contamination by nutrients and organisms that affect public health can be expected as a result of the use of septic tanks in the area and in the event of further agricultural development in the Big Cypress. At the same time, irrigation needs will mount, putting additional demands on waters of the Big Cypress.

The report, "Environmental Problems in South Florida" made by the National Academy of Sciences and National Academy of Engineers in March of 1970, stated:

It is clear that preservation of the Big Swamp as a natural water-conservation area would be most desirable relative to the Everglades National Park, and, as indicated in the section on water management, probably most desirable to orderly development of the South Florida region as a whole.

I feel that if the Big Cypress is permitted to remain in its state as a natural watershed, it can remain the key to effective water preservation in neighboring areas throughout southwest Florida.

The Big Cypress is jeopardized by the pressure for progress based on sometimes well-intended, but too often ill-planned, development. Inevitably the destiny of the Big Cypress is closely interwoven with the enormous and widespread array of living and inanimate things. Within its boundaries, its natural assets can provide an unending procession of rewarding human experiences and great scientific benefit. The Big Cypress is a mosaic of marsh and lowland forest, a wilderness of sloughs, tree islands of hammocks and bay and cypress heads. Cypress dominates and gives the area its name.

Mr. Chairman, the fate of the broad, flat, very gently sloping watershed in southwest Florida hangs in precarious balance. In the unusual diversity and wealth of its natural resources, in the

far-reaching effects of the uses to which it is put by man, and in its profound vulnerability to unwise uses, the Big Cypress has the potential for becoming a textbook or classic example of ecological ruin.

We cannot allow this area to become an ecological ruin and this legislation will again put this Congress on record as dedicated to protection of our environment.

Time and time again we must echo this dedication by action in the positive—and the purchase of this natural wilderness before man has inflicted permanent damage, will be the mark of a Congress so dedicated.

Senator BIBLE. I very much appreciate your appearance here, Senator. I have no questions at this time. As we proceed on through the hearing and hear the Park Service people and others and also hear the opposition witnesses, and as questions develop I will see that the staff furnishes detailed information regarding allowances and other provisions for people remaining on the property. I will also furnish examples of those problems as they arise. A copy of the transcript will be made available to both you and Senator Gurney for such comments that you care to make. After all, you are the two Senators from the State of Florida—you have the Governor here and you people know your State certainly far better than I do.

Senator CHILES. I would appreciate that and the one thing I would mention in regard to size, under the formula that was used, I think at Cape Cod, and when they were talking about the life estate, I think they were talking there about a size of 6 acres. I would submit to the committee and the chairman that that might have been entirely fair in thinking of the size and value of the land at Cape Cod, I think another basis should be looked at in the Big Cypress. We are dealing with thousand of acres here.

If you are going to have a camp or homesite there you just naturally have more land than a 6-acre tract. I checked with many of the people and their ownership and find most of the tracts run considerably in excess of 6 acres.

I think that a fairer formula could be reached on that, especially with the fact that we are now dealing with an area that most of us agree, it is not what is happening now that is endangering anything, it is what we see in the future.

So we should try to leave those people there now in as close to the situation they are in as possible, I think, and just protect the land for the future.

Senator BIBLE. I think that is valid. I know this area, I know the immensity of it, I come from a State that is bigger geographically but we don't have the population of Florida. I think I have been told however, that this project area is about the size of the State of Rhode Island and unlike Cape Cod, we will have to give proper consideration on the large area involved.

So, I think we have to look at the various areas of our country in different ways. I don't think you can apply a hard and fast rule on each and every project. I would be happy in this connection to have comments on this observation. I know people who have said

they don't want any action taken at all, but if it is taken what are our guidelines? We will explore both of these problems. I think those are real gut questions.

I have no further inquiries. I would welcome you to sit here at the table with us if you have the time, we may have some more Senators coming in later. If you have other commitments, you just suit yourself.

Senator CHILES. I would like to remain with you a few minutes, if I could, and I would like to take this opportunity to present to you the Governor of the State of Florida, the Honorable Reubin O'D. Askew.

We are delighted to have him in Washington today and to have him testify on the subject. I would say that his administration has been totally conscious of the environment of Florida and totally committed to trying to formulate long-range plans that will see that we can keep and protect Florida for future generations and future visitors who want to come to our State so that they will be able to enjoy some of the wonderful fruits of my State that the Chairman and many, many other people have been able to enjoy.

His administration has been totally committed to seeking to protect this area through long-range plans and through definite actions, and I am delighted to present the Governor here today.

Senator BIBLE. It is always a sincere delight to welcome the Governor of a great sovereign State to Washington, D.C., particularly on an occasion such as this. I have known many of your past Governors and the attorney generals back in the days of Tom Watson and Dick Erwin, I guess Dick Erwin is on the Supreme Court now, as far as I know.

Senator CHILES. Yes, sir.

Senator BIBLE. I understand that we will be hearing from you in a different arena on July 12 or 13 down in Miami.

But I am here today to hear you talk on the Everglades Big Cypress project and I am delighted that I can be here and I am very happy that Senator Moss from my neighboring State of Utah is here as well. Are you going down to Miami and hear Governor Askew?

Senator MOSS. I have been considering it, Mr. Chairman.

Senator BIBLE. Well, Governor, it is good to see you.

STATEMENT OF HON. REUBIN O'D. ASKEW, GOVERNOR OF THE STATE OF FLORIDA; ACCOMPANIED BY MR. JOEL KUPERBERG AND MR. JAY LANDERS

Governor ASKEW. Thank you very much, Mr. Chairman, and certainly Governor Rampton and Governor O'Callahan are two very good friends of mine and two able Governors of this country.

I appreciate the remarks of my colleague, Senator Chiles, and we are very proud of him in Florida.

Mr. Chairman, I am aware of the your long interest in South Florida and your support for the Everglades National Park and appropriations for it. Please accept my thanks on behalf of all Floridians who have a deep concern for our environment.

I appreciate this opportunity to talk to you about a beautiful and unique watershed and our efforts to save and manage it—not only for present and future generations of Floridians, but for all Americans.

It is called the Big Cypress and it serves a vital function as a water supply for the Everglades National Park, for the dependent estuaries of the 10,000 islands, with their world-renowned sport and commercial fisheries, and for growing communities in southwest Florida. Floridians and tourists are flocking to these areas in ever increasing numbers and the continuing availability of natural fresh water is essential.

Unfortunately, the western part of the Big Cypress, outside of the boundaries of the area now proposed for Federal acquisition, already has been adversely affected by private drainage canals. The water table has been lowered from 2 to 4 feet in a 54-square mile area east of Naples. In our State, this can be critical. So much of our coastal uplands is at or near sea level that saltwater intrusion moves further and further inland as the fresh water head is lowered.

A variety of plant and animal communities now thrive in the Big Cypress totally dependent on seasonal fluctuations in water levels. Cypress trees are concentrated in strands and sloughs running north-south responding to the historic direction of water flow. There are hardwood hammocks on the highest ground with crowns of royal palms and forests of pine, cabbage palm, and palmetto as well as wet prairies, swamp forests of mixed trees, some mangroves, lakes or ponds of varying size—depending on the seasons. In addition to being a vital water supply, the Big Cypress is a beautiful monument to life in many forms.

Development of this area would mean draining with increased unnatural and damaging discharge of precious fresh water to the seas.

The State of Florida is in court now, in an effort to stop such drainage and development in the Gum Slough Region of Big Cypress near the Everglades National Park. The State cabinet shares my concern that development underway would interrupt the natural surface flow of water, disrupt the food chain, harm the fish and wildlife, pollute the water, and seriously affect the water supply and other natural resources in southwest Florida, including State lands and the National Park.

In addition to this court action, the cabinet endorsed my letter of July 20, 1971, to the Honorable Rogers Morton as the official policy of the State of Florida regarding the Big Cypress. In that letter I recommended fee acquisition of the portion of subdrainage C described in alternative I of the study report on the Big Cypress watershed, submitted to the Secretary of the Interior on April 19, 1971, by The Everglades-Jetport Advisory Board. I also urged acquisition of the 10,000 islands to Secretary Morton as has his own Bureau of Sport Fisheries and Wildlife and island of America Report.

The State of Florida is striving administratively and legislatively to discharge its responsibilities in resource management in south

Florida. For instance, we have negotiated with the General Acceptance Corp. to acquire more than 17,000 acres of the Fakahatchee Strand and 9,500 acres of wetlands just south of the Strand.

We are also taking the lead in acquiring Cape Romano and other islands near the Marco Island development which are part of the 10,000 islands.

The Florida Legislature just passed landmark legislation dealing with comprehensive planning, land use management and water resources. The people of Florida will decide in a referendum next fall whether to expand an existing land acquisition program and institute a new one pledging the full faith and credit of the State in the issuance of bonds to acquire environmentally endangered lands and outdoor recreation lands. I believe the people will respond overwhelmingly in favor of these proposals. I intend to campaign vigorously for both.

I might say, Senator, I think since I come from the State as Governor, I think it is important also that we seek help from the Federal Government and we should be willing to do all within our means to protect that which we ask the Federal Government to protect.

Senator BIBLE. I like that philosophy, I think it is all right.

Governor ASKEW. But Florida alone cannot save or acquire the heart of the Big Cypress watershed. And so I come before you today in search of your help.

Senator BIBLE. What do you call your head man of natural resources in Florida, who heads that up?

Governor ASKEW. We have several agencies, Mr. Chairman. In fact, I was trying to consolidate where we would have one head man, but we have trustees and an internal improvement trust fund composed of elected officials and headed by Mr. Joel Kuperberg, and then we have the Department of Natural Resources, an agency in the cabinet, and Senator Randolph F. Hodges, who heads that, and we have the Department which is directly under me, which Nathaniel Reed, now Assistant Secretary of the Interior, formerly headed up, which is directly under the Governor, and we have the Game and Fisheries Department which is independent. So we have four agencies.

Mr. Kuperberg is the person with us this morning and who is very familiar with this area and would come close, together with Senator Hodges, of being the head of the main environmental departments in Florida, and Jay Landers is my environmental aid.

Senator BIBLE. You made a statement, if I understood you correctly, that the State of Florida couldn't acquire this land as a State even if they wanted to because you did not have the power of condemnation; did I understand you correctly?

Governor ASKEW. Yes, for these type purposes.

Senator BIBLE. Can you condemn for park purposes?

Governor ASKEW. No; sir, not for recreational purposes.

Senator BIBLE. I wonder if that is applicable throughout the State?

Governor ASKEW. Each time it has been suggested, we haven't gotten very far in the legislature in this regard.

Senator BIBLE. All right, thank you. You may proceed.

Governor ASKEW. I would like to offer the following general recommendations concerning the acquisition and management of the Big Cypress areas under consideration by this subcommittee:

1. Fee simple acquisition by the Federal Government is the only sure way to hold these lands in trust for all the people and at the same time treat landowners fairly. I commend the features in both bills before you which insures residents the right to a life estate or a term of years in their land. That, of course, would be an extension that would go a good bit beyond 25 years, if that was included.

2. Payments to landowners should be prompt; therefore appropriations should be adequate.

3. Priority should be given to the acquisition of those lands north and south of the Tamiami Trail and adjacent to the Everglades National Park and the Jetport site. The portion of the Okaloacoochee Slough which lies north of Alligator Alley should be included in the purchase price.

4. A program of cooperative management between the Federal and State Governments should be developed and clearly defined, particularly to cover hunting, fishing and any other recreational activities permitted.

5. Resident Indian tribes should receive equitable treatment and be given the opportunity to participate in the management of the watershed.

Mr. Chairman and Senator Moss, prompt action in this matter is vital, for time and the pressures for development are running against the saving of the Big Cypress.

I urge you to help us conserve a part of America, which is unique and beautiful and rare and needed.

I can assure you from the State level we will do all we can to show our good faith wherein we can do it physically and in any other way in terms of cooperation to make this a workable arrangement between the State and the Federal Government.

Senator BIBLE. Governor, I appreciate your appearance here today. I have a vote on the floor of the Senate and I know you have a tight schedule. I would hope you would leave your two representatives here at least for the morning session because questions might arise. I assume they are authorized to speak for you?

Governor ASKEW. Yes; sir, it is our intention for them to remain here to answer any questions you might have with regard to the State acquisition on this.

Senator BIBLE. That would be fine.

On this problem of administration, have you gone into that at all, or is that premature? I think this was brought out at the field hearing in Miami some months ago. Have you gone into this at all?

Governor ASKEW. Mr. Chairman, what we would propose to do would be to immediately have all of our staffs of the various agencies that could in any way be involved in the management of this area to meet with their counterparts in the Federal Government and pledge our cooperation in any way that we can be utilized. I am sure that probably there would be some joint agreement whereby the Federal Government would want to call upon the State, since they

are eminently familiar with this entire area, to help in some type of cooperative arrangement to manage the area.

I think, in terms of specifics, I think it would be premature. But the one thing I want to leave with you is our willingness to place at the disposal of the Federal Government any of the staffs of our State agencies to help do anything consistent with what the Federal Government would want us to do in managing the area.

Senator BIBLE. That is a little different concept than the way in which we handle this committee. We are faced with the cost of acquisition and the approval of Congress. Obviously it isn't the President because he has spoken out favorably on this concept. But in most of these bills we have not only the original cost but an annual operation and maintenance expense and some times it is rather high. It is my understanding that the maintenance goes over to the State of Florida if that is what you are saying? You correct me if I state it wrong, is the State of Florida willing to take care of that annual maintenance bill of this area?

Governor ASKEW. I cannot commit myself to that statement, Mr. Chairman, but I certainly would be willing to discuss the matter with my colleagues on the State level who would be responsible and, of course, legislative leadership, to determine wherein they felt we could do this. But we feel it is important enough and where it is in our means to do so, we would certainly do our part.

Senator BIBLE. The only thing that bothers me is that you say, within my means, and I don't have any idea how much it is going to cost to maintain this area. But it is going to cost somebody something. But you are saying you feel you have an obligation at least to share in it, if I understand you correctly.

Governor ASKEW. Yes; sir.

Senator BIBLE. I don't know what the price tag is and I don't suppose you do.

Governor ASKEW. Yes; sir. I think if this becomes an important consideration in this regard, we think it is so important for us to be able to preserve this area, I would certainly do that which appears to be the right thing to do.

Senator BIBLE. I suppose as the Governor you have the same problem with the legislature as any other Governor has, don't you?

Governor ASKEW. Well, they remind us rather forcefully just as the Congress does at present.

Senator BIBLE. And they are the ones that appropriate the dollars, aren't they?

Governor ASKEW. Absolutely.

Senator BIBLE. Well, I guess you have answered my question.

Governor ASKEW. The point that I would like to leave with you, Mr. Chairman, is that I am not coming to Washington to just ask the Federal Government to assume a tremendous burden without us being willing also to talk about wherein we can be a part of making this a reality.

Senator BIBLE. I realize that and I appreciate that attitude. But I also have a feeling that maybe we ought to explore the scope of that cooperation before we report out the bill.

Can you summarize development in the jetport siting study, will that become embroiled in this Big Cypress problem?

Governor ASKEW. We have the special jetport advisory committee which has been meeting and has narrowed down sites to three sites. The present site that we are operating is a training strip right now and is located within the area sought to be proposed and there is an arrangement between the port authority, the State, and Federal Government that wherein a new site is located of a commensurate size and facilities the Federal Government will then purchase that site and then at that time, should this have become a reality, then, of course, the present training strip would then become part of this entire watershed. Is this essentially correct?

Mr. LANDERS. Yes, sir.

Senator BIBLE. Would you give your name to the reporter, please.

Mr. LANDERS. Jay Landers.

Once a site is selected, right now there are three sites under consideration, once the final site is selected and agreed upon by the Federal Government and the port authority, Dade County, then that site is acquired at no cost to the Dade County Port Authority, and a facility is constructed which is equal to that already in existence. Then the title for that property will go to the Government by providing the money for the new facility. Since the Federal Government will receive that property and some of the sites considered are partially owned by the State, so that will come to the State and those agencies could then deal with the Federal Government in supplying this property as part of this area.

Senator BIBLE. Thank you, may I develop one further response from the Governor through his aide? As you know, Governor, one of the great disputes in this entire problem is the importance of the Big Cypress Watershed to the water supply of the neighboring communities and Everglades Park. This committee has had a long-standing and well documented interest in protecting the parks and water supply, as past hearings over the years will show. Could you summarize for us the findings of your 3-day Governors' Conference on Water Management in South Florida? Do we have a summary on that? What was the end result?

Governor ASKEW. We can furnish you with an actual written statement because there was a prepared statement as a result of the water conference, I might share with you and I will let Mr. Kuperberg comment any further that he may feel necessary. We set up a task force to follow through on the recommendations of this Conference and the legislation that we passed, particularly the land use planning bill, comprehensive planning bill, and our water resources bill, this package, grew out of the recommendations of this Conference. So we have a group particularly trying to implement these recommendations.

Senator BIBLE. I have just been handed this report from the Governors' Conference of Miami Beach, Fla., September 1971, and that is the one to which you refer?

Governor ASKEW. Yes, sir.

Senator BIBLE. Without objection, this summary will be incorporated in full in the record, and I would like to have you direct your attention to the question of water supply. That seems to be one of

the main issues in this particular problem. So could you do that, please, and will you identify yourself for the record?

Mr. KUPERBERG. Thank you, Mr. Chairman. My name is Joel Kuperberg. I am executive director of the staff of the trustees for the Internal Improvement Trust Fund, the land management agency of the State of Florida.

The principal points made at the Governors' conference, which was attended by some 150 members of the Florida community representing laymen, scientists, engineers, a good cross section, was that water quality considerations were of equal importance in future water supplies to the water quantity considerations. It was further pointed out that there is a problem on the west coast of Florida growing rapidly as it is, a serious problem of water supply. It was pointed out that Collier County, some portions of Charlotte County already are suffering from oncoming water problems. The need for water resource storage was most important, a need to maintain the quality of the water storage areas was also made a major point.

If we draw a parallel to what has happened on the southeast coast of Florida where both quantity and quality are now matters of extreme concern, the record for the future is very clear to us. That we must protect quantity and quality in the very rapidly growing areas of Florida's west coast. I might add, Mr. Chairman, that I spent the past 17 years at Naples, Fla., on the west coast, where I was a city councilman and member of the planning board, and know from personal experience that there is a serious water supply problem in the very near future.

Senator BIBLE. I have been in Naples many times, it is a very beautiful area.

Thank you very much.

Senator Moss, do you have any questions of the Governor or his aides on this particular problem?

Senator Moss. No; I appreciate the testimony of the Governor and his statement on this acquisition of the Big Cypress area and the question that the chairman was placing about administration, the cost of administration if the lands were acquired, I wonder what sort of administration is envisioned? Is it going to be left primarily wild or are you going to have visitors' centers in there? How much administrative services would be required?

Governor ASKEW. I think it will remain primarily wild. This is our intention. In fact, that is about the only way that I think we can accomplish that which we seek to do, without really attempting to create a park as such, but just to preserve it and in preserving it I think we will have assured a fresh water supply, as Mr. Kuperberg indicated.

I am sure there will be some arrangements for hunting and fishing in the area, and we intend to do all we can to try to preserve the area as it is.

Senator Moss. Well, on the hunting and fishing, you would expect to have your State fish and game people do the patrolling and supervision?

Governor ASKEW. Yes, we would be prepared to do that if that would be the desire of the Federal Government under any type of

joint agreement. In doing it we would assume the financial support for doing it. What we are really seeking in this instance, Senator, is simply trying to preserve as is a tremendous area that we think is extremely important and, as of this point, I don't really foresee a tremendous amount of administrative costs.

The water resources and management bill was just passed by the Florida Legislature. We have two large, in effect, water resource management areas now in Florida, but we will wind up having the entire State separated into water management districts so that this entire area would be in one of those areas and, here again, this would be something that, under authority by joint agreement with the Federal Government, we could assume the responsibility even in that regard as far as any particular administration of the water resources of the area is concerned.

Senator Moss. Well, as the chairman indicated, this is really a rather new concept for us, this title of calling it a national freshwater reserve. I wonder from that, if the principal purpose is to try to leave it essentially as it is, rather than have any further encroachment into the area, is that correct?

Governor ASKEW. Yes, sir, that is it. Because if we have much more development in the area, what you are really talking about is draining it and we have drainage canals and what we are doing is diverting all of the fresh water out into the Gulf and Atlantic and as a result we are losing the natural surface floor of the water that changes the whole ground. But I will do all that I can, Senator, to try to assure the financial responsibility, I think, for the administration of it. At this point I don't see that it is great, but I think the chairman is absolutely correct, having been a member of the legislative branch in Florida for 12 years and former chairman of appropriations, I certainly think his inquiry is a legitimate one that you might want to have explored in specifics and try to get some type of definite reactions from the State before such time that you might want to report the bill out. I think that is legitimate and I certainly want to explore that so that we can, with greater definitiveness, give the chairman assurance of what the State is willing to do.

Senator Moss. If we moved a little quicker we might have made this a wilderness area, is that right?

Governor ASKEW. That is correct, but if we wait another 5 or 10 years, it won't be possible. But if we had, that is exactly what we probably would have done, Senator.

Senator Moss. Thank you very much, Governor, it is good to have you before the committee.

Senator BIBLE. It was a fine appearance and I do appreciate your coming to Washington and giving us the benefit of your views.

I see hands being raised in the audience; we do not permit questions. The questioning will be done from here. If you have questions, you can write them down and send them up and I will take a look at them, and if they are properly within the scope of this hearing, I will have no hesitancy to ask Mr. Kuperberg, who is going to remain as a representative of the Governor. So if you reduce them to writing and send them to me, we will explore these questions.

Now, are there adverse uses within this taking area today that would be incompatible with what you have just said as to your

desire to protect and preserve the area? I just don't know exactly what is in the area; whether there are homes, and, certainly, whether there are any high rises or structures of that nature.

Governor ASKEW. They would be minimal as of now, but it is a very desirable part of Florida and as time goes on, they are going to move more and more inward from the coast and that will have a very serious effect on the area.

Senator BIBLE. Very fine, I appreciate your appearance, I recognize your commitments, you are welcome to stay, but if you can't, at least leave Mr. Kuperberg or Mr. Landers.

Governor ASKEW. Thank you, Mr. Chairman and Senator Moss.

VOICE FROM AUDIENCE. I would like Governor Askew to state if it be possible—

Senator BIBLE. The Governor has to make that choice, he is a businessman and Mr. Kuperberg can ask or answer any questions on his behalf. If he has any questions he can send them directly to Governor Askew.

(Statement from Governor's conference on water follows:)

A STATEMENT TO
REUBIN O'D. ASKEW
GOVERNOR
STATE OF FLORIDA

FROM THE
GOVERNOR'S CONFERENCE ON WATER
MANAGEMENT IN SOUTH FLORIDA

MIAMI BEACH, FLORIDA

SEPTEMBER 1971

There is a water crisis in South Florida today. This crisis has long-range and short-range aspects. Every major water area in the South Florida basin, Everglades National Park, the conservation areas, Lake Okeechobee and the Kissimmee Valley is steadily deteriorating in quality from a variety of polluting sources that are detailed below. The quantity of water, though potentially adequate for today's demand, cannot now be managed effectively over wet/dry cycles to assure a minimum adequate water supply in extended drought periods.

WATER SUPPLY – QUANTITY

To initiate an action program to solve problems in the area of water quantity, a careful assessment must be made of water demands linked to projected growth. For an adequate long-range water supply, the State must have an enforceable comprehensive land and water use plan. This plan must be developed immediately. It must be designed to limit increases in population and machines, with their attendant demands on the water supply, to a level that will insure a quality environment. Such a management plan would include, as its first objective, a complete inventory and assessment of long-range water resources. The controlling factor in this water resource assessment should be the water supply that can be anticipated in times of shortest supply. A result of this planning effort would be a water budget system based on available resources. This system would serve as a limitation on allowable population increases.

WATER SUPPLY – QUALITY

Water quality is a far graver problem in the long run than is water quantity. The quality of the water in the South Florida water basin is deteriorating. This deterioration stems from the introduction into the basin of pesticides, herbicides, animal and industrial wastes, heavy metals, salt water, sewage and heated waters. Channelization has contributed substantially to the process of deterioration. Water quality in the basin may be restored and maintained by:

1. Zoning or acquiring the flood plains in the basin.
2. Reflooding the Kissimmee marshes.
3. Initiating a comprehensive treatment program to treat pollutants at the source before they enter the water system. (This would necessitate initiation of treatment procedures in agricultural areas and up-grading existing procedures in urban areas.)
4. Phasing out back pumping into Lake Okeechobee or requiring effective treatment at the source before back pumping.

5. Research and funding which should begin immediately to study what to do about recycling water and sewage effluents and solid waste disposal.

LAND RECLAMATION

There should be no further draining of wetlands¹ for any purpose. As an initial step in controlling the drainage of wetlands, it is recommended that Chapter 298 of the Florida Statutes (Soil drainage district law - 1913) be repealed. Wetlands are the most biologically productive of all lands. The need to preserve them stems from their value for recreation, water storage, aquatic productivity, nutrient removal and for aquifer recharge. A program should be initiated to reflood the marshes of the Kissimmee Valley. Agricultural lands and marshes not presently in production below Lake Okeechobee should also be reflooded. The initial efforts should be pilot projects that can provide a clearer assessment of the benefits and techniques of reflooding. It is crucial to reverse the process of the steady loss of organic soils². Reflooding is the primary method for accomplishing this objective. This program should include the acquisition and consolidation of lands by the State in selected areas north of Conservation Area Three and/or near Conservation Area Two as a major pilot program. Its purpose shall be to determine the effect of controlling water levels, filtering pollutants and recycling wastes to build up organic soils. Muck conservation programs should be coordinated and pursued immediately by the Central and Southern Florida Flood Control District and Trustees of the Internal Improvement Trust Fund. Even if mucklands are not used for agriculture, their preservation and restoration are necessary to maintain the ecological balance of the South Florida basin. Reestablishment of sawgrass may be the best solution to replenishment of the mucklands. However, other approaches should be considered on an experimental basis, including the use of organic material such as sewage sludge.

(A minority position held that limited drainage of wetlands to serve a clear public interest, under strict controls, may be justified.)

POPULATION

There is a limit to the number of people which the South Florida basin can support and

¹Wetlands, swamps, marshes, bogs, etc.

²Organic soils in the South Florida-Everglades area are commonly referred to as muck or muckland.

at the same time maintain a quality environment. The State and appropriate regional agencies must develop a comprehensive land and water use plan with enforcement machinery to limit population. This is especially crucial in the South Florida region. The population level must be one that can be supported by the available natural resources, especially water, in order to sustain a quality environment. A State comprehensive land and water use plan would include an assessment of the quality and quantity of these resources. Moreover, it would set density controls on further development by regions and sub-regions.

GROUND WATER

Localized ground water problems are common in South Florida, but they are especially severe in South Dade County and in portions of Collier and Lee Counties. Ground water contaminations and depletion problems include salt water intrusion, uncontrolled drilling of wells, drainage well pollution, inefficient waste water disposal systems, septic tanks and sanitary land fill. Solutions to ground water problems include:

1. A State Drilling Code requiring licensing of all wells and well drillers.
2. Purchase or zoning of lands to protect recharge areas.
3. Plugging of abandoned artesian wells.
4. Installation of secondary controls in major canals to hold higher heads of water.
5. Construction of additional salt water intrusion control facilities, except on natural rivers, according to a salinity control line established along the entire South Florida coast.
6. Elimination of the disposal of improperly treated waste waters.
7. Consideration of all artificial recharge methods which do not impair the quality of the ground water.
8. Consideration, after study, of filling in certain canals in the South Dade County area to improve ground water quality.
9. Prohibition of deep cuts made into the aquifer at the salt water line which cannot be adequately controlled by salinity barriers to prevent salt water intrusion.

Water quality, quantity and development controls described elsewhere in this report will also improve ground water conditions in the basin.

GEOGRAPHIC CONSIDERATIONS

The South Florida water resources can only be understood by considering the entire area. The area begins with the Kissimmee Valley chain of lakes in the north, extends southward through Lake Okeechobee, the Everglades (including the Big Cypress) and encompasses

all coastal and estuarine areas. Any significant change in water quality or quantity in one part of the total area must be considered in light of its effects on the rest of the system.

(A) The Kissimmee Valley

Pollutants entering the Kissimmee Valley have cumulative adverse effects on water quality in the Kissimmee chain of lakes and in Lake Okeechobee. The Kissimmee lakes and marshes should be restored to their historic conditions and levels to the greatest extent possible in order to improve the quality of the water entering Lake Okeechobee. Action should be taken to restore fish resources and wildlife habitats. Contamination by pastured livestock must be reduced. Techniques should be investigated to increase restoration of selective areas to their natural condition by use of advanced waste disposal and composting materials.

(B) Lake Okeechobee

Recognizing that Lake Okeechobee is the hub of water quantity and quality in South Florida, the most important and overriding consideration should be not only to maintain the present quality of the lake but also to improve it. Specific consideration should be given to assure that all water inputs into Lake Okeechobee are of high quality. Two primary inputs which could improve the quality of water are (1) reflooding of the Kissimmee Valley flood plain and (2) assuring that only high quality water is back pumped into the lake. We should consider the following ways, in addition, to assure high quality lake water:

1. An appropriate monitoring and enforcement program.
2. Allowing a maximum high water level mark of seventeen and one-half feet. Higher controlled elevations will not be considered unless it can be clearly shown that such elevation would have no adverse effect on the environment of Lake Okeechobee, its water quality or the ecosystem of South Florida.
3. Allowing no cattle or agricultural activities inside the diked area of the lake and immediate cancellation of all agricultural and mineral leases inside the diked area
4. Ways should be sought to replace chemical control of aquatic weeds with alternate methods which are not harmful to the Lake Okeechobee ecosystem.
5. Nutrient removal by periodic commercial harvesting of the lake's extensive fish population.
6. Nutrient removal by harvesting of aquatic weeds.

(C) Everglades Outside the Park

Everything possible should be done to retain and enhance those areas in their natural

at the same time maintain a quality environment. The State and appropriate regional agencies must develop a comprehensive land and water use plan with enforcement machinery to limit population. This is especially crucial in the South Florida region. The population level must be one that can be supported by the available natural resources, especially water, in order to sustain a quality environment. A State comprehensive land and water use plan would include an assessment of the quality and quantity of these resources. Moreover, it would set density controls on further development by regions and sub-regions.

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(C) Everglades Outside the Park

Everything possible should be done to retain and enhance those areas in their natural

condition. There is a need for continuous monitoring and control of these water resources since they provide the supplies to total South Florida area, including urban areas. A specific objective should be to maintain and restore the sawgrass. Present intrusion of non-public interests should be removed from Conservation Areas 1, 2 and 3 and all privately owned lands in said areas be purchased. It is important that the Big Cypress area be purchased to the greatest extent possible and that land use controls be established immediately in the Big Cypress to control development and to preserve this area for the public benefit. Other potentially valuable areas that need protection are the Shark River Slough, its head water areas and the general area near Canal C-111.

(D) Everglades National Park

We should attempt to maintain the water quality and quantity of the Park adequate for the purpose for which the Park was created. Where it is deemed advisable, exotic plants and animals should be controlled in the Park and throughout the Everglades area.

SHORT TERM PROBLEMS

An inter-agency committee should be established immediately to consider short term water management problems. The purpose of this committee shall be to develop an ecologically sound body of guidelines and policy to be followed in the resolution of short term problems of the region. There should be an educational program to alert the public to the possibilities and consequences of water shortage.

(A) Fire Prevention and Control

Through programmed burning maintain an approximation of the original fire regime of the area. There should be controlled burning to protect the natural plant and animal systems and to prevent undesirable build-up of plant materials. Man should be excluded from critical areas in times of drought. Fire laws should be strictly enforced.

(B) Intrusion of Salt Water

To prevent the intrusion of salt water within the coastal areas, the fresh water head should be maintained as high as feasible. When a water shortage is anticipated, restriction of water use will be necessary in order to maintain this head of fresh water during the drought. Temporary dams should be built on canals, when necessary, with an established emergency system of permitting to allow construction of such dams. During droughts, navigation service should be restricted in order to reduce loss of fresh water. Canals should not be constructed which would allow salt water intrusion inland of the salt water line. Appropriate local laws should be established and enforced.

(C) Establishment of Water Priorities

Since there is competition for water by agriculture, urban areas, conservation areas, estuaries and the Everglades National Park it is recommended that the total water supply be considered a common resource. Survival of the entire South Florida ecosystem, without sacrificing any segment, should be the prime consideration. Maintaining the head of fresh water should be given first priority. The inter-agency committee should propose priorities in its over-all plan.

(D) Regulation of Water Use

A model water use priority ordinance should be developed for use by all affected areas, establishing a series of consumptive controls based on the degree of water shortage.

(E) Desirability of Cloud Seeding

Cloud seeding is not considered a short term solution. There was a division of opinions on the desirability of cloud seeding primarily due to a lack of knowledge, especially as to the possible adverse environmental effects. An opinion is that cloud seeding may be more effective in producing a water supply during the wet season to mitigate low water supplies during the dry season. However, further research is recommended.

(F) Schedules of Water Levels in Lake Okeechobee and the Conservation Areas

The inter-agency committee should develop and maintain close coordination between the U. S. Army Corps of Engineers, the Central and Southern Florida Flood Control District, the Florida Game and Fresh Water Fish Commission, the U. S. Department of the Interior and where appropriate, the Florida Department of Natural Resources. The purpose should be to establish water levels in Lake Okeechobee and the Conservation Areas as well as to establish flexible regulation and delivery schedules for all water needs in South Florida.

MANAGING AGENCY FOR THE SOUTH FLORIDA REGION

Water management should be coordinated at the federal, state and regional levels, with the leadership role clearly being taken by the State of Florida. At the state level there must be an agency or board that has all power necessary to develop and ensure implementation of a comprehensive land and water use plan for the State. The agency or board, whichever it may be, should report to the Governor.

A regional board for South Florida shall be established. The regional board shall be composed of nine (9) members appointed by the Governor. Three year staggered terms shall be used. The board shall represent the diverse interests in the region. It should hold periodic

public hearings in its region for the purpose of receiving input from the public. It shall develop and implement a regional comprehensive land and water use plan in accordance with the State plan. The development of this regional plan should commence at once with the proper funding and legislative authority, even in the absence of an adequate statewide plan. In the development of these long range plans, procedures should be adopted which allow and encourage full public participation and input.

The geographical boundary of the South Florida regional land and water management agency shall be the Kissimmee River Basin, the Okeechobee Basin, the Everglades and the Big Cypress Watershed, including all adjacent coastal and estuarine areas. The regional land and water management agency shall be responsible for managing water quality and quantity for the long term benefit of the environment of the region and the State. The agency shall be responsible for establishing policy and guidelines for such activities as drainage, water use, well drilling, land use, estuary protection, watershed management, flood control and soil conservation.

The regional agency shall have all powers necessary to develop and implement the regional land and water use plan including, but not limited to, taxing powers, eminent domain, police powers such as intervention to protect the environment, permits for drainage districts and canals, subpoena and investigative powers and research properly coordinated with other agencies. A law providing for public condemnation of lands for environmental protection is essential to the implementation of the objectives herein presented.

The regional agency shall be required by the State to relate to and coordinate with duly constituted State and regional organizations operating in other functional areas.

Finally, the conference recognizes that present funding for environmental protection must be greatly enlarged to accomplish the common goal of protecting the economic and environmental values of this State.

The citizens who have participated in this Governor's Conference on Water Management in South Florida in plenary session assembled acknowledge and applaud the foresight and courage demonstrated by Governor Ruebin O'D. Askew in convening this meeting and offer their continuing support in accomplishing the objectives set forth in this statement.

Approved in Plenary Session
September 24, 1971

Senator BIBLE. Our next witness is Harmon Turner, county manager of Collier County, Fla. Mr. Turner.

STATEMENT OF W. H. TURNER, COUNTY MANAGER OF COLLIER COUNTY, FLA.

Senator BIBLE. We have your statement before us, Mr. Turner, and it will be incorporated in full in the record, and you may proceed.

Mr. TURNER. Mr. Chairman and members of the committee, I want to thank you for the opportunity of appearing before you today to discuss the Big Cypress watershed.

My name is Harmon Turner. I am a native of Florida having been born in Crystal River, Fla. I received all of my formal education in Florida and graduated from the University of Florida with a degree of bachelor of science in civil engineering.

Soon after finishing at the University of Florida I moved to Collier County in 1934. I have lived in Collier County since that time except for about 5 years I served in the armed services during World War II. During this time I have been engaged mostly in engineering and surveying work.

After World War II, I became a registered professional engineer and surveyor and was named county engineer of Collier County, Fla., in 1946. I remained county engineer for 20 years and am now county manager.

My engineering duties required that I visit all parts of the county and I might add that over the years I have covered the county pretty thoroughly by special vehicle and on foot, both for pleasure in hunting and in my work. This means that I went to the swampy areas and the pine lands. I was not able to choose only that which was accessible by road but went to any area that my work required.

I give you this information so that you will know that I have more than just a passing interest in Collier County and the area under consideration. I have also been exposed to the county more than a visiting sightseer.

I know that almost all of Collier County is referred to as the Big Cypress Swamp. This is even marked on some roadmaps of Florida. Therefore, it is logical for visitors to the county to refer to it as Cypress Swamp because most of them never see beyond the strip along the highways. There have also been some expensive reports that call it the Big Cypress. There is no excuse for this except that the report writer took the easy way without really going over the county except, possible, to fly over it. I would like to give you a few statistics about the county so that you can determine in your own minds if the name Big Cypress properly identifies all of the county.

In the early 1930's, sawmills began operating in the county. For many years all of these sawmills were logging and milling only pine timber. In the early 1940's, during World War II, the Lee Tidewater Cypress Co. began logging operations in the Fahkahatchee Strand. It is estimated that approximately 330 million board feet of cypress timber was logged mainly from the strand and areas immediately adjoining it to the west. All of this cypress timber was logged from

the western part of Collier County. None of it came from the area east of State Road 29.

An additional 50 million board feet of cypress timber, logged by others, from widely separated strands in the county, made a total of approximately 380 million board feet of cypress timber cut and removed from Collier County, with practically all of it coming from the western part of the county.

The logging of pine timber continued through 1956. During this time more than 400 million board feet of pine timber was logged and removed from the so-called "Big Cypress Swamp". It seems a little unusual for a cypress swamp to produce more pine timber than cypress.

Collier County produces a big part of the winter vegetables for the country with approximately 20,000 acres being farmed each of the two farming seasons during the year. Over 150,000 acres of the county have been farmed. Some of this is used year after year with most of the farmland being replanted after being idle about 5 years.

The area designated as the "Big Cypress" also provides over 440,000 acres of good grazing land on which approximately 65,000 head of cattle graze.

I would say these mentioned uses are excellent utilization of a cypress swamp, especially when not a single use mentioned is compatible with the conditions in a cypress swamp.

No, all of these activities do not take place in the area being discussed for Federal purchase. However, some of the area has been used for each of the activities mentioned and all of them plus several thousand acres of citrus groves now existing in the area designated as the "Big Cypress Swamp".

Senator BIBLE. Can I ask you a question on that point? Can you make any statement as to how many cattle do graze in that region? You said it is 65,000, how many cattle graze in the so-called taking area that we are considering?

Mr. TURNER. It is probably a tenth of that number.

Senator BIBLE. All right, I just wanted to get a feel for that. Likewise, how many citrus groves would you have in the proposed taking area?

Mr. TURNER. I don't believe there are any citrus groves in the area.

Senator BIBLE. They are outside of the taking area?

Mr. TURNER. Yes. However, a considerable part of the area has been farmed in the past.

Senator BIBLE. All right, I just want to get the facts.

Mr. TURNER. Yes, sir, we don't want to mislead you.

Senator BIBLE. And you haven't. All right, proceed.

Mr. TURNER. The people of Collier County and the Board of County Commissioners know the importance of the Everglades National Park and its possible benefits to the county and all of south Florida, as well as the Nation. The local people recognized its value years ago. In fact one family in the county made a grant of 32,640 acres of coastal lands and many of the Ten Thousand Islands to the United States to become a part of the park.

The formal dedication of the Everglades National Park by President Truman took place in Everglades City, in Collier County in

1947. The people of our county do not wish to see the Everglades National Park destroyed or even damaged. Rather, we want proper measures taken to protect it. If this means additional lands are essential to the future well-being of the park, they should certainly be acquired by the Federal Government. By the same token, lands not needed should not be acquired by the Government but left in private ownership.

It is our understanding that the Interior Department is now having a study made of certain parts of the "Big Cypress Watershed" at a cost of \$3 million and requiring 3 years to help determine what measures should be taken to properly protect the park. It would seem reasonable and good judgment to complete this study before spending \$156 million for land that may not be needed.

I might add, sir, some of those areas are outside of Collier County that this study is being made on. It would seem reasonable and good judgment to complete this study.

I do not know of anyone that could give the answer to this question now.

Senator BIBLE. I don't know either, but when we get the Department of Interior people here we will ask them that question. I think that is a good question.

Mr. TURNER. Yes, sir.

If there is, we are wasting another \$3 million to make this study. I just feel that making a study to help determine what steps to take should surely be completed before we take the steps—especially if they cost \$156 million. The Board of County Commissioners of Collier County requested this delay some time ago.

The reports of those advocating the purchase of this property, as well as Senator Chiles' bill to establish the Everglades Big Cypress National Recreation Area in Florida, say that the Everglades National Park is dependent for more than half of its surface water supply on water flowing from the "Big Cypress Swamp". I have commented on this before but have not heard of it being removed from the bill so must make some reference again. Surely this sounds real critical to the future of all of the park. People over the country read this and automatically feel that if the Big Cypress Watershed is not controlled by the Federal Government the life of the park is short. No wonder people get so excited about it.

The above is not what the U.S. Geological Survey says in its report named "Some Hydrologic and Biologic Aspects of the Big Cypress Swamp" dated 1970. The park receives about 80 percent of all its water from rainfall which is about 55 inches a year and is approximately the same as Collier County received. Collier County is also about the same size as the park, so it is obvious that 50 percent of the water going to the park cannot come from Collier County. On pages 10 and 64 of the mentioned U.S.G.S. report, it states that "Subarea C contributes between 55 and 60 percent of the surface inflow received by the Park." It also states that "the inflow from Subarea C of the Big Cypress supplies about 16 percent of the Park, an area of about 350 square miles in the extreme northwest end of the Park." Subarea C is approximately the area being discussed for purchase. Please note that this is only 350 square miles in the north-

west end and not the whole park which is 2,200 square miles. Thus, 16 percent of the park receives 55 to 60 percent of the total surface inflow. This water flows into the park during the rainy season and a short time thereafter. However, it is not available during the normal dry season. On page 11 of the mentioned U.S.G.S. report it states that there are periods of 8 or 9 months during the year when no water from Subarea C flows into the park and this is the period of the year when the need is so critical.

I would like to note that the flow to the park from Subarea C is measured at that Tamiami Trail, where it flows through the bridges and culverts in the trail. I have included two tables that show the total flow of water through the trail from 40 Mile Bend to Carnestown for 1 year, as Exhibits 1 and 2.

Senator BIBLE. Each of those tables will be made a part of the record.

Mr. TURNER. Thank you, sir.

Also shown is the water that flows under three bridges that span roadside canals along State Road 94, Turner's River Road—SR 840A—and State Road 29. These are not drainage canals but borrow canals beside these roads. These charts show that for 9 months of the year over 50 percent of the water in this 40-mile stretch flows in these roadside canals and sometimes 100 percent of the flow is in the canals. This doesn't sound like the water reaches the park by trickling through the grass in sheet flow. In fact if the canals were not there the park would not receive any water from Subarea C for months.

It may be said that the canals remove the water too fast thus keeping it from trickling over and through the grass. I remind you that there are 41 bridges, a total of 2,476 feet and one 42-inch culvert openings under the trail for this water to flow, but there just isn't any water to produce the "sheet flow" we hear so much about except from possibly 3 months in the rainy season. Two of these canals have been in existence about 50 years and one about 20 years, and this during the time it is said that these estuaries are the most productive of marine life of any along the west coast of Florida.

Actually Subarea C provides only about 9 percent of the water for the park and all of that goes into 16 percent of it. I wouldn't say that is so critical to the life of all the park.

It has also been stated that water in Subarea C recharges the water supply source for Naples and Fort Myers. The U.S.G.S. says the water falling on the eastern part of Collier County—Subarea C—does not in any way recharge the source of water for Naples now, nor even the source planned for the long range future. Fort Myers and Lee County receive their water from the Caloosahatchee River and local aquifer which surely cannot be recharged from rainfall in any part of Collier County, and especially Subarea C. I do not want to lead you to believe that Collier County is not concerned about water for we are very much, and want to take all precautions to protect it.

If the Federal Government is going to purchase land as called for in S. 3139 and S. 2465 or by legislative taking, the exact purpose of the purchase should be stated. Is it for the protection of the

park, water preservation, a recreational area or a combination of any of these? The real purpose should be determined and then that land justified for that purpose acquired.

We would like to make some requests and suggestions regarding the purchase and the future operations of the land if it is purchased.

There are approximately 30,000 property owners in the area mentioned. Most of these people are citizens of the United States and deserve every consideration of a property owner. They have their money in this property and have every right to expect to be paid when their land is taken and not 10 to 20 years later as is the case in the Everglades National Park. The legislation that approves the purchase of the property should also provide money for the purchase.

Appraisal of the property should begin at once, and continue with enough appraisers to complete the job without delay. The normal factors for land appraisal should be used, with the sale price of property being that in effect just prior to the announcement that the Government was interested in buying this property.

There has been considerable speculation regarding oil in the "Big Cypress". Since this is an unknown factor, the oil and mineral rights should remain in the present ownership with definite assurance that exploration can be carried out and if oil is found it can be developed in accordance with proper current guidelines and supervised by the proper agency. However, because of the continued world unrest and the uncertainty about the future supply of oil for the United States from other parts of the world, it is most urgent that oil production be encouraged rather than suppressed. There is a severance tax of 5 percent on oil produced in Florida. This tax is distributed to the State and the county from which it is produced. If oil exploration will not be permitted the appraisal should provide acceptable values for the oil and mineral rights and a guarantee that oil prospecting or production will never be allowed on this property.

If the property is to be used for recreational purposes some definite land use plan should be developed. These plans should be presented to Collier County for review and approval. By all means it should provide for people being able to hunt, fish, hike, or use whatever other recreational facilities may be available. To us a land use plan is very important when we start spending \$156 million for land. When the Interior Department was asked about such a plan the answer was that they have none.

There is every reason to believe that some of the area adjacent to the proposed purchase will be developed and there may be a need to look to this area to supply water for these developments. Collier County should have some definite agreement with the Federal Government assuring the county that water supply can be obtained from the area.

It is not known just how much property will be acquired from Collier County but according to the two bills now being considered about one-third of the county area would be purchased. The county receives ad valorem taxes from this area. Depending on just what is acquired the taxes lost could be up to \$582,300 which would be about 6 percent of the total ad valorem tax in the county for 1971. See exhibits 3 and 4.

I would like to comment on the side there, when I appeared in Miami before Senator Jackson's committee, I stated \$700 to \$750,000 taxes for the area. That was a figure given to me by the tax assessor, but the assessor explained to me since then about the reduction to \$582,000 because there are areas in this area that are classified agricultural and the taxes are lower than just the normal.

Senator BIBLE. Very fine, I am very happy to have the record reflect that. And both the additional exhibits will be made a part of the record.

Mr. TURNER. Thank you sir.

I know that in some instances the value of property adjacent to a park or Federal recreational area has increased to make up the lost taxes. That has not been the history of the Everglades National Park because of the nature of the park and the absence of any real development in the park, except at a very few chosen locations. Collier County feels that the taxes lost should be made up by payments from the Federal Government each year from whatever source it may choose. By this we mean the same percentage of the total county ad valorem taxes each year and not necessarily the amount in dollars and cents lost in 1971. Without this the taxes on the remainder of the county would be increased to make up this loss. That would mean the taxpayer in Collier County would in reality be purchasing this land for the Federal Government. This would be an unfair burden on the people of Collier County. It is assumed that there would be some management plan for the area which will produce revenue but for a few years it is doubtful if that will be any more than required to police the area. Therefore funds from other sources may be needed.

It is also felt that some assurance should be given that at a later date the Interior Department will not again decide that other lands are needed to protect this half million acres. Collier County also feels that the control of the property surrounding the purchase is a county responsibility, by zoning or any other means available. The Federal Government nor any other government should not have the right to dictate the controls. Collier County now has a planning commission, water management board and environmental council that act as advisory groups to the county commissioners on subjects of this nature. All of these assist in setting regulations for development in the county.

We, in Collier County are very much interested in this project because we know the potential benefits of the park and we are interested in water and its conservation. We do think that any study being made to determine how to protect park lands and conserve water should be completed prior to a decision to purchase a half million acres of land costing over \$156 million. It may be determined from this report that only the area south of the Tamiami Trail is needed. At some points the trail is 76 miles from the park. I am sure if only that property south of the trail and east of SR 840A were purchased you would find much less opposition to the plan.

Collier County has always been cooperative with any governmental agency that is active in the county. In this case we have declared

a moratorium which prohibits any zoning changes in the eastern part of the county to give the Interior Department and Congress a chance to decide on a plan. We wish to continue to cooperate.

We will be happy to have you call on us for any information that may be available in any of the county offices.

I thank you.

(The tables and exhibits referred to follow:)

Exhibit 1

MONTHLY MEAN

[Quantities in cubic feet per second]

	40 Mile Bend to Monroe Station	Monroe Station to Carnestown	Barron River Canal State Road 29
1971 water year:			
October 1970.....	151	465	185
November.....	45	148	117
December.....	6.7	49	53
January.....	2.7	15.8	12
February.....	2.1	24	12.1
March.....	0	10.4	10.7
April.....	0	.08	7.7
May.....	0	.48	8.1
June.....	5.3	85	54
July.....	105	335	32
August.....	643	1937	123
September 1971.....	962	2075	216

Exhibit 2

DISCHARGE DATA FOR THE TAMIA MI CANAL FROM 40 MILE BEND TO CARNESTOWN INCLUDING BARRON RIVER CANAL

[Units are cubic feet per second]

	SR 94, Bridge 96	SR S840A, Bridge 84	SR 29 Barron River Canal	Sum of cols. 1, 2, and 3	Total flow from area	Percent of col. 4 ÷ 5
	(1)	(2)	(3)	(4)	(5)	(6)
Oct. 16.....	9.5	213.7	185	408.2	582.9	70
26.....	19.9	131.3	170	321.2	493.7	65
Nov. 13.....	8.9	88.8	118	215.7	287.6	75
25.....	6.8	54.5	89	150.3	203.9	74
Dec. 11.....	2.5	33.0	71	106.5	133.1	80
23.....	1.0	40.0	25	66.0	67.6	98
1971						
Jan. 13.....	0	7.3	12	19.3	20.9	92
25.....	3.2	23.2	11	37.4	42.0	89
Feb. 11.....	2.3	15.8	12	30.1	43.8	69
23.....	.3	9.8	14	24.1	33.1	73
Mar. 11.....	0	6.8	12	18.8	30.4	62
25.....	0	0	9.9	9.9	9.9	100
Apr. 14.....	0	0	7.9	7.9	7.9	100
26.....	0	0	7.4	7.4	7.4	100
May 12.....	0	(1)	(1)	(1)	(1)	(1)
25.....	2.2	(1)	(1)	(1)	(1)	(1)
June 10.....	9.8	30.2	25	65.0	124.9	52
24.....	4.6	33.2	75	112.8	175.9	63
July 14.....	2.9	89.8	25	117.7	321.0	37
26.....	41.2	106.7	19	166.9	867.6	19
Aug. 13.....	68.0	332.2	146	546.2	2345.9	23
27.....	77.2	225.3	181	483.5	1821.7	26
Sept. 13.....	70.2	515.2	228	813.4	2799.7	29
27.....	82.3	427.0	207	716.3	2502.3	29

¹ Tide affected.

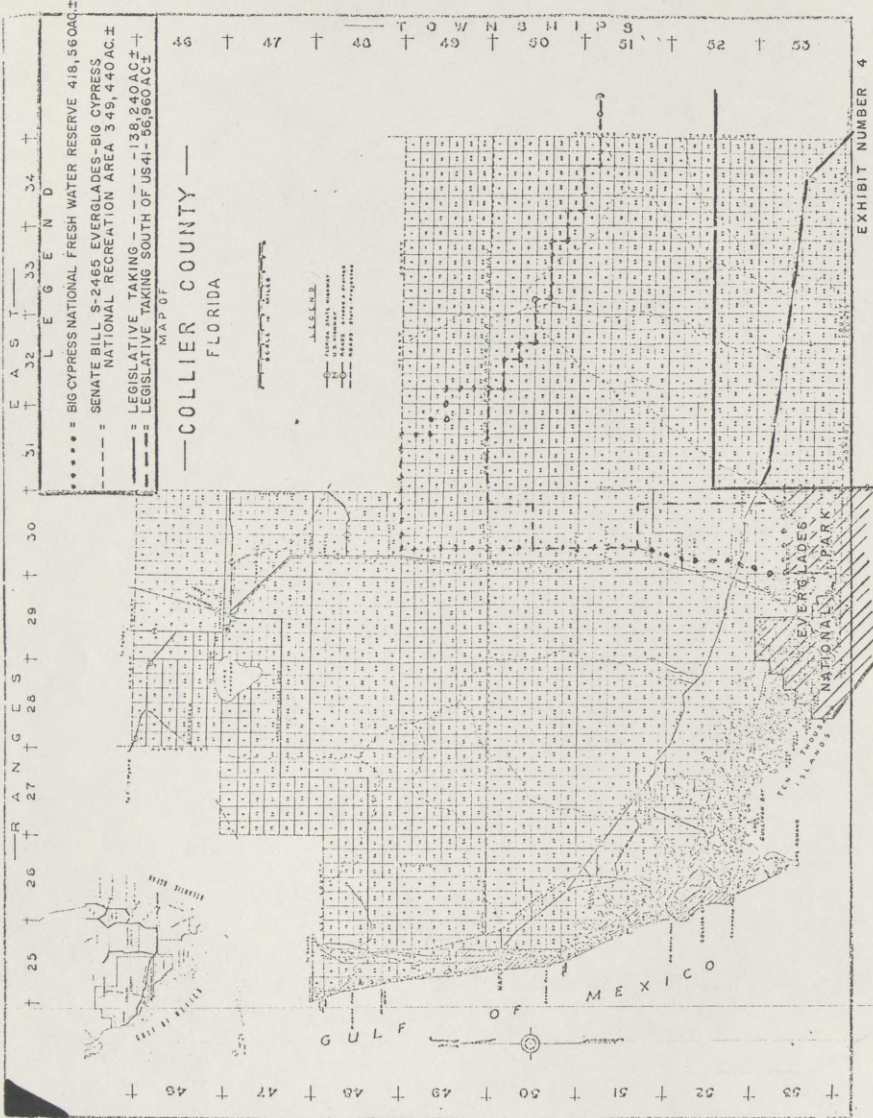
Notes.—Water year is from October through September. The number of the water year is the same as the year of September. Water year 1971 runs from October 1970 through September 1971.

Exhibit 3

TAXES FROM THE AREA UNDER DISCUSSION IN 1971

	Taxes
Senate bill S-3139	\$582,300
Senate bill S-2465	521,500
Legislative taking	185,300

Note.—Above figures were compiled from 1971 tax roll, and have been rounded off to the closest \$100.



Senator BIBLE. You have a planning commission, do you have a Collier County zoning ordinance of any kind?

Mr. TURNER. Yes, sir.

Senator BIBLE. And there are certain restrictions that apply as to building a single-family home or multifamily home or things of that kind?

Mr. TURNER. Yes, sir.

Senator BIBLE. How long have you had such a county ordinance?

Mr. TURNER. Since about 1955. If you would like a copy of it we can supply it.

Senator BIBLE. I think that would be helpful because that question comes up and you are far ahead of many, many other counties in having a county zoning ordinance. I think it would be helpful if you could supply that for the record after you return home.

Mr. TURNER. We feel we are ahead in a lot of other ways, too.

Senator BIBLE. I am sure you do. Supply that for the record, please.

Mr. TURNER. Yes.

(The material referred to was retained in the committee files.)

Senator BIBLE. That is a very fine statement, Mr. Turner, you obviously spent many hours in preparing it. It is very objective and I think it gives us vital and important information. I think I only have two or three questions of you.

As I understood you, you said the area in the bills is about one-third of the total acreage of Collier County?

Mr. TURNER. That is the best we have been able to determine.

Senator BIBLE. I am assuming 547,000 acres is private land and 37,000 acres is publicly owned land, and I am not sure that is all in Collier County or not.

Mr. TURNER. No, it is not.

Senator BIBLE. But a great amount of it is?

Mr. TURNER. At one time we did have it. I think it is shown on the back of one of these exhibits. If you look at the last sheet, Big Cypress National Freshwater Reserve would be 418,560 acres, the best we can see. Everglades-Big Cypress National Recreation Area and the like, now, I know that you might say well, some public lands are improved. The land that was taken for the jetport would be included in this. However, Collier County had an agreement with the Dade Port Authority that we would receive certain revenues from the operation of that when it became a commercial airfield. So we have included that just as we did the others. We would have received revenue from that and therefore that was taking the place of taxes on that particular area.

Senator BIBLE. And as I understood you to say—what is the total amount of taxes that are levied in Collier County? You made some reference that the loss of taxes would be with about one-sixth of that?

Mr. TURNER. About 6 percent. In 1972 the ad valorem tax was a little over \$8 million.

Senator BIBLE. Let me ask you one further question, that is, what is the population of Collier County?

Mr. TURNER. Approximately 40,000.

Senator BIBLE. Forty thousand?

Mr. TURNER. Yes.

Senator BIBLE. I have no further questions. Well, let me see, maybe I have another one here.

Mr. TURNER. Mr. Chairman, I have two maps that I would be glad to give you. One shows the pine timber area in the so-called purchase area—

Senator BIBLE. Very fine, if you can spare them those maps will be adopted by reference for the committee. They are hard to reproduce but they will be here for the committee.

Mr. TURNER. One also was prepared by the U.S.G.S. that shows the Big Cypress Watershed and what part of that would drain into the Everglades National Park.

Senator BIBLE. It has been suggested to me that you did make the statement, holding a U.S.G.S. study, that no water flows, if I am correct, for at least 9 months of the year that you mentioned. Do you have any idea how many times that occurred over the last 5 or 10 years or some measurable period of time? You use a 1-year figure, is that representative of a 10-year flow or not?

Mr. TURNER. I believe the report says there have been instances where it is 8 or 9 months. I would have to get the book to look at it.

Senator BIBLE. Would you check it out and just give me a little broader look at it, because you put it pretty much on 1 year, and show me what the average is over the entire period of time. Thank you very much, Mr. Turner. I appreciate your appearance here this morning.

Mr. TURNER. Thank you, sir.

Senator BIBLE. Our next witness is Mr. Ernest Dickerman of the Wilderness Society; Mr. Dickerman.

STATEMENT OF ERNEST M. DICKERMAN OF THE WILDERNESS SOCIETY, WASHINGTON, D.C.

Mr. DICKERMAN. Thank you, Senator Bible.

Senator BIBLE. You may proceed.

Mr. DICKERMAN. My name is Ernest M. Dickerman, representing the Wilderness Society, a national conservation organization of some 75,000 members. The Wilderness Society is very much concerned with the natural resources of the Nation and especially so as management and use of these resources affects the ability of man to continue to enjoy a healthful and satisfying way of life and indeed as it affects all other forms of life on this planet.

We appreciate the opportunity which the committee has provided to express our views on the proposal to create a Big Cypress National Freshwater Reserve in the State of Florida. In our view, this is a highly commendable proposal and we give it our full support.

Protection of the Big Cypress Swamp as proposed in S. 2465 and S. 3139 likewise means protection for that great national treasure, the 1,400,000-acre Everglades National Park. For too long the very life of this park has been threatened by interference with the natural flow of waters into it. The engineering works of the central and south Florida flood control project were so operated as to deprive

the Everglades Park of its essential water supply while millions of cubic feet of water were being wastefully drained off into the ocean. Increasingly man-made developments of many kinds have been threatening the reliability of the park's water supply from the north. An insistent, forceful national demand brought about needed change in the operation of the central and south Florida project so that the park was assured of proper quantities of water spaced regularly throughout the year.

May I make a certain clarification. That sentence referred to water supply coming out of the central and south Florida project, which went into the eastern portion of the park, whereas the Big Cypress situation reflects the water flow into the western portion of the park.

Now, we are facing up to the problem of assuring that the needed waters from the Big Cypress Swamp also shall continue to flow naturally into Everglades National Park. Either S. 2465 or S. 3139 can be expected to go far in achieving this objective.

While recognizing that each of these bills has substantial merit, we would, however, like to comment on particular provisions found in them or absent from them and suggest changes which in our opinion could result in an improved bill as finally reported out by this committee. The two bills principally being considered by the committee propose different names for the area. We express a positive preference for the name Big Cypress National Fresh Water Reserve because it clearly indicates the primary intent and purpose of this piece of legislation. It would further strengthen the hand of the administrator as he developed policy and practice designed to assure an undepreciated quality and quantity of first-grade water for the Everglades National Park and other appropriate purposes as set out in the act.

Section 2 of both acts states the means by which the Secretary of the Interior may acquire lands for this reserve. Omitted is the exercise of the right of eminent domain. We suggest that it is essential that this power be specified in the bill. For without it, it will not be possible to accomplish the objectives thereof.

Senator BIBLE. In your next paragraph I think you can highlight some of these, if you don't mind. You simply say the two bills have different sizes and you prefer the one with the larger acreage. Well, that is what you are saying, you don't need to read it all. You can highlight these various sections as you go through.

Incidentally, I should develop this for the record, where do you live?

Mr. DICKERMAN. I live in Washington, D.C., as of now, my home is Knoxville, Tenn.

Senator BIBLE. Have you spent much time in this area?

Mr. DICKERMAN. Not a great deal of time in the Big Cypress Swamp. I am not an expert on the particular situation.

Senator BIBLE. Well, I always like to clarify that and I hope I got the message across at least to the Federal bureaucracy that when they come up to testify, at least, they ought to go down and look at the area to know what they are talking about. I think you will agree with that premise.

Mr. DICKERMAN. I have been through the area, I just didn't want to pretend that I knew all of the details.

Senator BIBLE. Well, I know all of the area, I have been there many times. I have flown over it and walked over it and boated over it and hunted over it and I have a feel for the area.

Mr. DICKERMAN. I do have a feel for the area, yes, sir.

Continuing at the top of page 3, Section 4 of S. 3139 deals with the powers of the Secretary of Interior to administer the area. In general, we find ourselves in full agreement with the powers placed in the Secretary and recognize him as the desirable authority to administer this area. However, we feel a particular concern about potential gas and oil operations. The right to explore these resources will be retained by the previous owners of the land. Inadequate control of gas and oil operations could result in measurable impairment of water quality and supply. We would urge that the authority of the Secretary to control means and routes of access and methods of exploring and extracting in order to protect the water from impairment should be more clearly declared in the bill. The possibility of an oil or gas operator at some future date successfully arguing that the Secretary does not have the authority to limit how an operator may conduct himself should be reduced to a minimum.

Section 4, lines 11-16 of S. 3139 are, as we understand it, designed to provide that Florida State Highway 84, commonly known as Alligator Alley, may be upgraded to interstate standards where it passes through the Big Cypress Reserve. We do not at this time express a preference for this possible routing of I-75 nor do we object to this provision being in the bill. We do believe it to be desirable to be more explicit in the wording of such provision, however, either by specific declaration in the bill or by clear legislative history that the provision is intended to refer only to Florida State Highway 84. Further we note that Section 5(b) of S. 2465 provides that no additional access roads nor canals shall be constructed within the area or leading to it. We consider this a very worthwhile restriction which could contribute significantly to maintenance of the present water quality and supply of the area and to assuring an uninterrupted natural flow of water into Everglades National Park.

Section 2(b) of S. 2465 is designed to provide for a legislative enactment of the bill of certain lands lying principally between the Tamiami Trail—U.S. 41—and the present northern boundary of Everglades National Park. Given the many man-made changes which are now occurring in this section such as new roads being built, canals dug, and wide-range of new buildings being erected, it seems essential if the objectives of this legislation are to be attained that such extensive changes in the land and water conditions be halted. Instant taking is a positive means of accomplishing this. We would ask the committee to consider most carefully this problem and the incorporation in the final bill of this type of solution.

It is gratifying to note that both S. 2465 under sections 6 and 7, and S. 3139, under sections 5 and 6, seek to assure to the Indian tribes now inhabiting the Big Cypress Swamp the continuation of the rights and opportunities which they now enjoy.

Finally, The Wilderness Society suggests to the committee consideration of an additional provision not found in either bill. Much of the Big Cypress Swamp is clearly of wilderness character. In addition to these wild qualities it provides natural habitat for a wide-range of animals, birds, and fishes. It also provides the natural environment for an extraordinary variety of flora, much of it subtropical and not found elsewhere outside of Florida.

To further assure the objective of this bill that a reliable source of pure water be maintained at its present levels of quality and quantity, and in recognition of the superb wilderness values of much of the Big Cypress Swamp, it is most appropriate and warranted that there be written into the final bill a provision for a wilderness study by the Secretary, with his recommendations being forwarded to the Congress for that body's consideration.

Such a study provision would not of itself give statutory wilderness designation to any part of the area. It would mean that, consistent with the policy laid down in the Wilderness Act, the reserve would be carefully examined for its wilderness values. The results of such examination would be brought to the attention of the Congress; the Congress then, in due course, would have the choice of determining whether any portions of the Big Cypress Reserve should be given the protection of the Wilderness Act by placement in the National Wilderness Preservation System, while remaining a part of the Big Cypress Reserve and under supervision of the Secretary. The Wilderness Act declares it to be our national policy to preserve the wilderness resource of America. In the Big Cypress Swamp we are fortunate to have a significant area of wilderness. This committee and the Congress have seen fit to incorporate a standard wilderness study provision in a series of acts establishing new units in the National Park System. To do so with respect to the Big Cypress Reserve would be consistent with that established practice.

We strongly urge the committee to give favorable consideration to the inclusion of the wilderness study provision.

Thank you, Mr. Chairman.

Senator BIBLE. I appreciate your appearance here this morning, Mr. Dickerman, I have no questions of you.

Our next witness is Mr. L. L. Williamson, Editor of the Outdoor News Bulletin, Wildlife Management Institute.

Mr. Williamson.

STATEMENT OF LONNIE L. WILLIAMSON, EDITOR OF OUTDOOR NEWS BULLETIN FOR THE WILDLIFE MANAGEMENT INSTITUTE, WASHINGTON, D.C.

Mr. WILLIAMSON. Mr. Chairman, I am Lonnie L. Williamson, editor of the Outdoor News Bulletin for the Wildlife Management Institute, with headquarters in Washington, D.C. The institute's program has been devoted to the restoration and improved management of renewable natural resources in the public interest for more than 60 years.

The institute supports the goal of S. 2465 and S. 3139 to acquire and manage the Big Cypress area in southern Florida. We are keenly aware that proper management of Big Cypress is the key to main-

taining the unique qualities that make Everglades National Park a national treasure. Without the flow of fresh water from Big Cypress into the park, these valuable features of plant and animal diversity would diminish. Any investment, therefore, is not solely to benefit Big Cypress and add new land to the National Park System, it is also additional insurance toward perpetuating the remaining natural Everglades ecosystem.

The need for legislation to protect Big Cypress and the Everglades exemplifies a situation which arises as a result of arbitrarily blocking off an area for specific designation without considering the all-important aspects of ecosystem functioning. The park is but one part of a natural system which includes the Big Cypress drainage. This interrelationship clearly points out the futility of imaginary boundary lines to preserve any area. Real conservation is something more encompassing than a lock on the door. It must involve consideration of entire systems instead of component parts.

In our opinion, acquisition, as proposed in both bills, would provide the most security and administrative leeway to manage Big Cypress. Through public ownership, all the public values of both areas can be protected and enhanced.

The intent of Section 6 in S. 2465 and Section 5 in S. 3139 to permit fishing, hunting and trapping on the proposed area is also commendable and consistent with most NPS recreation area acts. Big Cypress is one of the most popular areas for sportsmen and naturalists in southern Florida. The fish and wildlife values are important both to residents and nonresidents alike. Considerable economic benefits to the region result from the use of these resources.

We recommend, however, that the committee favorably report a bill without the "fish and wildlife management" clause that has caused so much difficulty and misunderstanding in recent weeks. This wording is not consistent with the State's recognized authority to manage resident fish and wildlife.

Acts authorizing National Park Service administered national recreation areas have not been consistent on this point. Some of them contain the "fish and wildlife management" clause, and some do not. The Cape Cod Act—1961—the Point Reyes Act—1962, and the Sleeping Bear Dunes Lakeshore Act—1970, do not contain this language. Acts authorizing other National Park Service areas—Assateague Island—1965, Apostle Islands 1970, and the Gulf Islands 1971, have the clause. None of the Acts establishing national recreation areas administered by the U.S. Forest Service contain the "fish and wildlife management" clause.

As a matter of policy, the institute believes that authorizing acts for national recreation areas administered by both National Park Service and U.S. Forest Service should not contain the "fish and wildlife management" clause. This position is consistent with the policy established in the Department of Interior during the administration of Secretary Hickel regarding Federal and State responsibilities for fish and wildlife resources.

Senator BIBLE. A very fine statement and we appreciate it, Mr. Williamson.

Our next witness is Mr. Nathaniel Reed, U.S. Department of Interior. He does not appear to be here, I don't know exactly when he will appear. He should be here this morning.

Our next witness is Mr. Anthony Wayne Smith, cochairman Everglades Coalition. Mr. Smith.

(No response.)

Senator BIBLE. Without objection his statement will be included in full in the record.

**STATEMENT OF ANTHONY WAYNE SMITH, COCHAIRMAN OF THE
EVERGLADES ENVIRONMENTAL COALITION FOR NORTH AMERICA,
WASHINGTON, D.C.**

Mr. SMITH. Having been invited to testify in hearings to be held by the Senate Committee on Interior and Insular Affairs on April 20-21 in the city of Washington with respect to the Big Cypress in the State of Florida, and for purposes of clarification of policy with a view to such testimony, the Everglades Coalition and the Steering Committee of the Environmental Coalition for North America confirm their previously established policies as follows:

1. We commend President Nixon on his proposal for the acquisition of the Big Cypress by the Federal Government and its incorporation into the National Park System.

2. We commend Senators Jackson and Chiles, and their colleagues on their proposals for the acquisition of Big Cypress by the Federal Government and its inclusion as a national recreation area within the National Park System.

3. The area could be designated a National Fresh Water Reserve or a National Recreation Area, to be managed in either case pursuant to the established national policies for the management of national recreation areas within the National Park System.

4. It is vitally important that the acquisition proceed with all possible dispatch.

5. We recommend a prompt decision to substitute an ecologically acceptable site for the original giant jetport site and training strip in the Big Cypress in order to bring the jetport issue to a permanent conclusion.

6. We urge that the defenders of Everglades National Park and the Big Cypress maintain their unity on these questions and get them settled for the benefit of the people of Florida and America.

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

**STATEMENT OF LOUIS S. CLAPPER, DIRECTOR OF CONSERVATION,
THE NATIONAL WILDLIFE FEDERATION, WASHINGTON, D.C.**

Mr. CLAPPER. I am Louis S. Clapper, director of conservation for the National Wildlife Federation, which has its national headquarters at 1412 Sixteenth Street NW., here in Washington, D.C. This statement has been developed in cooperation with Thomas S. Kimball who has been to the Big Cypress area on several occasions, as recently as 10 days ago, while my personal experience is limited to the Everglades Park area.

Ours is a private organization which seeks to attain conservation goals through educational means. The federation has independent affiliates in all 50 States, the Virgin Islands, and Puerto Rico. These affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number approximately 3 million persons.

The National Wildlife Federation appreciates the invitation and opportunity to comment upon the proposals to establish the Big Cypress National Recreation Area—S. 2465—or the Big Cypress National Fresh Water Reserve—S. 3139, in Florida as a unit of the National Park System.

We agree with and support the basic objectives of these bills: That of protecting the quality of water in the area and its environmental values.

Our prime interest in this area is to preserve it in essentially the same condition as it presently exists, both for the area's outstanding values and because of the vital relationship which it has to the unique and outstanding Everglades National Park. Consequently, we were highly gratified when the sponsors of S. 2465 introduced this bill last fall. And, we were highly pleased when President Nixon announced his intention of taking the courageous step to recommend permanent preservation and protection for the Big Cypress swamp. We are firm in our belief that the unique environment found here should be protected for its important and significant educational and recreational benefits.

We are equally convinced, Mr. Chairman, that enactment of authorizing legislation as envisioned by the bills under consideration here today, if amended and implemented will accomplish the objective of providing the protection which we consider so essential.

It is our opinion, Mr. Chairman, that either of these bills, or a combination of them, can provide suitable protection for the Big Cypress area and, at the same time, allow compatible uses which, in effect, would maintain the status quo. Consequently, we recommend that the committee give priority consideration to these principles:

1. That the present landowners within the area be permitted to use the area indefinitely, rather than for lifetime or 25-year occupancies, as provided in the bills, when these uses are compatible with the overall objectives of preserving natural values, as determined by the Secretary of the Interior.

2. That property owners be given assurance of tenure if they meet regulations established by the Secretary. We believe the Secretary should be authorized to prohibit the construction of additional housing or improvements on property when it would result in impairment of natural values of water supplies. Otherwise, we see no compelling need to completely remove all property owners after a given period.

3. That the Secretary should be authorized to regulate motorized modes of transportation, both for access to and locomotion within the area, under restrictions permitting reasonable uses of vehicles when they do not impair the environment but prohibiting these uses when they are incompatible. In substance, we believe the use of

rubber-tired vehicles and airboats in the area can be used without harm to the environment so long as their numbers are kept within reasonable bounds and their activities do not cause damage.

4. That the Secretary be authorized to regulate agricultural practices, including grazing and lumbering, and other activities, prohibiting those which are incompatible with natural values. We would not consider oil and gas development or stripping as being compatible with management of the area. Certainly, drainage and water diversions are not.

5. It is our firm belief that resident species of wildlife in the area should continue to be managed under provisions of State law and State regulations. Migratory species should continue to be managed under provisions of both State and Federal laws and regulations. If necessary, the National Park Service and the State of Florida could work together jointly to establish safety zones. Thus we are in accord with section 6 of S. 2465 and section 5 of S. 3139, which are nearly identical, except that we urgently recommend removal of the phrase: "—fish and wildlife management." The National Park Service does not belong in the field of fish and wildlife management and we do not believe this phrase should be in the legislation. We would recommend that consideration be given to the following proposed amendment to S. 3139:

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Florida and shall permit such motorized access for the purposes of hunting, fishing, and trapping as is compatible with other existing recreational and scientific uses of the reserve, except that he may designate zones where and periods when no hunting, fishing, trapping, or motorized access for such purposes may be permitted for reasons of public safety. Except in emergencies, any regulations or provisions in any agreement between the Secretary and the State of Florida or political subdivision thereof designating such zones or periods shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing and trapping activities and after an opportunity has been afforded for public participation in their adoption by notice and hearing. Notwithstanding this section or any other provision of this Act. . . .

We see no difficulties in provisions to allow Indians of the area to continue their customary use and occupancy of lands and waters or to hunt, fish, or trap for subsistence purposes or traditional tribal ceremonials. We also agree with provisions allowing them to construct and operate revenue-producing facilities and services, although we hope the committee will make legislative history to spell these out. For example, we would not wish to see the term revenue-producing facilities interpreted as oil wells.

To conclude, Mr. Chairman, we hope the committee will act speedily to report a bill preserving the Big Cypress Swamp in order that it will be another conservation accomplishment of the 92d Congress.

Senator BIBLE. Very fine statement, Lou, we appreciate it, thank you.

Our next witness will be Mr. Ellis Chism, director of research, East Collier County, Landowners Improvement Committee.

STATEMENT OF ELLIS CHISM, DIRECTOR OF RESEARCH, EAST
COLLIER COUNTY, LANDOWNERS IMPROVEMENT COMMITTEE,
HIALEAH, FLA.

Mr. CHISM. I need to work from this map, Mr. Chairman, and it would be so beneficial to everyone if I could do it.

Senator BIBLE. Well, I can't see it. Turn it around a little.

Mr. CHISM. Very well; I appreciate so much this opportunity. I am delighted to be able to speak before you wonderful gentlemen. I appreciate this opportunity, I hope I can enlighten you from the many years of experience that I have had directly on the area and through the area and my business has been to gather all the information I can from the experts over a period of about 10½ years.

The people that know me know that I have spent these many years, almost night and day, trying to do just that job and for many years I have traveled these many hundreds of square miles over this area and if you will all please notice, this is the big map, like Mr. Turner turned in to you, showing what grows on the land. This is a very important point.

If you notice these darker areas right here, this is the only real big swamp in that part of the country that you will find record of, it is the Fakahatchee Strand where Mr. Turner said the lease company had taken the Big Cypress timber out of there many years ago. At one time there were many small mills over at this end.

Senator BIBLE. When you say this end, you will have to describe it, the reporter can't put that on the stenotype machine. What is that, the east?

Mr. CHISM. This is the eastern part of the county, over here is Naples, right here. Here is Everglades City.

Senator BIBLE. Naples is to the west?

Mr. CHISM. Yes, approximately 60 miles from the jetport, the Dade County line, right down here. And Everglades City is right here on the map.

Now, here is Monroe Station right here. This is just about the heart and the middle of a high region. It is about 15 to 18 miles wide through here, it is elevated pine country.

As you can see these darker areas down here below the Tamiami Trail, those are cypress stands. They used to be river long before Lake Okochopee was ever dug, those were rivers. But the rich soils from up northward have washed in here and filled those up. They are very fertile, very, very rich soils.

Now, you will notice the direction in which these cypress strands run. They run southwest, that is the direction of your water flow. This is very important. That is the direction of your water flow, this, Fakahatchee straightens out some and here is your Gulf of Mexico down here. So it is pulling down a little west of Everglades City.

Now, you will notice below the Tamiami Trail, all at once these cypress strands turn very sharply because it is pulling into the salt water inlets here.

Here is your jetport which has been such a conflict over the Nation. Please take notice the water coming from under the jetport area

runs southwest, never reaching the main part of the park. The park at this particular area in here is 16 miles south of the Tamiami Trail and it appeared in the newspaper that Senator Holland noticed himself that it was 16 miles south of this corner of the jetport.

Now, the park itself goes about 12 miles east of the 40 mile bend and 40 mile bend is down here, which I will show you on another map.

Now, all of this water here, as you can see the direction it is flowing in, never goes 16 miles south below the Tamiami Trail in this area.

Now, the scale of this map is an inch per mile. That is exact. Now, right here at this point where I am pointing near Monroe Station—

Senator BIBLE. Wait a minute. Mr. Chism, near what station?

Mr. CHISM. Monroe Station; this is where the loop road comes back in at the Tamiami Trail. It extends for 46 miles and comes back into Monroe Station. That is 4 miles to the Monroe County line. I want to call your attention to a real swamp which is well known. This is where Joe Reider and the Department of Interior, including Secretary Morton, whom we highly regard, we are not criticizing him, a great man, we all know that. This is where they take their people, including the President's precious daughter, to the Roberts Lake Strand, right here. Here is your Roberts Lake Strand, right here. Here is your Roberts Lake Strand which shows on the map. This goes down into Monroe County.

Now, right down below here about a mile, is where the Secretary of Interior took the President's daughter, which got national publicity, probably international publicity, a few months ago in this real swamp. There are no bridges there for many, many miles and it is a Loop Road just like a dam that dams up with water and holds it back. In fact there is water in it right now, even though all of Collier County over in here is practically—you might say almost bone dry.

Senator Chiles and Congressman Claude Pepper, we took them out there a week ago last Saturday and took them up in there and they were amazed and so were the aides of the Senator and the newspaper people, and I was hoping the Governor would stay and get this. We have been trying to get the Governor out there for many months to see the area. We want them to know facts, nothing but facts.

But, any way, where they took the President's daughter is worth more than all of this land. I wouldn't take my wonderful sweet little dog into that snake infested swamp.

Senator BIBLE. Why don't you come right to the point. I am a great admirer of Secretary Morton and the President and the President's daughter, but why don't you just come to the point you are going to make here. Because I have your full statement and I am going to incorporate that in the record.

Mr. CHISM. The point I am trying to bring out is that they were trying to show the whole Nation that this is a swamp. And this is prime timber, several hundred miles through here that is higher

elevated than anything on the east coast in south Florida in Dade County. It is four times the size of the high elevated land in Dade County. Dade County, a great part of it, is the Everglades. Here is your official U. S. map showing the Everglades right here. This is your watershed for the main part, which is right down below here. That is the watershed. This is not the watershed for the main part.

Senator BIBLE. What you are saying then, let me try to simplify it if I can, what you are saying is that the area that is being proposed for taking is not the main watershed for the Everglades?

Mr. CHISM. Positively, and we have the smaller map taken from this map.

Senator BIBLE. All right. We will see that all of the committee members get it. I want it crystal clear in my mind exactly what you are saying.

Mr. CHISM. Yes, sir. I have an alternate proposal which is on the second page there. That is the most important of all. It is a new map which I made many of. I made it for an engineering report for Dade County for the Public Works Department and I have made it into a larger map here.

Senator BIBLE. Why don't you develop your proposal because I would be very much interested in it.

Mr. CHISM. I certainly will and this is the most important proposal any of us can get. Here is the park right here. Beginning right there at the Loop Road, it extends from this point for 12 miles eastward and then it jogs here and goes down from the Loop Road down for 10 miles and then goes across.

Senator BIBLE. Where is Everglades City?

Mr. CHISM. It is not on this map. I am showing you the watershed for the main park, which is here. This area of 914 square miles, Conservation Area No. 3, which shows on these maps, this is your watershed for the main park.

Senator BIBLE. All right.

Mr. CHISM. Now, since the Everglades area here is diked and controlled by four gates over here for the next 10 miles coming this way, this being the watershed, from Palm Beach down to Dade County, this is 35 miles across here. Some places it is 42 miles across the Everglades. Some places it is 30 miles down here. Average is about 35 miles. So it runs from Sharp River Valley down into the main section of the park down through here.

Now, this right here being blocked with dikes and flood-control gates which gives you the natural water flow into the park. Here we get it in dry seasons and wet seasons alike. Okay, this right here is a 9-mile L-28 canal west of the Conservation Area No. 3 dike. This will supply worlds of water right now. It is just flooding the area even though all of this is dry over here.

Senator BIBLE. What area are you suggesting?

Mr. CHISM. Forty Mile Bend. For many years that area has been flooded when the rest was dry but the water was blocked from flowing to the park because of four dikes which were not opened and two canals which were not joined.

An oil company built around across here 30 years ago and completely separated these two canals.

Senator BIBLE. What you are saying is, this is all the land that need be taken in order to give a firm water supply to the Everglades, is that what you are saying?

Mr. CHISM. Yes, sir. None of this has to be taken. It is only 1,100 feet from this bridge here on the Tamiami Trail to this canal running here to this 84-foot bridge joining the park. Here is a 59-foot bridge, concrete bridge joining the park, here is a 59-foot bridge, here is a 58-foot bridge where our committee recently joined these two canals by removing this old road. Now, right today it is the only one that I know of any where that is flowing good, right down to the park. To the main part of the park where it is needed. But this can be increased 100 fold, Senator Bible, by bringing this L-28 canal down here for 2 miles over State land. There are 2 square miles of land here, to join here to this canal which runs 5 miles. It is 5 miles from here to Forty Mile Bend. Five miles.

Senator BIBLE. What you are telling me, if I understand this correctly, if I don't you correct me, you are saying you can bring the L-28 canal and bring it due south to connect with Loop Road Canal and that will give you a sufficient supply of water for the Everglades National Park, is that what you are saying?

Mr. CHISM. No, sir, it will increase it, probably 25 or 50 times as much as they are getting now. But if it is brought on down into the park, which has been approved by the Congress, and I noticed in the paper at different times approved, but the park officials have always, and I have this evidence, they always refused to let any canal come into the Park. There is one over here 10 miles from Forty Mile Bend joining the eastern side of the park, it goes down for about 10 miles, and then over here 37½ miles from that canal way over in here, many miles from Everglades City, back eastward, it is the Turner River Road Canal. That goes down to the edge of the park which runs into the bay but it could be switched around and brought down to the parts of the park where they need the water. But any way, they have refused, I have evidence of it, Senator Holland knew that would be true, he had a lot of trouble with the Interior Department. They have taken new superintendent in there after new superintendent. They have a new one now.

They can't ever do anything for the park because it is either the policies of the executive down there or from Washington, they won't let them put a canal down into the park.

Senator BIBLE. We will ask them about that. Let me just say again, what you are saying, just so I am very clear and I will ask the staff to double check me on this because we are going to have the Interior officials here. I don't know why they won't let you put the canal down, I suppose they have a good reason, but I will ask them.

Mr. CHISM. I will tell you why they won't. I have had several years of experience working in the farms over 30 years ago and water control for south Florida for farming is a vital plus. No farmer can exist without water control. When you have too much you push it into the canal, when you need it you push it out of the canal. There is no limit as to what you can do with water control but without it you are lost.

Now, the park says this, we want our water on top of the ground. Your source of water up here is from 20 to 30 to 35, and possibly in some cases, 40 miles where they have got to have water.

Senator BIBLE. Now, Mr. Chism, will you do this for me, during the noon recess—can you complete your testimony in 5 or 10 minutes?

Mr. CHISM. Yes, I will complete it quick and if you want to ask me questions after the noon recess, I will be happy to do that.

Senator BIBLE. Let me tell you what I want you to do for me, I want you to reduce your question that you would like me to ask the Interior Department to writing. You can consult your fellow people here or whoever you want to consult and give me a very easy question that I can understand and ask, and when they appear this afternoon or tomorrow, I will ask them your question. But will you reduce it to writing so that I can say, now, this very able Mr. Ellis Chism appeared before us today and he said there wasn't any reason at all why you couldn't extend the L-28 Canal south beyond this Tamiami Trail and take it down to the Loop Road Canal and beyond to the park. If you reduce it to writing and don't make it too long, I will ask him what the answer to it is.

Mr. CHISM. It is on my page No. 2 there, Senator Bible. Let me place this very briefly to you to tell you this, when this last dry season in 1971, we opened up south of 37 bridges below the Tamiami Trail on the Loop Road. But these two vital bridges right here, Senator Bible, please notice this, this 59 foot bridge and this 84 foot bridge, I have it in writing from the park. They would not let us open up these trees and undergrowth and all the stuff that washed in there over a period of years, we offered to completely open it up.

Senator BIBLE. Why wouldn't they consent to open it up?

Mr. CHISM. They wanted to keep it in its natural condition. Mr. Kennedy, the Acting Superintendent, agreed with me that there was only one reason they put this in there, to equalize the water flow. One of the park employees told me and the bulldozer operator that they did not want us to be able to sell our land, which is why they would not let us open up below these bridges.

So the thing is this. The fact is that they refuse to let us put canals down there which would give them water. And we want to see this. In our written statement we are asking that all lakes and all ponds within the park, which are thousands of them, they go dry over dry season and hundreds of millions of fish die every dry season. We are asking that deep water ditches join each of those lakes and ponds and that the fill from those be put in built islands for refuges for game in extremely dry season. Park officials tell me that they have so much water here, when Governor Kirk down here left these open in the wet season, because he promised Mr. Hickel he would open them up, and they had too much water they were afraid to complain because they had been hollering for water so much.

Senator BIBLE. Well, I appreciate what you are saying. I am reading your alternate proposal here, but I still don't see the question that you want me to ask the Interior people. So would you do me this favor, would you take this statement, which appears to be very well done, and just underline the important part of it. Because

that is a long question and if you want to say, well, Mr. Park Official, why won't you let them open up these two areas under those bridges—is that the question you want me to ask him?

Mr. CHISM. I should tell you this so this gives you positive proof. Mr. Phillips, the Army engineer in charge of building this dike, many years ago, he lived on top of there in a trailer. He told me there should be a canal here to go down to the park. He said we offered this to the park and they refused it. Now, Mr. Milton Thompson who is a County Commissioner, is a friend of Senator Holland's, and I took him out there and showed him this. So he came to Washington to see Senator Holland, he got \$400,000 to build the canal on down to the park. So the \$400,000 was turned over to the park for that purpose. Then we noticed in the paper what they were going to do. So they spent the money for other reasons. What they did was take Chart River Valley Road for several miles and they built another one coming back and they dug three gravel pits and no canal to take the water. One of our board of directors had to go down and dig the gravel pits for them because the man they contracted with couldn't do the job. But anyway, he told me I could just as well have dug the canal as dug the gravel pits.

Senator BIBLE. Well, that is a very helpful alternate proposal that you suggest. I am going to suggest to you in turn that during this noon recess which I am going to take just momentarily, that you get together with Mr. Hartung and Mr. Quarles and our other staff members here and maybe we can boil this down to two or three questions that would ask the park officials the questions and problems that you have in mind. Would you mind doing that?

Mr. CHISM. I will be happy to do it. I will be here today and tomorrow and if you want me Saturday and Sunday, I will be here, too. I should say this, Mr. Milton Thompson, who is a great conservationist, he and myself went to see Stanley Joseph superintendent of the park, and Mr. Joseph told me we don't want any canals in the park. That was back 8 years ago.

Senator BIBLE. All right. You want me to ask him, you say there should be canals in the park. Why shouldn't there be?

Mr. CHISM. That's right. If a farmer refused water by canals to his park and said I want it to come on top of the porous soil for 20 to 30 miles, everybody would know he was off his rocker.

Senator BIBLE. Well, I will have you work with the staff during the recess, if that is alright with you and you can go on with this alternate proposal and from that proposal maybe you can work out two or three questions with the staff that we will ask the Park Service people when they come here. I don't know what the answer is but it will be their business to try to answer you.

Mr. CHISM. Wonderful. Thank you so much, I appreciate this opportunity.

Senator BIBLE. Well, we are trying to be helpful to everyone.

Mr. CHISM. I know you are, I see that.

Senator BIBLE. Thank you very much and we will ask whoever Mr. Hartung wants to designate, to get together, probably Mr. Verkler, if he wants to sit in or Mr. Quarles or Mr. Nelson, whoever, and you can work out proper questions to ask the park people

when they come in. They will be here either today or tomorrow.

Off the record.

(Discussion off the record.)

Senator BIBLE. Well, you are a very understanding audience and without objection we will stand in recess until 2:00 o'clock p.m.

(Whereupon, at 12:30 p.m., the subcommittee was recessed, to reconvene at 2 p.m.)

(The prepared statement of Mr. Chism follows:).

STATEMENT OF ELLIS CHISM, DIRECTOR OF RESEARCH, EAST COLLIER COUNTY, LANDOWNERS IMPROVEMENT COMMITTEE, HIALEAH, FLA.

I, Ellis Chism, Director of Research for the East Collier County Landowners Improvement Committee, and a panel member, chosen by our Chairman, Fred W. Weller, to represent the best interest of about 35,000 families who own land north of the Everglades National Park. This area is known as the Big Cypress.

I present to this Senate Panel, President Nixon, and all members of Congress, facts I gathered over a period of about 10 years from experts and natives of this area. I have spent much of this time actually traveling over this vast area of several hundred square miles.

This controversial national issue is so important I plead for each of the members of Congress to explore to their delight a trip you will never forget. You would then be qualified to make a better decision. About six days and nights would be needed to travel these several hundred square miles over the trails and logging roads in big-tired buggies which we can provide at exact and no profit to us.

Instead of traveling through swamps as you expected you will travel high elevated pine, palmetto and prairie land with a great portion of the time seeing some of the most fertile and desirable land of this state. You can travel for many hours without seeing a real low cypress strand, which is actually a river bed filled in before Lake Okeechobee was diked by the flowing flood waters. These low strands are 1 to 3 feet deeper than the adjoining higher lands.

Collier County forestry maps show a small percent of this area is cypress, and shows that the water flows southwest into the Gulf of Mexico before it reaches the main part of the Park. Water control could channel this water directly to where and when it is needed in the Park. These maps are available from Harmon Turner, County Manager of Collier County, Court House, Naples, Florida, send check to him in the amount of \$2.50 for each map. Most of this land is considered high elevated north of the Tamiami Trail, 7 to 31 feet above sea level, which is higher than most of the land on the Gold Coast of South Florida. This improved land at Ochopee by the Tamiami Trail recently sold to the builders of the Golden Lion Motel for \$20,000 per acre. Other land near here is selling for \$17,000 per acre for residential lots. Alligator Alley frontage is selling for \$10,000 for 1¼ acres. This land has the same potential value as the Gold Coast of Florida. An oil company recently paid almost \$300,000 for an acre near Disney World.

If this choice high elevated land is taken from these 35,000 families of which about 5,000 are Cubans who have sought refuge from Castro, property owners of our nation will never have any security. Let's protect the future for our children. These Cubans have been made to believe that Democracy will protect their God given rights.

This land developed with water control can give water to the thousands of ponds in the park where hundreds of millions of fish die every year. It is 37½ miles between two canals on the east and western edges of the park. The park officials will not let one canal enter the park as they do not want to be bothered with boats or people.

Only about 3% of the 2,188 square miles of the Park is being used and about 4,500 families own 78 square miles (50,000 acres) of this Park which has not been paid for even though this land was added to the Park over 13 years ago. Some of this land with 100-foot frontage on the Bay cost owners \$3,000 per acre.

Enough water is being wasted by flowing into the ocean to supply millions more of people for many years. If paid conservation leaders can continue to mislead and profit for themselves they will continue to spread hysteria. They seem to not be interested or concerned by the pollution and tragic crimes caused by our overcrowded cities.

Millions of families living in these overcrowded cities should be encouraged and helped by every state to own and develop acreage in thousands of new communities. I am from a small town in Alabama and many of my people were farmers. This background makes my life rich in great experience and happy memories.

Many thousands of our cities and towns of our nation are affected by the water flow and pollution of the higher elevated cities and communities. No authority would dare suggest that we close these higher elevated sections making them useless. But this is exactly what is happening in South Florida. Intelligent leaders are giving in to hysterical people.

Crime is a threat to our very existence. What greater crime can be against people than to take this land where they planned and dreamed to live the balance of their lives in this choice climate and location of our nation?

The good rock fill of this vast area will gross \$40,000 or more per acre yielding a profit of \$15,000 or more per acre. Many oil wells in this big cypress area are richly producing. Actually this area could become the most desirable of our nation for millions of wonderful people to retire in. These great citizens of our nation deserve the best that God and man can provide for them.

ALTERNATE PROPOSAL TO REPLACE BUYING BIG CYPRESS

It is a proven and established fact that the watershed for the main area of the Everglades National Park is the Everglades known as "River of Grass". This region averages 35 miles wide flowing rivers of fresh life-giving water into Conservation Area Number 3 from Palm Beach, Broward and Dade counties from Lake Okeechobee. Lake Okeechobee area is 15 feet elevation dropping gradually to 5 feet as it extends southward to Shark River Valley, Westward adjoining high pine lands in area wrongly named Big Cypress is 31 feet to 20 feet near Lake Okeechobee and as it extends southward it remains several feet higher than the eastward "River of Grass" lowlands. This is proof the water does not flow uphill on top of Collier County named Big Cypress. Water flow maps shows, and experts claim, 90% of all water of Big Cypress in Collier County flows to Gulf of Mexico, never reaching main part of Park.

Since Conservation Area Number 3 (914 square miles) is dyked and controlled by gates, this blocks the natural flow of water to the Park. Therefore our great opportunity to get rivers of fresh water into the Park during dry seasons is to finish the deep L28 Canal, which stopped two miles north of the Park near 40-mile bend lying west of Conservation Area Number 3. This canal could supply thousands of ponds and lakes which go dry every dry season. These ponds and lakes could be joined by deep water ditches and each should be dug deeper and the fill could be used to build islands for a wild game refuge for wet seasons.

The big L28 Canal could stop in area which is 3 or 4 feet elevation supplying all areas of Park through the ditches. When most of Collier County (The Big Cypress) is dry this area at 40-mile bend is usually flooded because of L28 canal. This water has been blocked from flowing to the Park because of thick growth of small trees and undergrowth south of all bridges on the Tamiami Trail and 4 on the Loop Road. 2 of these join the Park. These 2 have an underflow of 143 feet which is about 30% of the flowing space for the 26 miles by the Loop Road route to Monroe Station. This undergrowth blocks about 98% of the possible water flow.

Park officials have refused to let our Committee remove these blockades at these two main bridges when we removed all other blockades south of 37 bridges deep and wide the last dry season (1971). I have definite proof that Park officials refuse to let any canal enter the Park even though this Park, its fish and wild life, cannot survive without fresh water.

My several years experience working in the farms of South Florida, where water control is a vital must, taught me the great benefits of water when it must be had. Crops fail completely without it. If any farmer refused water by a canal to his farm he would be considered a nut as he must have water to survive.

The Park officials claim they want their water on top of the ground. During dry seasons you can run a waterhose on one spot for 6 weeks and only have a small wet spot as this porous rock soil will consume all water you put on top of the ground. The area of the Park, 30 or 40 miles from the source of water, will always continue to be a tragedy because these park officials do not have to succeed to survive as we uninformed taxpayers continue to pay the cost from our hard-earned tax dollars. We can have a Park Which we all can boast of as one of the great wonders of the world but it may cost \$40,000,000.

Before the Park Buys more land they should pay the 4000 families for the 50,000 acres of the Park which they used for over 13 years. Some of these families paid \$3500 for their water front acre.

The 2,188 square miles of the Park can be used for every purpose planned for Big Cypress area by the Interior Department as only about 2% of this 1,400,533 acres is now being used.

I have fought for years for improvements for the Park to help save the wild life. Now our federal authorities are going to turn people into the Big Cypress by the thousands to kill wild life. These same authorities arrested a man for killing a rattle snake in the Park and fined him \$25.

We believe all issues causing wars has never been more serious than to bulldoze 35,000 families from their precious homes and land. We believe God's people of our Nation will not let this happen. Our great Constitution is still alive and we will use every means to use it's protection powers.

AFTERNOON SESSION

Senator BIBLE. The hearing will resume. Our first witness this afternoon will be, I announced it this morning and I have to have my witness list. No. 1 is Mr. Henningsen of the Sports and Property Owners Association of Miami, Fla.

STATEMENT OF R. G. HENNINGSEN, SPORTS AND PROPERTY OWNERS ASSOCIATION, MIAMI, FLA,

Mr. HENNINGSEN. I want to qualify myself a little bit before I read this prepared statement.

My name is right, my address is wrong. I come from the center of the Big Cypress area, my legal residence, 13 miles north of the Tamiami Trail, 8 miles south of Alligator Alley. That is where I live, my mailing address is what we have on that because we just can't get the barefoot mailman to run up through there.

Senator BIBLE. All right.

Mr. HENNINGSEN. I am R. G. Henningsen, and I am acting as the spokesman for a recently formed group of very concerned citizens, sportsmen and property owners in south Florida. This group of people is growing by the day, and being forced into a common bond by the misstatements, untruths and half-told presentation of the facts concerning the Big Cypress Watershed.

There are approximately 35,000 landowners in the proposed area. There has never been the first inquiry as to their feelings or suggestions. Contrary to all the publicity, the vast majority of these people are not land developers, speculators or despoilers of the "Big Cypress Swamp." The average owner has less than 15 acres of land, and the majority of these people are working people.

We are fighting for our constitutional right to own land just as others invest in other business ventures. We as land owners will be backed by more sportsmen, hunters and campers if they are ever given all the true facts concerning the Big Cypress area.

The whole question of protection for the Everglades National Park was brought about by the fresh water situation.

The conservation groups, preservation people and State politicians are all looking to add a few more feathers to their cap in the guise of conservation at the expense of thousands of little people who can ill afford this loss.

At the present time the Federal Government owes more than \$340,000,000 for land taken under similar circumstances. The last land added to the Everglades National Park some 13 years ago has not been paid for as yet. Final payments to some of these people will not come within their lifetime.

To justify this land takeover, many misleading statements were made. One of them was this area supplied 56 percent of the water to the Everglades National Park. This area actually supplies about 10 percent of the park water and only affects 16 percent of the park in the extreme northwest corner. This 10 percent did not seem as impressive as the sponsors of the Big Cypress takeover would like, so we were told this area would become a water storage area. Over 350,000 acres of this land lies north of U.S. 41 and is not capable of becoming a water storage area. A most recent survey undertaken by a vice-president of the "Florida Wildlife Federation" and one of the more outspoken proponents of the land acquisition bill, proves by his own findings in an area untouched by any drainage, water completely covering the ground from 2 to 24 inches disappeared within 9 days with the exception of two small ponds.

This expert opinion would indicate this is not a water storage area. Even with the restriction of the Tamiami Trail and the Loop Road, which often holds back a foot or more of water, this water still disappeared in this short time.

Another false statement was the area abounds in wildlife. This is absolutely false. A documentary program made by ABC 2 years ago and internationally televised under the title "They Care For The Land" spent 2 days and traveled 25 miles in the heart of the Big Cypress north of the trail. They never saw a single animal, snake or alligator. It is not unusual to spend a week at a time in this area and not see a single animal.

This area was also portrayed as the home of the Seminole Indians. There is not a single Indian family living north of U.S. 41 in the subject area with the exception of six families living along the trail. Some of these Indians are buying their own lands.

Now the attorney general of Florida made the statement that the Everglades National Park would become a desert within 5 years if this land was not taken over. Gentlemen, the true story is the park receives in excess of 58 inches of rainfall per year average. With rainfall like this, it becomes apparent another false impression is left with the people who do not have the facts.

With these thoughts in mind, I would like to propose serious consideration be given to the real water storage areas which lie west of Krome Avenue and east of the Everglades National Park known as the Shark River Slough.

Senator BIBLE. Is that the area that the witness testified about just before we recessed at noon? Are you talking about the same area, I don't know?

Mr. HENNINGSSEN. Yes, I happen to be talking about the same area that Mr. Chism commented on on that map.

Senator BIBLE. All right.

Mr. HENNINGSSEN. This is a natural waterway flow and storage area. This area is also the true Everglades and water flowing from this area flows all the way across the park. If this area is left for development it will be most detrimental to the park. This area is already partially diked in and if completed as a water storage area would be more beneficial to the park and the east coast of south Florida, than 200,000 acres north of the trail in the Big Cypress area.

The Fakahatchee Strand already being purchased by the State of Florida is the natural water storage area for the southwest coast of Florida. The Big Cypress area north of U.S. 41 and bounded by State Road 29 is a complete separate water system and does not supply either the Miami or Naples areas.

In conclusion I do believe some of the longtime residents of the subject area should be contacted for their advice. Some people who take a walk through a few ponds to cool their feet and other political figures who take a 50-minute airboat ride in an area not even in question and become instant experts on the Big Cypress issues are greeted with headlines. The people who usually know the real facts seldom are heard.

Senator BIBLE. I only have one other thing to add. These people might have different opinions that are appearing before you today. That is in what they would like to happen to this land. However, they are all united in one fact. They wish to retain the ownership of this land in their hands.

Mr. HENNINGSSEN. You can't convince us that the Federal Government is the only way to protect this area. We are not against the restrictions, we would be more than glad to live with them but we want to own this land and keep it in our own name.

Senator BIBLE. You are a very intelligent witness, Mr. Henningsen, I appreciate your being here today and I am happy to accommodate you now as I am the two other Florida witnesses, before we hear Mr. Reed. We had him set for this morning and he wasn't here. So he will simply have to wait until we hear the Florida witnesses.

I think there are only two more of them now.

Let me ask you this question: Constantly I see this figure of 35,000 landowners. Now, how do you arrive at the figure?

That is a pretty impressive total?

Mr. HENNINGSSEN. The tax records of Collier County, the records of the land sales from my land company from Joe Cotton Real Estate.

A lot of this land is being sold in installments. It is not on the tax records until the transaction has been completed.

Senator BIBLE. If I were to go to Collier County today could I find parcels of land recorded in the names of 35,000 landowners in this particular taking area?

Mr. HENNINGSSEN. I believe Mr. Turner could answer that.

Senator BIBLE. I am glad to refer to Mr. Turner. Are you here, Mr. Turner?

Mr. TURNER. Yes, sir.

Senator BIBLE. How accurate is that 35,000 landowners within the area proposed to be taken in this particular proposal?

Mr. TURNER. I think I stated in my report there are 30,000, I got mine from the tax assessor plus what they estimated of these people who have contracts that have not been recorded yet.

There are a lot of people buying on the installment plan that have a contract and these are not recorded.

Senator BIBLE. How many were recorded? I recognize the distinction, but how many ownerships would I find recorded if I went down to your good county today and went through the tax rolls or went through—I suppose you would go into the county recorder's office and look at the plat. I don't know how you evidence ownerships in the State of Florida, various states have various methods of doing it.

Mr. TURNER. I would go to the tax assessor and look at his rolls and I couldn't say how many but you would find somewhere around 20,000.

Senator BIBLE. You think I would find about 20,000 individual owners that recorded their property, own their property and they have it mortgaged back or a deed of trust or something on it for the purchase of the land.

But I would find that about 20,000 already completed the purchase arrangement?

Mr. TURNER. I would be glad to get the information and send it to you, if you like.

Senator BIBLE. I just wanted to verify this. This is in the ballpark. I didn't want somebody saying there were 35,000 owners and have witnesses come up and say no, there are only 1,000 or 2,000. All right, we will develop that as we go along.

Thank you very much, Mr. Henningsen. I certainly appreciate your appearance here today.

Now, the next group I made a commitment here to appear today so they could get away was Mrs. Burnett.

**STATEMENT OF MRS. ROBERT L. BURNETT, JR.,
MIAMI, FLA.**

Mrs. BURNETT. My name is Mrs. Robert L. Burnett, Jr., and I live at 3445 N.W. 98th Street, Dade County, Miami, Fla. 33147.

My husband and I own 150 acres north of Tamiami Trail or U.S. 41. I am a member of the East Collier County Landowners Improvement Committee.

I am here today because of a promise I made. After attending the Senate hearing November 30, 1971 in Dade County of south Florida, I became disturbed, frightened, and depressed at the thought of losing everything we had invested in for our retirement. I began calling my friends and neighbors in the Big Cypress and Ochopee area to hear their opinions. These people told me they were opposed to S. 2465, that they were fighting mad and wanted to be heard loud and clear all the way to Washington that they were against this land grab. So I made a promise: That if they would write letters and sign petitions opposing S. 2465 I personally would see that they were read and delivered in Washington to Senator Jackson or Senator Chiles.

Many letters have been written and mailed to you previous to this hearing. But I would like to read one outstanding letter written by an 18-year-old girl. Gentlemen, this is the voice of our youth today—asking questions and seeking answers. Also enclosed was this note.

This is a copy of the letter which I sent to the Senators and Representatives. One was also sent to President Nixon. I hope it will do some good. She writes:

HOMESTEAD, FLA., *March 14, 1972.*

DEAR SIR: I am writing to you in hopes that you can help me and many other people who share my problem. The problem—the government wishes to take our land.

I am an 18-year old girl who lives in Homestead, Florida. My parents have a home in the Everglades. I lived there also, but moved into town because I am now working here. I go out to my parents every weekend and on holidays. I worked many long days with my parents building their house. We built it from scratch because we didn't have the money to get the best materials or have it built for us. After it was built, we had a very hard time. There were many nights that we went without sleep because the threat of fires was too near. We worked with many of the animals when they were injured or dying. Now the government wants to take all this away from us. This has been our whole life. When they take this land, who will take care of the animals and who will put out all the fires. I think the government will not only be hurting the people who own this land, but will also be hurting themselves.

My parents, like many of the other people in the area, do not have the money to start all over again. Many of them are getting too old to have to. Many of the people were born and raised in this area. How can you make them leave it?

I have always been proud of our government, but now I am really disappointed. If they can take a person's home away from them and leave them with nothing, what kind of people are they?

I hope you can help us fight this. No one seems to want to listen to us. It is like you people don't really care how the people feel. Please don't disappoint us any more than you already have.

Sincerely,

MARGO L. DEGERALD.

Gentlemen, I have kept my promise and wish to present these petitions for the record. Thank you for this time and may God bless you.

Senator BIBLE. We will be very happy to receive the petitions and make them part of the committee files and I think when you return you can assure the DeGerald's that there is no intention of taking them out of their home. I mean, I wish to make this abundantly clear. There are safeguards built into this bill and if it is a person's home, they will have a tender I think under the present bill of 25 years and maybe we will even enlarge that. The testimony this morning seemed to indicate that there wasn't anything adverse in the type of home built there at this time.

So you can assure the DeGerald's that I am going to do everything I can to protect the homeowner. I have gotten into this problem time and again and I don't believe in the bureaucracy in Washington taking a person's home away from them.

I know what this means and I am going to do everything I can to protect the homeowners.

Mrs. BURNETT. Senator Bible, I came here this afternoon with one small item. It is to ask the Senators to question the authenticity of some of these people, like I heard this morning who come up here

and say they represent 75,000, just like you questioned the authenticity of the 35,000 who own this ground.

Senator BIBLE. I am sure in that case, you are referring to the National Wilderness Society or one of these organizations, they probably have a membership of 75,000 people. I am a member of the National Audubon Society and the National Wildlife Federation and the Park Association and I think I probably pay more dues than anybody.

I am on everybody's list. I would assume that was an accurate figure. The only concern I had with the witness this morning, I thought I made it clear was that he was testifying from his Washington office here and never has been down there. I think he said he just passed through.

You don't get the feel of any of these problems unless you are right down there. I didn't question his figure because probably they do have 75,000 members paid up and in good standing. I think they probably do.

Mrs. BURNETT. My prime subject pertains to a similar situation that I would like to refer to.

Senator BIBLE. All right, you go ahead. I wasn't so much concerned about the membership of the society, I was concerned about the fact that he hadn't been down there. That was my problem.

STATEMENT OF ROBERT L. BURNETT, JR., MIAMI, FLA.

Mr. BURNETT. Thank you, gentlemen.

My name is Robert L. Burnett, Jr., and I reside at 3445 N.W. 98th Street, Dade County, Miami, Florida, 33147.

I am a member of the Everglades Conservation and Sportsman Club, the East Collier County Landowners Improvement Committee, the Landowners Conservation and Protective Association and the Landowners and Sportsman's Association.

I also belong to other organizations such as Mahi Shrine, Scottish Rite Miami Consistory, and Robinson Lodge No. 266. I list these clubs and lodges to give the hearing some of my background as to the types of people I have been and still am associated with in the past and present. I also own land consisting of 150 acres in Collier County.

Senator BIBLE. Do you have anything on it now?

Mr. BURNETT. Yes, sir, I have a mobile home, I have a house and I recently finished an air strip.

Senator BIBLE. Do you actually live on that property now?

Mr. BURNETT. Before I built the air strip I lived on it 2 to 3 days a week, the reason I built the air strip was so I could get out there another day.

Senator BIBLE. Where do you work, Miami?

Mr. BURNETT. My place of business is in Miami, Florida.

Senator BIBLE. All right.

Mr. BURNETT. The prime reason I'm here today is to try to save my land from Government ownership so that I can one day improve my property in Collier County and live on it. To move from the city of traffic, noise, pollution, the fear of crime, and to retire on my land in Collier County has been my goal for the past 10 years.

When I first heard of the Government acquisition, I was already a member of the organizations listed above. I have always believed that I live in a free country and could own land as long as I wished if I paid my taxes and obeyed the zoning laws.

I have heard pros and cons and a lot of fictitious stories pertaining to this land. I dug into these stories and have the following facts to offer:

First, the Florida Wildlife Federation did not take a vote from the Everglades Conservation and Sportsman Club members pertaining to this matter as stated in the minutes on page 69 of the Senate hearing held in Dade County, Miami, Fla., on November 30, 1971. I assume our club is one of the 30 represented. Being upset over an untrue fact concerning my fellow club members, I alone mailed a "straw vote" ballot dated December 10, 1971, to each member and to Senator Jackson and to Senator Chiles as proof. The results of these votes are as follows—

Senator BIBLE. How many members were there?

Mr. BURNETT. When I mailed this "straw vote" out I had just been relieved of the job as treasurer of this club and there were approximately 120 members.

Senator BIBLE. All right.

Mr. BURNETT. Approximately 59 percent of the members participated; 85.6 percent against Bill No. S. 2465; 7.2 percent for Bill No. S 2465; 7.2 percent no vote and/or stipulations.

I would like to present you with these votes at this time for the record.

Senator BIBLE. I would like to have them for the record.

Mr. BURNETT. Yes, sir. Because this vote was unfavorable to the officers of the Conservation Club, I was subjected to a court hearing, much embarrassment and expense and almost expelled as a member just because I tried to present the truth not fiction.

Second, there are three other such clubs working with conservation in the same area and the membership has not been consulted in a proper manner about S. 2465. I do not believe the remaining 26 clubs have been consulted on this issue or even know the Florida Wildlife Federation is representing them.

Senators, the support of your bill S. 2465 has weakened a great deal from the various sportsman's groups since the last hearing in Fort Myers, Fla. They now believe their hunting, their jobs, and other luxuries such as buggies and airboats will be halted if the Federal Government acquires this land. Another park with no hunting is not wanted. I wish to quote several lines from a copy of the letter I received which was written on letterhead stationery of the U.S. Department of the Interior to Mr. John Jones and Mr. Calvin Stone of the Florida Wildlife Federation dated March 2, 1972:

Some particularly sensitive areas may have to be placed out of bounds or rotated in use.

This is in reference to deep ruts left by off-the-road vehicles. Yet in this same letter he adds:

Sound management of the Big Cypress National Fresh Water Reserve will not only encourage and preserve quality hunting but also will allow present access methods to continue under some reasonable controls.

Here we have the case: "We can have our cake and eat it too". No wonder the support of your bill S 2465 has weakened.

Gentlemen, I as a landowner wish to keep my land and to live on it. This I fought for the right to do in World War II, and have given an only son from wounds in the Vietnam war. I have worked hard all my life, paid my taxes and have done everything according to the laws of the United States. I am too old to be unjustly uprooted from this prime virgin land and furthermore, I do not feel the U.S. Government needs it for a park or the birds and bees. Also the Big Cypress area does not contribute the 56 percent of water to the part as you people are led to believe, and this area is definitely not a swamp. I believe people are more important and need this area to live on.

I urge you to pay the private individuals who still own land inside the park before acquiring any more.

Thank you.

Senator BIBLE. That is a very fine statement. I appreciate it and I appreciate your views.

I tried to make it clear to your wife that this is her home and I asked her to make it clear to the little girl who wrote her that as far as I am concerned you will be able to stay there. At least for 25 years and maybe longer. There isn't any intention of throwing people out of their homes.

Mr. BURNETT. Senator, I don't care to live on a reservation like the Indians do.

Senator BIBLE. Well, let me just say, I have handled these bills for 12 years. We worked in these formulas in Cape Cod and Sleeping Bear and many areas all over the States and I think they have worked out very well.

These people stay there and I have gone back and talked to them and with some exceptions, you always find exceptions in life, I think they finally worked out very well. But I want to make it clear to you that there is certainly no intention to throw you out of your home.

I want to underscore that. You mentioned hunting and there are provisions for hunting and fishing and trapping in these lands and waters and we have included these in the various bills and again I think they have worked out pretty well.

I have your interest in mind and I will do the best I can to work out a bill that isn't going to cause a lot of undue harm.

We are going to probe the Park Service very thoroughly on this. This is a new concept and we want to examine it very clearly. I appreciate your being here today and we will put all of your exhibits in the record.

Were there other people here from Florida that had to get away this afternoon? Because we are going to continue this hearing until 10 o'clock tomorrow morning.

Our next and last witness for this afternoon will be Nathaniel Reed, Assistant Secretary of the Fish and Wildlife and Parks. I said the last witness, that isn't completely correct because I do have Anthony Wayne Smith and he wasn't here this morning so we will put him on this afternoon.

STATEMENT OF NATHANIEL P. REED, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY DR. WILLIAM B. ROBERTSON, JR., RESEARCH BIOLOGIST, EVERGLADES NATIONAL PARK; ROBERT F. GIBBS, PROJECT COORDINATOR, SOUTH FLORIDA ENVIRONMENTAL PROJECT, DEPARTMENT OF INTERIOR, MIAMI, FLA.; PROF. ARTHUR MARSHALL, DIRECTOR, DIVISION OF ECOLOGY, DEPARTMENT OF URBAN AFFAIRS, UNIVERSITY OF MIAMI, MIAMI, FLA.; JAMES HARTWELL, HYDROLOGIST, DEPARTMENT OF URBAN AFFAIRS, UNIVERSITY OF MIAMI, MIAMI, FLA.; FRANK NIX, HYDROLOGIST, EVERGLADES NATIONAL PARK, NATIONAL PARK SERVICE; PHILIP O. STEWART, DIVISION OF LAND ACQUISITION; AND GEORGE B. HARTZOG, JR., DIRECTOR, USNPS

Mr. REED. Good afternoon, Mr. Chairman.

I would like to ask to join me at the table Mr. Hartzog, who has to head south in a short time, Dr. William Robertson, Mr. Robert Gibbs, project coordinator; Prof. Arthur Marshall, director, Division of Ecology, Department of Urban Affairs, University of Miami; Mr. James Hartwell, hydrologist, Department of Urban Affairs, University of Miami; and Mr. Frank Nix, hydrologist, Everglades National Park, with your permission, sir.

Senator BIBLE. Very well, each of the gentlemen are recognized and whenever Mr. Hartzog has to go you just signal and we will understand.

Mr. REED. I certainly was disturbed to hear that you were expecting me this morning. I had been signed up to testify before the House this morning and my staff notified me that we had conflicting dates.

Senator BIBLE. You were signed up to appear here a long time ago, too. But you are here so don't worry about it. I don't know when we signed you up to appear but this hearing was set a long time ago.

Mr. REED. It is a great pleasure, Mr. Chairman, to appear here today to present the Department's endorsement of S. 3139, the administration's proposal to authorize the Big Cypress National Fresh Water Reserve in the State of Florida. For the reasons stated in our departmental report to your committee, we recommend the enactment of S. 3139 in lieu of S. 2465.

Mr. Chairman, most members of this committee are completely familiar with water problems yet the water problem which must be solved in Big Cypress Watershed is different from any you are likely to encounter in the West. Often water management in the west means structural manipulation to capture runoff during periods of rain to be used during dry periods. In the Big Cypress watershed we have a natural reservoir which functions best if it is not manipulated.

In a countryside where a ridge may mean a 6-inch rise in elevation, the drainage is sheet flow, rather than stream flow. Rainfall

tends to accumulate in the watershed and then generally migrates in a southwesterly direction, passing through the northwestern portion of Everglades National Park and on into the Gulf of Mexico.

Everglades National Park, authorized in 1934, represents one of the most unique ecosystems in the world. The biological values of the park, which include habitat for the continued existence of several endangered species, depend absolutely on fresh water supplies.

The central and eastern parts of the park have been threatened due to development along the Shark River drainage, and by development and draining of the northern wetlands which lie east and south of Lake Okeechobee. This threat has been offset by guarantees of water flow by the Corps of Engineers and the State of Florida. There is now a working arrangement with the Corps and the State which furnishes an optimum water supply to the eastern side of the park. The remainder of the park, however, is absolutely dependent upon the Big Cypress for its supply of fresh water.

The Big Cypress Watershed serves as a natural water storage area, because the sheet flow slowly delivers the water to the gulf, keeping much area inundated for as long as 4 months after rainfall ceases in a year of normal rainfall. During a normal rainfall year, about one-tenth of the area remains inundated during the entire dry season.

Within this area has evolved a complete ecosystem which is in rhythm with the annual wet-dry cycle. The summer wet period normally allows populations of small aquatic food organisms to expand. When the water level drops, as in dry periods, these organisms concentrate in smaller areas where they supply nourishment to larger fishes, amphibian, reptiles, mammals, and many species of birds. If any of the links in this process are broken, the reproduction of the larger animals at the top of the food chain will fail. Either excessively high or low water can cause reproductive failure, as can too long or too short a delivery period.

The Big Cypress is an area of abundant wildlife. A large number of rare and endangered species of mammals, birds, reptiles, and even plants are found there. The list includes the American alligator, Florida panther, Florida Everglade kite, Southern bald eagle, and the great white heron. Seven species of orchids found nowhere else in the world grow in the Big Cypress.

Mr. Chairman, the best way to solve the crucial water problems of the Everglades and Big Cypress is to own the lands within the watershed. The ecosystem will function quite well if left alone. Any efforts of man to build upon, drain, farm or construct new roads within the watershed will have definite damaging influences. Many forms of transient uses can be carried out without any appreciable ill effects. This includes hunting, primitive camping, hiking, and fishing. Travel through the swamp by air boats and swamp buggies will be permitted to continue, but in certain sensitive areas they may have to be controlled to insure against rutting and other impairment of the area.

Mr. Chairman, it is with considerable gravity that the Administration views the Big Cypress situation. As you on this committee well know, dollars for the conservation of our natural resources are in short supply when compared to the needs across the Nation. But we believe this resource must not be lost. To acquire the 547,000 acres of private land in the reserve will cost about \$156 million. The only development contemplated is for protection facilities and four small parking areas, costing a total of \$895,000. Staffing for protection of the area will amount to 14 man years after the fourth year, costing \$193,644 annually. These costs for development and operation, of course, would be less if the State contributes to the management of the area.

Mr. Chairman, I will be pleased to answer any questions you or members of the committee may have.

Senator BIBLE. Well, I think it might be helpful if you trace this area on that map or have one of your experts do it and indicate why it is that you require this vast amount of acreage, this 547,000 acres, which seems like a terrific amount.

Mr. REED. I would ask Professor Marshall to go over that with you, sir.

Mr. MARSHALL. The area, Senator Bible, proposed for acquisition is shown in gray.

Senator BIBLE. May we have a reduced patch of that for insertion in our hearing record?

Mr. MARSHALL. Yes, sir. The essence of the need to protect the area, as Secretary Reed described, is that the drainage comes down in this wide shallow sheet flow and ultimately some of it passes to the coastal zone beyond. The water is vital in the Big Cypress itself and the estuarine zone at the edge of the Gulf of Mexico.

Senator BIBLE. Well, why do you arrive at 547,000 acres instead of 200,000 or 300,000 or 700,000, whatever? How come you arrive at 500?

Mr. MARSHALL. I think it gets to the question which has been raised here and at previous hearings on this matter as to how much of a loss of the total input of that sheet of water to the park can be sustained and not damage the park.

From time to time a great issue is made that the park receives about 85 percent of its water from direct rainfall on the park and the statement is made that only about 15 percent is from the north, that is across the line of the trail.

That is somewhat misleading if one looks at the numbers alone. Because in terms of the numbers of months of each year that surface water is maintained over the land, that 85 percent keeps a sheet of water over the parklands about 3½ months.

The 15 percent that subsequently comes down from the north keeps a sheet of water over the parklands another 3½ months. So the 85-15 converts actually to 50-50.

We have had a serious experience in the Taylor Slough drainage in the eastern side of the national park which is right in here, sir, which clearly indicates very small reductions, probably in the order of magnitude of 5 to 10 percent, can have disastrous ecological results in such a drainage.

Senator BIBLE. You can be seated if you like. We had a witness this morning who was more effective when he was standing, so if you feel that way you stand up.

Mr. MARSHALL. Thank you, sir.

I think it is very comparable to hold some simple comparisons: When I am standing in a rising pool of water I am in good shape, but at a depth of 6 feet I am in trouble. It is that last foot that gives me the bad time. Or in business, the success or failure of a business is also determined by a change in profits or losses in the order of magnitude of 5 percent or less than that at times.

We have to consider that the water circumstances which produce and maintain the wildlife and fishery resources, and vegetation resources of this region are dependent on this 584,000, acres of drainage area, and we have ample reasons to be very fearful of any significant reduction of that drainage area.

Senator BIBLE. What would happen if you cut it in two?

Mr. MARSHALL. Sir, I think we already have problems in the immediate vicinity which I believe are indicative of what we might expect.

In the immediate area of Everglades City, which is right here, sir, at the western portion of the park, within the last month or 6 weeks, a graduate student in biology at the University of South Florida who was in the area working on other matters, found that a certain marine isopod, known as *Spearoma destructor* has greatly increased in numbers along the shore adjacent to Everglades City for several miles and is boring through the prop roots and trunks of the mangroves, and is actually feeding trees.

This is precisely the kind of thing we should be looking at all over the land. This indicates to me that this system is coming under stress.

I don't know what caused this. No one does at this particular point of time.

Senator BIBLE. Well, the ecosystem is a little over my head. What you are saying in the nutshell is that if you had less than 547,000 acres, you would disturb the system, you couldn't get the fresh water into the Everglades, that is what you are saying?

Mr. MARSHALL. Certainly, sir, and it would reflect in the animal populations.

Senator BIBLE. To what extent?

Mr. MARSHALL. Some of the animals would fade right out of the picture.

The wood ibis is hanging on the thin edge now and it is dependent in some seasons of the year for its foods in that upper 500,000 acres.

Senator BIBLE. All right, I want to suggest two questions to you and we have a vote on the floor now.

Mr. Reed and your experts can chew them over while I am gone.

The first question is, why doesn't the Department condone the use of canals to supply water to the Everglades National Park?

I will ask that when I return. You have advanced warning of it and you kick it around and have your answer ready when I get back.

The second question is, why has the Department consistently refused to open up the water outlets for the L-28 canal in the use of the Everglades.

Do you have those two questions in mind?

Mr. REED. Yes, sir.

Senator BIBLE. All right, I will be back just as soon as I vote.

(Recess)

Senator BIBLE. The hearing will be back in order.

I posed two questions just as we recessed to go to the floor of the Senate for the vote. The first question was why doesn't the Department condone the use of canals to supply water to the Everglades National Park?

Mr. REED. Mr. Chairman, I would be delighted to answer that.

We have learned that canals accelerate the flow. They change the hydroperiod. This is the time in which surface flooding is occurring. Naturally this period is expandable. Canals shorten this period of time. The water flows naturally to the park from the upstream portions of the Big Cypress watershed.

Our experience on the central and southern Florida flood control project shows what a great problem canals can be and have been.

Senator BIBLE. Canals on which side?

Mr. REED. Coming out of the conservation pools on the eastern side of the park. We have learned how easily you can get into big problems with canals, because they bring the water to you very quickly and in large amounts.

Senator BIBLE. That is the principal canal that goes right past Flamingo itself?

Mr. REED. No, sir.

Senator BIBLE. Because I have heard arguments that that canal should never have been built.

Mr. MARSHALL. The canal we have in mind comes down across Conservation Area 3 in this manner and down into this canal here.

Senator BIBLE. Where is Flamingo?

Mr. MARSHALL. That is right down here, sir.

Senator BIBLE. What is the name of that canal that goes right up from Flamingo?

Mr. MARSHALL. Buttonwood Canal.

Senator BIBLE. That is the one I heard criticism of. Somebody built that canal and they said that disturbed the whole quality of the water in that area.

Mr. REED. It does indeed, sir.

Senator BIBLE. Well, that is the one they were referring to. You say you would have a similar effect if you put in other canals?

Mr. REED. Yes, sir.

Senator BIBLE. All right.

Mr. REED. And the other question was water from L-28.

Water from L-28 now flows into the park either through openings in the Tamiami Trail or through structure S-14.

So the structure is used when there is water available, if that answers your question.

Senator BIBLE. I thought the testimony this morning seemed to indicate that there were these two bridges and that the canals under

those bridges or the openings under those bridges was clogged up about half the time.

If they tried to open it up somebody said you can't open it up.

Mr. REED. I will ask Mr. Nix to answer that, he is park's hydrologist.

Mr. NIX. These are two of many bridges along that portion of the Tamiami Trail, and they are direct outlets into the park.

In clearing these bridges first of all you would knock a lot of vegetation down. Studies have been made to determine whether or not you would gain any more water by this clearing, and it has been determined by the U.S. Geological Survey that it wouldn't increase the flow. It may increase it over a short period of time, but the net effect would be that there would be no increase of water into the park.

Senator BIBLE. Who gives you that conclusion?

Mr. NIX. U.S. Geological Survey.

Senator BIBLE. That in writing?

Mr. NIX. I think we could get it in writing.

Senator BIBLE. Why don't you pursue the question this morning because we had a very intelligent witness this morning who took the other view and I didn't know the answer to it.

Why don't you go back to U.S.G.S. to back up your conclusion?

Mr. REED. Absolutely, sir.

Senator BIBLE. All right, very well.

I think I interrupted you before, Mr. Reed, or the witness over to the left, the ecosystem scientist before he finished his testimony.

Mr. MARSHALL. Yes, you asked the question this morning, why 584,000 acres are necessary. I look at the issue of course first as an ecosystem scientist who is well aware of numerous examples of stress in the south Florida life system.

A more fundamental approach to that question that has been made in delineating this particular gray area as the area to be sought.

Actually this is only a part of the Big Cypress drainage. It really has three components, A, B and C over here. All of these can be called the watershed.

There is a natural levee along this line and that is the reason for separating out area A. The extension of the gray area north of Alligator Alley is purposely taken up to intercept this water in order to bring it down to area C and also to assist and support the State of Florida in its present plans to acquire some 25 or 30,000 acres of the Fakahatchee Strand.

So the figure of 584,000 acres is a considerable reduction from the initial watershed area which was considered.

Mr. REED. I would like to add to that, Mr. Chairman. This figure wasn't arrived at lightly. It has its basis in the report that was made to the Secretary by Dr. Leopold which I believe you have seen, the "Big Cypress Watershed", which very carefully studied the entire question of the watershed and boiled it down. We tried to get down to a figure as small as humanly possible.

Senator BIBLE. Now, you said something in your statement on page 4 of the statement. You said the only development contemplated is protection features and four small parking areas costing a total of \$895,000.

Would you locate on the map or show me just exactly how you plan on development and I understand in this bill we have before us that this is not going to be developed.

Mr. REED. Yes, this is it, sir, and we would be delighted to brief it.

Mr. LAMBE. Mr. Chairman, a ranger station in the vicinity of State Route 84 would be developed, with a comfort station, parking and a small maintenance storage area. Continuing south at Ochopee, on the Tamiami Trail, a ranger station with a comfort station and parking.

Continuing east, at the intersection of the Tamiami Trail and State Route 94, Monroe Station would contain another ranger station, a manager's office, comfort station, parking and another maintenance and storage area.

Senator BIBLE. Would there be any overnight facilities in any of these places?

Mr. HARTZOG. No, sir.

Senator BIBLE. And the total cost would be approximately how much?

Mr. REED. \$895,000, sir.

Senator BIBLE. Then under your figures it is going to cost \$156 million plus \$895,000?

Mr. REED. Yes, sir, it is my understanding that you always kept those figures of acquisition and development separate.

Senator BIBLE. Well, we generally do but I want to know the total cost.

Mr. REED. Yes, sir.

Senator BIBLE. How about the operation and maintenance for this area?

Mr. REED. Staffing for protection of the area would amount to 14 man-years after the fourth year costing \$194,000 annually.

Senator BIBLE. Who is going to pay that?

Mr. REED. The American taxpayer.

Senator BIBLE. The Federal Government?

Mr. REED. Yes, sir.

Senator BIBLE. What is this line you have in here about the State contribution to management of the area?

Mr. REED. Our bill, sir; has a provision which allows the Secretary to enter into negotiations with the government of the State of Florida after acquisition for the purposes of developing a plan of perhaps joint management.

The Secretary is empowered, it is not forced upon him, nor is it forced upon the State. We recognize the State has certain expertise in the area of the Big Cypress. Also we have, for the many years we have been operating out of Everglades National Park. I don't think we feel strongly one way or the other on that.

Senator BIBLE. I queried the Governor of Florida who was a very effective and dynamic witness this morning and he indicated that they were entering into this and he was wholeheartedly for this bill.

Of course all of the cost will be paid by the Federal Government. On the operation and maintenance, I understood him to say that he had agreements with you but he didn't envision there would be much

of a price tag. Have you talked to him about splitting the cost of that \$194,000?

Mr. REED. No, sir.

Senator BIBLE. Do you intend to do it?

Mr. REED. Not until after the passage of the bill and acquisition.

Senator BIBLE. It is one thing to come to the Congress and say you plan on having a cooperative agreement with the State of Florida on operation and maintenance, how do you know they will go into this?

Mr. REED. Our bill is permissive on that point, sir. It allows the Secretary or authorizes the Secretary to enter into negotiations.

Senator BIBLE. I must say Governor Askew evidenced a very warm spirit of cooperation. But he wasn't coming up with any figures and I think I can understand that. You come up with a price tag of \$194,000 annually for operation and maintenance.

I am just wondering if that is a firm figure?

Mr. REED. Yes.

Senator BIBLE. I am just wondering how much of that will be contributed by the State of Florida?

Mr. REED. Having not opened up or having not been authorized to open up any negotiations with the State of Florida, I can't even tell you, sir; that the Secretary would, even if authorized, enter negotiations with the State of Florida.

The State is taking on a big bite itself over the Fakahatchee Strand and into the 10,000 islands, which the Governor testified to this morning.

Senator BIBLE. Yes.

Who will pay for that, the State of Florida?

Mr. REED. Yes, sir.

Senator BIBLE. And who will administer it?

Mr. REED. The State of Florida.

It was an area proposed as a national monument at the same time as the Biscayne National Monument and the House and Senate chose the Biscayne National Monument instead.

Senator BIBLE. This is a new concept for me.

Do you have any precedent for this, the National Fresh Water Reserve?

Mr. REED. There is an Ice-Age National Scientific Reserve; that is the only precedent, and that is pretty thin, sir.

Senator BIBLE. I thought we were plowing new ground here. In other words, what we are doing is creating a water reserve rather than a national recreation area?

Mr. REED. Very much so, sir.

Senator BIBLE. You don't contemplate a large visitation to this area?

Mr. REED. No, sir.

Senator BIBLE. Well, you have a good price tag on it, Florida properties come high.

Mr. REED. I know that, sir.

Senator BIBLE. It was suggested in the testimony, I think from the county manager of Collier County that there would be a considerable loss of tax revenue and I think he said \$586,000 or something

in that range lost in the way of taxes to Collier County and I believe he said Collier County had about 40,000 people in it.

There isn't going to be development facilities comparable to the Everglades and this isn't going to be a tourist attraction, how does Collier County recover the losses, whatever they are?

Mr. REED. Mr. Chairman, we have the assessed valuation of the study area last year as \$30,452,160 for that portion of Collier County.

The taxes levied in 1971 were about \$582,300. The point is valid, Mr. Chairman, that in the usual establishment of a national park or monument there is an increase in tourism which traditionally offsets the loss in real estate taxes for the effected economy.

In this case we do not expect that enormous increase in visitation at all. There might be a sizable loss of income as much as \$580,000 worth to the County of Collier. I don't know how one could make it up, Mr. Chairman, but I do know Collier County's future and destiny is obviously along these waterways. This is where the highest pressure on the land is and it is where their population is now and is growing.

Senator BIBLE. Will this be an asset to other sections of Collier County that are not within the taking area?

Mr. REED. I would think you could say that, yes. It is opening up a large green area for recreation, for example, for hunting—

Senator BIBLE. Well, I thought you said you didn't envision a lot of people coming there?

Mr. REED. I don't envision attracting a lot of people from outside the area but if I were living in Collier County I certainly would use it.

Senator BIBLE. You think it is an asset to people in Collier County?

Mr. REED. Yes, sir.

Senator BIBLE. Well, you are very frank about this.

Now, we have heard in the testimony that we had this morning statements to the effect that 35,000 families would be effected by this land acquisition.

Is that an accurate figure?

Mr. REED. We have the exact figures on ownership, Mr. Chairman. They are—

Mr. Stewart has given me some figures which I temporarily put aside.

Mr. STEWART. There are 20,733 by actual count in the study area.

We do not disagree that there might be 35,000 parcels based on unrecorded contracts.

Senator BIBLE. Well, I am glad to get that, that is I think almost precisely what one of these witnesses, maybe it was Mr. Turner, I think Mr. Turner testified to that and I believe that is precisely what he said.

All right, we find one thing we are agreed on.

Can you supply for the record, Mr. Reed, the number of homes that are in there at the present time?

Mr. REED. Yes, sir.

Senator BIBLE. Would you do that, because that is the main thing that the homeowners here are interested in. Would you develop that for the record?

Mr. REED. Yes, sir, it is developed and available, sir. Do you want that now?

Senator BIBLE. Yes, I think so, because they are here and want to hear what you have to say.

Mr. REED. Improvements types: Residential, farm and ranch units, 3; residences year round, 89; other dwellings, 54; housetrailer, 53; hunting cabins or cabins for hunting, 314. Commercial: Motel, 1; restaurants, 7; service stations, 6; sawmills, 1; storage and gift shops, 4; ham radio station, 1; garage and storage buildings, 4; junkyard, 1; post office, 1. Organizational: Sportsman lodges, 3. Special purposes: Churches, 2; total, 544.

Senator BIBLE. Fine, thank you.

Now, how will you deal with the homeowners that you recited in that tabulation?

Mr. REED. In our bill there is a provision for 25 years or life tenancy, whichever the property owner chooses. It is the same that is within many of the national park system bills that come before this committee.

Senator BIBLE. How do you deal with a commercial establishment? If I have a hotel there and this bill goes through, what are my rights as a hotel owner?

Mr. REED. The statutory right only goes to residential dwellings but it is not our purpose to put people out of their houses and out of their businesses along the trail, especially, and I can't conceive of the Park Service buying that kind of land, very frankly.

Senator BIBLE. The present buildings that are there are not interfering with the water flow or water quality to any substantial amount and I feel very strongly on this issue as does Senator Chiles and Senator Gurney and the Governor.

Mr. REED. I notice your comments as well, Mr. Chairman, we are in no rush to put people off the land.

Senator BIBLE. Well, how long does that rush last?

Mr. REED. Twenty-five years to life tenancy, sir.

Senator BIBLE. I see, because rush might have a lot of different meanings to different people.

Do you have any breakdown of the amount of taxes that are paid by this number of people who have homes and commercial enterprises in the taking area?

Mr. REED. I only had that total for the entire area but I have the estimate of—

Senator BIBLE. Well, that can be furnished for the record.

Mr. REED. That can be.

(The information requested follows:)

1. *Monroe County*.—The county assessor does not place any assessed value on improvement for tax purposes. The improvement are considered to have only a nominal value and the county officials only assess the land for taxing purposes. There are no homestead exemptions within the proposed reserve area.

2. *Collier County*.—There are 40 homestead exemptions within the proposed reserve area. These 40 homestead exemptions have an assessed value of \$275,350, with a non-exempted value of \$115,900 which is taxed for a total of \$1,648.70. The remaining improvements are taxed to the amount of \$153,000 for a grand total of \$154,648.70 to be received by the County in the form of taxes from improvements within the proposed reserve area.

3. *Dade County*.—Only a few improvements are located within the proposed

reserve area. They have only a nominal value and are not assessed or taxed by the County.

Senator BIBLE. The reason I think that is a valuable question is that one of the criticisms of this bill is, since it is not going to bring in a lot of tourists, Collier County will suffer. That seems to be a sound conclusion, you admit it is a sound conclusion. If you permit these people and these commercial establishments to continue to exist for either 20 years or for life, then they of course will continue to pay taxes, won't they?

Mr. REED. Yes, sir.

Senator BIBLE. That won't be a loss. The thing I am getting at is how much of a tax loss that you cited is made up of homeowners that will be permitted to stay on for an indefinite period of time?

Mr. REED. Yes, sir.

Senator BIBLE. I think that is a rather valuable contribution to this hearing and I would appreciate it.

What schedule of entrance and user fees will you contemplate for the Big Cypress?

Mr. REED. None, sir.

Senator BIBLE. All right.

Well, if people want to come in there and see it, that will be good news.

I neglected to ask of your intention and what is in the bill about the treatment of the Miccosukee Indians? What provision will you make for them?

Mr. REED. Preferential rights for all development along the Tamiami Trail goes to the tribe of the Miccosukee Indians.

Senator BIBLE. Well, spell that out for us.

Mr. REED:

Notwithstanding any provision of law, before entering into any contract for revenue-producing visitor services, the Secretary shall provide those members of the Miccosukee and Seminole Indian tribes who on January 1, 1972, were engaged in the provision of similar services, a reasonable opportunity to continue providing such service within the reserve in accordance with such terms and conditions as he may by agreement, hereby authorized, provide.

It means those Miccosukees and Seminoles that are engaged in activities prior to January 1, 1972 and there are several of them who run hunting parties into the Big Cypress, who operate swamp buggy rides and airboat rides as well as gift shops, gas stations and in general wildlife attractions, that they will be given preferential rights along that area. And if any more revenue-producing visitor services were needed in the future, they would be given preferential treatment.

If we felt that a restaurant would be very valuable, the Miccosukee or Seminoles would be asked first to provide that service.

Senator BIBLE. Do the Miccosukee or Seminole Indians have tribal rights for this area?

I am sure that is a problem that haunts the Department frequently. I know that has come up in my State. They tell the State Fish and Game that they don't have a bit of business in the lakes and rivers settled by the tribes. How do you handle that down there?

Mr. REED. We don't have a closed season on bass in the State of Florida. We do have closed season obviously on deer and turkey.

Having lived there all my life, Mr. Chairman, I am not aware of an existing problem of either the Seminoles or the Miccosukees, the two predominant tribes in Florida, being held in violation of the game law for hunting a game animal out of what we consider to be season. I would have to ask Dr. Fry to help me with that answer and I think that can be supplied for the record.

Senator BIBLE. Yes, I don't want that off the top of your head.

Mr. REED. I don't remember ever an instance where we made an arrest and it may be they voluntarily obey the game laws.

Senator BIBLE. If you would supply that for the record it would be very helpful.

Now, I have 33 additional questions that seem to cover about every range of possibility that are involved in this. I don't intend to ask all 33 of those questions here today but I am going to hand them to you and you can give them to your staff people.

They are more or less technical questions and you can supply them for the record.

(The questions and answers referred to are in the appendix.)

Mr. REED. Yes sir.

Senator BIBLE. How much money do you spend on the Everglades today?

Mr. REED. The statutory ceiling is now \$22,700,200. Appropriated for fiscal year 1972, \$12,739,310.

Obligated as of 3-31-72, \$11,727,697.

Balance of appropriated funds available, \$1,011,613.

Budget request for fiscal 73, \$9,960,000, for a total available of \$10,900,613 for finishing up the acquisition hopefully in 1973.

Senator BIBLE. Assuming that comes through, what will be the total acquisition?

Mr. REED. We go back to \$22,700,200.

Senator BIBLE. That will be the total acquisition cost?

Senator REED. Yes, sir.

Senator BIBLE. Thank you. What is the status of the litigation in the State courts to prohibit developers from interfering with the water flow in the Everglades?

Mr. REED. This is the *Gum Slough* case. This was held in Monroe County in 1971.

I testified in that case. An order was given by the court to prevent the establishment of the drainage district in the Gum Slough area.

Following that litigation the owner of that property constructed a road and dug a canal or borrowed material to build the road but in effect did what he wanted to do within his drainage plan.

The State of Florida has filed suit against him for that on a cease and desist and I believe they have a hearing coming up this spring.

Senator BIBLE. No final decision has been made?

Mr. REED. Well, there was a decision on the drainage, he was not allowed to form that drainage district within Gum Slough.

Senator BIBLE. He was prohibited from doing that. All right.

We heard something this morning I believe that might affect this entire bill; that is until a 3- or 5-year Federal environmental study which is now in progress for the entire southern Florida area is completed.

Are you familiar with that?

Mr. REED. Yes, sir.

As part of the jetport pact which Dade County, the State of Florida and U.S. Government signed. One of the conditions of the pact was that the Federal Government would undertake a study of an area from Lake Okeechobee southward. I don't think that study will prove or disprove the need for the continuance of Big Cypress in the form that it is in now.

The study is not really looking at the Big Cypress. It is looking at land patterns, botanical patterns, stress points and ways of mitigating them, especially on the two coastal sides of Florida which are under such tremendous population explosion rates at this time.

Senator BIBLE. Then your statement is that that isn't a valid reason for delay because in 3 or 5 years before this study is completed, there isn't anything that you can see that will have any effect on the Big Cypress?

Mr. REED. Yes; Dr. Leopald and his associates were aware of that study. But they were charged to bring in a study on the Big Cypress as a system which is the study that you have in hand which led to this legislation.

Senator BIBLE. What is the Rockery Bay Sanctuary and where is it located?

Mr. REED. It is in Collier County, it is on the gulf side of Florida.

Senator BIBLE. Is that within this area?

Mr. REED. No, sir.

There was a fund-raising organization that raised money in the Naples area to have a perfectly extraordinary natural bay.

With conservation foundation assistance, where Chairman Train was before, they undertook a long ecological study of the bay and put it aside in the name of a local conservation community down there, put it aside in perpetuity to protect that system.

It is an outstanding example of private money being put to use to preserve an area.

Senator BIBLE. That is very commendable and of course that has no relationship with this present problem.

Mr. REED. No, sir.

Senator BIBLE. I have no further questions of you, Mr. Reed.

Mr. REED. Mr. Chairman, Mr. Marshall did have a statement for the record if we could be allowed to put it in.

Senator BIBLE. Yes, that will be received and incorporated in full in the record.

(The statement referred to follows:)

STATEMENT OF ARTHUR R. MARSHALL, DIRECTOR, DIVISION OF APPLIED
ECOLOGY, UNIVERSITY OF MIAMI, FLA.

Senator Bible, gentlemen of the Subcommittee. I am Arthur R. Marshall, Floridian, ecologist, Director of the Division of Applied Ecology, University of Miami, and an adviser to the Department of the Interior. I am glad to be here and am hopeful that I can help you.

Protection of the Big Cypress of southern Florida can be secured only by Federal purchase. Thus the merits of its cost as weighed against the endless search for funds for myriad purposes have become a matter of prime concern to you.

The issue is complex and yet it is not. If Big Cypress is not protected against typical south Florida development, south Florida, the Everglades, Everglades National Park, and the urban communities of south Florida are going down the drain—in respect to natural resources, water, the quality of human life there and in the financial viability of its cities.

The people and the governments of Florida are struggling—and with some notable recent success—to prevent that unhappy series of events. They know they are at the edge of precipice. They know it from the water crisis experienced in the spring of 1971. They know it from the straits of the wood stork, the alligator, the fires in the Everglades, the smoke over the Gold Coast, diseased fishes in their bays, dying coral reefs, and they know it from the pressures of life in the cities, and from the bankruptcy of their city governments.

In the multiple means which must be employed to head off the degradation of south Florida, protection of the Big Cypress is a keystone which only the Federal Government can accomplish. Florida and Floridians are tenaciously attacking the rest.

For the last dozen years, the environmental crises of south Florida, have echoed in the national press with the monotony of a broken record. Unless there is a novel change of direction, the discords will become more blatant, frequent and more costly to the Federal Government. South Florida and all it has offered to the Nation would, without such redirection, soon join the chorus of problems characteristic of New Jersey, the BosWash strip and the Potomac Basin.

I believe we can do better than that. I am sure that you, as selected American leaders, know it.

Because of a combination of events, the Nation looks to Florida to develop means to solve environmental problems. There is a validity and hope in this view; your decision to purchase the Big Cypress is central to that effort.

The issues are people and water and all of the values which water supports there—wildlife, parks, estuarine fisheries, muck, and people. If the Big Cypress is not protected, great numbers of newcomers to Florida will buy it and occupy it. And they will demand it be drained. They probably won't know what they are doing, but they will demand anyway.

When they do, they will destroy the Big Cypress, they will eliminate its resource values along with those of the western portion of Everglades National Park, and they will bring south Florida to its knees, water wise. Their escape from the environmental degradation of their former homes will prove ephemeral.

HYDROLOGY

The watershed of the Big Cypress is a broad, nearly flat area interspersed with pinelands, grass prairies and shallow cypress ponds and sloughs. With the land sloping gently south and southwest, water accumulated from the summer rains flows slowly overland about seventy per cent of the year to and through the western panhandle of Everglades National Park into the Gulf of Mexico.

Flow in the watershed, quite unlike a normal main-stem river, is in the form of a broad shallow sheet which covers much of the area in the summer and fall high water period. When the rains abate, beginning in November, water levels in the Big Cypress recede slowly from heights a foot or two above ground to perhaps three feet below ground in the dry months of the year.

The flora and fauna of the watershed, including that of its downstream estuaries, are attuned in their reproductive and breeding cycles to this cycle of summer flooding followed by recession. In the warm waters of the summer, many aquatic species such as freshwater shrimp, crayfish, mosquito fish, and killifishes reproduce themselves in great numbers, foraging over the flooded lands. As the winter recession occurs, these organisms are sufficiently concentrated to supply tremendous quantities of protein food to active bird rookeries and to some species of marine fishes which invade the brackish areas and lower marshes. Thus continued production of many animal species depends on the cycle of summer flood and subsequent recession. When wetlands are drained for development, both the flooding and the recession are so drastically altered that reproductive failures commonly occur—which is a major reason that seventeen Everglades species are now considered rare and endangered.

The Big Cypress also serves as a recharge area for ground water supplies. As the urban areas of the lower west coast expand, those municipalities will

have to utilize waters farther to the east to meet their water demands. This is very similar—a reversed, mirror-image—of the water demand supply situation of the east coast cities, which must reach continually farther to the west for potable supplies.

No one can say with certainty when the growing demand will encounter the limits of supply for the west coast cities, for no such analyses have been made farther into the future than twenty years. We can say with considerable certainty, however, that the progression of events there will mirror-image those of the populous east coast, in that salt intrusions along the shore will become increasingly severe, that intermittent water-rationing will become necessary, that recycling of sewage wastes for re-use will become as necessary on the west coast as it is now urgent on the east. Development of the Big Cypress Watershed, by decreasing supply and increasing demand would accelerate the day of water crisis markedly.

VEGETATION

The Big Cypress comprises the western portion of the great wetlands of Florida south of Lake Okeechobee. It is largely a forested area interspersed with wetland sloughs and ponds, grassy prairies and rocky outcrops which stand above the general water surface for several months of the year. The rocky outcrops are covered with thin soil and pine forests which cannot stand continuous flooding.

The prairies are dominated by a mixture of grasses, sedges and a few shrub species. All can tolerate a long period of flooding during the rainy season and light fires in the winter.

The deeper sloughs—4 to 6 feet deep—support stands of cypress on their thick peaty soils. The isolated potholes also support cypress in characteristic domes called cypress heads. In either situation, the deeper the peaty soil the taller the trees. Many native epiphytes—orchids and bromeliads—are abundant in the Big Cypress. The orchid flora is one of the richest known anywhere outside of the tropics.

The numerous ponds of the area are picturesque. Usually rimmed by cypress or pop ash, they formerly were the habitat of many alligators. The activities of these reptiles prevented them from closing in with vegetation.

This mixture of contour and vegetation, developed over many ages, greatly controls the purpose and usefulness of the Big Cypress. It provides great natural resources for the benefit of man—a water resource, recreation, hunting, fishing, and many non-game animals.

WILDLIFE

To most conservationists and scientists, the wildlife of south Florida and the Big Cypress is an essential unit of the regional ecosystem. Seventeen species that are officially listed as rare and endangered—4 mammals, 12 birds, and the alligator—inhabit the Big Cypress and its downstream estuaries during at least part of the annual cycle. These include some of the most characteristic wildlife of south Florida, such as the roseate spoonbill, and species such as the brown pelican and bald eagle which have been extirpated from much of their former range in the United States. A number of these, including the Florida panther and wood ibis, are virtually certain to disappear from Florida if the Big Cypress habitat is diminished and destroyed by drainage and development.

Besides these species in the rare and endangered category, the Big Cypress supports the full spectrum of the resident and native wildlife. Of particular importance is the seasonal and alternative feeding habitat that the Big Cypress provides to wading bird populations which breed in Everglades National Park.

Without access to the resources of the Big Cypress, a long term decline of populations of large water birds of the Park is predictable. The preservation of the Big Cypress offers the only long range hope of maintaining huntable populations of larger game animals such as white-tailed deer and wild turkeys in southern Florida.

THE COASTAL ZONE

As the sheet of water moves from the upland marshes, it finally enters a broad mangrove-dominated estuarine zone. The area is characterized by mangrove-fringed creeks, ponds, and bays which receive water from both the up-

land marshes and the sea. The tidal mixing which occurs in these bays and estuaries produces brackish conditions favorable to the growth of estuarine-dependent animals such as shrimp, blue crabs, mullet, oysters and many commercial and game fish.

Certain physical and chemical phenomena enable the brackish estuaries to conserve the nutrients which, under natural conditions, are contributed by the upland fresh water and the open ocean. These nutrients tend to be retained in the estuary and cycled continuously in the food chain. The bays and estuaries are thus many times more productive than the marshes above or the sea beyond.

The estuaries derive many benefits from the upland marshes. The extensive marsh system serves as a reservoir and control mechanism which absorbs the heavy summer rains and slowly releases this water into the estuaries. This mechanism serves two important purposes. The marsh filters the water in transit, removing sediments and utilizing some of the nutrients, and releases the fresh water into the estuary at a reasonably uniform rate across a broad front. Hence, the water coming from the marshes is normally clean and arrives in quantities which usually permit optimal salinity ranges in the estuaries. Under natural drainage conditions heavy rainfall in the interior may require 10 to 90 days, dependent on distance, to appear in the estuaries because of the low gradient of the region and frictional effects imposed by marsh vegetation.

Man-made drainage systems, on the other hand, are designed to accelerate the run-off of fresh water through canals. During periods of heavy rainfall, canalized run-off from the uplands moves quickly in large volume into the estuaries bearing massive deposits of organics, silt, and sand. Freshets of this type cause abrupt salinity changes which frequently kill plants and animals, especially attached forms such as oysters. Oxygen demand caused by abnormal quantities of organic material further stress the large bay areas, already laboring under the burden of abrupt salinity changes.

The high productivity of our coastal systems is intimately linked to the upland marshes and especially to the brackish areas. To safeguard this unique unit, the entire marsh sheet flow system must be protected to insure that the coastal zone receives high quality water in sufficient quantity and in the right seasons.

CONCLUSION

I urgently suggest that any action you may propose state that the primary purpose of the legislation is to protect the watershed as to quantity, seasonality and quality of its water, and that only such other uses be allowed which are consonant with that primary purpose.

Certainly there are many recreational uses which would be consonant with that purpose. Under a regimen of management which is sensitive to the character of the area, hunting of the upland and marsh areas can continue. Similarly, fishing can and should continue in the fresh and salt water areas.

The Big Cypress area has vast potential for such other recreational uses as hiking, nature trails, wildlife watching and photography. These are all pursuits which have come into national prominence in recent years and which will be pursued by increasing numbers of people in the future. The rapidly growing populations of all of south Florida would make great recreational use of a Big Cypress wild area. I suspect the time would soon come when limitations on such recreational use would have to be invoked.

The opportunity to protect the Big Cypress is an opportunity to protect the great and singular biological treasures of the Florida Everglades and of Everglades National Park. It is an opportunity to protect the great investment of the people of Florida and the Nation in Everglades National Park. It is an opportunity to curtail ultimately future federal investment in drainage works and water supply systems in south Florida. It is an opportunity to protect aquifer recharge for future west coast water supplies.

It is an opportunity which will enable the people of Florida and their governments to develop that kind of environmental ethic which is so badly needed around the Nation and the world.

I believe we are going to do it. We do need the chance you can give us by a favorable action on protection of the Big Cypress.

I thank you for hearing me.

Senator BIBLE. The next witness we have is Mr. Anthony Wayne Smith and then we will be in recess until tomorrow morning and we will hear two panels and three or four more additional witnesses.

Mr. Smith, good to see you.

**STATEMENT OF ANTHONY WAYNE SMITH, COCHAIRMAN,
EVERGLADES COALITION**

Mr. SMITH. Thank you, Senator Bible. It is always a pleasure to come before this subcommittee. My name is Anthony Wayne Smith, 1701 18th Street NW., Washington, D.C.

I appreciate the invitation that has been extended to me to appear here today. I am an attorney admitted to practice law in the State of New York and in the District of Columbia Appellate Court.

I am submitting for the record a more detailed statement of my background.

Senator BIBLE. And this very impressive biography of yours will be made a part of the record.

Mr. SMITH. Thank you, Mr. Chairman.

(The document referred to follows:)

BIOGRAPHY OF ANTHONY WAYNE SMITH

President and General Counsel, National Parks and Conservation Association since 1958.

Attorney admitted to practice in the Courts of New York and the District of Columbia.

Chairman, Environmental Coalition for North America; General Counsel, Citizens Permanent Conference on the Potomac River Basin (Citpercon); Executive Committee member, Citizens Committee on Natural Resources; President, South Central Pennsylvania Citizens Association; in all cases serving in a personal, professional capacity on personal time without compensation pro bono publico.

Co-Chairman, Everglades Coalition: for personal identification only in this respect, the Everglades Coalition protested successfully in April, 1969 against a proposed giant jetport in Big Cypress Swamp in the Florida Everglades country.

Member of and executive in conservation organizations and movements in watershed management, river basin planning, forestry, soil conservation, and wildlife management for over 20 years.

Professional student of government operations, specifically with reference to natural resources management and regional planning; specialist in the coordination of disciplines involved in such management and planning.

Graduate of University of Pittsburgh and Yale School of Law; Board of Editors, Yale Law Journal.

Secretary to Governor Gifford Pinchot of Pennsylvania 1932-33.

Practiced law in New York with Donovan, Leisure, Newton & Irvine, Two Wall Street, after graduation from Law School.

Assistant General Counsel, Congress of Industrial Organizations, 1937-56; Assistant Director of CIO State and Local Central Organizations 1941-56; Executive Secretary of CIO Committee on Regional Development and Conservation 1945-56; Committee on Political Education, AFL-CIO 1956-58.

Commercial dairyman, Franklin County, Pennsylvania since 1954. Member Farm Bureau, Grange, Milk Producers Federation, Soil Conservation District, and other farm organizations.

Mr. SMITH. I am appearing in three capacities, first as chairman of the Everglades Coalition, in which the other cochairman is Dr. Stahr of the Audubon Society. Also as chairman of the Environ-

mental Coalition for North America and, thirdly, as president and general counsel of the National Parks Association.

I have a simple statement prepared which is concurred in by all three of these organizations but I think the important thing to be said here is that together these organizations represent a very large body of public opinion throughout the States, informed public opinion. It is well staffed—the organizations are well staffed and all of them make efforts to thoroughly appraise the subjects to which they commit themselves.

The important thing perhaps is not the details of the position taken here but the measure and nature of support.

The Everglades Coalition is now 3 years old. It was born at the time the proposals were being advanced for the construction of a giant jetport in Big Cypress Swamp. The threat which that jetport represented is well known, I think, throughout the country.

It was a threat to the park itself in terms of cutting off and polluting the water supply in many respects. The effects that would fall upon the Everglades National Park and Big Cypress and thus protect it at the present time, the proposal before you would be essentially the same.

So while the Everglades Coalition was organized around the jetport issue, it is equally concerned about the problem of the danger of drain filling and so-called development of Big Cypress.

You know what the outcome of the widespread proposition in the construction of the jetport. The result of course was the agreement between the Federal Government and State Government and so forth and this problem seemed to us to be well along the way to being solved by the concurrence of all parties concerned.

The organizations participating in the Everglades Coalition included the National Park Association, they do include now and did from the beginning the National Park Association, the National Audubon Society, the Wilderness Society, the Wildlife Management Institute, the Sierra Club, Citizens Committee on Natural Resources and the Friends of the Earth.

These constituting the executive committee or the steering committee. But the coalition includes a much broader group than that. It includes the United Automobile Workers of America from their international office in Detroit. The United Autoworkers of America have a large membership in Florida. Their local organization and regional organizations are genuinely concerned with this issue. These are Florida people. This includes all of the groups listed here, including the world wildlife forum, one of the biggest world wildlife organizations because the security of water resources generally in the State of Florida today are matters of world wide significance.

The Garden Club of America and the United Steelworkers of America. By decision of the International Union Offices of the Steelworkers in Pittsburgh.

Senator BIBLE. That list can be supplied for the record and that is certainly broad-based support.

Now, you can just read the statement or testimony as to your six points.

Mr. SMITH. If I may just take a moment to identify further the

Environmental Coalition which is a somewhat different group. It includes most of the people in the Everglades Coalition and others. It has been concerning its importance the last 2 years now with most of the major environmental conservation problems or many of them throughout the United States. It has a somewhat broader subject concern.

It is not only a matter of concern with Florida and Florida resources. For example, it has concerned itself with the pipeline problem, with the Amchitka detonation, with six or eight major national and international issues of that kind.

Senator BIBLE. Without objection, because I have read ahead of you here. Mr. Smith, and I see the participants in your Environmental Coalition for North America and I think again that illustrates the broad base from which you are talking. Without objection I will introduce it, with your agreement, if you don't have any objection, the activity and the steering committee, the general participants and the participants in the Alaska and Florida group.

So that is the broad base of it and the consultants. You have consultants on that group that are old friends of mine. So each of these will be made part of the record.

Mr. SMITH. And if I may, we supplied also the April issue of "National Parks and Conservation Magazine" for identification.

Senator BIBLE. Without objection that will be incorporated by reference as part of the record.

Mr. SMITH. The very brief statement that I have here was adopted at a joint meeting of the Everglades Coalition and steering committee of the Environmental Coalition on April 6, 1972.

The statement, without bothering you with preamble is that the Everglades Coalition and the steering committee of the Environmental Coalition for North America confirm their previously established policies as follows:

(1) We commend President Nixon on his proposal for the acquisition of the Big Cypress by the Federal Government and its incorporation into the National Park System.

(2) We commend Senators Jackson and Chiles, and their colleagues on their proposals for the acquisition of Big Cypress by the Federal Government and its inclusion as a National Recreation Area within the National Park System.

(3) The area could be designated a National Fresh Water Reserve or a National Recreation Area, to be managed in either case pursuant to the established national policies for the management of National Recreation Areas within the National Park System.

(4) It is vitally important that the acquisition proceed with all possible dispatch.

(5) We recommend a prompt decision to substitute an ecologically acceptable site for the original giant jetport site and training strip in the Big Cypress in order to bring the jetport issue to a permanent conclusion.

(6) We urge that the defenders of Everglades National Park and the Big Cypress maintain their unity on these questions and get them settled for the benefit of the people of Florida and America.

Now, we have a clear understanding of what that means, you are acquainted with the clauses permitting hunting. We would not consider that the established national quality included and an agreement between the Secretary of Interior and the State of Florida for management of the area by the State of Florida.

Senator BIBLE. Very well.

Mr. SMITH. I would be glad to answer any questions.

Senator BIBLE. I have none at all. You speak from great experience and a broad base of participants. How many years have you been working in this field now?

Mr. SMITH. In the conservation field it has been 27 years.

Senator BIBLE. I knew it had been a good many years and they have been valuable contributions, too.

I am going to make all of this part of the record and you served as Secretary for one of the great Governors of Pennsylvania and certainly one of the great conservationists.

I have no further questions of you, Mr. Smith. I appreciate your appearance here today.

(The material submitted by Mr. Smith follows:)

ENVIRONMENTAL COALITION FOR NORTH AMERICA

ACTIVITIES

Composed of individuals associated with powerful conservation, farm, labor and scientific organizations, the Environmental Coalition for North America is a major force in dealing with critical environmental problems.

A logical outgrowth of the extremely successful coalition which made a major contribution to the defeat of the giant jetport in the Florida Everglades, the Environmental Coalition for North America has made protection of the Everglades one of its primary aims.

Other critical areas in which the Coalition has made its influence felt include the Trans-Alaska pipeline, predator control and nuclear testing on the Alaskan island of Amchitka.

The Coalition's activities on behalf of its positions are many and varied and include letters to President Nixon and Interior Secretary Rogers C. B. Morton, as well as the presentation of expert testimony before various legislative and executive committees.

The Coalition's first public action was a letter to President Nixon which urged public hearings before the Council on Environmental Quality on the proposed Trans-Alaska pipeline. Signed by 23 individual Participants, this letter was followed up by a second—again urging executive attention to Alaska's problems—signed by 27 Coalition Participants.

Subsequently, the Coalition presented testimony before Department of Interior hearings on the Trans-Alaska pipeline and it was shortly thereafter that Secretary Morton refused to grant a construction permit.

The Coalition vigorously opposes construction of the pipeline and proposes stringent safeguards for the environment. It also demands consideration of a study to determine alternative routes.

The Coalition has continued to keep close watch on progress being made in relocating the one landing strip constructed for the Florida Everglades jetport and has indicated to President Nixon its continuing interest in locating the jetport in an ecologically acceptable area. Several letters to President Nixon and Secretary Morton have urged government acquisition of some 400,000 acres of additional land to insure future protection of Everglades Park. This land—in Big Cypress Swamp—is the main source of water for the park. Representatives of the Coalition have met to negotiate with local, state and federal authorities on protective measures, and legislation to acquire the additional land is pending. This approach has received Administration support.

The Coalition has called for a halt to the government's predator control

activities pending the completion and evaluation of an advisory committee study and implementation of effective controls.

The Coalition's strong stand against the Amchitka nuclear test forced the government to take a closer look at possible environmental damage resulting from the blast and to reevaluate and strengthen safeguards against damage.

The Coalition also was deeply involved in fighting dam and reservoir proposals by the Army Corps of Engineers as contained in the 1970 Rivers and Harbors bill. The Coalition urged President Nixon to veto the bill on the basis of the Corps' having failed to comply with the requirements of the Environmental Policy Act, and testified before the Subcommittee on Flood Control of the House Public Works Committee. Intensive opposition to Army Engineer type dams and reservoirs will continue to be a high priority activity of the Coalition.

The Coalition has set its sights on several other critical environmental areas and is mapping strong courses of action. The flexibility of its structure and operation will enable the Coalition to continue to deal effectively with major environmental problems as they arise.

Steering Committee

Anthony Wayne Smith, Chairman, *President and General Counsel, National Parks and Conservation Association.*

W. Lloyd Tupling, Vice-Chairman, *Washington Representative, Sierra Club.*

Sam Love, Secretary-Treasurer, *Administrative Coordinator, Environmental Action.*

Olga M. Madar, *Vice-President, Conservation, United Automobile Workers of America.*

Walter J. Burke, *International Secretary-Treasurer, United Steelworkers of America.*

Mrs. W. L. Lyons Brown, *Chairman, Conservation Committee, Garden Club of America.*

Walter S. Boardman, *Treasurer, Defenders of Wildlife.*

John A. Hoyt, *President, Humane Society of the United States.*

General Participants

Anthony Wayne Smith, Chairman, *President and General Counsel, National Parks and Conservation Association.*

W. Lloyd Tupling, Vice-Chairman, *Washington Representative, Sierra Club.*

Sam Love, Secretary-Treasurer, *Administrative Coordinator, Environmental Action.*

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Mrs. W. L. Lyons Brown, *Chairman, Conservation Committee, Garden Club of America.*

Mrs. Thomas M. Waller, *Chairman, National Affairs Committee, Garden Club of America.*

Walter S. Boardman, *Treasurer, Defenders of Wildlife.*

Mary Hazell Harris, *Executive Director and Editor, Defenders of Wildlife.*

John H. Adams, *Executive Director and Counsel, Natural Resources Defense Council.*

Roderick A. Cameron, *Executive Director, Environmental Defense Fund, Inc.*

Richard H. Pough, *President, Natural Area Council.*

Alan McGowan, *Scientific Administrator, Center for the Biology of Natural Systems, Washington University.*

Richard G. Miller, *Director, Foresta Institute for Ocean and Mountain Studies.*

John L. George, *President, Rachel Carson Trust for the Living Environment.*

Clarence Cottam, *Director, Welder Wildlife Foundation.*

James N. Layne, *President, American Society of Mammalogists.*

James A. Oliver, *Director, New York Aquarium.*

William G. Conway, *General Director, New York Zoological Society.*

Ned C. Smith, *Executive Director, Open Space Institute.*

Larry Bogart, *Executive Director, Anti-Pollution League.*

Mrs. Hal Magargle, *Vice-President, Conservation, Audubon Naturalist Society of the Central Atlantic States.*

Hal Scott, *Executive Director, Florida Audubon Society.*

Mrs. Mark Ganopole, *Secretary-Director, Alaska Wilderness Council.*

Edmund H. Harvey, *President, Delaware Wild Lands, Inc.*

Participants in Alaska Group

In addition to all General Participants, the following:

Fred G. Evenden, *Executive Director, The Wildlife Society.*

John W. Scott, *Master, The National Grange.*

Participants in Florida Group

In addition to all General Participants, the following:

Fred G. Evenden, *Executive Director, The Wildlife Society.*

Herbert H. Mills, *Executive Director, World Wildlife Fund.*

William Pond, *Executive Officer, National Recreation and Park Association.*

Consultants

Dr. Edward C. Crafts, *Consulting Forester.*

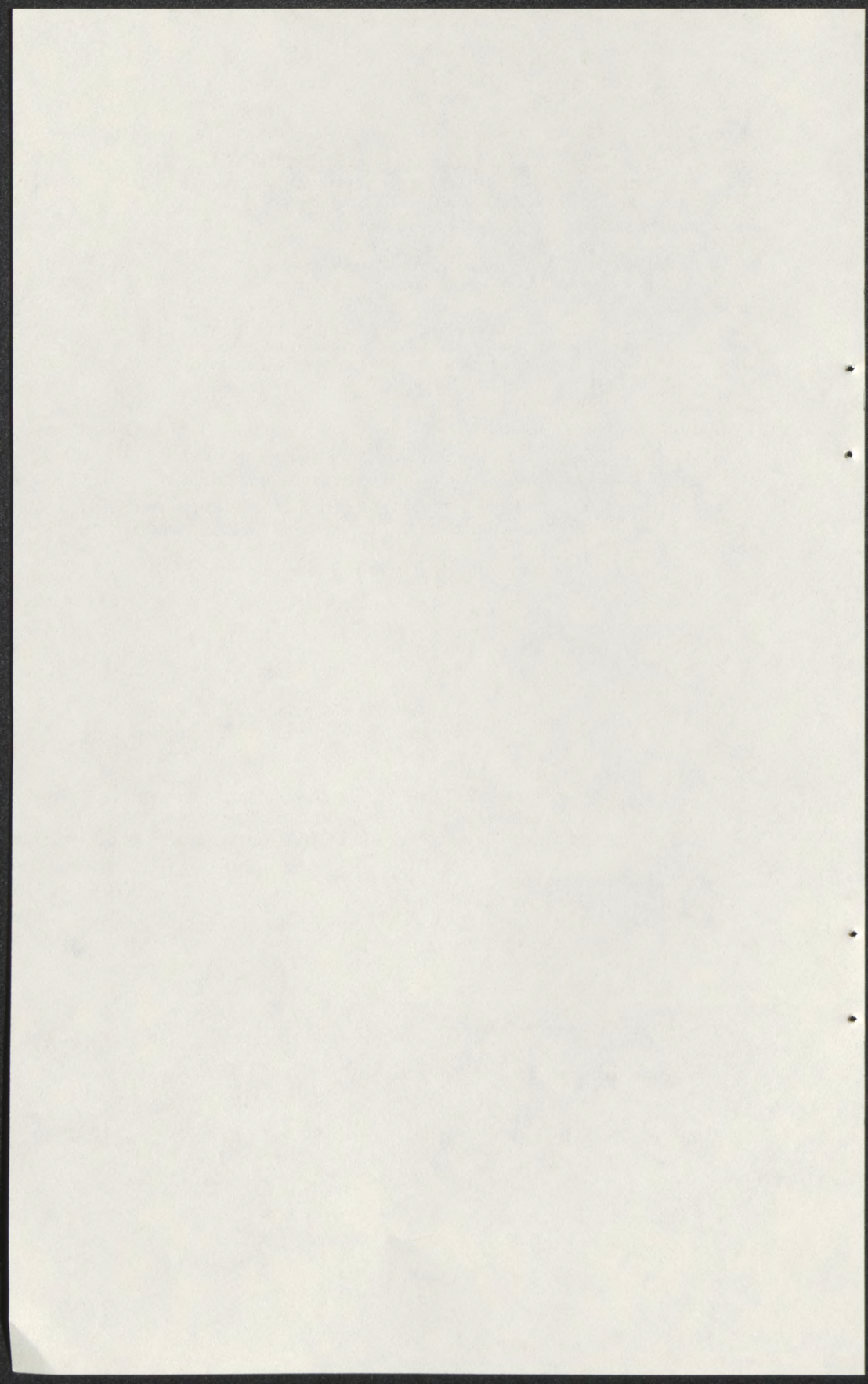
Harold Green, *Esq., Counsel.*

Jonas V. Morris, *Consultant on River Basins.*

Dr. Spencer M. Smith, Jr., *Consultant on Legislative Information.*

Senator BIBLE. We still have about 18 or 19 witnesses but we will stand in recess at this time and we will hear those witnesses tomorrow morning at 10 o'clock.

Whereupon, at 3:35 p.m., the subcommittee was recessed until Friday, April 21, 1972, at 10 a.m.)



EVERGLADES-BIG CYPRESS NATIONAL RECREATION AREA

FRIDAY, APRIL 21, 1972

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION,
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: Senator Bible.

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

Senator BIBLE. The hearing will resume.

This is the hearing on the Everglades-Big Cypress problem, and we have the two bills before us.

I think we had a rather full exposure of the problem yesterday.

Today we have 15 witnesses, and my understanding was that they— we were going to break them into panels, and that the first panel— now, if I misunderstand this, don't hesitate to indicate it to me. My understanding was that the first panel was to be Mr. Joe Browder, of the Environmental Policy Center; Mr. Ted LaRoe, Collier County Conservancy, Florida; Mr. Hal Scott, Executive Director, Florida Audubon Society; Mr. John C. Jones, president, Florida Wildlife Federation; and Mr. Calvin Stone, of the Florida Wildlife Federation.

And then there was going to be Mr. Pat Murphy, representative, board of governors, Miami Chamber of Commerce, appearing as a solo witness, and then another panel composed of James G. Pace, Mr. B. R. Brownell, Mr. Fred Weller and Mr. Poppenger, as a second panel.

Do I state that correctly?

All right, then, let's hear the first panel.

The first panel will be Joe Browder, Ted LaRoe, Hal Scott, John Jones, Calvin Stone, and Pat Murphy.

We find these panel presentations work out very well where we have a great number of witnesses, which we certainly have with this project.

Do you have a spokesman, or are you individually each going to say something?

Mr. BROWDER. We all have statements, sir.

Senator BIBLE. All right, you introduce yourself and proceed.

Mr. BROWDER. Thank you, Mr. Chairman.

STATEMENT OF JOE BROWDER, ENVIRONMENTAL
POLICY CENTER

I am Joe Browder, executive vice president of the Environmental Policy Center, of Washington, D.C. This statement is also made in behalf of the Sierra Club, which has asked the center to represent the club in Washington on matters pertaining to the Everglades.

Florida is my home. I went to elementary school in Miami in the 1940's, and returned to Miami in early 1961 to work as a reporter for WCKT television.

Senator BIBLE. Without objection, your full statement will be incorporated in the record. It seems to be a rather long statement, so why don't you just highlight the statement.

Mr. BROWDER. All right, sir, I will try to highlight it. I just want you to know that I am from Florida.

Senator BIBLE. I understand. I have been there and I like to hear people say they have been there.

Mr. BROWDER. In the past few years, Congress has done a lot to bring Everglades National Park closer to real protection from the many pressures, environmental and political, that threaten the unique resources of the Everglades.

Hearings in 1969 by your full committee did much to bring national attention to the jetport problem. The Senate Public Works Committee hammered out the compromise agreement that ended most of the conflict between the corps and the Park Service. And almost 2 years ago, I had the privilege of appearing before your committee when you were considering the late Senator Spessard Holland's bill authorizing acquisition of the remaining inholdings in Everglades National Park.

You know that Senator Holland was the father of the park, and rightfully counted as one of his highest contributions to public service, the tireless efforts he made to assure the integrity of the Everglades.

At that hearing 2 years ago, the committee was shown a brochure prepared by some of the landowners, and I remember your comment about it, Senator Bible. Many of the speculators, who advocated reducing the boundaries of the national park, building a highway through the park and across Florida Bay, and completing the Everglades jetport in the Big Cypress, had banded together under the name, East Collier Company Land Owners Improvement Committee.

Even at that time, they were trying to play the role of small landowners who loved the Everglades and only wanted to live out in the country and be left alone. But the makeup of the property owners' leadership, and their own extravagant proposals, left little doubt about their desire to drain and develop the Big Cypress.

Your Committee, and the Congress, were not misled by the property owners, and with Senator Holland's leadership the acquisition of inholdings was authorized.

Now, as you meet again to consider the Everglades and Big Cypress problems we discussed 2 years ago, the same real estate promoters are playing the same game, trying to cloak their activi-

ties with the legitimate concerns of the real homeowners in the area.

It is easy to identify the true interests of the East Collier County Property Owners Improvement Committee, because that organization's own statements reveal the promotional nature of its goals. Building a highway through the Everglades to Disney World is not the kind of project that would be advocated by peace-loving landowners who just want to live in the swamp and get away from it all. However, there are some other inconsistencies that are less obvious, and deserve careful attention from the committee.

Perhaps the biggest conflict between reality and the general position of the developers lies in their claim that great economic benefits will come from private development of the Big Cypress. Other witnesses this morning will present detailed economic data that I think you will find very interesting. There are a couple of points, that may not be covered otherwise, that I would like to bring to your attention.

One is the massive investment of Federal dollars that would be required to actually develop the portion of the Big Cypress that is being considered for protection.

The Corps of Engineers, in a study made a few years ago, concluded that the Big Cypress could be opened up for commercial use, if much of the land we are now considering for preservation were to be purchased and impounded, and if more canals were built to drain upstream portions of the watershed.

So, large-scale development of the Big Cypress watershed would be possible only through Federal subsidy of a multimillion dollar water management program.

Opponents of protecting the natural values of the Big Cypress watershed are also proponents of subsidized reclamation; but somehow they forget to include the cost of such programs in their discussions about developing the Big Cypress.

And I will skip all of these figures because you can find them, if you want, in the hearing record of your field hearing.

Senator BIBLE. I am reading ahead of you, and I am a paragraph ahead of you.

Mr. BROWDER. The multimillion dollar commercial fishing and shrimping industry is very much on record in favor of preserving Big Cypress, because the industry recognizes the importance of the Big Cypress to maintaining the economic level of the fishing industry.

The Florida commercial fishing industry's interest in preserving the Big Cypress is a good example of the economic and social values that depend on a healthy environment in south Florida. But there are other kinds of delicately balanced systems, political ones, that don't always show up in the ecologists' reports. The scientists can tell us, for example, that more than half of the surface water that flows into the park comes from Big Cypress. Overland flow from Big Cypress reaches only the western portion of the national park, but, politically, all of the Everglades depends on maintaining the natural water regimen in the Big Cypress.

First, please remember that even this overland flow is only a small portion of the park's total water supply, because the park gets

most of its water from rainfall, that small portion is still absolutely vital to maintaining all the life in the Everglades.

From the Big Cypress in the west, and through the Corps of Engineers control gates in the east, the national park receives a flow of water that continues to spread over the 'glades and filter into the estuaries after the rainy season has ended.

From the fish harvested by sportsmen and commercial fishermen working offshore, to the tiny animals that form the food base for the spectacular bird populations of the park's interior, life in the Everglades has become dependent on the prolonged wet season resulting from this natural overland flow. If developers build canals in the area, water is carried away quickly, and isn't there when it is needed to support Everglades wildlife.

Prof. Arthur Marshall and his colleagues, who were with us when I testified for the Everglades Coalition at your field hearings in Miami last year, and I understand they were here yesterday—

Senator BIBLE. That is right, that is already in the record.

Mr. BROWDER. So, I won't go into the science of it, but politically I think it is important to understand, sir, that you can't put people into the Big Cypress without taking the water out. If the water is removed, it won't be there for all those people the real estate promoters talk about settling in the area.

A Big Cypress filled with people but no water would be a demand center with only one place to go for water, Lake Okeechobee and the central and southern Florida Flood Control District.

The East Collier County Land Owners Improvement Committee has already advocated construction of more federally funded canal systems to link the flood control system with lands in the Big Cypress. But all the hundreds of millions of dollars spent so far on the flood control system hasn't been enough to create a program capable of satisfying the water needs of those areas already served by the district.

If southwest Florida destroys its own watershed, becomes a large population center, and is forced to compete with the east coast and with agricultural users for the inadequate supply of water available through the flood control system, the small share of water from the system now allotted to Everglades National Park will become a prize that competing users on the east and west coasts will fight for, and the battle to protect the park's water supply will be on.

In case there is any doubt about the grandiose water management goals of the real estate speculators who want to develop Big Cypress, it might be good to look at the plans proposed by some of the land owners and their agents. Even a casual survey will show that would-be large scale developers, with a history of open disregard for Everglades National Park, are working now to try and mislead this committee, and many other people, about the extent and nature of opposition to Federal purchase of the Big Cypress.

Of particular interest is the Landowners Conservation and Protective Association. This organization joins with the East Collier County Land Owners Improvement Committee in purporting to represent the interests of thousands of small landowners. These organizations have somehow forgotten to point out to the com-

mittee that the overwhelming majority of parcels within the proposed acquisition area are owned by absentee investors, who bought their land from real estate firms specializing in the sale of underwater land. For, regardless of the claims made by the swampland real estate salesmen, most of the land being considered for protection—90 percent is the estimate in Department of the Interior publications—is underwater at some point during Florida's rainy season.

Twenty or 30,000 investors may have responded to the speculators' mail order and telephone sales pitches, but only about 300 families live within the region proposed for acquisition, and most of them are concentrated in a few areas on the main roads.

Most people who own land in the area have never seen their small piece of Florida real estate, and probably have no idea that it is underwater part of the year. These absentee owners, scattered all over the United States and Latin America, and Europe, cannot accurately be characterized as people being run off their land.

It is commendable that the Land Owners Conservation and Protective Association seeks to look out for the best interests of those small investors, but I hope this committee will keep in mind who else that organization represents.

The association is the creation of one real estate promoter, Mr. James Pace. Attached to this testimony is a copy of the letter, on James Pace and Associates letterhead, that Mr. Pace mailed out to property owners to try and stimulate membership in the association. Mr. Pace appealed to the landowners to protect their property and defend free enterprise against the lang grab; and, referring to efforts by the Attorney General of Florida to stop Mr. Pace's clients from a drainage scheme that would damage State lands, he implied that the Attorney General subscribed to Communist doctrines.

To see just whose land Mr. Pace is really interested in, one should take a look at the record of his unsuccessful effort to promote a drainage tax district on lands between Everglades National Park and the jetport site.

Attached to this statement is a map illustrating the location and size of the proposed drainage district, with an inset showing the properties owned by the interests Mr. Pace really represents; Mr. J. Erwin Groover, of Estes Park, Colo., holds just over 11,000 acres of land in the area; the other principal owner, the Basket Corporation of Miami Beach, has more than 3,200 acres.

Mr. Pace has been involved for years in efforts to promote the development of those properties. At one point, he had succeeded in convincing Dade County officials to try and build Miami's new jetport there. When that deal fell through because of internal political problems in south Florida, Mr. Pace became an ardent promoter of the site Dade County finally selected, the one in the Big Cypress that President Nixon withdrew Federal support from in 1969. Before Mr. Nixon made his decision to relocate the jetport, Mr. Pace and his clients attempted to form their drainage district.

A Florida judge denied Mr. Pace's clients their application for the drainage district. The judge's order revealed that although Mr. Pace had billed the drainage district as a project to benefit all the landowners in the area, many of whom joined in asking that their

lands be taxed to build drainage canals, that the only potentially profitable use of the drained property, putting it into improved pasture, could have been engaged in only by those landowners who owned 100 acres or more.

So, only a handful of the thousands of property owners within the proposed district had parcels that large, and most of the small landowners would have been taxed in order to provide drainage for those few big owners who had enough property to make it economically feasible to make money.

Furthermore, the principal canals that appeared on the preliminary map from Mr. E. R. Brownell, the surveyor who works closely with Mr. Pace and specializes in surveying Big Cypress real estate, just happened to run mostly through the lands owned by the two biggest landowners, Mr. Groover and the Basket Corporation.

For one final illustration of the real interests of the Landowners Conservation and Protective Association, please take note that the attorney who represented the association at your committee's field hearing in Miami on November 30th was the able former Governor of Florida, Fuller Warren. Governor Warren's deep interest in justice for workingmen and small landowners is well known and well proclaimed in Florida, by the Governor himself.

However, it should be noted that Governor Warren is also the president of another organization, the Florida Land Association. The Florida Land Association represents approximately 150 corporations that sell Florida real estate, including most of the high pressure telephone sales outfits that specialize in convincing people to buy, site unseen, underwater property in the Big Cypress and elsewhere in Florida.

The founder and general counsel of the association represents four corporations that own about 7,000 acres of Big Cypress land near the jetport site. According to an investigative report from the St. Petersburg Times, nine of the 13 telephone-sales land promotion firms operating out of Miami are members of the Florida Land Association.

Mr. Chairman, I hope that this information about the real interests of the speculators and pitchmen who are pretending to be looking out for the little people will help dispel the confusion that these real estate firms have been working so hard to create. For the past several months, the would-be developers have been running up and down the Tamiami Trail and the Loop Road, telling the small businessmen that their restaurants and gas stations will be taken by the Government and turned over to the Indians; telling the Indians that they will be deprived of their traditional uses of the Big Cypress; telling the legitimate homeowners that they will be forced out of their homes; telling the hunters, too, that they will eventually be run out of the area.

I do have some worries about what could happen if an indifferent bureaucracy were to assume responsibility for acquisition and management of the Big Cypress. We should join Senator Lawton Chiles in recommending the strongest possible language, in the legislation and in management regulations adopted by the Secretary of the

Interior, to protect the rights of those families who really do live and work in Big Cypress, the Indians, and the sportsmen.

We believe the Indian tribes should be given the first opportunities to accommodate visitors to the Big Cypress. We would rather see Eddie Hawkins continue to run his restaurant at Pinecrest, and Sullivan's little barbeque place keep serving the hunters and nature lovers who travel the Loop Road, than have places like that taken over by some concessionaires with their headquarters out of State, and their spirits even further removed from the Big Cypress.

I think the sportsmen, who have worked so hard to try and protect the Big Cypress and all the 'glades, should be allowed to keep their camps and cabins, so long as the privilege isn't abused by some of those real estate promoters posing as hunters.

More than anything else, I think all of us who know and love Everglades National Park and the Big Cypress should work together, to preserve each of them so that both of them can continue to survive.

I would respectfully urge your committee to do everything possible to report out a bill authorizing Federal acquisition of the Big Cypress watershed.

Thank you.

Senator BIBLE. I appreciate your statement very much. Thank you.
(The complete statement of Mr. Browder follows:)

ENVIRONMENTAL POLICY CENTER

324 C Street, S.E., Washington, D.C. 20003

(202) 583-8800

statement on
acquisition of the
Big Cypress Swamp

presented to
Subcommittee on Parks and Recreation
Senate Committee on Interior and Insular Affairs

April 21, 1972
Washington, D.C.

Thank you, Mr. Chairman. I am Joe Browder, Executive Vice President of the Environmental Policy Center, of Washington, D.C. This statement is also made in behalf of the Sierra Club, which has asked the Center to represent the Club in Washington on matters pertaining to the Everglades.

Florida is my home. I went to elementary school in Miami in the 1940's, and returned to Miami in early 1961 to work as a reporter for WCKT television. For most of the past 11 years, I have spent much of my time concerned with the problems of the Everglades. Two years ago next week, I quit my job as Southeastern Representative of the National Audubon Society, and left Miami to move to Washington, in order to try and help people working here to assure the relocation of the Everglades jetport, resolve the conflict between the Corps of Engineers and the National Park Service over the Park's water supply, and figure out some way to protect the Park's other major watershed, the Big Cypress Swamp.

In the past few years, Congress has done a lot to bring Everglades National Park closer to real protection from the many pressures, environmental and political, that threaten the unique resources of the Everglades. Hearings in 1969 by your full Committee did much to bring national attention to the jetport problem. The Senate Public Works Committee hammered out the compromise agreement that ended most of the conflict between the Corps and the Park Service. Almost two years ago, I had the privilege of appearing before your Committee when you were considering the late Senator Spessard Holland's bill authorizing acquisition of the remaining inholdings in Everglades National Park. You know that Senator Holland was the father of the Park, and rightfully counted as one of his highest contributions to public service the tireless efforts he made to assure the integrity of the Everglades.

At that hearing two years ago, the Committee was shown a brochure prepared by some of the landowners who fought Senator Holland and tried to prevent acquisition of the inholdings. Many of the speculators, who advocated reducing the boundaries of the National Park, building a highway through the Park and across Florida Bay, and completing the Everglades jetport in the Big Cypress, had banded together under the name East Collier County Land Owners Improvement Committee. Even at that time, they were trying to play the role of small landowners who loved the Everglades and only wanted to live out in the country and be left alone. But the makeup of the property owners' leadership, and their own extravagant proposals, left little doubt about their desire to drain and develop the Big Cypress.

Your Committee, and the Congress, were not misled by the property owners, and with Senator Holland's leadership the acquisition of inholdings was authorized. Now, as you meet again to consider the Everglades and Big Cypress problems we discussed two years ago, the same real estate promoters are playing the same game, trying to cloak their activities with the legitimate concerns of the real homeowners in the area.

It is easy to identify the true interests of the East Collier County Property Owners Improvement Committee, because that organization's own statements reveal the promotional nature of its goals. Building a highway through the Everglades to Disney World is not the kind of project that would be advocated by peace loving landowners who just want to live in the swamp and get away from it all. However, there are some other inconsistencies that are less obvious, and deserve careful attention from the Committee.

Perhaps the biggest conflict between reality and the general position of the developers lies in their claim that great economic benefits will come from private development of the Big Cypress. Other witnesses this morning will present economic data that I think you will find very interesting. There are a couple of points, that may not be covered otherwise, that I'd like to bring to your attention. One is the massive investment of federal dollars that would be required to actually develop the portion of the Big Cypress that is being considered for protection. The Corps of Engineers, in a study made a few years ago, concluded that the Big Cypress could be opened up for commercial use, if much of the land we are now considering for preservation were to be purchased and impounded, and if more canals were built to drain upstream portions of the watershed. So, large scale development of the Big Cypress watershed would be possible only through federal subsidy of a multi-million dollar water management program. Opponents of protecting the natural values of the Big Cypress watershed are also proponents of subsidized reclamation; but somehow they forget to include the cost of such programs in their discussions about developing the Big Cypress.

Another point to consider is the high economic value to the State of Florida of one industry that is sure to suffer great losses if the Big Cypress is not protected. At your field hearing last November, the Southeastern Fisheries Association and the Florida Shrimp Association, representing more than 20 thousand persons whose incomes depend on the commercial fishing industry, testified strongly in favor of federal acquisition of the Big Cypress. I don't have a county-by-county breakdown, but the Association reports that Collier, Monroe, and Dade Counties land more than 36 million pounds of seafood a year, with an annual dockside value of \$14 million. The shrimp industry has \$21 million invested in trawlers in south Florida. With the addition of other equipment, and the added value of the seafood when it reaches us in grocery stores and restaurants, the figure jumps up to \$96 million, not counting the large seafood processing plants operating in the Miami area. The Southeastern Fisheries Association says that 4 to 5 thousand jobs in the 3 south Florida counties depend on the fishing industry. To quote from Mr. Jones' statement, "We have been told by speculators and some developers that fish have tails and can swim away to other areas if their nursery area is filled in or polluted by sewage. This is not so in this area, and all of my members hope that the land owners in and around Big Cypress recognize the importance of this area to the state as a whole."

The Florida commercial fishing industry's interest in preserving the Big Cypress is a good example of the economic and social values that depend on a healthy environment in south Florida. But there are other kinds of delicately balanced systems, political ones, that don't always show up in the ecologists' reports. The scientists can tell us, for example, that more than half of the surface water that flows into the Park comes from Big Cypress. Overland flow from Big Cypress reaches only the western portion of the National Park, but, politically, all of the Everglades depends on maintaining the natural water regimen in the Big Cypress.

First, please remember that even though this overland flow is only a small portion of the Park's total water supply, because the Park gets most of its water from rainfall, that small portion is still absolutely vital to maintaining all the life in the Everglades. From the Big Cypress in the west, and through the Corps of Engineers control gates in the east, the National Park receives a flow of water that continues to spread over the 'glades and filter into the estuaries after the rainy season has ended. From the fish harvested by sportsmen and commercial fishermen working offshore, to the tiny animals that form the food base for the spectacular bird populations of the Park's interior, life in the Everglades has become dependent on the prolonged wet season resulting from this natural overland flow. If developers build canals in the area, water is carried away quickly, and isn't there when it's needed to support Everglades wildlife.

Professor Arthur Marshall and his colleagues, who appeared with us when I testified for the Everglades Coalition at your field hearings in Miami last year, and who gave you the benefit of their long experience in the Everglades at yesterday's hearing, can document without question the Everglades' dependence on water of high quality, in sufficient quantity, flowing naturally at the right time of year. And I think that a look at the politics and geography of south Florida will show that interruption of this natural cycle in the Big Cypress would affect not only the western Everglades, but the entire National Park and the whole economic and political structure of south Florida.

It's not possible to put people into the Big Cypress without taking the water out, and if the water is removed, it won't be there for all those people the real estate promoters talk about settling in the area. A Big Cypress filled with people but no water would be a demand center with only one place to go for water: Lake Okeechobee and the Central and Southern Florida Flood Control District. The East Collier County Land Owners Improvement Committee has already advocated construction of more federally funded canal systems to link the Flood Control system with lands in the Big Cypress. But all the hundreds of millions of dollars spent so far on the Flood Control system hasn't been enough to create a program capable of satisfying the water needs of those areas served by the District. If southwest Florida destroys its own watershed, becomes a large population center, and is forced to compete with the east coast and with agricultural users for the inadequate supply of water available through the Flood Control system, the small share of water from the system now allotted to Everglades National Park will become a prize that competing users on the east and west coasts will fight for, and the battle to protect the Park's water supply will be on.

In case there is any doubt about the grandiose water management goals of the real estate speculators who want to develop Big Cypress, it might be good to look at the plans proposed by some of the land owners and their agents. Even a casual survey will show that would-be large scale developers, with a history of open disregard for Everglades National Park, are working now to try and mislead this Committee, and many other people, about the extent and nature of opposition to federal purchase of the Big Cypress.

Of particular interest is the Landowners Conservation and Protective Association. This organization joins with the East Collier County Land Owners Improvement Committee in purporting to represent the interests of thousands of small landowners. These organizations have somehow forgotten to point out to the Committee that the overwhelming majority of parcels within the proposed acquisition area are owned by absentee investors, who bought their land from real estate firms specializing in the sale of under water land. For regardless of the claims made by the swampland real estate salesmen, most of the land being considered for protection--90 percent is the estimate in Department of the Interior publications, is under water at some point during Florida's rainy season.

20 or 30 thousand investors may have responded to the speculators' mail order and telephone sales pitches, but only about 300 families live within the region proposed for acquisition, and most of them are concentrated in a few areas on the main roads. Most of the people who own land in the area have never seen their small piece of Florida real estate, and probably have no idea that it's under water part of the year. These absentee owners, scattered all over the United States and Latin America and Europe, cannot accurately be characterized as people being run off their land. It is commendable that the Land Owners Conservation and Protective Association seeks to look out for the best interests of those small investors, but I hope this Committee will keep in mind who else that organization represents.

The Association is the creation of one real estate promoter, Mr. James Pace. Attached to this testimony is a copy of the letter, on James Pace and Associates letterhead, that Mr. Pace mailed out to property owners to try and stimulate membership in the Association. Mr. Pace appealed to the landowners to protect their property and defend free enterprise against the land grab; and, referring to efforts by the Attorney General of Florida to stop Mr. Pace's clients from a drainage scheme that would damage State lands, implied that the Attorney General subscribes to communist doctrines.

To see just whose land Mr. Pace is really interested in, one should take a look at the record of his unsuccessful effort to promote a drainage tax district on lands between Everglades National Park and the jetport site. Attached to this statement is a map illustrating the location and size of the proposed drainage district, with an inset showing the properties owned by the interests Mr. Pace really represents. Mr. J. Erwin Groover, of Estes Park, Colorado, holds just over 11 thousand acres of land in the area. The other principal owner, the Basket Corporation of Miami Beach, has more than 3,200 acres. Mr. Pace has been involved for years in efforts to promote the development of those properties. At one point, he had succeeded in convincing Dade County officials to try and build Miami's new jetport there. When that deal fell through because of internal political problems in south Florida, Mr. Pace became an ardent promoter of the site Dade County finally selected, the one in the Big Cypress that President Nixon withdrew federal support from in 1969. Before Mr. Nixon made his decision to relocate the jetport, Mr. Pace and his clients attempted to form their drainage district.

We became involved in it when my secretary in Miami bought a small piece of land within the boundaries of the proposed drainage district, for use as a hunting camp for her husband. She then decided she'd rather sell the property to the National Audubon Society, so it could be preserved in its natural state. Since our land would have been damaged by Mr. Pace's project, Audubon naturally had to go to court to try and stop the drainage district. The United States government intervened in the subsequent hearing, joining the effort to stop the drainage district, because of the damage that the canals proposed by Mr. Pace would have done to Everglades National Park.

A Florida judge denied Mr. Pace's clients their application for the drainage district. The Judge's order revealed that although Mr. Pace had billed the drainage district as a project to benefit all the landowners in the area, many of whom joined in asking that their lands be taxed to build drainage canals, that the only potentially profitable use of the drained property, putting it into improved pasture, could have been engaged in only by those landowners who owned 100 acres or more. Only a handful of the thousands of property owners within the proposed district had parcels that large, so most of the small landowners would have been taxed in order to provide drainage for those few big owners who had enough property to make it economically feasible to make money. Furthermore, the principal canals that appeared on the preliminary map from Mr. E.R. Brownell, the surveyor who works closely with Mr. Pace and specializes in surveying Big Cypress real estate, just happened to run mostly through the lands owned by the two biggest landowners, Mr. Groover and the Basket Corporation.

For one final illustration of the real interests of the Landowners Conservation and Protective Association, please take note that the attorney who represented the Association at your Committee's field hearing in Miami on November 30th was the able former Governor of Florida, Fuller Warren. Governor Warren's deep interest in justice for workingmen and small landowners is well known and well proclaimed in Florida, by the Governor himself. However, it should be noted that Governor Warren is also the President of another organization, the Florida Land Association. The Florida Land Association represents approximately 150 corporations that sell Florida real estate, including most of the high pressure telephone sales outfits that specialize in convincing people to buy, site unseen, underwater property in the Big Cypress and elsewhere in Florida. The founder and general counsel of the Association represents four corporations that own about 7 thousand acres of Big Cypress land near the jetport site. According to an investigative report from the St. Petersburg Times, nine of the 13 telephone-sales land promotion firms operating out of Miami are members of the Florida Land Association.

Mr. Chairman, I hope that this information about the real interests of the speculators and pitchmen who are pretending to be looking out for the little people will help dispel the confusion that these real estate firms have been working so hard to create. For the past several months, the would-be developers have been running up and down the Tamiami Trail and the Loop Road, telling the small businessmen that their restaurants and gas stations will be taken by the government and turned over to the Indians, telling the Indians that they will be deprived of their traditional uses of the Big Cypress, telling the legitimate homeowners that they will be forced out of their homes, telling the hunters, too, that they will eventually be run out of the area.

I do have some worries about what could happen if an indifferent bureaucracy were to assume responsibility for acquisition and management of the Big Cypress. We should join Senator Lawton Chiles in recommending the strongest possible language, in the legislation and in management regulations adopted by the Secretary of the Interior, to protect the rights of those families who really do live and work in Big Cypress, the Indians, and the sportsmen. We believe the Indian tribes should be given the first opportunities to accommodate visitors to the Big Cypress. We would rather see Eddie Hawkins continue to run his restaurant at Pinecrest, and Sullivan's little barbeque place keep serving the hunters and nature lovers who travel the Loop Road, than have places like that taken over by some concessionaires with their headquarters out of state and their spirits even further removed from the Big Cypress. I think the sportsmen, who have worked so hard to try and protect the Big Cypress and all the 'glades, should be allowed to keep their camps and cabins, so long as the privilege isn't abused by some of those real estate promoters posing as hunters. More than anything else, I think all of us who know and love Everglades National Park and the Big Cypress should work together, to preserve each of them so that both of them can continue to survive. I would respectfully urge your Committee to do everything possible to report out a bill authorizing federal acquisition of the Big Cypress watershed. Thank you.

Senator BIBLE. Our next witness on the panel is Mr. LaRoe, executive director of the Collier County Conservancy.
Mr. LaRoe?

**STATEMENT OF TED LaROE, COLLIER COUNTY
CONSERVANCY, FLA.**

Mr. LaROE. Thank you, Senator Bible.

My name is Edward T. LaRoe and I am executive director of the Collier County Conservancy. I appreciate the opportunity of presenting to you my thoughts on the proposed legislation to acquire portions of the Big Cypress Swamp as a national reserve. I have been with the conservancy for 8 years and have been concerned with the Big Cypress.

If it would be permissible, I, too, would like to have my entire statement entered in the record, and for the sake of brevity, would skip the next couple of paragraphs.

Senator BIBLE. All right, without objection, your full statement will be incorporated in the record.

Mr. LaROE. I will just briefly summarize, essentially, these paragraphs to say we fully support the conclusion of the Department of the Interior, and we feel the Big Cypress area is very rich in resources and benefits to man, and needs to be protected through acquisition.

I would also like to add that in addition to representing the Collier County Conservancy, I am representing the Collier County Audubon Society, and the Big Cypress Chapter of the Izaak Walton League.

As a professional biologist, I would like to offer one comment on the proposed acquisition. For many years, we in south Florida have been responding to a series of crises, such as the water problems in Everglades National Park, pollution of our bays, over-drainage, and the decrease in the productivity of our estuaries. We have been responding to these crises as a series of isolated events.

But the truth is that these are all parts of one system—one ecosystem, if you will—and all are interrelated.

This ecosystem includes the Everglades, the Big Cypress Swamp, Everglades National Park, the 10,000 islands, and our bays, estuaries, and coastal waters in southwest Florida.

An alteration in one part of the system will produce direct, visible changes in that part, but will also cause more subtle, less directly visible changes in the other parts of the system. The damage may not become apparent until after several years or decades. The parts cannot be separated from each other, as all are necessary for the continued functioning of the whole. We must begin to treat the entirety as parts of the same system. Federal purchase of the Big Cypress is a step in this direction.

Two serious criticisms have been raised against the proposed acquisition, and I would like to discuss these.

The first criticism is that the acquisition would remove substantial revenue from the county tax rolls. Original estimates by Collier County officials indicated a loss of up to \$1 million for the Col-

lier County share alone. However, an actual analysis of the county tax records—I have gone through the county tax rolls—shows that, depending on the final boundaries of the area, the 1972 tax revenues for the Collier County portion of the acquisition are between \$510,000 and \$576,000 for Senate bill 3139.

I would like to point out, moreover, that the revenues lost would be at least partially offset by the reduction in services the county now provides. Taxes collected are theoretically for services provided, and if the Federal Government purchased the area, and most of the residents moved out, the county would no longer provide those services.

At present, the county spends a minimum of \$400,000 on these services, such as the sheriff's patrol, canal maintenance, school facilities, et cetera.

An itemization of major budget expenditures for the area is provided below. Admittedly that these figures are somewhat arbitrary, as it is difficult to exactly apportion some costs to that region. However, I believe they represent a minimum figure for county expenditures in the proposed acquisition area.

I can discuss those, if you want, later.

Senator BIBLE. No, I think I have them here. I can read the components that make up your figures and they will be a part of the record.

Mr. LAROE. All right.

Loss of the Big Cypress Swamp would thus mean a net loss of possibly \$100,000, which is less than 1 percent of the county budget.

By way of contrast, development of the area would be a tax burden on the county. Recent studies have clearly shown that in a growing community the expenditures for expanding public services generally exceed the revenue collected from taxes.

Some comments were made yesterday to indicate that the Big Cypress cannot be expected to be a revenue producing source. I feel there is a major difference between these two areas. Everglades National Park is at the tip of a dead end road. Big Cypress Swamp is bisected by a busy highway, U.S. 41, and I feel this would lead to development of recreation and tourist oriented facilities, and these would serve as a strong economic bolster to the local community.

I feel this would be especially valid if U.S. 41 were made into a national scenic parkway, as suggested in the original report.

Finally, one should not ignore that Big Cypress area today is already a major economic resource, the mango fringe along the border is a spawning ground for game fish, including species of snook, carp, red fish, mullett, shrimp, and blue crabs.

If the land is developed—that is, if it is not purchased—it will have to be drained. Ten years ago, a county-sanctioned engineering report indicated the drainage would have to be on a massive scale. Such drainage would drastically alter the salt water balance and reduce the productivity of the area, thus damaging the economic benefits.

The second criticism implies that the proposed Federal purchase of a portion of the Big Cypress Swamp would result in a large loss of agricultural lands. This criticism fails to distinguish between

County and parts of other counties as well, and that limited portion of the Big Cypress Swamp which would be purchased.

Agriculture and grazing do occur in some portions of the total watershed, but very little occurs in the suggested acquisition area.

Several years ago, there was some truck farming in the southern portion of the proposed purchase area, but salt water encroachment, caused by salt water seepage up the few existing canals, has today made it impossible to grow crops on most of this land. Other reports have shown that unlike many portions of the county, the swamp area would never be suitable for large scale agriculture. One reason is that the soils are too thin.

Most of the swamp is underlain by a shallow layer of limerock. In most areas, only a few inches of soil—about 2 to 5 inches on the average—overlies the hardrock substrate.

Another reason why the area will not be a major agricultural producer is that the predominant land ownership pattern is in small holdings—tracts of $1\frac{1}{4}$ to 5 acres—which is not conducive to modern agricultural techniques.

Finally, there are almost 26,000 individual ownership parcels in the acquisition area. Many of these owners live out of State, and some live out of the country. Fewer than 300 families—1,000 persons—live in the area. In the majority of cases, the land was clearly purchased for speculative purposes.

In conclusion, I would like to say that too frequently we have viewed land as a resource the sole value of which lies in its potential for development. I am encouraged to see the recognition that land has other values—such as recreation and fresh water supply—and that we can plan for the long-term, continued human benefit rather than the short term gain.

Thank you.

Senator BIBLE. Thank you, Mr. LaRoe.

(The complete statement of Mr. LaRoe follows:)

STATEMENT TO THE SENATE COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS, SUBCOMMITTEE ON PARKS AND
RECREATION, Senator Alan Bible, Chairman

On the Proposed Federal Acquisition of the Big Cypress Swamp

Edward T. LaRoe, Ph.D.
Executive Director
Collier County Conservancy
April 21, 1972

My name is Edward T. LaRoe and I am Executive Director of the Collier County Conservancy. I appreciate the opportunity of presenting to you my thoughts on the proposed legislation to acquire portions of the Big Cypress Swamp as a National Reserve.

I would like to provide the point of view of many residents of Naples and Collier County. In addition to my capacity as Director of the Conservancy, I have been authorized to speak on behalf of the Collier County Audubon Society and the Big Cypress Chapter of the Izaak Walton League. I have also been contacted by sportsmen, hunters, conservationists, and just plain concerned citizens, and we all offer our enthusiastic support to the proposal to acquire and protect portions of the Big Cypress Watershed.

The proposal to purchase this land is the result of an intensive study by a high level team of diverse expertise. Seldom has such a concerted effort been made to measure the total importance of a natural resource. The decision to

recommend purchase of the area was the result of well researched and well documented facts.

The Big Cypress is a rich area which naturally provides many benefits. Purchase of the Big Cypress will provide for the continued rational use of these resources, while protecting them from waste. The most important of these resources is fresh water - water necessary for the continued productivity of the 10,000 Islands and the Everglades National Park, and just as important, water which will be necessary for the continued growth of Collier County and its expanding population.

Other important benefits of the Big Cypress include its uses as a hunting, camping, and recreational area, its value to the Miccosukee Indians, and its importance in protecting many endangered species of plants and wildlife. Only through acquisition and protection will these benefits continue.

As a professional biologist, I would like to offer one comment on the proposed acquisition. For many years we in South Florida have been responding to a series of crises, such as the water problems in Everglades National Park, pollution of our bays, overdrainage, and the decrease in the productivity of our estuaries. We have been responding to these crises as a series of isolated events. But the truth is that these are all parts of one system - one ecosystem if you will - and all are interrelated.

This ecosystem includes the Everglades, the Big Cypress Swamp, Everglades National Park, the 10,000 Islands, and our bays, estuaries, and coastal waters in Southwest Florida. An alteration in one part of the system will produce direct, visible changes in that part, but will also cause more subtle, less directly visible changes in the other parts of the system. The parts can not be separated from each other, as all are necessary for the continued functioning of the whole. We must begin to treat the entirety as parts of the same system. Federal purchase of the Big Cypress is a step in this direction.

Two serious criticisms have been raised against the proposed acquisition, and I would like to discuss these. The first criticism is that the acquisition would remove substantial revenue from the County tax rolls. Original estimates by Collier County officials indicated a loss of up to \$1,000,000 for the Collier County share alone. However, an actual analysis of the County tax records shows that, depending on the final boundaries of the area, the 1972 tax revenues for the Collier County portion of the acquisition are between \$510,000 and \$576,000.

I would like to point out, moreover, that the revenues lost would be at least partially offset by the reduction in services the County now provides. Taxes collected are theoretically for services provided, and if the Federal Government purchased the area, the County would no longer provide those services.

At present the County spends a minimum of \$400,000 on these services, such as the Sheriff's patrol, canal maintenance, school facilities, etc. An itemization of major budget expenditures for the area is provided below. Admittedly these figures are somewhat arbitrary, as it is difficult to exactly apportion some costs for that area. However, I believe they represent a minimum figure for County expenditures in the proposed acquisition area.

<u>Department or Budget Item</u>	<u>Budget Figure (1971-1972)</u>	<u>Proportion Based on</u>	<u>Cost or Use of Funds Allotted Proposed Acquisition Area</u>
Education	\$1016/Student (County average)	Actual number students in area (=158)	\$160,528
Sheriff	\$1,107,590	Population & area combined	150,000
Health Unit	160,000	Population	4,000
Building & Zoning	104,021	Population & Area	4,000
Engineering	87,369	Population & Area	11,000
County Manager	29,458	Population & Area	4,000
State Fire Protection	\$0.03/acre	Acreage	9,600
USGS Water Studies	19,000	Area	4,900
Tax Assessor	220,000	Percentage of total tax parcels	53,280
Tax Collector	257,000	Percentage of total tax parcels	57,568
			<u>\$458,876</u>

Loss of the Big Cypress Swamp would thus mean a net loss of possibly \$100,000, which is less than 1% of the County budget.

By way of contrast, development of the area would be a tax burden on the County. Recent studies have repeatedly shown

that in a growing community the expenditures for expanding public services generally exceed the revenue collected from taxes.

I would also like to point out that the establishment of a major recreation facility along a well travelled highway (US 41) would lead to the development of recreation and tourist oriented facilities, which would serve as a strong economic bolster to the local community.

The second criticism implies that the proposed Federal purchase of a portion of the Big Cypress Swamp would result in a large loss of agricultural lands. This criticism fails to distinguish between the Big Cypress Watershed, which includes almost all of Collier County and parts of other counties as well, and that limited portion of the Big Cypress Swamp which would be purchased. Agriculture and grazing do occur in some portions of the total Watershed, but very little occurs in the suggested acquisition area. Several years ago there was some truck farming in the southern portion of the proposed purchase area, but salt water encroachment, caused by salt water seepage up the few existing canals, has today made it impossible to grow crops on most of this land.

Other reports have shown that unlike many portions of the County, the Swamp area would never be suitable for large-scale agriculture. One reason is that the soils are too thin. Most of the Swamp is underlain by a shallow layer of limerock. In most areas, only a few inches of soil (about 2 to 5 inches on the average) overlies the hard rock substrate. Another

reason why the area will not be a major agricultural producer is that the predominant land ownership pattern is in small holdings (tracts of 1-1/4 to 5 acres), which is not conducive to modern agricultural techniques.

Finally, there are almost 26,000 individual ownership parcels in the acquisition area. Many of these owners live out of State, and some live out of the County. Fewer than 300 families - 1,000 persons - live in the area. In the majority of cases, the land was clearly purchased for speculative purposes.

In conclusion, I would like to say that too frequently we have viewed land as a resource the sole value of which lies in its potential for development. I am encouraged to see the recognition that land has other values - such as recreation and fresh water supply - and that we can plan for the long-term, continued human benefit rather than the short-term gain.

Thank you.

Senator BIBLE. Our next witness is Mr. Hal Scott.

**STATEMENT OF HAL SCOTT, EXECUTIVE DIRECTOR,
FLORIDA AUDUBON SOCIETY**

Mr. SCOTT. Thank you, Mr. Chairman.

I am Hal Scott, executive director of the Florida Audubon Society.

As one who has had the good fortune to live in Florida for the last 15 years, I am grateful to you gentlemen for the opportunity to discuss with you a complex matter of great importance, not only to Floridians, but to all men who recognize the need to utilize our natural resources wisely—to all men who recognize the need to care tenderly for those things unique, beautiful, and productive which we hold in trust for future generations.

We who are privileged to testify before you today in favor of acquisition of the Big Cypress watershed area are, in reality, urging you to recognize that control of that area will do much to protect and preserve the uniqueness, the beauty, and the productivity that make south Florida a place of importance to us all.

The Big Cypress watershed is the vital underpinning of an ecosystem which provides critically important esthetic and economic benefits to the south Florida gulf coast. It provides approximately 56 percent of all outside water to the Everglades National Park and it serves as a source of fresh water and nutrient to the estuaries of the park and the 10,000 islands.

In an area already experiencing explosive growth, in a State in which the existing parks and forests are being subjected to ever-increasing pressures, the Big Cypress watershed offers important recreational opportunities. Here one can find a wilderness landscape whose flora and fauna are beautiful and unique. The area's mild climate provides recreational opportunities almost impossible to find elsewhere.

The Leopold report prepared for the U.S. Department of the Interior in September 1961, indicates that nearly every wildlife species native to semitropical Florida can be found in the swamp, including 17 classified as rare or endangered by the U.S. Fish and Wildlife Service.

Evidence previously submitted to the subcommittee has made clear the economic importance of the estuaries of southwest Florida. For example, the Florida Bureau of Marine Science and Technology reported that dockside values of one species, the pink shrimp, ranged between \$6 million and 8.5 million during each of the last 5 years for which such information is available.

Robert M. Ingle, chief of the bureau, testified that: "Any activity in the Big Cypress that would diminish the flow of fresh water or alter its quality deleteriously would certainly affect the productivity of the area adversely." His judgment is echoed by every scientific report prepared for the Department of the Interior and by the scientific testimony presented at earlier subcommittee hearings.

The abundance of scientific and economic information available about the Big Cypress coupled with the obvious aesthetic value of the area has led the board of directors of the Florida Audubon Society to conclude that:

First, the Big Cypress watershed is of great important to south Florida. The hydrologic and biologic data in our possession suggests that serious and possibly irreversible harm can easily be done to the watershed and the systems dependent upon it.

Second, since the systems dependent upon an undisturbed sheet flow of water from the Big Cypress include the Everglades National Park and the very productive estuaries of the park and the 10,000 islands, certain value judgments must be made.

For example, can we really afford to risk the destruction of the valuable natural resources of the Big Cypress? If the most optimistic estimates of those who would develop the area prove to be true, would the gain justify the loss—in dollars—of the harvest we would gather each year from our enormously productive estuaries? Would any profit be worth the loss of the Everglades National Park, an area unlike any other on this earth?

Third, the real question to which we must address ourselves is whether this generation has the moral right to develop this extraordinary area in search of short-term profits or whether we are morally obligated to protect and preserve it to enable many generations to reap from it continuing benefits of a far more substantial nature.

If, in the years ahead, we are to face our children and grandchildren secure in the knowledge that we have tried to act in their best interest, we must acquire the Big Cypress watershed. To do less in the light of the knowledge we possess about that unique area would be tantamount to a declaration that we care not that our inaction would deprive future generations—forever—of the economic and aesthetic benefits of that extraordinary place.

The Florida Audubon Society—Florida's oldest and largest conservation organization—urges you to act favorably on Senate bill S. 2465.

Thank you.

Senator BIBLE. Thank you very much, a fine statement, as all of yours have been.

Our next witness is John Jones, executive director of Florida Wildlife Federation.

**STATEMENT OF JOHN C. JONES, PRESIDENT, FLORIDA WILDLIFE
FEDERATION, WEST PALM BEACH, FLA.**

Mr. JONES. Senator, first, I would like to read my statement, if you will allow me. I would like to have a minute and a half afterwards to make some remarks about the statements made yesterday.

Senator BIBLE. All right, you may proceed.

Mr. JONES. Mr. Chairman, I am John C. Jones, executive director of the Florida Wildlife Federation. I reside in West Palm Beach, Fla.

The Florida Wildlife Federation is composed of member clubs and some 22,000 individual members. The federation has 31 affiliate groups in the Everglades area and many of these members use the Big Cypress Swamp for recreational purposes.

The Florida Wildlife Federation supports the concept expressed in S. 2465, "To establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes."

We were privileged to be invited to testify at the committee hearing in Miami on November 30, 1971. And, we welcome this opportunity to comment additionally here today. In the earlier hearing, we recommended that several amendments be written into the bill and I am here today to reemphasize our appeal that these amendments will be incorporated into the final version of any bill which the committee may see fit to report to the full Senate.

Mr. Chairman, many people use the Big Cypress area for recreational purposes. Only a small number actually reside in the swamp, but many use the area as vacation or weekend retreats. Some few landowners have constructed lodges or cabins. Others pitch tents and camp. Some fish or hunt or watch birds only during the daylight periods and do not stay overnight on their properties. And, those who use the area make up a fair representation cross section of the American public. Some are wealthy; some are working class folks. Some are recent arrivals in Florida; others are lifelong residents of the region or of other portions of the South.

All have one thing in common, they love this unique area and hope to maintain it as it is now. I cannot overemphasize the high regard with which our people hold the Big Cypress-Everglades area.

Now, we are hopeful that the committee will preserve the Big Cypress area in this legislation and, at the same time, provide for fair treatment of these persons. The Federal Government can achieve the basic purpose of preserving the Big Cypress area through acquisition, and yet allow the property owners to use the lands for compatible purposes or to pass this privilege along to their living heirs. This is contingent on the uses not being in conflict with the basic purposes for which this unit is established under the jurisdiction of the Secretary of the Interior.

We endorse the concept of a national recreation area, and want to see the traditional hunting, fishing, and camping uses be continued in the Big Cypress region. Vehicular uses must be allowed for, without them, none of the traditional uses are possible. In fact, we hope to see the use of vehicles guaranteed and written into the bill.

We feel very strongly that the Big Cypress area should be managed by the Florida Game and Fresh Water Fish Commission in an agreement with the Secretary of the Interior and within Federal guidelines. This procedure would save the Federal Government many expenses in the cost of operation.

Many landowners in Big Cypress are bitterly opposed to Federal acquisition. They feel that the Federal Government is not seeking to preserve the water, but is after the oil they believe lies beneath the swamp. Our organization suggests that, to still these rumors and allay the fears of the landowners, that the gas, oil, and mineral rights remain with the present owners. It is our opinion that much support for the proposal could be gained if the landowners are allowed to retain these gas, oil, and mineral rights. We urge that the committee consider writing this assurance into the bill.

Thousands of people now use this area for recreational and educational purposes. Let us not change that. We need the water and a place for recreation.

Thank you for the opportunity of making this statement.

Now, I would like to comment for just a moment. I was very pleased yesterday with Senator Chiles' statement. It is exactly

what the Florida Wildlife Federation would like to see in this bill. It couldn't be better.

I don't think there is anything we could have added to it.

Also, Governor Askew, I think, agreed basically with Senator Chiles and we certainly appreciate those two gentlemen's statements.

I mentioned State management by the Game and Fresh Water Fish Commission, I do not mean total management. The game commission now manages 4 million acres in Florida and they do this by the use of a management area stamp which cost—it will be raised this year to \$10 a year, which allows people to go into any of the management areas in Florida.

The game commission not only would like to have this responsibility, they are actually seeking it. All five members of the Game and Fresh Water Commission would run the game commission, they are autonomous from the legislature, they are members of the Wildlife Federation, I am very proud of, and so is the executive director of the Game and Fresh Water Commission. They would like very much to work with the Interior and Parks Department in managing the fish and wildlife in these areas. There was a statement made yesterday that the Everglades Sportsman Conservation Club, which is one of our affiliate clubs, did not support this bill.

We have 112 clubs in Florida that are affiliates with us, every one of them have endorsed this bill.

The Everglades Sportsman Conservation Club is the largest donor to our cause to save the Big Cypress. About 6 months ago they gave us \$1,000 and 2 weeks ago the president of that organization gave us an additional \$1,000, and the money is earmarked to support the Big Cypress acquisition.

So, I think that is a false statement that was made yesterday.

Now, I have—

Senator BIBLE. You said you wanted a minute and a half, so abide by your own rules.

Mr. JONES. Okay, I am going to finish up right now.

I brought Mr. Cal Stone with me, our regional vice president, the man sitting next to me. He lived in south Florida 41 years and spent 37 years in the Big Cypress.

He is a landowner and I would like to tell you, sir, he is an expert and a landowner.

Senator BIBLE. We are very happy to hear from Mr. Stone. Your statement is very short, I would suggest you read it.

STATEMENT OF CALVIN STONE, CHAIRMAN OF THE BIG CYPRESS COMMITTEE AND A REGIONAL VICE-PRESIDENT OF THE FLORIDA WILDLIFE FEDERATION

Mr. STONE. Mr. Chairman, I am Calvin Stone of 18145 Southwest 95th Court, Miami, Fla. I am chairman of the Big Cypress Committee and a regional vice president of the Florida Wildlife Federation.

We appreciate the invitation and opportunity to make these comments.

I am here today to state some facts regarding the proposed land acquisition bills proposed by several Senators pertaining to the Big

Cypress watershed in south Florida. I am sure, before this matter is resolved, you gentlemen will hear conflicting testimony.

Before you hear my statements, I feel you should know more of my background. I was born in Paris, Tex. on March 23, 1905, and educated in the Texas public schools. I married a Texas girl 41 years ago and brought her to Florida for our honeymoon. We have been there ever since.

We bought property and raised and educated two daughters in the Florida public schools and colleges. I am employed by the Florida Power and Light Company as quality assurance engineer, and am responsible for overseeing the construction of all our new power plants, both conventional and atomic, throughout the State.

I am a member of Masonic Lodge No. 100, F. & A. M. of the State of Florida. I am a 32nd degree Mason and a member of the Scottish Rite and presently serve as president of the South Dade Scottish Rite Club.

I am also a Shriner. I am a member of two south Florida conservation clubs. One club I helped form in 1950 and have served in every capacity in it during its 22 years of existence.

I am vice president of the Florida Wildlife Federation, region 4, and have been elected to this office by Florida conservationists for 10 consecutive years.

Florida has been good to me and I have prospered and lived a good life.

I am a property owner in the Big Cypress. My property is located almost in the center of the area in question. Since Senator Chiles and Senator Jackson's bill was introduced, there has been much mixed emotion among the landowners concerning government acquisition.

Originally, much of this land was sold in small pieces by speculators using fancy and colorful brochures which were often misleading. However, some of us knew exactly what we were buying.

We bought this land for the purpose of recreation, relaxation, and a retreat for weekends, vacations and holidays.

Many of us have plans for retiring in this area. These people are rugged, hardy, and independent and could never be satisfied spending their last years in some high density condominium playing shuffleboard and gin rummy and having the government furnish them free hot meals.

Recently, the value of this land has increased greatly and developers moved in building roads, and digging ditches and canals to drain the land. Like the rest of south Florida, the development potential is there.

I have been approached by developers on several occasions to join sides with them in opposing Federal acquisition of this land. I must admit the temptation of financial gain crossed my mind. However, my personal observations have convinced me it is too unique an area to destroy for the sake of a fast buck.

Being conservation-minded most of my adult life, I could not see allowing the only Everglades in the United States to be destroyed. But before I made up my mind to go all out to save it, I spent 1 year studying all ecology reports available on this area and reached the conclusion that if this land is allowed to be developed, millions of people on the east coast of Florida would suffer serious water short-

ages within a short time. Salt intrusion would overrun our fresh water wells on both coasts and our Everglades National Park would be destroyed within a few years.

Based on the above facts, the following action must be taken to save this fascinating and unique area—immediately impose a moratorium on all construction and development in this area.

Some people in our United States want to make it a national park or wilderness area and exclude all people from it. This approach would be unfair to all the people of the United States. I know this area can be used for multiple purposes, including hunting, fishing, and recreation as long as it is controlled and in accordance with the intent of the act. I also know that, with the exception of the developers, all people in this area who own land and camps would be happy to abide by reasonable criteria set forth by the Federal Government as long as the owners can keep the land for themselves and their heirs. These people are a definite asset to this area.

It is imperative that all citizens pull together to preserve the Big Cypress for the benefit of many and not for the selfish interest of a few.

In conclusion, I refer you to a word in the preamble of the U.S. Constitution, which I am sure you are familiar with—the word is posterity. We are all dutybound to uphold it if we are to survive.

Thank you again for the opportunity of appearing here today.

Senator BIBLE. Mr. Stone, that is an unusually fine statement, and I appreciate your views on this controversial problem. They are restrained views and you handle it very objectively.

Gentlemen, you have been an excellent panel. You have raised a number of questions and I am going to ask the staff to try to determine—this will be under the supervision of Jerry Verkler—he will probably assign Bernie Hartung and Tom Nelson to the actual digging out of the facts, but we seem to have a great deal of controversy here as to how much water the Big Cypress produces. We have figures all over the lot.

Now, somewhere, someplace, somehow, we ought to be able to get a better grasp on that particular problem by going to USGS and all of the regular water resources agencies and getting something a little more definite.

We have had so many different viewpoints here. I want them to develop that, and in addition, I want the staff to develop, as close as they can, what is the value of the Big Cypress to the shrimp industry, or the gulf fishing industry, how much does that produce in the way of dollars?

It has been said here that if this was to be highly developed the water wouldn't get out to the gulf, and the shrimp industry would go down. This is going to require some work, but it is a staff responsibility, and we have enough Federal Government agencies working in, not only your State, but in mine, we have too many of them, and we ought to be able to get some more definite information on these two problems.

There may be other problems there. I would like to have the benefit of the views of the USGS on the mineral potential under these lands, and we can ask them to dig that up and furnish them for the record.

There probably will be other questions as we suggested as we go along. This has been an interesting as well as a helpful contribution.

One of the big problems, of course, in the bill we have before us is the price tag, \$156 million, and that is a lot of money in anybody's league. But that is a part of our responsibility to measure against all of the benefits.

Thank you very much, gentlemen, for your appearance.

Our next witness is Mr. Pat Murphy, representing the board of governors of the Miami Chamber of Commerce.

Mr. Murphy?

STATEMENT OF PAT MURPHY, REPRESENTATIVE, BOARD OF GOVERNORS, MIAMI CHAMBER OF COMMERCE

Mr. MURPHY. Thank you, Mr. Chairman.

My name is Pat Murphy. I am the editor and publisher of the Coral Gables Times-Guide in Coral Gables, Fla. We are most grateful for this opportunity to tell you why we are in favor of Federal acquisition of the Big Cypress Swamp.

In order to provide you with a little background of the Greater Miami Chamber of Commerce's interest in the Big Cypress, let me emphasize that the chamber is far from being a johnny-come-lately with regard to the Big Cypress. More than 1 year ago the chamber endorsed the concept of protecting the Big Cypress Swamp through Federal acquisition. Letters were written in March of 1971 to Senator Chiles and Representatives Fascell, Rogers and Haley, saying, in part: "The Greater Miami Chamber of Commerce wholeheartedly endorses the proposed acquisition."

Mr. Chairman, that stand is the same today. The chamber is vitally concerned with the quality as well as the quantity of life throughout south Florida. But, perhaps more importantly, at least as far as our members are concerned, the chamber wants to insure that the economy of south Florida remains strong and viable.

You have already heard testimony from conservation and environmental interests regarding the need to preserve the Big Cypress in order that the ecological balance of this area of south Florida can be protected. We fully agree with the proceeding testimony that immediate steps must be taken to insure the preservation of endangered species of flora, fauna and wildlife. As you no doubt know, it is impossible to place a dollar value on the loss of these species. Once they become extinct, there is no way to replace them.

Acquisition of the Big Cypress would also protect the fresh water resources in the Big Cypress Watershed and thereby protect the water quality, quantity and flow to the northwest portion of Everglades National Park and the future water supplies of the cities and towns of southwest Florida.

While we in Dade County would not be seriously affected by reduced water resources in the Big Cypress, we are concerned about our fellow Floridians and their well being who live on the lower gulf coast.

Dade Countians know only too well and from recent past experience the immense nature of the water shortage problem. Last year, many cities on the east coast had to ration water usage because of drought conditions. Simple chores such as taking baths, washing dishes, and brushing one's teeth had to be restricted because of the water shortage. We don't want the people who live in southwest Florida to face a future without adequate water supply.

The fact of the matter, gentlemen, is that water is life. We can't live without it and there is no way to estimate in dollars and cents the value that can be placed on an adequate supply of fresh water.

Therefore, we think the estimated \$156 million which would be needed to acquire the Cypress is minuscule when compared to the costs of providing alternate sources of fresh water such as desalination, pipelines and transporting water by rail or by ship.

Senator Henry Bellmon, the distinguished committee member from Oklahoma, can tell you from firsthand knowledge and from the experience of his neighbors to the west, of the economic and psychological effects that a water shortage has on the inhabitants of any community.

However, Mr. Chairman, I am not here today to detail the ecological or environmental aspect of the proposed Big Cypress acquisition. I am here to talk about the positive economic benefits that this acquisition would hold in store for all of south Florida.

Mr. Chairman, do you realize that 23 million visitors come to Florida every year? Approximately 11 million of them come to the east coast. The reason they come to us is for rest, relaxation and a chance to get away from the humdrum of their everyday lives.

Our economy depends on these visitors and the ability to have them come back time and time again. In order to do that, we must be able to give them what they want.

Today, the trend is toward getting back to nature. Camping is the form of recreational activity which has taken the country by storm. Florida is certainly the perfect place for families to bring their campers and enjoy the wonders of nature. The Big Cypress would be an ideal place for such activity.

We only need to look at the number of visitors to the Everglades National Park for the past 5 years to realize that the interest in the outdoors is rapidly becoming one of the major pursuits of all Americans.

For instance, in 1967, 1,098,184 people visited the Everglades National Park; in 1968, it was 1,251,453; 1969 visitors totaled 1,187,235; 1970 had a total of 1,273,466; and in 1971 there were 1,293,484 people visiting the park.

That last figure approaches 10 percent of all the people who came to the lower east coast of Florida last year. How can we deny that many people the opportunity to commune with nature? Obviously, we can't. That is why it is so important that the Big Cypress be preserved as a public reserve.

However, the campers are only one portion of the visitors that would make use of such an environmental wonderland. There are also the hunters, the fishermen and the boating interests.

Do you realize that 849,145 fishing licenses were sold in Florida last year? Bear in mind that saltwater fishing doesn't require a license.

There were also 208,096 boats registered in the State for other than commercial use. And there were 255,802 hunting licenses issued, also.

All these activities, aside from providing enjoyment for the visitor and local resident, also provided for the economic health of our area and State. The acquisition of the Big Cypress would enhance the economy through the development of support services for the boaters,

hunters, fishermen, and campers, as well as providing State and local governments with additional fees from licenses.

Let's not overlook the benefits that would accrue to the local residents from the acquisition of the Big Cypress. There are 2.4 million people in the megalopolis stretching from Fort Pierce in the north to the Florida Keys in the south. They need some place to relax and enjoy the blessings of our environment also. The Big Cypress is so situated that it is easily accessible to any local resident in south Florida. Mr. Chairman, these people also buy hunting, fishing, boating and camping equipment and licenses. They would contribute their share to the economy as well.

The acquisition would also go a long way toward protecting the commercial fishing industry in the 10,000 islands area within the Big Cypress and other areas of southwest Florida. By protecting the ecology and preserving the spawning and nursery grounds of fish, we can help to keep an industry which is valued at \$100 million annually on an even footing economically. Senator Jackson can bear out this statement since it was made at his hearing on the Big Cypress in Miami on November 30, 1971.

We think it also pertinent to mention that the history of drainage in south Florida has shown that the huge shortrun economic returns derived from public works projects for drainage and flood controls are offset by longer ranged losses. I bring this up at this point because it is necessary to discuss the economics of development along with the economics of recreational attractions.

Drainage enabled a rich farming economy to develop in south Florida, but it also resulted in its demise. Drainage dries the soil and with tilling causes its oxidation, subjects it to fire and wind removal, and permits its compaction and subsidence.

The resulting soil loss rate, averaging $1\frac{1}{4}$ inches per year, is so great that crop farming at some places is estimated to end by the year 2000. These figures can be verified by the U.S. Department of Agriculture and the U.S. Department of the Interior. There are other gains which may not commonly be considered. Halting of drainage stops land speculation, subdivisions, development of communities, agriculture, and other efforts before any of these have really begun.

Although acquisition of the Big Cypress blocks development within the reserve, it has no foreseeable inhibiting influences on development outside the reserve. In fact, acquisition would most likely enhance development outside the reserve. Land values are likely to increase outside the reserve due to the lessened supply of land, and while the construction potentials within the reserve will have been reduced, the economic values associated with such construction would be more than matched by increasing development values outside it.

Acquisition will assure the continuation of present development patterns along the lower gulf coast and enhance land values. Areas between the reserve and the coast are also enhanced by the presence of the reserve just as the presence of a park has a salutary effect on the surrounding area. While the area immediately west of the reserve is already undergoing development, sales are understood

to be lagging. The presence of the reserve may stimulate interest in the development.

Development along the coast similar to that of Marco Island should also benefit from the acquisition by being assured an available water source, and could benefit immediately from the enhancement resulting from the reduction in available lands of lower value to the east. Because much of the land was bought when prices were low, the owners may also realize profits on their investments on lands which the government will buy.

Therefore, Mr. Chairman, acquisition of the Big Cypress area would enhance the values of new developments along the coast and result in considerable savings in public cost of drainage, flood control and other subsidies.

In summary, the economic benefits from the acquisition of the Big Cypress are:

1. Protection of a water supply for portions of southwest Florida.
2. Protection of the sport fishing industry in the 10,000 Islands area.
3. Protection of the commercial fishing industry in the 10,000 Islands area and other areas of southwest Florida.
4. Protection of a number of rare and endangered species of mammals, birds and reptiles.
5. Maintenance of viable populations of native animals, reptiles, and resident birds.
6. Enhancement of the tourism industry through additional visitors to the area. It is estimated that there will be 100,000 hunters, trappers, hikers, and campers who will visit the remote areas of the reserve annually.
7. In addition to the above figures, visitation to the proposed Big Cypress Reserve has been estimated as follows: 900,000 people the first year; 990,000 people the second year; 1,089,000 people the third year; 1,197,000 people the fourth year; and 1,320,000 people the fifth year.
8. Enhancement of the values of new developments outside the area.
9. Expenditure of about \$156 million to acquire the area and the expenditure of additional moneys for the development of some visitor facilities in the area for the operation and maintenance of the area.

In closing, I would like to say that the commitment of the Greater Miami Chamber of Commerce to the acquisition of the Big Cypress predates any legislative proposal. We are, therefore, delighted that Senate bills 2465 and 3139 have been introduced for this purpose.

Mr. Chairman, Florida, as I have stated previously, is principally a recreation and resort State. Don't allow the Big Cypress to slip through our fingers and become a morass of concrete and unlimited development when we can take this opportunity to preserve and protect this area for all future generations to enjoy.

Senator BIBLE. Thank you very much for your presentation, Mr. Murphy.

Our next witness is headed up by Mr. James Pace, and this is a panel, as I understand it, that are appearing together.

There was Mr. Pace, Mr. Brownell, Mr. Weller, and Mr. Poppenhager.

Do I call all the names correctly?

Mr. PACE. Very fine, sir, except it is Poppenhager.

Senator BIBLE. Poppenhager, all right.

I called a fourth man. Is there a fourth man that isn't here?

Mr. PACE. Mr. Poppenhager was supposed to be here. He was getting his speech duplicated, I believe.

Senator BIBLE. Very well. If he doesn't come while the panel is going, we will still hear him.

I will turn it over to you, Mr. Pace, and let you proceed. Which is Mr. Brownell and Mr. Weller?

Mr. BROWNELL. I am Brownell.

Mr. WELLER. I am Mr. Weller.

Senator BIBLE. All right, Mr. Pace, you may proceed.

STATEMENT OF JAMES G. PACE, LANDOWNERS CONSERVATION AND PROTECTIVE ASSOCIATION; ACCOMPANIED BY E. R. BROWNELL, ENGINEER; AND FRED WELLER

Mr. PACE. Thank you, sir.

I don't propose to read the statement. I will use it as a guide to follow through, but I would like for you, sir, to open the back of the statement, and we have on there a map.

Senator BIBLE. Before I do that, without objection your full statement will be incorporated in full in the record.

All right, I am turning the back page and opening the map, so I am following you.

Mr. PACE. I have three things here that I don't believe have been brought to your attention before. In other words, a map of the area showing the entire layout as it is, and showing the locations in the various towns and the conservation areas.

Now, next to that page there is a contour map showing the contour of the land. Now, I would like to—when we reduced this contour, to get into the pamphlet form, we lost a little bit of the efficacy, so I would like to hand you, if I may, a couple of larger ones that you may follow the presentation.

Senator BIBLE. All right, just come up and hand them to me.

Mr. PACE. Yes.

Senator BIBLE. Because it is reduced a little, and it is a little hard to follow.

Mr. PACE. That is right.

I am James G. Pace, president of the Landowners Conservation and Protective Association. I am a practicing attorney, I have been licensed in Florida since 1936 and in Kentucky in 1935. I am a realtor, I have been in the real estate business and an appraiser since 1952.

I have been flying a little airplane since 1937, and I have made, I would say, substantially 500 hours of inspection of the entire Everglades area, because that is the only way you can really get a good picture of it.

I have checked out the water flow and where the high spots are

and where the low spots are, and last year I made an intensive study of the fires that were out there.

I would like to point out to you, before we go from that subject, of the thousands and thousands of acres that burned last year. It burned off the vegetation, it killed the wildlife and burned down into the soil. This was a very bad drought.

There was one place that there were very few fires that I could see, and that was in your improved pasture areas. Those areas did not burn substantially, and that is where you will find your wildlife today.

The deer are out with the cows in the pasture and the turkeys and most of your other small animals. This fire really put the coal to the wildlife in the Big Cypress area.

Now, what we would like to suggest to you is an alternate plan to this thing. There is a lot of testimony pro and con to this thing and we believe you can do this entire thing, accomplish what you propose to do, without taking 547,000 acres.

I say to you, sir, that you don't need 547,000 acres to protect 17 species, whatever they are, especially when you have 1,460,000 acres in the Everglades National Park and if you look at the conservation area on the map, that I presented to you, that, sir, was the river of grass that we have heard so much about, and there are 868,000 acres in that area.

That is a water storage area and it does a pretty fair job for what it is supposed to do. That is also a wildlife area.

Any of your wildlife that needs to feed on fish, that need to be wading birds and so forth, there is generally always some water in that area for them to use.

Right above that is Lake Okeechobee, which varies in size from 450,000 acres to to 500,000 acres.

Now, if we put this thing together, you have more area there than you have in the State of Rhode Island, half of Connecticut and New Hampshire.

So, we say to you, it is not necessary for this Government to spend what is proposed in the bill of \$157 million to purchase this much land to do the job.

In the first place, you will not be able to purchase the land for \$157 million. The jetport area is some of the worst area—if you will notice the circle. The jetport area is some of the worst area in the Glades out there, and that has been through the condemnation proceeding and the price, give or take, for that stuff is \$300 an acre.

Now, you take 547,000 acres at \$300 per acre, you run into \$164 million right there. This does not include any road frontage; the road frontage out there is selling all the way from \$30 to over \$100 a foot.

Senator BIBLE. A front foot, is that how you measure it?

Mr. PACE. Yes, that is a front foot.

Senator BIBLE. How deep does that go?

Mr. PACE. That would go back 300 feet.

Senator BIBLE. All right.

Mr. PACE. This does not include the improvements on the various parcels of land, this does not include the business loss of people that are in business; it does not include your attorneys' fees, your

surveyors, your engineers and all of your other expenses that go into acquiring this property.

When you get through with that thing, it is going to knock the lid off of \$300 million, and it still won't be enough.

Now, what we propose to do is, in an area that I can show you right here, sir, on the big map, it is right at this point.

Senator BIBLE. You are a lawyer; define that so the reporter can put a location on it.

Mr. PACE. Yes, sir, I will do it.

More specifically described as being on the south side of Tamiami Trail, beginning at the Dade County line and Monroe County line, which is a couple of miles beyond Forty Mile Bend.

That area will extend eastward approximately 10 miles and then southward 20 miles, in which area we would build dikes around this thing the same as we have other dikes in there at the present time.

Senator BIBLE. Let me interrupt.

Mr. PACE. Go ahead.

Senator BIBLE. The area you are describing, it is in the green? Is that within the Everglades at the present time?

Mr. PACE. Yes, sir.

Senator BIBLE. But you are proposing here to do this work within the Everglades itself?

Mr. PACE. That is right. We already own it. All you have to do is dike it around to hold the water, then we suggest that you put parallel dikes, parallel with the highway, about every 4 miles, and in those dikes we will put floodgates that will let the water run from one into the other in order that you may always have a head of water and when it gets low, you close one of the sections in order to keep that head of water there at all times, which will keep the ground charged and they can open the gate and allow this water to run out across to the southwest, and into the park, and to the area which they claim is the shrimp breeding ground in this area.

Now, we have heard some testimony to the effect that you should let the droughts go on and let the fishing be killed and that is nature's way. But that doesn't make very good sense to us.

If you are going to protect the wildlife, then let's protect them. If they need water, give them water if you have it.

Last year it was terrible. There were miles and miles that there wasn't one teaspoon of water for even the lowest animal to drink anywhere out there. This all burnt.

This area in through here, all in this area here, burnt.

Senator BIBLE. What is the acreage that was burned over? I remember reading and seeing—I haven't visited the area since the fire, but how many acres were destroyed, approximately, by that fire?

Mr. PACE. We have never gotten a real good count. My estimation is about 400,000 acres.

Senator BIBLE. We can verify that, and the staff can do it. It is a very proper question.

Was it the Forest Service that did most of the fire fighting, or Dade County or Collier County, or was it a combination of all of them?

Mr. PACE. It was a combination of all of them, sir, with the exception that—Collier County did a lot, Monroe County did very little. Monroe County does not have any fire fighting facilities up there. Neither does Monroe County have any police service in the area of Monroe County.

There is approximately 180,000 acres in this area, including the 10,000 islands.

Senator BIBLE. I am just trying to get a rough idea of the burned over area, and we will ask the staff to check with the various agencies charged with the responsibility for fire fighting, because I am sure they will have some pretty accurate figures of the fire.

Mr. PACE. Now, I would like for you to look with me for a moment at the contour map.

Senator BIBLE. Is that the one you just handed me?

Mr. PACE. Yes, sir.

This contour map, by the way, is prepared by the U.S. Department of Agriculture and I have roughly drawn in across the top up there—you may adjust yourself with the Tamiami Trail, and then on the north side as the Alligator Alley, which also shows on this map over here.

Senator BIBLE. Yes, I see it.

Mr. PACE. Those contour lines that you see there give you the elevation of the various sections.

Whenever you see a contour line that is real close together, that means that your elevation is changing rapidly, and that the flow of the water is going to be—not out in the broad outlines that it looks like the water might flow, but the water is going to flow between the lines that are nearest together.

So, you will see that on that area, that up around Alligator Alley, which is State Road 84, that those lines are pretty close together there, and that the flow will be to the south and west and mostly to the west.

Therefore, your water that is coming down through that area is dissipating out into the Gulf a long time before it ever gets over to the green area of the Everglades National Park.

Senator BIBLE. I understand you.

Mr. PACE. Now, in order to keep that water from getting out through, you are going to have to build a dike to hold it. That is the reason that this area right at this point is bone dry. You can walk back there, drive an automobile back there, and the people that are living back there are doing that very thing at this very time.

The land in this area back in here is some of the best farmland that there is in the State.

Now, most of the area that has been farmed extensively in this area is in the southern part. It is down in the Gum Slough area.

Back in the 1930's that area was cultivated with tomatoes and there was a packing plant down in there. They discontinued it because of the high water areas and lack of water control.

Now, in this farming area, if you are taking this much off the market, and I say to you that there is not more than a tenth of this land that is really swampy, at which water will stand during the year.

Now, as I say, I have watched the flow of this water over a period of more than 25 years. Now, I would refer you back once more to the contour chart, and you will see that the Department of Agriculture of the United States has drawn in there the dividing line coming down right about the Forty Mile Bend and going northward, almost to Lake Okeechobee.

Now, this hits the Tamiami Trail right at the Forty Mile Bend, it comes over and makes a valley right down into the park.

Now, it is in that valley that there was water standing today, and it is in that valley that we would like to put in this water conservation area to store the water.

Senator BIBLE. I understand the point you are making.

Mr. PACE. Instead of the water being discharged out to the sea, to the Lake Okeechobee area, and to the west, we would like to have it channeled in here. You can do it by gravity and you can do it by pumps.

Senator BIBLE. That is your alternate plan, I take it?

Mr. PACE. Yes, sir.

Now, there is one other thing that I say to you. If you feel you need some more parkland, then stop it south of the trail, stop it a mile south of the trail. Even though this takes in the Gum Slough land which has been farmed.

Now, back to the Gum Slough situation in which there is a little misinformation. There was an application made in 1969 or 1970 to form a drainage district. Now, a drainage district in the State of Florida today is an arm of the State. In other words, it is about on the same plane as if you formed a municipality. It governs itself, it builds its own facilities, issues its own bonds and so on.

There was an application made for that and that application was denied on the basis that there was not a sufficient written number of acreage holders to constitute a majority. The judgment went into some extra conversation or matters in the order.

These matters have been on appeal and have been rejected. The judge, by the way, committed suicide shortly after.

The State of Florida brought a suit to prevent the use of this area for any kind of development. They brought a suit to prevent the sale of this property for development purposes, and they included in that any type of farming or building of houses; that suit, they made application for a temporary injunction, that has not been granted.

The fact is that the suit sits right the way it was when it was filed almost a year ago.

So, I want you to know we take a dim view of the government taking property without due compensation, which your ears must be tired about now, of the some 3,000 that are still in the south park area that have not been paid for the land and the last extension of that park was in 1958.

We also take a dim view of the attorney general of the State of Florida trying to basically take land without compensation also.

Now, we have in this pamphlet before you, sir, worked out an economical impact of what is going to be lost from this. If we don't

develop this area into at least some agricultural and development areas—this is not a place to build a city and I don't think anybody is going to go over there and develop it on that extent. But you can read these figures and you will find that this area, over a 10-year period, will lose in taxes to the county and to the school board, it will lose in revenue from the cattle and agricultural, it will lose in wages from the labor and it will lose in profits from your processors who will handle the stuff, and it amounts to \$1 billion, and I am sure those figures will stand up anywhere.

Now, I gave you one other thing, if you will. I gave you an in-depth report of the water.

Senator BIBLE. Yes, and I have all of that before me here.

Mr. PACE. Yes.

I gave you an in-depth report of the water from the central and southern Florida control district, and it has on page 1 and on page 2, the question that you asked, How much extra water is there?

The municipalities, according to this report, consume about 630,000 acre-feet of water per year. There is basically 850,000 acre-feet that is discharged as surplus water out into the sea.

We have approximately 58 inches of rain a year, so this shows you basically how much water we have.

Now, we have more rain, sir, in the south section, south of Alligator Alley and down into the park than we do in the northern part. But that will give you—we have 5 feet of water and we are only using 1.4 acre-feet of Lake Okeechobee alone.

Senator BIBLE. Well, I will go into that very thoroughly, Mr. Pace. You have it all here in your statement and your attachment. I will study that in great detail.

Mr. PACE. I am going to cut this a little shorter.

Senator BIBLE. Yes, because you have taken 30 minutes now, and I still have two more members of your panel.

Mr. PACE. I want to bring up one thing to your attention.

The number of visitors that see the Everglades National Park are confined to about 2 percent of the park, because there is only one road that goes there, and that is the only way you can get in with the exception of one that comes where we would like to put the water conservation area. There is a road that comes down there about 6 miles.

I thank you, sir.

Senator BIBLE. Thank you.

(The material submitted by Mr. Pace will be found in the appendix.)

Now, which one of these two gentlemen do you want me to call next?

Mr. PACE. Mr. Brownell is a surveyor, engineer and biologist, and I want you to hear from him now, sir.

Senator BIBLE. All right. I want you to present the men in your panel.

Mr. Brownell, I don't have a written statement from you, but I do have from Mr. Fred Weller.

You may proceed.

**STATEMENT OF E. R. BROWNELL, ENGINEER, LANDOWNERS
CONSERVATION AND PROTECTIVE ASSOCIATION**

Mr. BROWNELL. Mr. Chairman, my name is Ed Brownell. I am a professional land surveyor. I am president-elect of the Florida Society of Professional Land Surveyors, a fellow in the American Congress on Surveying and Mapping, a member of the American Military Engineers, a member of the Florida Engineering Society, and president of the South Florida Surveyors' Association.

I have been president of a consulting engineering and land surveying firm in Miami for the past 20 years.

My work experience has included surveys for the Vanguard Program in the Bahamas and British West Indies, surveys for the south Florida jetport, surveys of boundaries of the Everglades National Park, surveys for the Collier Corp., the Corps of Engineers, and the central and southern Florida Flood Control District, as well as surveys for many private individuals.

Senator BIBLE. Would you pardon me for an interruption? The staff handed me a document entitled "Order dismissing petition," in and for Monroe County, Fla., signed on the 10th day of December 1970, in Chambers, Key West, Monroe County, Fla., and signed by Aklin O. Lopes, Jr., circuit court judge."

Is that the decision to which you referred?

Mr. PACE. Yes.

Senator BIBLE. Without objection, we will make this part of the record. I haven't read the decision, but it appears to me this is the document to which you referred, and I think it will be a valuable contribution.

Mr. PACE. Yes, sir; that was the document which was referred to, and that was appealed and the appellate court says the extra language in the document will not become a matter of *res adjudicata*.

Senator BIBLE. All right, we will have the staff give us a copy of the higher court's decision, too, to make the record complete.

(The document referred to follows:)

No. 2-350

IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR
MONROE COUNTY, FLA.

J EDWIN GROOVER, ET AL., PETITIONERS

vs.

A.B.E. OPTIONS, INC., ET AL., RESPONDENTS

ORDER DISMISSING PETITION

The Court, having examined the pleadings filed in this cause, having heard argument of counsel and having heard extensive testimony during a hearing in the above styled matter, having reviewed memoranda filed on behalf of the respective parties and being otherwise fully advised, makes the following findings of fact and conclusions of law:

Findings of Fact

1. Petitioners failed to show by competent evidence that they represented and had obtained written approval or consent from the owners of a majority of acreage of lands within the proposed drainage district.

2. Petitioners admit that the purpose of the creation of the district is to use the land for dairy farming. Petitioners have conclusively shown by their

witnesses' testimony that it would not be to the advantage of the owners of the real property in the proposed drainage district to establish such a district for this purpose:

(a) For economical dairy farming of this area the land would have to be improved. It would require a minimum of 100 acres of improved land for dairy farming, since each cow requires an acre of improved land for grazing and at least 100 cows are necessary for an economical dairy farm.

(b) Although it is estimated that it would cost petitioners \$75 per acre to drain the land for the purpose of the proposed district, this amount does not include pasture improvements such as disking and seeding necessary for dairy farming.

(c) Only several sections within the area can be used for grazing and certain pine land areas must be reserved for protection of cattle and cannot be cleared for grazing purposes.

(d) There is no proof whatsoever that the small owners would consent to such use of their land and there is no showing that there are owners within the proposed district who have the necessary amount of land in those sections suitable for dairy farming.

3. The establishment of the proposed district would prevent land owners from enjoying the use of their land in its natural state as they purchased it since it would prevent the natural flow of water on their lands. Many land-owners object to the drainage district proposed because they wish to use their land in its natural state for hunting, fishing and recreational and naturalist purposes.

4. The evidence shows that it would not be in the interests of the public health, convenience or welfare for the proposed district to be established. Uncontradicted testimony shows:

(a) Establishment of the proposed drainage district would irrevocably interrupt the natural sheet flow of water which exists in this area. The establishment of this district would thus result in a change in the natural food chain which would be detrimental to fish and wildlife in the area and in areas dependent upon the proposed drainage area for water supply. These areas include lands owned by the State of Florida, the Everglades National Park and the coastal waters of southwest Florida.

(b) The establishment of dairy farming operations in the proposed drainage district would pollute the quality of water flowing into the lands owned by the State of Florida, the Everglades National Park and eventually the coastal waters of southwest Florida. Such water pollution would destroy parts of the food chain and detrimentally affect the breeding grounds of fish and wildlife in the area of the proposed district, surrounding lands of the State of Florida, the Everglades National Park and the coastal zone of southwest Florida. This would result in the destruction of a number of valuable species of sport and commercial sea life.

(c) The proposed drainage district would alter the ecosystem of the Everglades National Park.

(d) The proposed drainage district could seriously affect the water supply of southwest Florida.

Conclusions of Law

1. The drainage district and the improvements to be made thereunder will not be to the advantage of the owners of the real property within the proposed drainage district.

2. The proposed drainage district is contrary to the interest of the public health, convenience or welfare.

3. The establishment of the proposed drainage district would violate the riparian rights of the landowners within and below the district, including the lands owned by the State of Florida and Everglades National Park.

4. The establishment of the proposed drainage district would be contrary to Article 1, Section 2 of the Declaration of Rights of the Constitution of the State of Florida.

5. The establishment of the proposed drainage district would be contrary to the Fifth and Fourteenth Amendments of the United States Constitution which preclude any State from depriving "any person of life, liberty or property without due process of law."

Therefore it is Ordered as follows:

1. That the land which is the subject matter of the Petition in this matter shall not be incorporated into a drainage district and Petition filed herein is dismissed with prejudice.

2. That the costs to be hereafter taxed incurred by the defendants in these proceedings including a fee which is hereby awarded to M. Ignatius Lester, Attorney Ad Litem in the sum of \$250.00 be, and the same are hereby adjudged against petitioners in proportion to the acreage represented by each.

DONE AND ORDERED this 10th day of December, 1970 in Chambers, Key West, Monroe County, Florida.

AQUILINO LOPEZ, Jr., *Circuit Court Judge.*

Senator BIBLE. All right, I am sorry for the interruption. You may proceed.

Mr. BROWNELL. I was county surveyor for Dade County from 1956 to 1960 and am registered in five States.

I am at the present time doing a water study for the Everglades National Park. In addition, I am at this time supplying Geological Survey with elevations and photo control data for the compilation of quadrangle maps in this area. I have also prepared water and drainage studies in the Big Cypress area for individuals.

I come before you today, not because I am a landowner for I own no land in the area—not because I am representing a client because no one has paid or has offered to pay for my services—not for some organization for I am not a member of any who are interested. I came here simply because I felt I have a story to tell and I wanted you to hear it.

The Big Cypress Swamp is a rather ill-defined area that encompasses principally those areas of south Florida where cypress trees are abundant. Immediately east of the easterly edge of cypress tree growth lies a great muckland approximately 25 miles wide. The muckland is known as the Everglades and extends from Lake Okechobee south through the Shark River Valley into the Everglades National Park. Much of the muckland north of the Tamiami Trail is included in water conservation areas.

Senator BIBLE. A great what land?

Mr. BROWNELL. Muckland. That is a land covered by muck to a depth of many feet.

The name Big Cypress Swamp is somewhat of a misnomer because it is not all swamp. During times of high water, approximately 75 percent may be covered by water varying from several inches to several feet deep. Any land that is not drained will experience some flooding during times of heavy rains, regardless of elevation.

Most of the Big Cypress Swamp is dry during normal times. From my observation, there is at least as much pine as cypress in the area. Figures I have seen concerning logging would tend to confirm this.

In the past, extensive cattle raising has been done on this land and indeed today many acres are devoted to cattle raising. Other portions are devoted to farming vegetables and some fruit.

In the course of my work over the past 30 years, I have taken elevations and have studied water flow and drainage problems throughout the area.

I have found that there is a high ridge just west of the Dade-Collier County line, running north and south, that divides the Sa-Ha-Legge Watershed from the Everglades area.

This line is just like the Continental Divide except it is only 1 or 2 feet high.

Water west of this line flows southeasterly into the Shark River Basin, turns southerly and then southwesterly into the Everglades National Park.

You will note on the Collier County map that almost the entire Big Cypress Swamp area lies west of the dividing line. Only a small portion of the water in the Big Cypress can therefore flow into the Everglades National Park.

Estimates by U.S. Geological Survey would indicate that 9 percent of the water in Big Cypress Swamp benefits the park.

Department of Agriculture maps indicate that as much as 80 percent of the Big Cypress Swamp consists of marsh. Sand makes up another 15 percent, and muck and others the remaining 5 percent.

Drainage of muck areas causes oxidation of the soil to occur. It is also much more susceptible to erosion by wind and fire.

Senator BIBLE. How did you come to that conclusion as a result of this survey that you are conducting in the area at the present time?

Mr. BROWNELL. I came to that conclusion as a result of my own surveys and it is concurred with by Geological Survey.

Senator BIBLE. What type of survey were you conducting in that area?

Mr. BROWNELL. I took elevations on a grid to establish the actual elevation of the land all the way from the Tamiami Trail down to the tip of the State. I also took elevations in the jetport area on the 200-foot grid over many square miles.

Senator BIBLE. I am sure that you are qualified. The point I am getting at is what type of survey were you making and what was the assignment and responsibility that you had?

Mr. BROWNELL. The purpose was to determine the slope of the land and therefore the rate of flow of the water through these areas.

Senator BIBLE. Who were you doing this for?

Mr. BROWNELL. This was for the National Park Service, Department of the Interior.

Senator BIBLE. Was this a land survey or water survey?

Mr. BROWNELL. The land and water survey are both related.

Senator BIBLE. Well, your testimony was that you were doing both, and the land and water survey?

Mr. BROWNELL. Yes, I am.

Senator BIBLE. If that isn't correct, you just correct me. I don't know. The purpose of my question was to try to find out who hired you and what you were sent in there to do.

Mr. BROWNELL. We were measuring the height of the water and elevation of the water at the various points to see what flow it makes over different types of terrain, this type of thing.

Senator BIBLE. Have you completed that survey?

Mr. BROWNELL. No, we are presently working on it.

Senator BIBLE. It is in the process?

Mr. BROWNELL. Yes.

Senator BIBLE. How long have you been working on it?

Mr. BROWNELL. For about 6 months.

Senator BIBLE. When will you finish the survey?

Mr. BROWNELL. Probably another 6 months.

Senator BIBLE. At the end of that period of time, your findings and conclusions will lead you to what type of conclusion?

Mr. BROWNELL. They will be published by the Everglades National Park and U.S. Geological Survey.

Senator BIBLE. What will they say without getting into the detail of it? Will they say there is *x* amount of acre-feet in the Big Cypress and the fall is thus, and so it flows in such and such a way?

Mr. BROWNELL. The purpose in this is to, No. 1, find the elevation of various wells that have been located—that have recorders on them and these wells record the elevation of the rise and fall of the water, and it can be compared with the rainfall in the area. This is a water study in addition, the difference in elevation between the rise and fall of the water, between various points and places, is noted as well as the slope of the land between these places.

So that the whole thing is correlated to form a conclusion at the end of the report.

Senator BIBLE. All right. I just wanted to develop exactly what the end result of it was going to be—I mean in what area, whether it was a land survey or a height and elevation survey or water survey or what direction the water flowed, all of this.

Mr. BROWNELL. It will determine to a degree the direction the water flows, but it will not determine the amount of water that is available for consumption. That is not the purpose of it.

Senator BIBLE. I see. All right, thank you. You may proceed.

Mr. BROWNELL. My point is therefore as follows:

I concur with the concept of a federally controlled area north of the present Everglades National Park boundary.

I feel that the proposed boundary of the land under consideration will not accomplish your objectives. I therefore suggest that the area of taking be as follows:

No. 1, the Fakahatchee Strand.

No. 2, all of Monroe County north of the present park boundaries.

Senator BIBLE. Was that strand the one that I understood the State of Florida was acquiring?

Mr. BROWNELL. Yes, it is.

No. 3, all of Collier County lying between a line 1 mile south of the Tamiami Trail and the Monroe County line from the west line of Fakahatchee Strand east to the Dade County line, except Everglades City.

Senator BIBLE. Can you draw that on the map or have Mr. Pace point it out on the map?

Mr. BROWNELL. The area is all of Monroe County here, south of the Tamiami Trail, west of the Fakahatchee Strand, which is also adjacent to the Everglades National Park and north of the Everglades National Park, all the way over to Dade County, but being 1 mile south of the trail at all points, therefore taking in that entire area here.

Senator BIBLE. Run your pencil around the outer perimeter of the area you are describing again, if you don't mind.

Mr. BROWNELL. There is one other area I would suggest we take. This would be roughly an area through here, around the boundary

of the Everglades National Park, across here, down to take in this area through here, up in Dade County, an area approximately 12 miles wide and east of the present Everglades National Park boundary.

I feel this area is very important and more important than the area up here in the Big Cypress.

Senator BIBLE. You say you would take areas to the east, rather than areas to the north and to the west.

Mr. BROWNELL. Some of the areas to the north, but also areas to the east.

Senator BIBLE. How many total acres would you take under your proposal?

Mr. BROWNELL. It would come to 320,000 acres, I believe.

Senator BIBLE. How many of those acres do you take in the Big Cypress area, because you show some acreage up there?

Mr. BROWNELL. Yes, the Big Cypress doesn't extend all the way down through Monroe County, because I wouldn't call all of that Big Cypress. Most of it is prairie and low land.

Senator BIBLE. But you would take it under your proposal?

Mr. BROWNELL. Yes.

Senator BIBLE. How many acres would you take in your proposal in that area?

Mr. BROWNELL. Probably 150,000 acres in the Big Cypress. Perhaps about half of this area would be in the Big Cypress.

Senator BIBLE. All right, thank you.

Mr. BROWNELL. My fourth point was an addition 12 miles of Dade County lying south of the Tamiami Trail, east of the present park boundary, 1 mile west of U.S. Highway 27, and north of the Everglades National Park.

Those are the areas I pointed out on the map.

The advantages of this proposal are:

1. Public property would be placed south of and adjacent to the water storage area known as Conservation Area No. 3, so that water could be released to the park along its entire northern boundary and be in the locations that would benefit it most.

2. Muckland subject to erosion could be protected by having the water run over it.

3. Areas in Monroe County could contribute the most ecological damage to the park by use of pesticides or by cattle grazing, and would be controlled. In other words, those areas of Monroe County immediately north of the Everglades National Park that I have heard say would be damaged by use of pesticides and cattle would be taken into the park and therefore those areas would be eliminated.

4. The principal land areas where property owners have built homes would be preserved for their private use.

5. Western Dade County has development approaching its western boundary from the east. If western Dade County is not included at this time, development will eventually prevent the passage of water across that area.

6. Approximately 30 percent of Collier County is included in

the proposed taking. This area contributes a proportion of the Collier County taxes.

A very significant problem for Collier County would be partially alleviated by shifting part of the tax reduction to Dade County through the inclusion of some of Dade County land in the Big Cypress taking.

7. This is part of a wilderness. There isn't any more. It needs to be preserved.

8. Ecological needs will be better satisfied. Great stands of cypress in the Fakahatchee Strand and Robert's Strand where the President's daughter visited will be preserved.

9. The area included by my proposal includes some of the areas of each type of vegetation.

10. My proposal includes areas of excellent deer hunting as well as alligator habitats.

11. My experience in land condemnation at the south Florida jetport, as well as being familiar with the land prices, would indicate to me that the proposed appropriation of \$156 million is not adequate to purchase all of the land proposed for acquisition. The area included in my proposal would be about 20 percent less than the 540,000 now being considered.

Senator BIBLE. 540 million?

Mr. BROWNELL. 540 million, excuse me. The 430,000 acres that I propose rather than the figure that I quoted from memory—

Senator BIBLE. What was that figure again?

Mr. BROWNELL. 430,000 acres, that I propose.

Senator BIBLE. 430,000?

Mr. BROWNELL. Yes.

The 430,000 acres which is about 20 percent less, actual acres, than is now proposed here.

Senator BIBLE. There is something wrong with that arithmetic somewhere, because the bill before us says 567 million. I don't know how many acres. I guess I am using dollars. It is 487,000 acres, I am told, in the bill.

Mr. BROWNELL. Okay, I stand corrected.

Senator BIBLE. I was confusing the dollars with the acres.

Mr. BROWNELL. My proposal would include 430,000 acres which would be 10 percent less than the amount now proposed. This could possibly be acquired for an amount closer to the approved appropriation or the proposed appropriation.

12. There is some discrepancy regarding the amount of fresh water required by the fish and shrimp industries. I note a map prepared by the U.S. Fisheries that show the relationship between the freshwater flow and the amount of shrimp harvested. It seems to show more are harvested during dry years. This is confirmed by Mr. T. S. Costello of the U.S. Marine Laboratory who made a study of this over a period of years. His papers on the subject are known internationally.

It would appear further study here may be required. My proposal allows for continued flow to the 10,000 island area, but the amount of water flow necessary to maintain natural life should be ascertained. It is not practical to attempt to store water in the Big Cypress north of the Tamiami Trail because it has more slope

than the Everglades area, and more water would run to the south more quickly, than the Everglades area water, unless expensive structures and canals were built.

I am against the construction of additional canals unless they are absolutely essential to the preservation of the area.

13. Water stored in Dade County will help supply the Biscayne Aquifer, upon which the lower east coast of Florida depends for its water.

14. Economically speaking, protection of the Everglades National Park will benefit the south Florida economy. Areas of acquisition that I propose adjacent to the park would accomplish this.

15. The recreation areas would be enlarged by the addition of this land as I suggest. Camping, hunting, and fishing could be controlled as desired.

Mr. Chairman, I believe that I propose a practical and beneficial solution to many of the Big Cypress problems.

I believe that by not taking land closer than 1 mile to the Tamiami Trail, those existing businesses will not have to be disturbed. Those persons who paid high prices for land, up to \$20,000 per acre, I have heard, in order to have road frontage, will not be disappointed.

The expensive cost of acquiring this property will be avoided. All Indians now living on the Tamiami Trail rather than in the woods, and they would not be disturbed.

I have not had the benefit of hearing any other testimony from this committee, but I know others have conflicting views about damage to shrimp, ecology, water, and so forth.

Senator BIBLE. We have a lot of conflicting views in this Congress. In fact, the only thing we agreed on was the day of the week, and I am not sure that was unanimous. We have conflicts all over the place.

Mr. BROWNELL. I don't know the basis for their views, but it would be interesting to investigate each of the claims. It would seem therefore that further study would be a benefit in resolving some of the differences that exist. I would be happy to serve in any way to make this proposed acquisition a reality.

As a final observation, I would urge that payment be made at the time of taking, rather than make people wait for years, as has been done in the past.

Thank you.

Senator BIBLE. That is a very objective statement, and I appreciate your views and your willingness to serve further, Mr. Brownell.

Our next witness is Mr. Fred Weller, and I have your statement in front of me, Mr. Weller. You might just read from it.

Mr. WELLER. Mr. Chairman, I was hoping we would recess, before, but if you wish, I will continue.

Senator BIBLE. Oh, yes, I am going to hear you, because you are the last witness for this morning.

You only have a page and a half; that shouldn't take very long.

Mr. WELLER. Mr. Chairman, I am not sure this microphone is alive; is it?

Senator BIBLE. Yes, it is.

**STATEMENT OF FRED WELLER, LANDOWNERS CONSERVATION
AND PROTECTIVE ASSOCIATION**

Mr. WELLER. I am Fred Weller, and I testify myself as affiliated with the landowners association.

My subject here is in behalf of the landowners, rejection of Senate bills S. 2465 and S. 3139, based upon the reason that the Federal Government does not need this land for the purpose it has been designated for in the bill.

Briefly identifying the bills, S. 2465 would establish an Everglades-Big Cypress National Recreation Area; S. 3139, a related proposal to S. 2465, would authorize acquisition of the Big Cypress National Water Reserve.

In consideration of Senate bill 2465 specifically, no more land is needed for recreational areas in south Florida presently or in the unforeseen future. This fact is based upon the presence of a great many parks already located in south Florida. Such parks are listed and described briefly in exhibit A of this report.

Senator BIBLE. There is no need to read all of those under exhibit A, because they will be made part of the record. I think that is a very helpful exhibit, and it will be incorporated in full in the record, and I have read them here.

Then I think your next point would be "I challenge any government official to show"——

Mr. WELLER. In conclusion here, in government's exhibit A, in addition to the 16 parks just mentioned, there are parks and recreation areas throughout Florida towns and cities, too numerous to mention. There is a total of over 2,442,390 acres of land in the areas mentioned alone. This figures approximately 3,816 square miles of park in south Florida alone. This totals about twice the size of the entire State of Delaware.

How many other States in America have as much park and recreational area as south Florida? It no doubt ranks among the top, according to the size of Florida as compared to that of other States. It would be a waste of the taxpayers' money to take more land from private owners for parks and recreational areas in south Florida. In addition to the above, Ocala Forest in central Florida is used by many south Florida citizens. It contains several hundred thousand acres.

The statistics and information contained in exhibit A definitely indicate that S. 2465 should be defeated on behalf of the Florida taxpayers and the more than 30,000 private owners of land affected by the bill.

Now, Senator Bible, the statement there that I have made, it does not pertain to you personally. It is a statement in general that I have made.

Senator BIBLE. All right, you may proceed.

Mr. WELLER. I challenge any Government official to show where it says in the U.S. Federal Constitution that that government has the right to take land from private owners in view of what Senator Chiles and Congressman Pepper say was the real reason that the government wants it for. They have stated that the Government

wants to prevent the owners from building on their land. I am asking you, just where in the U.S. Constitution does it say this is the law?

The loss of the area to south Florida economy covering a period of 10 years will amount to billions of dollars. Does the Federal Government wish to help destroy the economy of south Florida? The land value in this area is some of the most valuable in the United States for agriculture use. It is below the frost belt. Its quality for growing winter crops and citrus has great potential. There is a shortage of good farm land in south Florida already.

This land can remain in private ownership and with engineering improvements be made to increase the clean fresh water flow to the Everglades National Park if it is necessary.

During these times of unrest in America and the world, it is extremely important that the American Federal Government be very honest and fair with all its citizens. If the Government votes to take this land. I ask that it be paid for at the time. If the Government cannot pay for it, don't take it. We all know that the Government does not have the money to buy and pay for it at this time. Therefore, Senate bills S. 2465 and S. 3139 should be defeated.

Thank you, Senator.

Senator BIBLE. That is a very fine statement, Mr. Weller, and you have some very fine thoughts in there.

It has always disturbed me on the parks and recreation areas and I handle them day in and day out, that we are not in a position to pay immediately. This is a very troublesome problem to me, and I am uneasy about it.

We are going to do the best we can.

Mr. WELLER. Can I make one comment in connection with a statement that was made earlier in connection with hunting and fishing?

Senator BIBLE. You can make one comment as long as it is short.

Mr. WELLER. Thank you, sir.

One of the other gentlemen mentioned the great hunting and fishing in that area. Now, the only fishing in this entire area is in the canals along the roads and possibly a few deep cypress bores south of Loop Road, but north of Tamiami Trail there is no fishing in there because the water won't rise up.

I have been a landowner in this general area for more than 12 years. The other gentleman that mentioned 100,000 hunters a year, I don't know in the world what 100,000 hunters a year are going to do out there, because there certainly isn't enough game to make 100,000 hunters happy or anywhere near that number.

Thank you, sir.

(Supplementary statement and exhibits referred to follow:)

SUPPLEMENTARY STATEMENT BY FRED WELLER, LANDOWNERS CONSERVATION AND PROTECTIVE ASSOCIATION

OBJECTIONS BY AREA OWNERS

In consideration of Senate Bill S. 2465 specifically, no more land is needed for recreational areas in South Florida presently or in the unforeseen future. This fact is based upon the presence of a great many parks already located

in South Florida. Such parks are listed and described briefly in Exhibit A of this report.

I challenge any government official to show where it says in the U.S. Federal Constitution that the government has the right to take land from private owners in view of what Senator Chiles and Congressman Pepper say the real reason was that the Government wants it for. They have stated that the Government wants to prevent the owners from building on their land. I am asking you, Mr. Congressman: Just where in the U.S. Constitution does it say this is the law?

The loss of the area to South Florida economy covering a period of 10 years will amount to billions of dollars. Does the Federal Government wish to help destroy the economy of South Florida? The land value in this area is some of the most valuable in the U.S. for agriculture use. It is below the frost belt. Its quality for growing winter crops and citrus has great potential. There is a shortage of good farm land in South Florida already.

This land can remain in private ownership and with engineering improvements be made to increase the clean fresh water flow to the Everglades National Park if it is necessary.

During these times of unrest in America and the world, it is extremely important that the American Federal Government be very honest and fair with all its citizens. If the government votes to take this land, I ask that it be paid for at the time. If the government can not pay for it, don't take it. We all know that the government does not have the money to buy and pay for it at this time. Therefore, Senate Bills S. 2465 and S. 3139 should be defeated.

EXHIBIT A

Existing Parks and Recreational Areas in South Florida, their size, location, etc.

1. Everglades National Park (Federal) containing 1,400,533 acres is located approximately 35 miles southwest of Miami.
2. Pennycamp State Park, containing 50,515 acres is situated about 60 miles south of Miami.
3. Insladia Park (Federal) on Elliot Key containing 94,000 acres is situated about 25 miles south of Miami.
4. Conservation areas 1, 2, & 3 (Federal) containing 860,000 acres and adjoining the land contained in the bills S. 2465 and S. 3139.
5. Bahia Honda Park (State), Bahia Honda Key, is 78 acres of land and Gulf frontage.
6. Cape Florida Park on Key Biscayne is 100 acres.
7. Cedar Key, 19 acres, is located south of Miami.
8. Collier-Seminole, located 17 miles south of Naples, is 6,423 acres.
9. Hugh Taylor Birch Park in Fort Lauderdale is 180 acres.
10. Long Key—48 acres.
11. Myakka River, 17 miles east of Sarasota, is 28,825 acres.
12. Pahokee—30 acres.
13. Matheson Hammock, Miami; 80 acres.
14. Crandon Park, Key Biscayne; 903 acres.
15. Greynolds Park, North Miami; 5,634 acres.
16. Milton Thompson Park, northwest of Dade County; 600 acres.

SUMMARY AND CONCLUSION

In addition to the 16 parks just mentioned, there are parks and recreation areas throughout South Florida towns and cities, too numerous to mention. There is a total of over 2,442,390 acres of land in the areas mentioned alone. This figures approximately 3816 square miles of park area in South Florida alone. This totals about twice the size of the entire State of Delaware (1978 square miles).

How many other states in America has as much park and recreational area as South Florida? It no doubt ranks among the top, according to the size of Florida as compared to that of other states. It would be a waste of the taxpayers money to take more land from private owners for parks and recreational areas in South Florida. In addition to the above, Ocala Forest in Cen-

tral Florida is used by many South Florida citizens. It contains several hundred-thousand acres.

The statistics and information contained in Exhibit A definitely indicates that S. 2465 should be defeated on behalf of the Florida tax payers and the more than 30,000 private owners of land affected by the bill.

Senator BIBLE. You have made a very fine statement, and you have made a good panel, Mr. Pace.

You quit right on the hour. You started at 11, you have had 1 hour, and I think you have fully gone into it.

Mr. Poppenhager, if he comes this afternoon, we will either put his statement in the record or we will hear him briefly.

At this stage we are going to stand in recess until 2 o'clock.

(Whereupon, at 12:02 p.m., the hearing was recessed, to reconvene at 2 p.m.)

AFTERNOON SESSION

Senator BIBLE. The hearing will be in order.

Our first witness this afternoon—I don't know whether he has come yet or not—is Mr. Poppenhager.

Do I have a written statement from you?

Mr. POPPENHAGER. No, you don't.

Senator BIBLE. Do you have a written statement?

Mr. POPPENHAGER. No, sir; I have a statement, but I would rather not turn it in, and could I send it in next week?

Senator BIBLE. Sure you could, but why don't you just run through it rather quickly, highlight it. How long a statement is it?

Mr. POPPENHAGER. About 10 minutes or less.

Senator BIBLE. All right, you are recognized for 10 minutes.

STATEMENT OF NOLAN POPPENHAGER, LANDOWNERS CONSERVATION AND PROTECTIVE ASSOCIATION

Mr. POPPENHAGER. My name is Nolan Poppenhager from Miami, Fla. I have lived here for 42 years.

We are discussing extremely costly and complex problems today and its magnitude is not realized until we consider that the main issue is the people affected who will probably be 35,000 or 40,000 families.

In the hope that you will seriously consider what I say, I will set forth a few of my experiences and background.

I was born in Illinois 60 years ago. In 1929 I went to Florida with a strong desire to explore the Everglades. Within a few years, I designed a vehicle that would easily traverse most of the Everglades.

For many years my brother and I transported oil exploration parties, survey crews, photographers, and other interested people. This includes what is now the Everglades National Park.

In the very area we are discussing today, the Big Cypress, I have traveled thousands of miles over a period of 38 years. I have been there during the worst floods, the worst fires and the worst drought. Many of these trips were only out of sheer curiosity and concern for the very reasons under study today.

I have not exploited the Everglades or the Big Cypress. I have never sold one acre of ground. I have never killed one alligator. I have taken two deer in the last 22 years, and I have not had any in the last 12 years.

On many trips I was accompanied by writers, archaeologists, photographers, members of the Audubon Society, Everglades National Park personnel, Mr. Ernest Cole who is the daddy of the Everglades National Park and many others who share my interests in the Everglades.

I created the conservation club that exists today, the sportsmen's club.

In 1949, I spent considerable time rounding up a truckload of alligators to stock an area in the Big Cypress which I knew to be depleted. Some of these come from the west coast, Belgrade, the lake, and from Miami tourist attractions. This was long before anybody worried about the alligators.

In 1949 I volunteered my time and equipment to the Everglades National Park when a fire raged out of control over a week. Our mission was successful and the fire was contained before daybreak the next morning.

In 1950 I transported Everglades National Park personnel across the longest stretch of the park and Shark Valley.

Very little was known at the time, but I crossed it several times the year before, the first time in 1942, in 1952 I drove 105 miles down the River of Grass. This trip was the feature story in the Saturday Evening Post in January of 1953.

I am familiar with the water conservation area, the water flow, and muckland throughout the lake.

I have traveled this area long before and after the dikes were built with flood control. I have followed the progress of flood control with great interest from the very beginning.

I have no degrees to offer you to qualify me to speak on this issue, but I have long observed many of the things under study today. I do not agree with much that is said by the experts that arrived in Florida only a few years ago. These people must have a far better knowledge of the future water supply than even the U.S. Geological Survey, as all of their predictions are accepted as factual and printed by the news media.

This has been part of our problems. Last year the television, radio, and news media in Miami stated repeatedly that within a few years the citizens of Miami would be taking their drinking water from a tank truck, that all the palm trees would be dead, and Everglades National Park would soon become a desert.

The study that I had does not mention drastic water shortage, but they do recommend what must be done to conserve the water for the future. This is one of the few examples of the exaggerations that have been broadcast to the people about Big Cypress.

Everglades National Park receives about 60 inches of water per year.

Before continuing on the subject of the Big Cypress, I wish to stress one point. To my knowledge, no one objects to the preservation of the Fakahatchee Springs—this is the Big Cypress Swamp. Most

of the statements aimed at the so-called Big Cypress area actually apply only to the Fakahatchee Springs.

This was printed to justify the acquisition of this area to transfer the value of the Fakahatchee Springs to the entire area. Anyone reading the Big Cypress watershed booklet and concerning the source, since this book was printed by the U.S. Government and the people would like to believe what the Government says, but anyone reading this report and considering the source would be thoroughly convinced that this acquisition was necessary and if this were true, I would not be here today.

It is not only what the publication states as fact, but also what it leaves out. There are many issues that have been presented to the public and to the people who will decide this issue. I will go through these briefly and give my version of what is true.

First is water. Many people believe this area supplies more than half the water to the Everglades National Park. In reality, it supplies less than 10 percent, and this flows only to 16 percent of the park. Sheet flow applies only to a small part of this area, and only during the rainy season. Either the water flows underground, or is lost to evaporation.

This is not a water storage area, area C. It could not supply Naples or Miami, since this area is 50 miles away.

Conservation area 3 near Miami contains a sufficient reserve of water long after this area is completely dry. This area is completely separated from Naples by three canals, three highways, and a 6-mile-wide Fakahatchee Spring. It cannot be considered a water storage area.

Wildlife is another issue misrepresented by the Big Cypress water report. Much has been said about the abundance of wildlife and this is completely false. The alligator is no longer an endangered species, they are making a remarkable comeback.

The Everglades Lake has never been seen out of the Fakahatchee Strand area. It is not unusual to travel for 2 days in area C and not see a single animal. I have traveled many times 70 miles and not seen a single animal, and yesterday I walked from my hotel to here and saw three squirrels and I could travel 50 miles in Big Cypress and not see that much wildlife.

Application of the Fakahatchee Strand would be ample protection for all other endangered species.

The entire department book on Big Cypress portrays Seminoles that lived 35 or 40 years ago. There are seven families living in this area, all of them on the Tamiami Trail. They enjoy TV, refrigeration, mail delivery, and schoolbus service for the children.

To even suggest they go back to the traditional way of life borders on the ridiculous. Canoes were abandoned when the airboats came in before or during the war. Indians poling canoes just does not exist and has not for a good many years.

All of the Indians have moved out of this area C, the interior. The last one moved out about 1948. There are no Indians living off the highway.

The Seminole Indians never used this area extensively. They used conservation area three and only the areas that they could get to

and from by canoes and they never have been able to do it in this area.

South water is well balanced with conservation and recreation areas. We have more than 2 $\frac{1}{4}$ million acres to accommodate hikers and outdoor enthusiasts. The value of Big Cypress as a hunting and recreation area was not stressed and some of the previous claims were proven false or exaggerated. Hundreds in the ultimate society make strange bedfellows indeed. But the valid cry appears to be victory at any cost, and the hell with the right of the landowners.

I would find it hard to believe that anyone would consider to deny the rights of ownership for four or five thousand families to provide hunting for a few thousand hunters.

Ninety-five percent of the owners own less than 15 acres. I have been over the tax records many times. So many times that I can recognize some of the names. I see the addresses and I know these are working people, and many of them minority people, Cubans, and colored people. Ninety-five percent of the owners own less than 15 acres.

They are not all speculators or land developers. Many of them have a sincere desire to live out of the city. If this land is taken away, their dreams are shattered as well.

The cost of replacement in this area would be four or five times the suggested purchase price. Last week, I went down on a——

Senator BIBLE. I was just signaling you that you have taken 12 minutes.

Mr. POPPENHAGER. All right.

The cost of replacement in some areas is four or five times the suggested purchase price. Last week, I went out to a place where they had advertised some land for sale, and 1 mile north of the trail in this area, everybody that buys the land walks on it, each acre and a quarter is stacked and flagged, they sold 22 tracts over the weekend for \$2,495.

Can I take a few more minutes, sir?

Senator BIBLE. I have given you 10, and I am only going to work until about 3, and I want to wind this down. That is why I am imposing the limitation. I gave the president of the land association a full hour this morning. Why don't you just file the rest of it for the record?

Mr. POPPENHAGER. All right.

Senator BIBLE. Without objection, that will be the order, and you take that with you and add anything you want to it and refine it, but send it back now.

Mr. POPPENHAGER. Okay.

(The material to be submitted was not received in time for inclusion in the record.)

Senator BIBLE. Our next witness will be Mr. Leon D. Black, attorney at Miami, Fla.

Mr. Black?

STATEMENT OF LEON D. BLACK, ATTORNEY, MIAMI, FLORIDA

Mr. BLACK. Mr. Chairman, am I coming through all right?

Senator BIBLE. Yes, I hear you. I don't know about the people in the audience.

Mr. BLACK. Well, I am more concerned with the committee, but perhaps if I speak a little closer perhaps they can hear me.

First, I want to thank you for permitting me to be here. I have some concern on behalf of some clients which is a little different from the concerns that have been turned on so far, although it has been mentioned.

More by coincidence than otherwise, I have been associated in condemnation cases for about 20 years. I represented approximately 2,000 owners during this period of time, our firm has done some work for condemning authorities as well, so we have had experience on both sides of the fence.

I have a concern involving procedural problems that I see in these bills.

With your permission, I won't read the entire statement—

Senator BIBLE. Without objection, your full statement will be incorporated in the record, Mr. Black, and as one lawyer to another, you just brief it down, if you would.

Mr. BLACK. All right, I will do that.

I think I can summarize it and save a little time for the committee.

Briefly, I spent most of my time in South Florida. I missed being born there by about 6 weeks, but I am familiar with the area.

But looking at the two bills, 2465 and 3139, I see procedural problems from the owner's point of view in both bills, not necessarily in 3139, but in the way I understand it will be administered.

Let me talk first about 2465, which calls for a legislative taking, as I read it—

Senator BIBLE. That is what it calls for, you are right.

Mr. BLACK. As I understand it, if Congress decides to take all of this land and passes the bill, title, like that, will flip to the Government and will no longer be owned by the Government. They are given 2 years to file a claim for their property.

This, as I read the bill, will require filing the claim in the Court of Claims in Washington.

Senator BIBLE. Well, I can put your mind at rest. I don't know whether anything is going to move forward this year or not. It is a complicated and complex problem. As far as I am concerned, I am not going to vote for the legislative taking. I don't think that is the right way to deal with the problem of this complexity, and with the 20,000 or 30,000 homeowners there, or landowners—

Mr. BLACK. It is probably more like 50,000 people, Senator, who have agreements to purchase the property. Many of them—while the land is in one person's name, it may be sold by agreement of deed to 150 people.

Senator BIBLE. I think our testimony yesterday was that there are 20,000 who own a parcel of land in fee simple, and maybe there is an additional 10,000 or 12,000 that have it under a contract of purchase that you couldn't find in the county recorders office.

Whatever the figures are, it is a sizable figure. For that reason as well as others, some of my experiences with legislative taking on other bills that have caused us all kinds of problems, I personally, and I only speak for myself, I don't favor a legislative taking.

Mr. BLACK. I am relieved to hear that. It is probably unconstitutional under the current decisions of the Supreme Court that recently came out. I believe there were earlier takings that were upheld.

Senator BIBLE. All I know is that every time we build a legislative taking into a bill, we have a lot of problems.

Mr. BLACK. The legal reasons are set forth, including the legal authorities in my little statement here, so I won't go into that at all.

Let me say this, I have every reason to believe that the people who own this property are probably similar to those who own land in the jetport.

We represented approximately half of the owners who contested the evaluation of the jetport and most of these people were small owners, 2½, 5 and 10 acres. Most of them were what I would determine, and what has been termed earlier here as rugged individualists who have been concerned with buying a piece of south Florida land, the little fellow, so to speak.

The next concern I have is with timing, which also has been touched upon. As I read S. 3139, it gets away from the legislative taking, but in the letter that Rogers Morton wrote to Spiro Agnew, dated February 6, 1972, they talk about taking this property over a 10-year period.

From a standpoint of a landowner who has land within the clouded area, this is a very serious handicap.

As I had a number of clients in the Everglades National Park, I am currently representing people in the Orlando area who have been seriously affected by this type of a situation. I am not sure I have the answer. I have a proposal that I would like to make at the end, but I realize it is a problem from your point of view as well.

I have a family in Collier County who owned an island in the Turner River and who had the bulk of their financial resources tied up in this island. In 1958, Congress passed a bill expanding the boundaries of Everglades National Park to include this island.

For at least 3 years before and probably more like 4 years before this, it had been rumored and it was a foregone conclusion that it was going to be concluded.

In 1967, they came to me for a suit that just had been filed, and in 1968 the rest of the money was available to them.

So, for 10 years, the taking of their property had been decreed by Congress. For 3 or 4 more years it had been strongly rumored and they were sitting there with practically everything they had tied up in this property.

As a practical matter, they couldn't sell it, develop it, mortgage it.

This is a serious problem for anybody. Certainly it is a serious problem for the small landowner.

I think as a practical matter—again I summarize here—the six main objections that I see to the legislative taking on page 8, I will not go into those since you have indicated your feeling on that.

Senator BIBLE. It would be helpful in case somebody takes a different viewpoint from me. I can't bind any other Senator, as you recognize.

Mr. BLACK. I understand that.

Here is what I would suggest:

If the Congress in its wisdom decides to take all or a substantial portion of this property, I would suggest you determine how much money you could beg, borrow or steal, and then let the size of the taking match the amount of money that is available to pay people within a reasonably short period of time.

I was encouraged to see a newspaper clipping recently where Senator Chiles was quoted as saying—this is a quote from the Miami Herald—he said he would not support any resolution of the watershed property unless they provide for reasonably prompt payment to the owners.

I would hope that means several years at the outside, 2 or 3 years at the most, and probably less.

I think if you move promptly to take the property, you can afford to take, assuming you decide to take any, that you then release the cloud or threat of condemnation that hangs over the surrounding property, you make it available to the people to do with as they please, and I would suggest you use a declaration of taking under the standard procedures where the money is deposited.

This is an advantage to the Government because the spiraling price rise has stopped at that point, this helps the Government, it helps the individual, because they can get the minimum then that the Government agrees they are entitled to.

Certainly this helps lessen the burden that falls on these people who are really innocent bystanders, or who are caught in this thing.

I have one other point not directly related to this. I think the Real Property Acquisition Act passed by Congress on January 2 of last year was a great step forward. I think when you see a case such as this, you realize that the Muskie bill should be expanded to provide professional assistance for some of these people, some of the owners who, without it, are not able to evaluate the evaluation of their property.

This would involve living costs and this sort of thing.

Thank you very much, Senator.

Senator BIBLE. You made some very helpful contributions, and I must say I am inclined to agree with you pretty well all the way through.

Whatever is done on this, if there is going to be a taking, we certainly ought to be in a position to make the payments reasonably early. That is inherent in all of these bills.

We will do the best we can.

(Mr. Black's prepared statement follows:)

STATEMENT OF LEON D. BLACK, ATTORNEY, MIAMI, FLA.

Mr. Chairman and distinguished members of this committee; first, I want to thank you for permitting me to appear before you to offer my thoughts and testimony for this committee's consideration. By way of background, I am a practicing attorney in Miami, Florida, who has had considerable exposure to eminent domain proceedings. Over the past twenty years I have represented approximately 2,000 different owners in condemnation cases, both State and Federal. Our representation has been largely in the State Courts of Florida, but we have also represented owners whose lands were taken by the Federal Government for the Everglades National Park, the Homestead Air Force Base and the Biscayne National Monument. One of my partners has represented condemning bodies in acquiring 1,500 parcels of land for Dade

County when he was an Assistant County Attorney. I feel that my firm's experience from both points of view gives us an opportunity to speak objectively on some of the procedural problems which we foresee if the land is condemned.

I have spent most of my life in South Florida. I am generally familiar with the Everglades-Big Cypress area from hunting expeditions, as well as handling cases involving the Jetport and the Everglades National Park. However, since this committee has heard testimony and statements from people far better qualified than I to discuss the issue as to whether this land should be taken, I will limit myself to discussion of the procedures outlined in the bills for the taking of the property.

As I understand the bills, S. 3139 provides for traditional procedures for the taking of property by the Government. S. 2465, however, provides for a legislative taking of the property as opposed to a judicial taking. In my opinion, a legislative taking in this context is unfair, unworkable, and probably unconstitutional. Under the legislative taking, with minor exceptions, title would vest in the United States on the effective date of the act. In order to receive the just compensation guaranteed by the United States Constitution a property owner must initiate a suit in the United States Court of Claims to determine the value of the property, assuming that the value has not been settled through negotiation. The burden is thereby placed on the land owner, as opposed to the Government, to file the lawsuit claiming such compensation. The ownership of the Everglades-Big Cypress area is varied. In the approximately 540,000 acres under consideration there are approximately 20,00 to 30,000 owners. Some of these ownerships are quite large but the vast majority of them are small. Our firm was privileged to represent a large number of owners in the recent acquisition by Dade County of property in the Everglades for the Jetport. The overwhelming majority of these people owned 2½, 5 or 10 acre tracts. Many of our clients were rugged individualists who had put a substantial portion of their life savings into these properties. They look upon these properties as a "last frontier." Many had purchased their property over a period of years with small monthly payments. To require such people to file a suit in the Court of Claims, which normally sits in Washington, D.C., could present an insurmountable obstacle. In addition, serious legal questions are presented by the proposed procedures.

The Fifth Amendment to the United States Constitution requires that no one can be deprived of property without due process of law. Formerly it has been held that it is not a necessary part of due process of law that an owner be heard respecting the necessity of taking his property, e.g. *Bragg v. Weaver*, 251 U.S. 57 (1919). However, the Supreme Court of the United States has greatly expanded and revolutionized the concept of what constitutes procedural due process. The Court now states that "the fundamental requisite of due process of law is the opportunity to be heard . . . [and] . . . [T]he hearing must be 'at a meaningful time and in a meaningful manner.'" *Goldberg v. Kelly*, 397, U.S. 254 (1970). Clearly, with regard to the taking of the Big Cypress lands the meaningful time for an owner to be heard is before the land is taken. There is a substantial dispute, as this Committee is aware, as to the necessity for taking all of these lands. Yet S. 2465 does not provide an owner with his fundamental right to be heard. He does not even get notice that his land is going to be taken. The taking will be a *fait accompli* before he hears of it. In *Goldberg* the court held that before a welfare recipient's benefits can be terminated he is entitled to "timely and adequate notice detailing the reasons for a proposed termination, and an effective opportunity to defend by confronting any adverse witnesses and by presenting his arguments and evidence orally." *Goldberg* at 299. Surely if a welfare recipient has these fundamental rights to protect whatever vested interest he has in continuing to receive welfare payments, a land owner must also have those rights.

The Supreme Court of Florida may also provide some guidance. That Court held over fifteen years ago that no private property could be appropriated to the use of the state without first paying the owner his compensation. The case involved the Legislature's act in declaring that certain roads were public roads. The Court stated that:

"Property unlawfully taken without compensation is not public property until it is paid for . . ." *Pocock v. Town of Medley*, 89 So. 2d 162, 165 (Fla. 1955).

Provisions similar to the two year statute of limitations contained in S. 2465 within which the unnotified owner must file his claim for compensation have been held in many states to be unconstitutional. In fact, it has been held in some jurisdictions that the constitutional right to compensation cannot be conditioned upon a requirement that the owner file a claim. 1 *Nichols on Eminent Domain*, § 4.102, p. 470. The state cases are quite unanimous that adequate provision must be made for the certainty of payment of compensation and that it must be paid without unreasonable delay. e.g. *Bragg v. Weaver*, supra. Some of the legal problems with S. 2465 then are immediately obvious: because the owner need never be notified, and because no money need be deposited in the registry of the court as the Government's estimate of just compensation, and because an owner must file a claim for compensation, there is no *certainty* that an owner will be compensated. *Bragg* stated that if there were no such certainty there would be a violation of due process. *Bragg at 62.*

The Federal Courts have often spoken on this question. There are a long line of U.S. Supreme Court cases standing for the proposition that to satisfy due process adequate provision must be made for the ascertainment of the amount to be paid and the amount must either be paid in advance or ultimate payment must be adequately secured. See cases cited in *DeSalvo v. Arkansas Louisiana Gas Co.*, 239 F.Supp. 312 (E.D. Ark. 1965).

Traditionally, when the Federal Government wants to acquire land it either requests the state to condemn the land or it institutes condemnation proceedings under Title 40 U.S.C. §§ 257 and 258(a). Usually immediate possession, an obvious goal of the bills under consideration, is secured by filing a Declaration of Taking. Under this procedure the Government deposits in the registry of the court its estimate of value of the property taken. The Government obtains title and possession to the property and the owner is permitted to withdraw the minimum figure which the Government admits he is entitled to. Final determination of the value of the land is made by the district court for the district in which the property is located. A party is generally entitled to a jury trial if he demands it.

I strongly urge that if you decide to recommend the acquisition of the land in question that the legislative taking be abandoned in favor of the traditional court procedures. Any legitimate objective can be accomplished without resorting to the dubious procedures provided in S. 2465. In attempting to accomplish a noble purpose you do not need to work harm and injustice upon the thousands of people whose property must be taken.

The second point I would like to make is to urge a provision for prompt payment for any land which Congress decides is needed for this project. Once a project reaches the serious talking stage the property is in a state of limbo. The most recent example in our area is the Islandia-Biscayne National Monument project. This project was seriously discussed in the early 1960's, although it was not finally authorized until 1968. During the past four years negotiations have been in progress but no suit has yet been filed to acquire the property from owners not willing to accept the offers made by the Government. In the Everglades National Park project the hardship was even more pronounced. I represented a family of six brothers and sisters who owned an island in the Turner River. In 1958 Congress amended the bill to provide for the acquisition of this property. For several years before this the fact that it would be taken was a foregone conclusion and yet suit to condemn the property was not filed until 1967 and final compensation not paid until 1968. During this more than ten year period that the property was threatened by condemnation my clients could not, as a practical matter, develop the property, could not sell it, could not mortgage it, and could not make any real beneficial use of it. They were privileged to pay ever increasing real estate taxes and to visit it in its natural state. In the meantime they knew that at some point their property would be condemned and they would be fairly compensated, but this is small comfort for people whose life savings were tied up in this property.

In summary, I firmly believe that it would be a severe personal tragedy to the owners of this property if the provisions of S. 2465 are utilized by Congress. Contrary to traditional procedures, S. 2465 would:

(1) cut off the owner's right to any money for his property unless he files a claim within two years;

(2) make him file his claim and prosecute it in Washington, D.C. instead of the Federal District Court near his home;

(3) deny payment to him of one penny while the claim is wending its way through the procedures of the Court of Claims;

(4) deny him the right to a jury trial to determine the value of his property;

(5) deny him the right to use, immediately upon transfer of title to the property, the money which the Government says his property is worth;

(6) deny him the right to a full and fair hearing in a court of law on whether the taking of his property is necessary and for a public purpose.

The substantial legal questions raised by this procedure would probably ensure what no one wants—long delays in litigation to determine whether these procedures are legal. Effective January 2, 1971 Congress passed the Uniform Relocation and Real Property Acquisition Policies Act of 1970, commonly known as the Muskie Bill. This bill resulted from the anguished cries of many victims of eminent domain over the years and was a landmark effort. Although it does not give the protection to an owner which the State Legislature of Florida gives, particularly in respect to litigation costs, it is certainly a step in the right direction. To reduce this protection in the manner proposed by S. 2465 would instead be a giant step backward.

And, lastly, on my second point, if I may paraphrase the words of Shakespeare in Macbeth: If the deed must be done then " 'twere better it were done quickly."

Let me again thank you for the privilege of appearing before this committee.

Senator BIBLE. Our next witness is Mr. Charles A. Conly.
Mr. Conly?

STATEMENT OF CHARLES A. CONLY, OCHOPEE, FLA.

Mr. CONLY. I borrowed this from Mr. Poppenhager before we came down here.

Senator BIBLE. Well, first identify yourself, Mr. Conly. Just be seated, make yourself comfortable and get the microphone in front of you.

Mr. CONLY. My name is Charles A. Conly, and my address is Box 56-A, Star Route 1, Ochopee, Fla. The actual location is Pinecrest.

Senator BIBLE. Fine.

Your full statement will be incorporated in the record, and I will recognize you for 10 minutes.

Mr. CONLY. All right.

This, by Senators Chiles and Jackson, is disgustingly eliminative of all rights and privileges we have been enjoying for all these years. The park is still there and undestroyed, as a result of the cooperative use of about 250,000 average citizens and the bird-watchers, who number only an active few, probably less than 100.

We feel that a bill that is too restrictive to everyone except the bird watchers is not necessary, as all of us have used and enjoyed this area together. But it seems that these active members of the select society of supposed intellectuals, who have now become paid lobbyists, support legislation which would give them exclusive rights to what they formerly shared with the majority.

With all the cries of doomsday and threats of it turning into a desert have resulted in numerous private and publicly financed studies, some which are not yet completed, most which are not conclusive as to the nature of the water flow into and around the park.

Any and all of these studies show that from residents, existing

development, the use of the land by sightseers, hunters, fishermen, photographers, and surveyors and just plain joyriders with their families have had no discernible affect upon the park.

The park and the surrounding area have been in continuous use by man and his machines since he has been in Florida. The machines necessary for access into the area have done no provable damage to the park. The Interior Department has authorized the use of the vehicles by those studying the area and by surveyors. They themselves do not appear concerned about any possible damage.

The authorized vehicles are the same privately owned buggies, scooters, and air boats used by their owners during the short hunting season and occasionally for a family outing on weekends.

It seems that the unfounded statements made against these vehicles are intended to prevent access to the average citizens who would not be granted permission and transportation by park officials.

Formerly, between 1900 and World War II, these recently resettled areas contained many times the number of people that they presently have. Therefore, the general feeling that this area must be evacuated either now or in the future is ridiculous.

Keeping the population at its present level and density or reasonably higher and well controlled and dispersed settlement—the nature of the people settling here automatically assures of dispersement—assures that no damage can happen to the park.

Recently, the State of Florida enacted legislation rigidly controlling development in this and other endangered areas, thereby guaranteeing the integrity of this area.

We feel that it would be a waste of the taxpayer's money to purchase this area because the State of Florida has already guaranteed its protection by this legislation.

Before the Interior Department decided that it wanted this land, all published information and the statements and actions of park officials were such that the water from this particular area did not affect the park materially.

Published papers showing this area show the flow going around the park and into the 10,000 islands.

So, to kill two birds with one stone, the park would like to have the rest of the 10,000 islands, too. This would give them the excuse to take the area referred to as subsection C.

The national park now controls all of the land and waterfront property—despite the statements of Mr. Ira Whitlock, page 93, Senate hearing of November 30, 1971, Miami, Fla.—on the west coast of Florida from the Mackle Brothers Development to the lower key, and with this subsection C will control all of the land in south Florida not now owned by big developers.

The developers know that this taking would increase the market value and need of sales of their land, naturally have backed this bill and contributed heavily to certain political campaign funds.

Understanding all of this, we can conclude that the protection of the National Park is not the real reason for this bill. Concern for conservation and ecological measures being in vogue now, and this being an election year, it isn't necessary to repeat all of the arguments concerning the fact that its principal proponent is a candidate for the Presidency.

As for the water maps published before everyone got land hungry, two were published by the park biologist and the park naturalist in their respective books. These maps show that the Everglades proper and the land so often referred to in quotes of Mr. Douglas' book, "River of Grass," is not included in this bill.

It is the true source of most of the surface water flow into the park. They keep trying to apply these quotes and descriptions to the Big Cypress area.

According to "Environmental Problems in South Florida," only 6 percent of the runoff surface water goes into the 10,000 island area, this being measured at the bridges on the trail not at the culverts on SR 94, which sometimes holds a foot of that 6 percent inside the Loop Road, further diminishing the 6 percent.

Also, the record fluctuations measured at the bridges, long before this controversy, run about 40,000 feet to 475,000 in an adjacent year, but the park is still there and undestroyed, so that in respect to this water, the park is not as fragile as we have been led to believe.

These people are crying wolf simply to further their own ends.

There are two surveys now being taken on this area, which will require 2 years to finish. Neither I or anyone else that I have talked to has seen these other researchers. It is thought that most of their observations are made at their desks, solely from older written reports at and in the favor of the most insistent ecology groups.

It is my feeling that they are afraid that the actual on-the-site studies now underway will not support their cause. As one of their statements read, "Home of 17 endangered species," the Secretary of the Interior admits only to nine, to which we can add one more, "The patriotic freedom loving rural American," who will be forced to live in the crime ridden and filthy cities.

These people have gone to a lot of trouble and have endured many hardships to live next to nature, not just read about it, as do the so-called conservation groups, that would deprive them of that right.

It is my own feeling that before any ill conceived actions be taken, all the facts from the continuing on the site survey, on their completion, be taken in and weighed, and if necessary another more reasonable bill be written and introduced.

So, now it becomes necessary to make our objections to this bill and if common sense doesn't prevail and you are pressured or coerced into passing this bill, these are at least the minimum standards acceptable, and why.

In here I refer a lot to the particular pages of the bill and the lines. I have the copy of the bill, but I don't think I can go to each page and line and make the changes.

Senator BIBLE. Well, we can read it and I am not going to make those changes in any event. That will be a staff responsibility, and it depends upon which of the two bills we take.

Are these changes being suggested for each bill, or which of the two bills are you referring to?

Mr. CONLY. I am using 2465 here.

Senator BIBLE. I think they will be more apt to work on the other bill, frankly.

Mr. CONLY. The other bill is a lot more acceptable than this one.

Senator BIBLE. I understand, but there is no need of your making suggestions to a bill that we are not going to consider. The bill we will consider will be the better of the two.

If you don't have a copy of that bill, we will see you get a copy of it and then you make any suggestion you want to about that particular bill. Then we will incorporate that in the record.

I am not cutting you off on suggestions that you are making, but they are to the wrong bill.

Mr. CONLY. All right, I understand that much. Some of them will apply to either bill.

Senator BIBLE. Well, they might, and we will incorporate them.

I am going to keep this record open for a considerable period of time for the reason that we just have so many unanswered questions. I have already asked Mr. Verkler, who is our Staff Director, to take some of the knowledgeable people that we have connected with this committee and we have people qualified in water problems, people who are expert in fish and wildlife problems, people expert in the general recreational problems—I am going to put a team together and get them to come up with the answers.

This evidence has been all over the lot.

Mr. CONLY. Yes, sir; that is the reason we suggest you finish these studies first.

Senator BIBLE. You say that, and that might be a good point, I don't know, but I am going to wait until we get the answers back on these various questions.

I suggest, in the interest of time and your own time, if you don't mind, take the second bill, the last introduced and that is the one that calls for the—

Mr. CONLY. 3139?

Senator BIBLE. That is right. Take that bill and make your suggestions from that bill, and don't worry about the first bill.

Mr. CONLY. Yes, sir.

There are a couple of other things I wanted to say here. The main thing we are complaining about so much here in this bill, both of the bills, in fact all of the bills, for that matter, is this putting everything under the unquestionable jurisdiction of the Secretary of the Interior, and I suppose his secretary, Mr. Nat Reed. I would ask you, in decent common sense, would you like to have Nat Reed as your landlord, which is what we would have?

Senator BIBLE. I thought he was a pretty nice fellow, but maybe I don't know him as well as you do.

Mr. CONLY. Well, he can change anything that we put in this bill, once it is enacted.

Senator BIBLE. Not if we draw it correctly.

Mr. CONLY. We have to change that drawing first.

Senator BIBLE. All right, you are going to help me do that. How much more time do you need?

Mr. CONLY.—Only a few more statements.

Mr. Turner told you there would be 20,000 recorded owners, but he only spoke of Collier County. You probably will find 10,000 to 15,000 more owners listed in the Monroe County courthouse as about a third of this area is in Monroe County.

This taking will completely obliterate all of Monroe County land holdings, and also all development in Monroe County has been stopped so far by other degrees.

I tried to get some cooperation from them but they are just at the point of giving up, because the park has two-thirds of their land holdings already, and now this will take the final third. They said it appeared to be some sort of a pressure policy to eliminate them politically, which it more than likely is.

Now, I know in our area we fought the fire. The Park Service furnished some equipment, and the Forestry Department didn't furnish anything in Monroe County because they said Monroe County did not reimburse them for this.

So, we spent quite a few manhours out there on this equipment, fighting, no charge to anybody.

Mr. Browder and everybody seems concerned about this shrimp industry. We had a man out there that gave up his property on the account of this bill coming up, and he went into the shrimping business. He tells me he can get more shrimp than he can get rid of. He fishes only one day a week now, although everybody is concerned about the shrimp. He can't get rid of them.

Senator BIBLE. I want you to take a copy of the earlier bill, and you take it and study it and there will be ample time for you to make such comments as you want.

Mr. CONLY. I have one other thing here that I would like to put in the record for a friend of mine. This would be interesting if you read it. All he has done here is take a list of the discrepancies and mark them out, the discrepancies between all the reports and published information so far, and he has put them into a chart.

Senator BIBLE. I will read that with a lot of interest, because there are such a lot of discrepancies. Without objection, that will be made a part of the record.

Thank you very much for your appearance here this afternoon, Mr. Conly.

(The complete statement of Mr. Conly follows:)

STATEMENT OF CHARLES A. CONLY, OCHOPEE, FLA.

This bill by Senators Chiles and Jackson is disgustingly eliminative of all rights and privileges we have been enjoying for all these years. THE PARK IS STILL THERE AND UNDESTROYED, as a result of the cooperative use of about 250,000 average citizens and the Bird-watchers, who number only an active few, probably less than 100.

We feel that a bill that is too restrictive to everyone except the Bird Watchers, is not necessary, as all of us have used and enjoyed this area together. But it seems that these active members of the select society of supposed intellectuals, who have now become paid lobbyists, support legislation which would give them exclusive rights to what they formerly shared with the majority.

PROOF OF NO DAMAGE

With all the cries of Doomsday and threats of it turning into a desert have resulted in numerous private and publically financed studies, some which are not yet completed, most which are not conclusive as to the nature of the water flow into and around the Park. Any and all of these studies show that from residents, existing development, the use of the land by: Sightseers, hunters, fishermen, Photographers and surveyers and just plain joyriders with their families have had no discernable effect upon the park.

The park and the surrounding area have been in continuous use by man and his machines since he has been in Florida. The machines necessary for access into area have done no provable damage to the park. The Interior Department has authorized the use of the vehicles by those studying the area and by surveyors. They themselves do not appear concerned about any possible damage. These authorized Vehicles are the same privately owned Buggies, scooters and airboats used by their owners during the short hunting season and occasionally for a family outing on weekends. (Prepared statement and photographs concerning these vehicles, so necessary for complete access, will be entered into the record.) It seems that the unfounded statements made against these vehicles are intended to prevent access to the average citizens who would not be granted special permission and transportation by Park Officials.

Formerly, between 1900 and World War II, these recently resettled areas contained many times the number of people that they presently have. Therefore the general feeling that this area must be evacuated either now or in the future is ridiculous. Keeping the population at its present level and density or reasonably higher and well controlled and dispersed settlement (The nature of the people settling here automatically assures of dispersement), assures that no damage can happen to the park. Recently the State of Florida enacted legislation rigidly controlling development in this and other endangered areas, thereby guaranteeing the integrity of this area.

We feel that it would be a waste of the taxpayers money to purchase this area because the State of Florida has already guaranteed its protection by this legislation.

Before the Interior Department decided that it wanted this land, all published information and the statements and actions of Park Officials was such that the water from this particular area did not affect the park materially. Published papers showing this area show the flow going around the Park and into the Ten-Thousand Islands. So to Kill two Birds with one Stone, the park would like to have the rest of the ten-thousand islands, too, this would give them the excuse to take the area referred to as Subsection C. The National Park now controls all of the land and Waterfront Property (Despite the statements of Mr. Ira Whitlock, page 93 Senate Hearing of Nov. 30, 1971, Miami, Fla.) on the West Coast of Florida from the Mackle Bros. Development to the lower key, and with this subsection C will control all of the land in South Florida not now owned by big Developers. The developers know that this taking would increase the market value and need or sales of their land, naturally have backed this bill and contributed heavily to certain political campaign funds.

Understanding all of this we can conclude that the protection of the National Park is not the real reason for this bill. Concern for Conservation and Ecological measures being in vogue now and this being an election year it isn't necessary to repeat all of the arguments concerning the fact that its principal proponent is a candidate for the Presidency.

As for the Water Maps published before everyone got land hungry, two were published by the Park Biologist and The Park Naturalists in their respective books (Available in the Park Visitor Center, as of, at least, April 13, 1972). These maps show that the Everglade proper and the land so often referred to in quotes of Mrs. Douglas's Book "River of Grass" is not even included in this Bill. It is the *true source* of most of the *surface water* flow into the park. They keep trying to apply these quotes and descriptions to the Big Cypress Area. According to ENVIRONMENTAL PROBLEMS IN SOUTH FLORIDA (1970) only 6% of the runoff surface water goes into the Ten Thousand Island Area this being measured at the bridges on the trail not at the culverts on SR 94 which sometimes holds a foot of that 6% inside the Loop Road, further diminishing the 6%. Also the recorded fluctuations measured at the bridges, long before this controversy, run about 40,000 acre feet to 475,000 in an adjacent year, but the Park is still there and undestroyed. So that in respect to this water (the fraction of 6%) The Park is not as fragile as we have led to believe.

These people are crying wolf—simply to further their own ends.

There are Two Surveys now being taken on this area, which will require two years to finish. Neither I or anyone else that I have talked to has seen these

other researchers. It is thought that most of their observations are made at their desks solely from older written reports at and in the favor of the most insistent Ecology Groups. It is my feeling that they are afraid that *the actual on the site* studies now under way, will not support their cause. As one of their statements read "Home of 17 Endangered Species", the Secretary of the Interior admits only to 9, to which we can add one more "The Patriotic Freedom Loving Rural American. Who will be *forced* to live in the crime ridden and filthy cities (one of which is the United States #1 in Crime—MIAMI). These people have gone to a lot of trouble and have endured many hardships to *LIVE* next to nature, not just read about it, as do the so called Conservation Groups, that would deprive them of that right.

It is my own feeling that before any ill conceived actions be taken, all the facts from the continuing on the site survey, on their completion, be taken in weighed and *if necessary* another more reasonable bill be written and introduced. So now it becomes necessary to make our objections to this bill and if common sense doesn't prevail and you are pressured or coerced into passing this bill these are at least the minimum standards acceptable and Why.

A BILL

a. To establish the Everglades-Big Cypress Recreation in the State of Florida and for other purposes.

Included in this bill are no Everglades at all, the boundaries were politically considered and written. The statement recreation area, The description of Recreation as used by the park. According to Mr. Rogers Morton after eliminating access vehicles and consequently their riders "Increased use *should* result from campers, bird watchers, naturalists and picnickers." If they are not using it now what makes them think that "increased use would result".

We think that these "Recreations" are fine for very few people. The same people that are pushing this bill to prevent the rest of us from using it unless we do it their way. After this bill is passed we expect that those who are so concerned (Publicly) will never set foot in it again. As they were never here before.

b. Page 1, lines 6-10—in order to protect the park which is so dependent on over half of its water from subsection C.

This has been proven time and again to be False and misleading.

Page 2, lines 11-14—Gives Secretary permission to endlessly grab land with only an administrative directive to change the total to be acquired.

Page 2, lines 21-23—questionable definition of a political subdivision.

Page 3, lines 4-9—strike completely.

Legislative taking considered by others to be too offensive to be included in other bills. This is to hurry up the land grab before further information proves it unnecessary. This paragraph and one other make it a land grab instead of a purchase.

Page 8, line 19—What the government considers just compensation is disgusting and for a statement of payment refer to Mr. Whitlock who openly admits that land taken in the original Park is still not paid for and doesn't expect it for some time yet. Also where can we borrow money to buy another home at nothing down and 6% when we get around to paying (no date set).

Page 9, lines 10-16—strike completely.

Why only two years to sue for just compensation, maybe they will let us stay or tenant the property for two years or the expiration date of the clause and then evict us to get our land cheaper.

Lines 17-22—needs to be changed to read: With respect to any property taken pursuant to subsection B which is not proven essential for the protection of the recreation area in accordance with the purposes of this act, the Secretary *must* take the appropriate action to reverse the title to the former owner not more than 30 days after his request, without the government receiving any compensation for the ensuing time.

Page 9, line 23—be changed to read, the owner of all property may retain the right to use his as it has been formerly, in perpetuity.

Page 10, lines 6-10—Change to read unless this property is partially or wholly donated to the United States, the Secretary must pay the full price to

the owner at the date the property is taken over or acquired by the government or any controls whatever put on this property.

Page 10, lines 10-17—Be stricken completely.

Page 10, line 18—Be amended to read all property that has been permanently changed from its natural state or which has a campsite or camp structure on the property, together with not to exceed 40 acres. Any remaining property attached must not be controlled until full payment is made to the satisfaction of the owner.

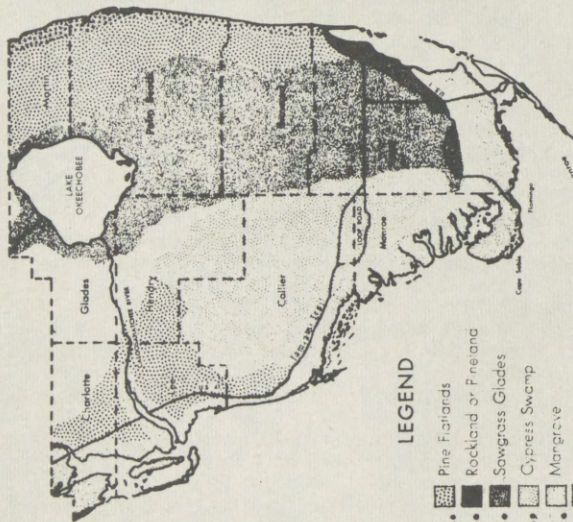
Page 12, in addition to Sec. 6—The Secretary shall not infringe on the prior rights to the area, referring to the use by hunting, campers, birdwatchers, etc. including the right to use the vehicles necessary to the access to the area.

With these amendment and others to be added, this bill could be considered acceptable so it would probably be better to further study the information after the studies are completed and write a new bill to cover these problems as they come up. Therefore we suggest that you don't act hastily but consider all of the factors before you commit us to this legislation.

ORCHIDS AND OTHER AIR PLANTS OF THE
EVERGLADES NATIONAL PARK

By: Frank C. Craighead 1963

Figure D-1, Page 9 - Map of Southern Florida showing principal vegetation types and physical features.



LEGEND

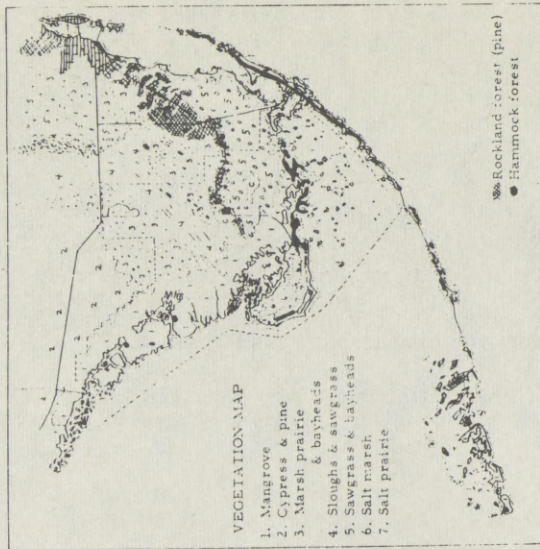
- 1. Pine Flatlands
- 2. Rockland or Fireland
- 3. Sawgrass Glades
- 4. Cypress Swamp
- 5. Mangrove
- 6. Coastal Sand Dunes

NOTE: #3 Sawgrass Glades
The sole area through which water is distributed to the Park is not included in the legislative taking. THIS IS THE TRUE RIVER OF GRASS.

TREES OF EVERGLADES NATIONAL PARK AND THE
FLORIDA KEYS

By: George B. Stevenson in cooperation with
Everglades Natural History Association
Copyright 1969

Vegetation Map, Page 3.



VEGETATION MAP

- 1. Mangrove
- 2. Cypress & pine
- 3. Marsh prairie
- 4. Sloughs & sawgrass & bayheads
- 5. Sawgrass & bayheads
- 6. Salt marsh
- 7. Salt prairie

☉ Rockland forest (pine)
● Hammock forest

NOTE: #4 Sloughs and Sawgrass
The sole area through which water is distributed to the Park is not included in the legislative taking. THIS IS THE TRUE RIVER OF GRASS.

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2. Hydrologic Effects of Water Control and Management of Southeastern Florida, U.S. Geological Survey, Open File Report 71005, Tallahassee, Florida 1971.
3. Environmental Problems in South Florida, National Academy of Sciences, National Academy of Engineering, Washington, D.C. March 1970.
4. Big Cypress Watershed, A Report to The Secretary of the Interior, Everglades-Jetport Advisory Board, April 19, 1971.
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7. Letter From Secretary of the Interior Rogers C. B. Morton to Hon. Spiro T. Agnew, President of the Senate, Washington, D.C. 20510, February 4, 1972.
8. Man in the Everglades, Charlton W. Tebeau, University of Miami Press, Miami, Florida, 1968.

MIAMI, FLA., *February 21, 1972.*

SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION,
Senate Office Building,
Washington, D.C.

GENTLEMEN: Enclosed is my feeling on H.R. 13017 and all other bills on the Big Cypress Swamp, to be entered into the record of the meeting held on 15 February, 1972 in Fort Meyers, Florida.

I submit this in opposition to said bill as a private citizen and none land owner. I respectfully ask that you consider it.

Respectfully,

WALTER TYMINSKI, JR.

As of June, 1968 (World Almanac Figures) the Federal Government owned 755,344,860.3 acres of land within the United States. This bill would add another 547,000 acres.

In researching the Big Cypress I found sparse and contradictory information. Much I have read was based on hearsay. I have relied upon the following for information for this letter:

1. "Hydrolic and Biologic Aspects of the Big Cypress Swamp," dated 1970—open file 70003, U.S. Dept. of Interior Geologic Survey, Water Resources Division—herein referred as #1.
2. "Environmental Problems of South Florida"—PB—299-159, National Academy of Sciences—herein referred as #2.
3. "Is Man Destroying South Florida"—Article by Craighead, Ch. 1 herein referred to as #3.
4. Letter to President from Secretary of Interior with President's bill dated February, 1972.
5. National Geographic—January 1972 issue. I offer, a total compilation of Water to the park in Chart attached as Exhibit #1. As you can see there is a variation between all sources.

Publication #1 further states that the 16% from Big Cypress feeds an area encompassing 350 square miles, water quality good unhindered by Bridges, Canals and Levees. Maintains much of the water received by the Park is received from Collier, Hendry and Broward Counties. According to this study 90% of the rainfall received by the Big Cypress recedes or evaporates, 10% remains standing.

Publication #2—Recommends takeover of the land or in the alternative establishment by the state of Florida of a Water Control District—under strict control. Part of the land recommended to be taken over is in Henry County.

Publication #3—Gives a History of Canals, in particular the one built across Shark River Slough (62-65), partially in the Park. He maintains the Park and

Big Cypress rely heavily on rainfall and the excess remains in pools or runs off seaward. Recommendation—No more canals south of Lake Okeechobee and strict land management.

The only correct map of waterflow (according to Locals) is the one provided to the National Geographic by The South and Central Flood Control and not the charts in federal reports. If this is so—then the water flow amounts may be in error.

Canals built by the Army Corps of Engineers and the State of Florida have tended to manipulate fresh water into the sea and also produced stagnant Health Menaces.

I would respectfully suggest that the sparse amount of information, lack of maps, and scientific data on South Florida do not provide you with enough information to make a judgement by. The Governments of the United States and the State of Florida should make a minimum of a 3-year exhaustive study on the area and source of water. Environmentalists would now have us buy this land today and possibly more in the future—We need a total picture now not later.

The State of Florida should in the meanwhile place heavy restrictions on the area and accept the responsibilities for the land within its own territory. The state cannot expect the Federal Government to bail them out—Florida needs a Land Use Plan, possibly stronger than the one presently being considered by the State Legislature.

The United States Government should not buy back land it once gave to the States and through the Homestead Act. Each citizen has the right to own a piece of property without the sword of Eminent Domain over him. The families who reside in the Big Cypress live there to get away from Miami and Naples. Hunters have lodges there. This should not be denied them.

Finally, if you decide to take this land I would hope it is done per Title 40, sec. 258—paid for promptly (unlike the Park land) and just compensation per fair market value paid.

CHART ON WATER TO THE PARK

Source	Total received from outside source	From Big Cypress (percent)
1. Interior report (Open file 70003).....	56 percent.....	16
2. National Academy of Sciences report (PB 199-159).....	19 percent.....	6
3. "Is Man Destroying".....	Heavily dependent on rainfall.....	
4. Secretary of Interior.....	Rainfall and unspecified.....	56
5. National Geographic.....	Lake Okeechobee—Rain.....	6

Senator BIBLE. Our next witness is Mr. Buffalo Tiger, Chairman of the Miccosukee Tribe of Indians.

(No response.)

The record will be kept open so he can file his statement. (The statement was not received in time for inclusion in the record.)

Mr. Raymond Wooten?

STATEMENT OF RAYMOND WOOTEN, SOUTHERN FLORIDA

Mr. WOOTEN. Senator Bible, with all due respect to the time that has been consumed already, and me being late, I would like to get this on record, that I want to testify in this thing.

In a roundabout way this report that I have all has bearing on this land condemnation and the present national park that they have, and what they have done with it and have not done with it, and in our opinion, we think there is a lot that can be done with the park that they now have before they have taken any more.

Now, my name is Raymond R. Wooten, for the record. My place of residence is Ochopee, Fla., and I have been there for a number of years, 19, in fact, living in this area.

Senator BIBLE. You are recognized for 10 minutes. Can you cover it in 10 minutes?

Mr. WOOTEN. No, sir, I am afraid not, but you can cut me off at any time. This does make interesting listening.

Senator BIBLE. Well, you were presented to me as a late witness with very brief remarks. You go along for 10 minutes.

Mr. WOOTEN. I will go through this kind of hurriedly and if the reporter misses part of it, we will have a report.

I do request that I take my reports with me today, take it home, type it, and fix it up and send this in at a later date, maybe 3 days late.

Senator BIBLE. We will go along with that request, that will be the order. No need of your reading it all if you are going to type it up.

Mr. WOOTEN. Listing of the clubs I actively take part in are as listed, Airboat Association of Florida—I am vice president—located in Dade with a membership of over 300 members. A majority of these members are opposed to the Federal takeover, the balance of which would not vote one way or the other for the simple reason they are not sure what the boundaries would be or how they would be treated as sportsmen.

Always before they have used the glades area to hunt and fish, camp and all the good things that go with the outdoor recreation. Nothing has been clear about this whole issue from the start, right on to now.

I am also a member of the State Airboat Association, acting on the board of directors. This club was formed 2 years ago. This was formed for the reason that smaller clubs, being scattered out over the State, could not do the job, because we would never know what was taking place in the other parts of the State or what their problems were.

The problem I am speaking of is hunting rules and regulations. Also areas to be closed or open.

Also, I am a member of the Southwest Florida Airboat Association, and at present acting as a board of directors member.

Also, this club has voted on the issue, their wish being to leave the glades as is, and not for the Federal takeover.

At this point, sir, I would like to point out a few facts. A sportsman does not always get along with the fresh water fish and game commission and see eye to eye on every issue that comes up, but we don't really mind, because under present rules and regulations we, meaning the sportsmen and game commission, meet at regular meetings and hash out the problems, whatever they may be, and strike a happy medium and go from there.

If it doesn't work good that year, we change it next year to make it work better. Therefore, being flexible and working together, we keep a good wholesome program going.

At this time I want to stress the fact that we don't always see things the same as they do, but we do have a battleground to work on.

God bless the Game Department for that. They say you don't know what you are losing until you have lost it. We don't want to lose it. This is a very precious right that we have—hunting, fishing, boating, bird watching, hiking, and all those other things.

We can work out every problem with the State Department, but when you come to the Federal Park Service, it is like talking to a brick wall, because they have a know-it-all attitude. But most of their knowledge comes from books or from other statistics they have actively worked in—not at all like our area.

You can tell them things that would advance them 15 years in the way of thinking, and they won't listen. Then 15 years later they come about gradually to see the very things you tried to tell them was right, and then start leaning in that direction.

They might say, "What is this thing this man is talking about; he is some kind of a nut." For example, one thing I am speaking of is controlled burning. Up to recently, Park had a completely no-fire policy, which is very bad for the glades, for reasons being a few years of not burning starts a buildup of underbrush to where the animals have no place to be. Pine, cypress, maples, and other seeds never hit the ground, regardless of how good a year natural reseeding may be; therefore keeping growth of seedlings stops the growth.

Also, from the fourth year on up, without controlled burning is a real problem. At that point, there is such a large buildup that when a fire does start, this fire whips up winds of 40 miles an hour in the vicinity of the fires. Then it swings through palm, hammock, and cypress stands like you poured gas on it.

This condition always comes about during a dry year. Fires are not always started by man. Nature has many ways of doing these things.

Also, the grass and underbrush has a tendency to build up and completely stop sluice and waterways, making it almost impossible for wading birds to feed. They are keeping on harping about the game life disappearing from the parks and they are 100 percent right, but most of all, it is due to bad management and simply not understanding.

If they don't understand how to cope with these problems, I would respectfully ask that they swallow their pride and seek out people who know not all of the answers but most of the answers.

They may say, for instance, "Okay, we swallowed our pride and asked information of these people that know all the answers." We will start with the two most dreaded things we have facing us today, this being the park people, how to start controlled burning when some areas have not been burned for 10 years or more.

We have already been told that after 4 years it becomes dangerous. The answer being a simple one, ask the aid of all conservation clubs and burn off approximately one-fourth of these areas that need burning the first year, being sure that the water level is at the surface so as not to get the real hot fire going.

This being done in the checkerboard style, after 4 years you would have the entire area burned that needed burning. Then continue along this basis.

The next thing would be what modes of transportation would be used. The answer is simple again; they will have to use airboats. That means swallowing a little more pride. But it is really not that bad, because they use them in the park and they are the most practical transportation yet.

All animals use airboat trails to feed in. They need areas without lots of high grass—rough grass—such at 10-foot-high soil grass.

Now, with these burns made available, birdlife will have places to feed when the water comes; therefore, birds will double in numbers in a few short years.

Senator BIBLE. You have 1 minute remaining.

Mr. WOOTEN. All right.

Deer will have burns to feed on during the dry season. Also, burns are necessary for wild turkey and the sand hill whooper, which is becoming extinct.

They will light on a burn and start feeding, even before it has quit smoking.

Many times more than a dozen will collect in one area. If you watch the birds and animals, they will tell you many things.

Next they will probably say, "Now, we have doubled the number of birds. What do we do about the deer that are getting fewer and fewer all the time?" Again this is the most simple question of all. For deer, or any game animals, for that matter, has to be used and utilized to keep them productive. The answer being, having a reasonable hunting program within the park boundaries. This keeps herds moving about, preventing interbreeding and keeping old bucks or does from concentrating and using a certain place, because it breeds disease, such as parasites and stomach worms that come from mostly older animals and enter through the hooves of the younger animals.

Senator BIBLE. You have used your full 10 minutes now, Mr. Wooten.

Mr. WOOTEN. All right, sir.

This is something that you can enter into this report and it is kind of lengthy.

Senator BIBLE. Did you want to take it home?

Mr. WOOTEN. Yes, sir. I want to get this all in there and see if we can't get them to realize it, and see if we can't get some kind of hunting program in this area that we have been promised but don't have.

Senator BIBLE. All right. Our next witness is Mr. Alfred Pohlman, State of New Jersey.

Is he here? [No response.]

Without objection, his statement will be incorporated in full in the record. The statement of A. C. Hancock will be incorporated in the record.

(Mr. Pohlman's statement was not received in time for inclusion in the record. Mr. Hancock's statement follows:)

STATEMENT OF A. C. HANCOCK, COMMISSIONER, COLLIER COUNTY, FLA.

Gentlemen, you have heard Mr. Harmon Turner, our County Manager, give you technical data concerning Collier County. Before becoming the County Manager, Mr. Turner was the County Engineer for many years, having come to the County in 1934. He is a very intelligent and dedicated man and what he tells you you can believe. Collier County is one of the most progressive Counties in the State of Florida, not because of the more than 11 years I've spent on the Board of County Commissioners, but because of the people who preceded me and those who have worked with me during my tenure in office.

Some of the things that our County is and has been ahead of other Counties in are: (1) A Contract with the U.S. Geological Survey for 20 years to collect

data so there would be a history for the planned protection of our fresh water supply; (2) Adoption of a Zoning Ordinance and the adoption of a Comprehensive Plan recommended by a nationally known land planning firm, after several years of study; (3) The establishment of a Salinity Line to prevent salt water intrusion into our well fields; (4) Collier County worked together with the Collier County Conservancy, The National Conservancy Foundation and Land Developers in the preparation of a land use plan developers could live with yet protect the environment of the Rookery Bay Sanctuary South of Naples. This was the first project of its kind in the country and took place before most people were aware of the environment problem.

I am proud of the fact my County has been aware of and has done so much concerning the protection of our natural resources for many years. While the rest of the country is just now realizing the importance of environmental protection.

I am also proud that I have had the opportunity for the past 11 years to be a part of this action to protect our natural resources. Maybe my motives were because I've been an elected public official during this time or maybe my motives were personal because I was born, raised, and made my living in my County as a fishing guide in this very area we are seeking to protect, the Everglades National Park.

While I don't pretend to be an expert in the field of Ecology, I've had the opportunity to study the many reports made concerning my County.

After having read all these reports and studies, and my personal knowledge of this area, I feel it is not necessary for the Government to take away one-third of our County. To do this will put a tremendous financial burden on the citizens of Collier County for no logical reason. I ask you gentlemen, Why?

Thank you for your patience in hearing me out.

SENATOR BIBLE. Mr. Guise of Florida has handed me a 34-page document here, and Mr. Guise, I am going to ask the staff to go through this. I read some of it carefully, because I think it needs a little editing because you pay your respects to the President of the United States and several other things that I think may just as well be left unsaid in the statement. We will let the staff work it over and we will incorporate as much of your 34 pages as we can in the record.

Now, ladies and gentlemen, this will terminate the hearing, and just so we are clear as to where we go from here, we stand in adjournment. However, I am going to keep this record open for future orders from the chairman, because we are appointing, as I said earlier, a task force to look at these various problems that have been presented to us as a result of your hearings here over the last 2 days. There are lots of question areas that I don't know the answers to. We are going to ask them to do the best they can to furnish answers in the water supply problem and the timber problem and oil problem and the mineral problem, and the shrimp problem, just to name a few of them, and once we get those back, we will see where we go from here.

MR. GUISE. I would like to make a statement or two.

Any man or woman in this audience or outside of it, including Mr. Morton or Mr. Nixon, I will guarantee to show them they are making a definite mistake by creating this monstrosity. I will back it up. I want to contact every person, if possible, the game and fresh water fishing commission or what have you, and I can show them why this is so.

Even the muck is so terrific and a heavy flood will kill practically everything in the area, besides the fire, and we are creating nothing in the whole area.

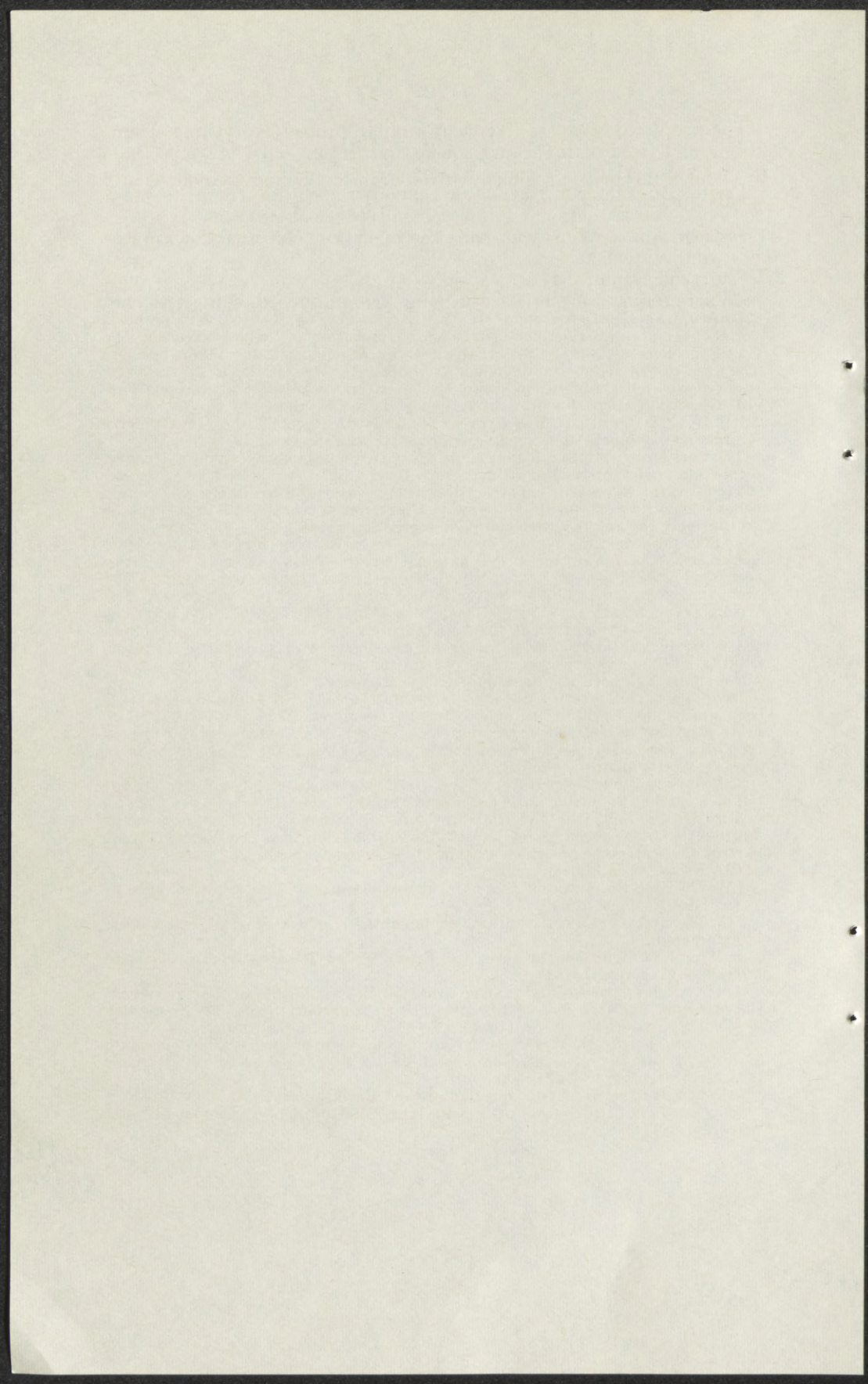
The people have got to live there to help protect everything. I am so sick and tired of breathing smoke and fire on our highways that I don't know whether I could live or die.

I will guarantee you I can turn anybody's attention from this here particular bill if they will follow me and let me show them.

Senator BIBLE. Well, you made the offer, Mr. Guise, and I appreciate your statement.

We stand adjourned.

(Whereupon, at 3 p.m., the hearing was adjourned, subject to the call of the Chair.)



APPENDIX

(Under authority previously granted, the following statements and communications were ordered printed:)

QUESTIONS SUBMITTED TO THE DEPARTMENT BY THE COMMITTEE AND THEIR RESPONSES

1. Does the Big Cypress area meet the criteria for a recreation area? What are the recreation possibilities?

Answer: As the Department stated in its report on S. 2465, our proposal (S. 3139) places greater emphasis upon conservation of fresh water and the fragile ecology of Big Cypress than upon its development for recreation use. The area proposed for establishment as the Big Cypress National Fresh Water Reserve was not evaluated in terms of the criteria applied to a proposed Federal recreation area. However, in its report to the Secretary of the Interior of April 19, 1971, entitled "Big Cypress Watershed, Florida," the Department's Everglades—Jetport Advisory Board did state as follows (p. 9):

"Visitors enjoy hunting, fishing, nature study, photography, camping, boating, picnicking, and the sense of wilderness."

Thus, while recreation opportunities will certainly be available, we do not believe that the area should be developed for intense recreational uses, such as are normally associated with national recreation areas.

2. It is the first time a "National Fresh Water Reserve" has been proposed?

Answer: The descriptive title "National Fresh Water Reserve" has never been used to designate an area in which watershed values are paramount. However, the interrelationship of water and land has long been recognized. The Weeks Act of March 1, 1911 (16 U.S.C. 480, 500, 513-19, 521, 552, 563), authorized the Secretary of Agriculture to acquire cutover or denuded lands within the watersheds of navigable streams for the purpose of preserving the navigability of the streams. Nearly all of the national forest lands east of the Mississippi have been acquired under this authority.

In addition, a number of watersheds within the National Forest System have been given added protection under various executive orders and Acts of Congress. The national fresh water reserve proposal is an extension of the concept of watershed preservation embodied in the Weeks Act. Its purpose is to preserve water quality, quantity, and flow regimen.

3. What are the basic features of the Big Cypress area which constitute what might be called the criteria for a National Fresh Water Reserve?

Answer: (1) Subbasin C of the Big Cypress Watershed, from its headwaters down through the estuaries of Everglades National Park, is the last remaining part of the watershed in which a natural ecosystem prevails.

(2) Its water is high in quality.

(3) The water maintains the natural ecosystem of the northwest part of Everglades National Park.

(4) The area is subject to drainage, impairment of water quality and other interferences.

4. What distinguishes the proposed Fresh Water Reserve from a National Park such as Everglades?

Answer: The purposes and management policies applicable to the reserve are the principal features that distinguish it from a national park. The protection of a continuing supply of good-quality fresh water is the basic purpose for the administration's Fresh Water Reserve proposal, whereas such protection would be only one of several reasons for establishing a national park, others being to preserve scenery, wildlife, etc.

5. What are the maximum acquisition and development costs?

Answer: Land acquisition costs will total \$156 million; development costs will total \$895,000.

6. Describe the proposed development including location:

Answer: In the vicinity of State Routes 84 (Alligator Alley) and 29, a ranger station, comfort station, parking, and maintenance-storage facilities would be provided.

At Ochopee, on State Route 90-U.S. 41 (Tamiami Trail), a ranger station, comfort station, and parking would be provided.

At Monroe Station, at the intersection of State Route 90-U.S. 41 and State Route 94, a manager's office, ranger station, comfort station, parking, and maintenance-storage facilities would be provided.

At Pinecrest, on State Route 94, a ranger station, comfort station, and parking would be provided.

7. What will be the source of funds for acquisition and development costs?

Answer: It is anticipated that appropriated funds from the Land and Water Conservation Fund will be the source of acquisition funds, and that appropriated funds from the General Fund of the Treasury will be the source of development funds.

8. Is it true that some of the Indians who live within the area own their lands? If so, will they be permitted to retain their ownership of their lands?

Answer: There are no Indian reservations or trust lands, within the proposed Reserve; however, it is believed that there are a few Indian families who own their own land and improvements. These Indian families will receive the same treatment as any other private ownership. They will be given the opportunity to reserve a life estate or a term of years (not to exceed 25 years). They will also receive relocation assistance in finding a safe, decent and sanitary dwelling.

9. Why is it that much of the testimony and statements which support the bills stress the matters of present and future needs of Florida communities and agricultural interest for additional water supply, and do you believe this need is a reason Congress should pass legislation?

Answer: The growth and economic well-being of any area is dependent on available water supply. The tremendous growth of south Florida has led to this realization by most of its inhabitants because of continuing water supply crises, the most recent being the 1970-71 drought when, despite the comprehensive engineering works of the Central and Southern Florida Flood Control Project, water had to be rationed. The flatness of the terrain offers practically no reservoir sites and the drainage canals which lower the water table, a condition necessary for development, reduce the water supply. Retaining Big Cypress in its natural state and prohibiting comprehensive development will maintain the normal water table.

The primary reason for the legislation is to protect Everglades National Park. Protection of future well fields or other storage measures needed to supply the west coast areas is one of the other benefits that will result.

10. If the Big Cypress legislation is necessary to sustain the Everglades, how can there also be water for the community and their agricultural use?

Answer: The west coast communities and agricultural interests depend on ground water from wells for their supplies. Presently, the well fields are closer to the coast than to the proposed Reserve but as development continues from the coast inland, the water demand will increase, and well fields will need to be developed to the east. The areas of influence of these wells will reach the Reserve and divert groundwater from it. However, assuming no huge withdrawals for industrial purposes, and as the important supply is surface water, the net effect on overland flow into the park will be minimal.

11. Describe the extent of the fishing industry which relies upon the water supplies which these bills would affect.

Answer: Pink shrimp catch (Source: Gulf Coast Shrimp Data, NOAA) landed at U.S. ports is as follows:

Year	Pounds	Value
1970.....	11,420,681	\$8,385,935
1969.....	9,862,418	7,967,595
1968.....	9,712,511	6,776,936
1967.....	9,248,361	6,291,204
1966.....	13,318,392	8,850,092
1965.....	12,831,082	7,055,333

Most of the pink shrimp spend their juvenile stage, safe from predators, in the estuaries of Everglades National Park. The Reserve supplies fresh water to more than a third of the park's estuarial zone.

Commercial fish landings (Source: Florida Department of Natural Resource) in Collier County in pounds and ex-vessel value are as follows:

Year	Pounds	Ex-vessel value
1970.....	5,737,534	\$915,592
1969.....	6,694,879	929,978
1968.....	9,258,734	1,353,019
1967.....	7,843,565	927,322
1966.....	7,095,518	844,901
1965.....	6,630,394	746,564

Since most of the commercial fishing boats operate out of Chokoloskee, Everglades City, Goodland and Marco, most of the catch either matures in the estuarial zone fed by water from the Reserve or feed on nutrients and smaller fish produced by this zone.

Sport fishing is also an economic benefit to Collier County. Guides and boat rentals are available along the coast and many people use their own boats for saltwater fishing. Fresh water fishing in the proposed Reserve is confined to the sloughs and canals. No reliable estimates of sport fishing values are available.

12. Would the fishing industry which this bill would benefit, pay any costs of this legislation?

Answer: The Reserve would protect an existing fishery. It does not seem reasonable to charge this industry for maintaining present production levels assured by the Reserve. Of course, the income derived from the fishery is subject to normal taxes which would be reduced if the estuary is damaged.

13. In what manner would the benefitted Florida communities and agriculture pay for the water they receive?

Answer: The proposed Reserve does not create water supplies for which charges could be made. It assures the continuation of an ecosystem. Protection of water quality, quantity and flow regimen to preserve the unique ecosystem of Everglades National Park far outweighs the assurance of adequate water supplies for the coastal areas.

(Questions 14 and 15 will be answered at a later date.)

16. Isn't it possible to assure supplemental water for the Everglades by different procedures such as by preventing evaporation, water canals, and impounding rain water which I understand is abundant?

Answer: No. Because the land is flat, the only way to store water is by levees such as are used in the Central and Southern Florida Flood Control Project. These conservation areas have not proved as effective as originally hoped—evapotranspiration losses are high and to move water effectively through them, canals must be used. The Central and Southern Florida Flood Control Project basically depends on Lake Okeechobee for storage, and the levees around the lake will be raised to increase storage to meet East Coast water needs until 2020. No such lake exists in the Big Cypress. Draining Big Cypress with canals will upset the natural drainage regimen, diminish the natural purification processes, and deteriorate the quality of the water. Evaporation prevention is still experimental and requires large open bodies of water for the monomolecular film to be effective. Evapotranspiration is necessary to maintain the existing environment. Adequate water quality and quantity within the Big Cypress and the western part of the park can be maintained better by preserving the natural ecosystems rather than by creating an artificial water storage and delivery system. An artificial system will result in ecological changes.

17. Will sportsmen, landowners and others be permitted to enter the area in "swamp buggies" and, if so, under what restrictions?

Answer: Travel through the swamp by air boats and swamp buggies will be permitted to continue but use in certain sensitive areas may have to be controlled to insure against rutting or other impairment. A study of the effects of swamp buggies is underway that will determine what, if any, restrictions will be necessary to preserve the area as a water reserve.

18. Aren't "swamp buggies" the most common form of access, as well as the only form of access, for much of the area?

Answer: Swamp buggies are probably the most common form of transportation in the wet season and in the deeper water areas of the Big Cypress. In the southerly portion, air boats are also used. Higher lands are open to access by trucks.

19. Do Cuban refugees live in the area and, if so, what will be done with them?

Answer: Some Cuban families could have bought tracts within the proposed area on a contract basis, generally sight unseen. There is no information available that Cuban families are actually living in the area; however, if they are, they will be treated as any other private ownership.

20. Is it true that much of the water flowing to the Everglades is underground (or subsurface flow)?

Answer: No. The underground flow from the proposed Reserve into the park averages less than one percent of the surface flow. However, the aquifer stores large amounts of water, is essentially full and during dry seasons maintains the flow in the sloughs.

21. Does the Department and the Office of Management and Budget believe that this is a project which has a sufficient "national interest" so that federal, rather than state, taxpayers should bear its cost?

Answer: Yes. As President Nixon stated on November 23, 1971, "The Nation, as a whole, will benefit through the protection of Everglades National Park and through the addition of another major wildlife haven and recreation area."

22. There are large areas of land within this area which are substantially above water. Why must this land be acquired?

Answer: Only about 10 percent of the land in the proposed Reserve is above water throughout the year. These areas are not contiguous but scattered over the Reserve. Generally the water table is from a few feet to a few inches below ground and these areas cannot be developed for agriculture or residential use without constructing canals for drainage and providing access roads (which also require borrow canals). Septic tanks are not feasible because of the high water table. Any such construction will affect the ecology of the surrounding area and would be incompatible with the purpose of the Reserve.

23. Have people within the Interior Department who have expertise in water supply and reserve matter participated in the planning for the fresh water reserve proposal?

Answer: Seven agencies—Geological Survey, the former Federal Water Quality Administration, the former Bureau of Commercial Fisheries, Bureau of Sport Fisheries and Wildlife, Bureau of Outdoor Recreation, Bureau of Indian Affairs, and the National Park Service—have participated since 1969 in the studies and planning for the fresh water reserve.

Four reports on the Big Cypress have been issued, beginning in 1969. The first report, released in 1969, was prepared by an Interior Task Force under the leadership of Dr. Luna B. Leopold, U.S. Geological Survey, titled *Environmental Impact of the Big Cypress Swamp Jetport*. In 1970, two reports were prepared on the Big Cypress: U.S. Geological Survey, *Some Hydrologic and Biologic Aspects of the Big Cypress Swamp Drainage Area, Southern Florida*; and a Federal Water Quality Administration, *A Synoptic Survey of Limnological Characteristics of the Big Cypress Swamp, Florida*. In April 1971, the Big Cypress Watershed report was released. This report was prepared by the Everglades-Jetport Advisory Board which is composed of the above seven agencies.

24. The Corps of Engineers has a number of projects in Florida. Has it been consulted?

Answer: Yes, first informally in 1969 and 1970, through the Jacksonville District of the Corps of Engineers, and most recently through the clearance process of submitting the Administration's proposed legislation. In its 1968 report on the Water Resources for Central and Southern Florida, the Corps considered using part of Big Cypress as a conservation area in Monroe and Collier Counties to supply the western part of Everglades National Park. The final report did not, however, recommend it because the cost made other alternatives more attractive. The 1969/70 discussions were abandoned when

it was concluded that the Corps plan for water control would include construction which would be inimical to preservation of Big Cypress in its natural state with minimum facilities.

25. Why isn't the proposal for this fresh water reserve being presented by the Bureau of Reclamation?

Answer: The proposal has been submitted by the Secretary of the Interior in implementation of President Nixon's decision to preserve Everglades National Park. The problem that acquisition of the proposed Reserve will solve concerns the effect of the Big Cypress on the total ecology of the western part of Everglades National Park. Use of water for irrigation and the generation of hydroelectric power, with which the Bureau of Reclamation is concerned, has no relation to the ecological needs of the park, in addition, the Act of June 17, 1902 (32 Stat. 388), the Reclamation Law, applied only to certain western states.

26. Can you explain just what kind of ownership, if any, people have who have "bought" "Florida retirement property" through the mails?

Answer: Retirement properties are bought through the mails are often bought sight-unseen. Buyers sign a contract, make a minimal down payment and pay a small amount per month until contract is fulfilled. This contract gives the buyer the right to make payment on a certain parcel of land and to obtain a deed to said land on completion of all payments. Title, and therefore "ownership" does not pass until payment is complete.

27. Will there be any difficulty in assuring that people living in other states, and who own "retirement property" in the area, are located in connection with acquisition of their rights?

Answer: Information regarding persons having contracts to buy retirement property would have to be obtained from the seller (developer or realtor selling the lands). Contracts to buy lands are not required to be recorded in the local court house records. The Government would have to deal with the owner of record, which in most cases would be the realtor selling the lands.

28. Do you believe that this idea of a fresh water reserve is unique to Florida or could it possibly be utilized throughout all of the United States?

Answer: Only the name "national fresh water reserve" is unique. The idea has already been utilized throughout the United States. The conservation areas in Florida have a similar function as have many national and state forests. The concept of a fresh water reserve would be applicable in many areas within the United States where the relationship between water and land are similar to those that exist in Florida. This would include coastal and inland fresh water lake areas. The Boundary Waters Canoe Area in northern Minnesota is, in fact, though not so designated, a national fresh water reserve.

(Question 29 will be answered at a later date.)

30. What role could the State of Florida have in connection with management and operation of the area?

Answer: The State's role would depend upon the terms of any cooperative agreement that might be entered into pursuant to section 4 of S. 3139. Management and operation functions are expected to be custodial and protective in nature.

31. Do you contemplate that either the State or local governments would fully administer the area or parts of the area?

Answer: Basic control should remain with the Federal Government in order that the purposes of the legislation are assured. Therefore, if "fully administer" means the right to establish controls over the use of the area, the answer is in the negative.

32. Would the contracts with the State or local governments provide payment to them for their administrative services.

Answer: Section 4 of S. 3139 provides no authority for such payment.

33. Section 5 of S. 3139 refers to continuation of the Indians usual and customary use and occupancy. Will that include such things as "Tiger's Micoosukee Village (Stop For Your Favorite Beer)", "Tiger's Alligator Wrestling" and "Tiger's Alligator Wrestling"?

Answer: The facilities referred to in the question are not within the boundaries of the proposed reserve. Therefore, section 5 of the bill would not apply to them. We believe, however, that the kinds of facilities referred to where they now exist, would not be inconsistent with the purposes of the Reserve.

STATEMENT OF HON. JAMES A. HALEY, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF FLORIDA

Mr. Chairman and members of the subcommittee, before you today is some of the most significant environmental legislation affecting Florida to come before the Congress. The purpose of the legislation is to protect from development a portion of the Big Cypress Watershed located north of and adjacent to the Everglades National Park, Florida.

The reasons for protecting this area are many and varied. Some are apparent and some undoubtedly will not be recognized nor understood fully for some time to come since there is still so little known about how man interacts with his environment.

What we do know is that approximately 16 percent of the Everglades National Park is dependent directly on the Big Cypress for fresh water supplies during several critical months of the year. Without this flushing effect derived from the fresh and relatively unpolluted water from the Big Cypress, government and private studies predict that portions of the Park would not continue to thrive. The Everglades National Park is a truly unique tropical area of this hemisphere. There is simply nothing else like it in the United States.

If we accept the premise that the Park is a natural resource worth preserving, which I firmly contend, then preserving some part of the Big Cypress is a logical and necessary part of that preservation.

How much of this large watershed area is needed to provide protection for the Park is not something which can be determined easily by scientific measurements. It is in large part a judgment call based on balancing the public's desire for new places to live and industry's to build against the need to preserve large areas in their natural state for present and future generations.

The vast majority of the water the Everglades National Park receives, of course, comes directly from rainfall. But the water it receives from surface water flowing from the Big Cypress in sheet flow or through the slight depressions called sloughs is vitally important to the survival of the northwestern section of the Park.

Since the rock formations underneath the Big Cypress are generally porous, it cannot be used very well as a natural water reservoir. But its recharge capability of the underground aquifers helps to fight off a continual threat we face in our State of salt water intrusion from the ocean and salt water estuaries. That benefit, coupled with the insurance protecting the Big Cypress would provide for the continued vitality of the Everglades National Park and much of South Florida, justifies in my mind a significant effort on the part of The Congress, the State of Florida, the counties involved, and the people of the area to preserve part of the Big Cypress.

Mr. Chairman, I support the objectives of this legislation before you which area to preserve a portion of the Big Cypress Watershed for its own intrinsic value as a natural area as well as for its life sustaining effect on the Everglades National Park to its south.

STATEMENT OF HON. PAUL G. ROGERS, A U.S. REPRESENTATIVE IN CONGRESS FROM
THE STATE OF FLORIDA

Mr. Chairman, I am certainly pleased and honored to have the opportunity to present my views before this Subcommittee on the various legislative proposals affecting the future of the Big Cypress Watershed. I have a particular interest in this subject since a substantial portion of Big Cypress falls within the boundaries of the Congressional District which I have the honor of representing. However my interest in this area is more than geographic. I am concerned about the importance of this area to the future of the Everglades National Park, and the entire South Florida environment. Because of my continuing interest in this area, I joined with my colleagues in the Florida Congressional delegation in introducing H.R. 13115.

The Big Cypress is a very unique and at the same time a very fragile ecosystem. A wide variety of unusual plant and animal communities are found in this area, and included among them are a number of endangered species. The fresh water resources of the area provide substantial amounts of water for large areas of the Everglades Park. This water in addition to sustaining

life within the Everglades, is necessary to help preserve the sources of drinking water in South Florida and prevent salt water intrusion into these supplies. This same nutrient laden water ultimately forms spawning grounds for a multi-million dollar shrimp and commercial fishing industry in Southwest Florida.

Although the Big Cypress is a large and complex area, it is also very delicate and an intricate part of the ecological balance of all South Florida. Development in any part of this area has an effect on the entire ecosystem. Drainage often results in a general lowering of the water table and diminishes the ability of the area to store and recharge ground water sources. This reduced capacity is especially critical during periods of drought when ground water acts as a buffer to salt water intrusion of underground fresh water supplies. In order to understand how important these fresh water supplies are to Florida, we need only look back to the South Florida drought of 1971 which brought the State to the brink of a water shortage disaster.

The State of Florida has recently acquired nearly 26,500 acres of the Fakahatchee Strand and adjacent wetlands. In addition the State has under consideration a program for acquiring other environmentally endangered lands. It is now time for the Federal Government to make a commitment to preserve this unique and important area known as the Big Cypress. This area was originally proposed as a part of the Everglades Park but was never incorporated into the acquisitions which form the present National Park area.

Action should be taken before further irreparable damage is done to the area, but we must also remember that the people who have property interests in this area must be treated equitably in carrying out the provisions of the legislation.

Mr. Chairman, I again express my appreciation for your concern and interest in this matter, and I know that the Subcommittee will carefully consider the testimony presented.

JAMES G. PACE & ASSOCIATES,
North Miami Beach, Fla., June 1971.

FELLOW PROPERTY OWNERS: As you probably already know, through the newspapers or other news media, Florida's Attorney General, Robert Shevin, together with the Governor and other members of the Cabinet of the State of Florida, have brought law suits against the property owners in the Cypress Swamp area of the Glades to prevent them from using their land for any purposes, including agriculture, and to prevent the owners from selling or re-selling their land. One of these suits is now pending in Monroe County under the caption of The Florida Board of Trustees of Internal Improvement Trust Fund and The State of Florida -v- J. E. Groover, Joe Cotton, and others, being case numbered 4-444.

Our Attorney General, with the support and verbal acquiescence of our Governor, made a public statement on or about May 11, 1971, to the effect that "the time has come when the rights of landowners to use their land must be subservient to rights of the State and its citizens." I have never read Karl Marx, but this is the principle of the governments of Russia, China, Cuba, Chile and other countries with ideologies different from ours. If this doctrine became the law then, at this point, our government has, in my opinion, hit the skids.

Additionally, in case it has not come to your attention, our Senator Graham has introduced a Bill in the Florida Legislature which would establish a seven county South Florida Land Use Management Commission which would have the sole authority, among otherthings to issue permits for ditching, draining, dredging, or other water related undertakings, in or around the Swamp. This power would be tied in with a super zoning board operated by the State which would have the power to overrule the various county zoning boards in which your land is located. The United States Interior Department Big Cypress watershed report advocates banning Swamp Buggies and other uses in the Glades area.

In view of this precarious situation, which will usurp and destroy our property rights if it is not challenged and stopped, I think you will agree that it is necessary that all of the property owners in the Everglades area; together with the Conservationist of our resources and way of life, band

together to protect ourselves from this attempted government take-over. Should one of these lawsuits prevail, and we expect many more of them to be filed, then our government officials will most certainly use such Court decision to block off all of the small landowners from any practical use of their land. If we are to successfully fight this attempted land grab by the State, we must employ the best attorneys, hire the best public relation firms, and make our collective voices heard as a powerful force defending free enterprise and our property rights against the threatened take-over.

At this stage, talk will get us absolutely nowhere and so some of the landowners have started the ball rolling by creating a non-profit corporation called the "LANDOWNER'S CONSERVATION AND PROTECTIVE ASSOCIATION, INC". This organization can serve as a vehicle to unite all of the landowners, their friends and associates into an effective fighting group and to keep on top of the latest development affecting our rights. This organization will belong to the members. Any excess funds on hand will be returned in the same proportion as contributed. Our membership will be open to all owners of land in the Everglades area. We will become associated with other like organizations. The Conservation and Protective Association will go to the assistance of any of our members whose land and rights have been threatened. Furthermore, we will become a powerful unified force to be reckoned with and not to be nibbled away piece by piece.

Membership in the Conservation and Protective Association is a minimum of \$10.00 each and such other amount as you may choose to contribute. This should be tax deductible as being paid for protection of property rights. The Association will pursue this contention for the benefit of the membership.

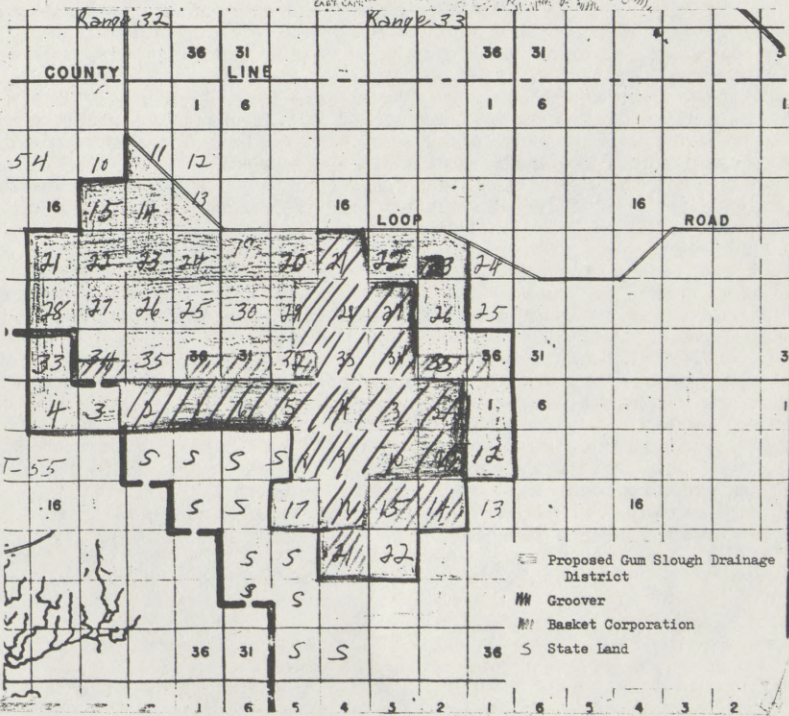
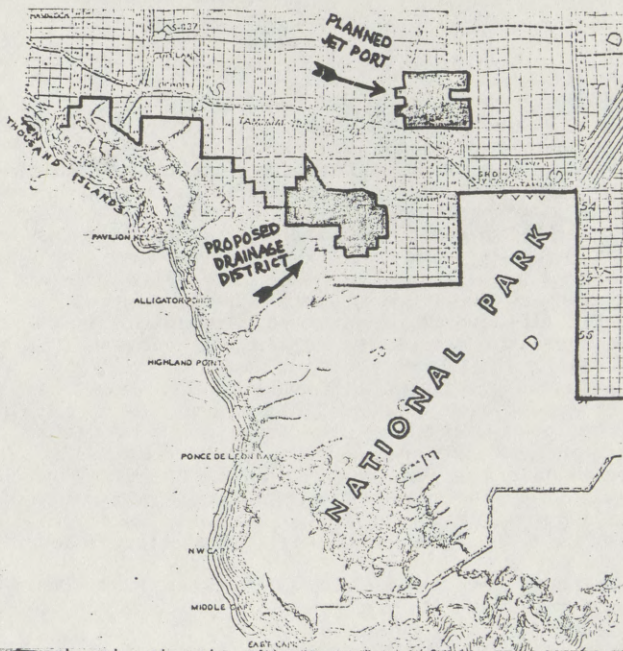
We should have Associate Memberships for those who do not own land, but would like to become affiliated with our cause. The Associate Members would not have a vote, but would be a driving force in the operation of the organization. Membership for Associate should be \$5.00 and such other amounts as they would choose to contribute.

We have prevailed upon the Honorable Verne L. Freeland, with offices in the Ainsley Building in Miami, Florida, an outstanding South Florida attorney, to act as temporary president until we can have a meeting, hold an election, and establish by-laws for the operation of our non-profit corporation. The Second National Bank of North Miami has agreed to handle our account. All funds will be immediately deposited there and the account will be open for inspection. Please send the enclosed membership application and your membership fee to Second National Bank of North Miami, P.O. Box 7, North Miami, Florida, or to this office. Your membership certificate will be forwarded to you within a few days. Make your check payable to "Landowners Conservation and Protective Association", Inc.

As soon as we have given a substantial number of the landowners in the Glades an opportunity to join (via sending them a copy of this letter and an application form) we will set up a general meeting of all the members of the Association to pick our officers, directors, and leaders and to discuss the tactics and strategy for defending ourselves from this very real and ominous threat of governmental take-over of our lands. We must also develop our own conservation plans and to take part in those plans advanced by others, including the United States Government. Let's keep the good—weed out the bad.

Yours very truly,

JAMES G. PACE.



- Proposed Gum Slough Drainage District
- Groover
- Basket Corporation
- State Land

[From the Miami Herald, Oct. 18, 1969]

DRAINAGE SOUGHT NEAR JETPORT

(By James Malone)

Nearly a hundred property owners will seek legal authority in the next few weeks to drain a 50-square-mile wilderness tract between the proposed Dade-Collier Jetport and Everglades National Park.

The immediate purpose of the drainage is for farming, but the owners expect a canal system would also aid commercial development in conjunction with the jetport, a spokesman said.

Some 50 of the land owners are Miamians including the largest owner, J. Erwin Groover, according to James G. Pace, a real estate consultant hired by the landowner. Pace said his client owns about 10,000 acres and Maurice and Peter Goldring, of Miami Beach, own another 3,300 acres.

"EVENTUALLY this land can be developed in relation to the jetport," Pace said. "But the immediate purpose is to put it into farmland. The jetport is a little bit too far in the future to serve it now.

"But we can establish a (farming) community there now."

Pace said he could foresee no threat to the natural values of the park. He conceded that the planned canals and flood gates would be used to discharge flood waters more quickly and withhold dry season water for irrigation.

The northern boundary of the proposed drainage district follows Loop Rd. which would allow for easy commercial access to the drained sites. It is completely within Monroe County, which is so far not a party to the so-called zoning moratorium around the jetport site instituted by Dade and Collier Counties.

PACE SAID it was "very possible" the drainage district would seek to put new culverts under Loop Rd. to drain several hundred more acres to the north, closer to the jetport.

John Raftery, Everglades National Park superintendent, said he was alarmed by the proposed drainage district. He said it would threaten the park's mangrove estuaries just a few miles to the southwest with pollution and exaggerated water flow cycles.

"One of the most important lifelines to the park is the slow runoff of waters from the north," Raftery said. "Drainage of this area through canals would speed the runoff, leaving little fresh water to make the salt water-fresh water mix necessary for fish breeding during the dry season."

HE PREDICTED use of the tract for farmland would raise the already dangerous level of pesticides flowing into the park, and commercial development would result in pollution from sewage.

"I can't see that they (the park) would have any objection unless they are just against having land used that is in the park vicinity."

He said agricultural use of the land after drainage would be profitable whether there was a jetport or not. Farmland in Florida "is always eventually developed commercially," he suggested.

THE ATTORNEY for the developers, Linton Lovett, of Miami, said he will seek a hearing to create the drainage district as soon as he has notified other landowners within the district boundaries. Court records indicate about 440 other parcels are within the district.

Lovett said many of them live outside the United States. The attorney said he believed only owners of land within the district, or the State Board of Drainage Commissioners, can object to canal construction.

"Anyone outside the district whose interests are affected would have to file a separate suit, I believe," he said.

FLORIDA LAW permits establishment of a drainage district by the Circuit Court, with the costs paid by taxing district landowners, if it can be shown the canals will improve the land by a greater amount than the cost of construction.

Pace said the land "is worth about \$75 an acre." But he said recent sales included some small plots for up to \$750 an acre.

Preliminary plans call for about 17 miles of primary canals to drain off the Gum Slough basin and additional secondary canals. Intersecting east-west and north-south canals would discharge water into the park either eastward or southward.

The affected tract includes nearly three square miles of land designated several years ago by Congress for purchase by the park. The money for the acquisition never was appropriated.

STATEMENT OF JAMES G. PACE, PRESIDENT, LANDOWNER'S CONSERVATION & PROTECTIVE ASSOCIATION PROPOSES AN ALTERNATE SOLUTION TO THE SO-CALLED "BIG CYPRESS WATERSHED"

PROPOSED TAKING OF BIG CYPRESS

1. The Senate and the Congress has a bill to acquire approximately 540,000 acres of land owned by approximately 35,000 separate landowners; which land lies South of State Road 84, also known as Alligator Alley and would take in most of the land east of State Road 29; west of Conservation Area #3 and south to the boundaries of the Everglades National Park. (see map attached.)

2. One of these Bills is S-2465 sponsored by Senators Jackson and Chiles. The other is Bill S-3139, the Administration Bill introduced at the request of President Nixon—The Nixon Bill proposes to pay for the land over a period of Ten (10) years.

3. The announced reason for taking over this vast expanse of land is to provide a watershed to protect the Everglades National Park to the south.

4. Secretary of The Interior, claims that the cost of the land will be one hundred fifty-seven million dollars (\$157,000,000.), and the Nixon bill restricts the payment to this amount. Landowners claim the cost will be more than three hundred million dollars (\$300,000,000.), based on today's costs. If spread over ten years, it could be six hundred million dollars (\$600,000,000.).

ALTERNATE SUGGESTION

The Park Department can build its own water conservation area on land that it already owns to give the National Park a positive water source

1. *Where*—Take an area ten miles wide, twenty miles deep, beginning at Dade-Monroe County line wherethe National Park boundary joins the Florida Flood Control Water Conservation Area on U.S. 41, (also known as Tamiami Trail.) and extend eastward. Construct a water conservation area for the Park that will provide water for the Park during the dry season when much of the wildlife is destroyed by fire and thirst; as occurred in the summer and fall of 1971. The Park already owns this land.

2. *What*—A shallow reservoir to store the water that would otherwise be discharged into the sea during the periods of high water. Then release this water as it is needed to supplement the flow that will be received from the Conservations Areas #1, #2, and #3 as well as the flow that will be available from the 540,000 acres of the Big Cypress, which flow should be diminished very little by development of this land for cattle and agricultural uses.

This Water Conservaiton Area would also provide a refuge for alligator and other alleged threatened water-oriented species, against the ravages of draught, fire, etc.

3. *How*—The "National Park Water Conservation Area" would be constructed from the spoil taken from parallel canals, to a height of approximately twelve feet; a base of approximately fifty feet in width. This dike would enclose the Conservation Area on four sides and would have flood gates on the east side and on the south side, spaced approximately every two miles as determined by the engineer, which gates would control the amount of water to be released and where it would be released. There would be diversion or staging dikes parallel to U.S. 41 every four miles. This would divide the Conservation Area into five sections in order to prevent loss of water by evaporation and unnecessary seepage. Each division dike or staging dike would have flood gates which would feed from one section to the other as required by the water engineer.

Should the engineers determine that there would be a loss of a substantial amount of water through seepage under the perimeter dikes, a second canal could be constructed a short distance inside the outside perimeter dike. A portion of the spoil from this canal could be placed in the first canal and compacted, thus sealing the perimeter dike against underground seepage.

4. *Cost of the project*—We are advised by competent engineers and contractors that the cost of this type construction should be less than \$30.00 per

lineal foot for the perimeter dikes, plus the flood gates at approximately \$50,000. each. There would be approximately ninety (90) miles of dikes at a cost of \$30.00 per lineal foot amounting to \$14,256,000. Eighteen (18) flood gates would amount to \$900,000.00, a total cost of \$15,156,000.00. Should compaction be required, this should be accomplished for less than \$5,000,000. Add to this base an additional \$3,500,000.00 for engineering and governmental waste, and we arrive at a maximum figure of \$25,000,000.00 which is less than 10% of the proposed acquisition costs of Big Cypress land.

ECONOMIC IMPACT OF PROPOSED WATERSHED LANDS—(10 YEAR PERIOD)

For estimating purposes we have divided the land into three categories:

	<i>Acres</i>	
(1) Fallow or timber-----	360,000	
(2) Cattle-----	120,000	
(3) Vegetables and similar produce-----	60,000	
1. Estimated cost of Cypress Watershed land-----		\$300,000,000
Maintenance at \$1,000,000 per year for 10 years-----		10,000,000
2. Loss in school and ad valorem taxes: a. For 10 years at present average rate at 20 mills-----		60,000,000

OWNERS

3. Loss of income from $\frac{1}{3}$ of land as productive farmland—180,000 acres \$300 per acre for farm produce-----	\$18,000,000	
\$10 per acre for 120,000 acres of cattle-----	1,200,000	
10 years-----		192,000,000

SHIPPERS AND PACKERS

4. Sale value of farm produce, $\frac{1}{3}$ of productive land—60,000 at \$800 per acre-----	480,000,000
4a. Cattle from 120,000 acres at \$35 per acre-----	42,000,000

LABOR

5. Labor earnings in farm produce on $\frac{1}{3}$ of productive land—60,000 acres at \$200 per acre-----	120,000,000
5a. Labor in cattle production—120,000 acres at \$5 per acre--	6,000,000

Total-----	1,200,000,000
Cost to U.S. Government in income tax-----	-----

NOTE.—These figures compiled from U.S. Agriculture report as a base. They are our estimate. They do not take into consideration unknown factors; nor inflation; nor increased demand for food. They do not take into consideration that more than 35,000 owners will lose their land and will be forced to buy other land and that the law of supply and demand will inflate the price.

Purchase price is based on comparable sales at present Jetport site; plus road frontage, improvements, damage to remainder, special use property, business loss, surveys, legal expense, appraisals, administration.

SOME FACTS ABOUT THE EVERGLADES :

1. The Everglades National Park obtains 80% of its water from rainfall. According to U. S. Geodetic survey, it obtains approximately 9% from the three large State owned Conservaiton Areas north of U. S. 41, known as Areas 1, 2, and 3. It could possibly obtain 9% of its water from the so-called Big Cypress Watershed. This water flows southwesterly and quickly moves to the sea. However, all of the measurements to arrive at this percentage were made from gauges at culverts and bridges on U. S. 41. This is approximately 20 miles in some areas, away from the Park and the engineers have not taken into account the water loss by evaporation and transpiration before it reaches the Park boundary.

2. The elevation of the land in the so-called Big Cypress Area is from fifteen to eighteen feet at its northern end and between six and seven feet at the Tamiami Trail; a distance of approximately 24 miles. For Florida, this is downhill. The only way that water can be prevented from running downhill is to dike it and contain it. Therefore, if Big Cypress Water is to be used to nourish the Everglades National Park, it must be diked and preserved.

3. The water flow in the Big Cypress Area on the West side of the Sko-geogee Divide drains primarily to the southwest whereas the water flowing on the east side of the Divide drains southeasterly and into the area known as The Shark River Valley. This is the area that furnishes most of the water to the essential parts of the Park.

4. In the dry season, which is generally from November until May, this area dries out and is subject to fire which not only burns the vegetation, wildlife and wildlife cover, but also burns into the peat soil covering most all of this area. In 1971 many hundreds of thousands of acres were burned and the wildlife was destroyed. *It is well to note that very few cultivated pasture lands were destroyed by these devastating fires.*

5. Farmland below the Frost Belt is becoming very scarce. The Frost Belt is just south of Lake Okeechobee. Food for people of the world should take precedence over many lesser considerations.

5a. The South Florida Flood Control District reports that there is an abundance of water for South Florida if properly preserved and distributed. Please refer to "In Depth Report" attached.

5b. *SHRIMP*—The amount of rainfall *does not* affect the shrimp yield appreciably. Charts prepared from U. S. Fisheries figures indicate increased yields after dry seasons. Average yield from five dry years are more than 5,000 Metric tons over average of wet years. See chart attached.

6. South Florida has three conservation areas beginning south of Lake Okeechobee and extending to U. S. 41, (Tamiami Trail) containing approximately 868,000 acres; plus 500,000 acres in Lake Okeechobee. This vast acreage added to the present area of The Everglades National Park, 1,463,000 acres, plus 94,000 acres for Islandia monument, makes an area of more than 4,500 square miles; as compared to the State of Delaware of 2,057 square miles; the State of Rhode Island of 1,214 square miles; the State of Connecticut of 5,009 square miles; and the State of Massachusetts of 8,257 square miles. It equals 1/3 Connecticut, (1,738 square miles;) all of Delaware, (2,057); all of Rhode Island, (1,214); and that doesn't include Parks like Pennycamp, Collier, Corkscrew, etc. It means we have *no* need for *more*. The law provides that a need must be shown before there can be a taking of private lands.

7. *OIL*—The Big Cypress Area of Florida is a major oil production area. A substantial amount of drilling and exploration is taking place on State lands. The oil companies may find it quite inconvenient to deal with 35,000 separate owners in that particular area. It is quite possible that they would find it much easier to deal with the United States Government through some of its various agencies.

Maybe this bill should be called the Big Cypress oil shed.

RECOMMENDATIONS :

1. That this hearing be adjourned until the study now underway and paid for to the tune of over \$1,000,000. can be completed and studied by this Committee.

2. That the Bill be amended to provide for the construction of the Water Conservation area in the Everglades National Park.

3. That Government Engineers be ordered to study the feasibility of constructing and operating such a facility—including its pro and con effects on the ecology of the Park.

4. That the U.S. Government refrain from creating a Hari Kari on the economy and future food production in the South Florida area.

5. That the Senate and Congress not inject a loaded dose of additional national debt to our present fiscal red ink.

6. That the U.S. Government pay for the land it has already taken before taking another 540,000 acres that it won't pay for. Our Government should not take land without full compensation—now or at any time. Government is as Government does.

Thank You.



InDepth

REPORT

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT

VOL. 1, NUMBER 3

MARCH, 1972

Hydrology of the Nether Regions

MANAGING SOUTH FLORIDA'S GROUNDWATER AQUIFER

By William F. Storch
Chief Engineer

Municipal water supplies for most of the nation's major cities are drawn from surface water sources, but in Florida, where groundwater of good quality is available almost everywhere, the situation is reversed.

Almost every large Florida city taps the groundwater with well fields for its municipal water supply. In the southeast coastal region, for example, West Palm Beach is the only city south of the St. Lucie Canal (Stuart area) that obtains its water directly from a surface source.

The great subsurface water source on the lower east coast is the Biscayne Aquifer (1), a sprawling mass of water-bearing formations consisting of a variety of deposits. The accompanying map of this area (Figure 1) shows the locations of major well fields which draw from this aquifer.

In the southern portion of the area, the upper layer of the aquifer is the formation known as the Miami Oolite. North of this, the upper rock stratum is the Anastasia Formation. The approximate limits of these two formations are shown in Figure 1. The indicated boundaries are an over-simplification of some rather complex geology, however.

The major municipal water supply withdrawals from the southern portion of the aquifer amount to 504 million gallons per day (MGD). From the northern portion of the aquifer withdrawals total about 72½ million gallons per day.

Together, these supply systems serve a population of nearly two million. Tables 1 and 2 elsewhere in this publication present a breakdown of individual supply system capacities and the population served by each system.

After Evapotranspiration

SOUTHEAST COAST WATER SURPLUS SUFFICIENT

The total withdrawal by the municipalities listed in the accompanying tables is 576.5 million gallons per day (MGD), or a flow rate of about 865 cubic feet per second (cfs). One MGD is the equivalent of a constant flow of water at the rate of about 1½ cfs for one day. This total municipal use of groundwater (865 cfs) can be compared with an average annual flow rate of about 2100 cfs for the Kissimmee River near Lake Okeechobee, and about 1200 cfs for the St. Johns River near Cocoa.

The yearly withdrawal from the groundwater by major municipal systems is 210 billion gallons. This converts to a total volume of about 630,000 acre feet (AF). One MGD, or 1½ cfs, is equal to a volume of water which would cover one acre to a depth of three feet — that is, 3 acre feet (AF). For comparison, these yearly municipal withdrawals are equivalent to 1.4 feet of water on Lake Okeechobee, which contains 450,000 AF for each foot of depth above elevation 14.5 feet.

ABOUT THIS PUBLICATION

The purpose of "In Depth" is the presentation of basic information, principles and procedures in various fields of science and technology as related to water resource management. This material can be used to assist the general public in developing some essential background knowledge of matters affecting our environment.

THIS IS PRINTED ON 100 PERCENT RECYCLED PAPER.

IN DEPTH REPORT

Published by the

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Another way to look at municipal water use from groundwater in eastern Martin, Palm Beach, Broward and Dade Counties is to compare it with the water which is potentially available. There are about 2,000 square miles, or 1,280,000 acres, in only that portion of the aquifer area shown on Figure 1 which lies east of the Everglades Conservation Areas and Everglades National Park. In Volume 1, Number 1, of *In Depth Report* it was indicated that this area was generally one of water surplus. *Map Series No. 32* of the Florida Department of Natural Resources was referred to for this statement.

That document shows an average excess of rainfall over potential evapotranspiration of approximately 8 inches for the area. The average volume of water which is potentially available as runoff, at a minimum, is on the order of 850,000 A.F. (1,280,000 acres X 8 inches). This is certainly not indicative of South Florida turning into a desert.

There is a reasonable sufficiency of water for foreseeable municipal uses, provided the resource is properly managed. And proper management involves reduction of waste and retention of the surplus.

Water In Mixture Of Deposits

GEOLOGIC NATURE OF BISCAYNE AQUIFER DESCRIBED

In view of the heavy reliance on groundwater for

municipal requirements along the lower east coast it would seem that water management would very nearly be synonymous with groundwater management. Although true in a sense, it is not quite as simple as this.

The Biscayne Aquifer is what geohydrologists call a "groundwater aquifer." Basically, this means that it is a shallow aquifer not under artesian pressure, and that the upper surface is at, or very near, ground surface and receives its recharge from local rainfall.

As a consequence there is a very intimate connection between water in its surface and sub-surface manifestations. It's like twin brothers; when you hit one, the other one hollers "ouch." So, in actuality, one can't do anything realistic in the way of water management without considering the totality of the area's water system.

Some important principles which are involved in the hydrology and management of a groundwater aquifer can be illustrated by taking a closer look at the Biscayne Aquifer and particularly the portion in Dade County. Since this aquifer is also connected with a salt water source, its study will also furnish a look at some other classic principles.

The Biscayne Aquifer is described by Parker in *Water Supply Paper 1255*, of the U. S. Geological Survey, published in 1955 (1). This document is a good starting point for anyone desiring to develop an understanding of the hydrology, geology and geohydrology of South Florida. (Much of the same information on the Biscayne Aquifer is contained in *Report of Investigations No. 17* of the Florida Geological Survey, dated 1958).

Briefly, the Biscayne Aquifer consists of a number and variety of marine and freshwater sediments; sands, shells, marls, limestones, etc. The major formations which comprise the aquifer are the Fort Thompson, the Miami Oolite, and the Anastasia. The Biscayne Aquifer is not described by any single geologic formation, but rather by general similarities in the hydrology of several formations or portions of formations.

It is important to understand this difference. The Fort Thompson Formation is the water producing formation in Dade County. This geologic formation extends northward to Lake Okechobee as the floor of the Everglades Basin. However, close to the Dade-Broward County line, the hydrologic character of the formation changes markedly.

Parker states: "... this part of the formation (in the Lake Okechobee area) makes

a very poor aquifer; its limestones are dense and hard, and the intercalated mud and fine sand layers have very low coefficients of permeability."(2) Therefore, the southern portion of this formation is, essentially, hydrologically independent of the northern portion. Groundwater levels in the northern part of the formation can be raised or lowered without affecting groundwater levels in Dade County.

The Biscayne Aquifer is wedge-shaped with a thickness of 100 feet, or slightly more, at the coast, feathering out inland. Although not in accord with Parker's designation, by more or less common usage the term "Biscayne Aquifer" generally applies to that area wherein the top stratum is the Miami Oolite, as shown on Figure 1. A very rough approximation of the location of the westerly edge of this portion of the aquifer are the interior levees in the Conservation Area; L-35B in Area 2 and L-37A, etc., in Area 3.

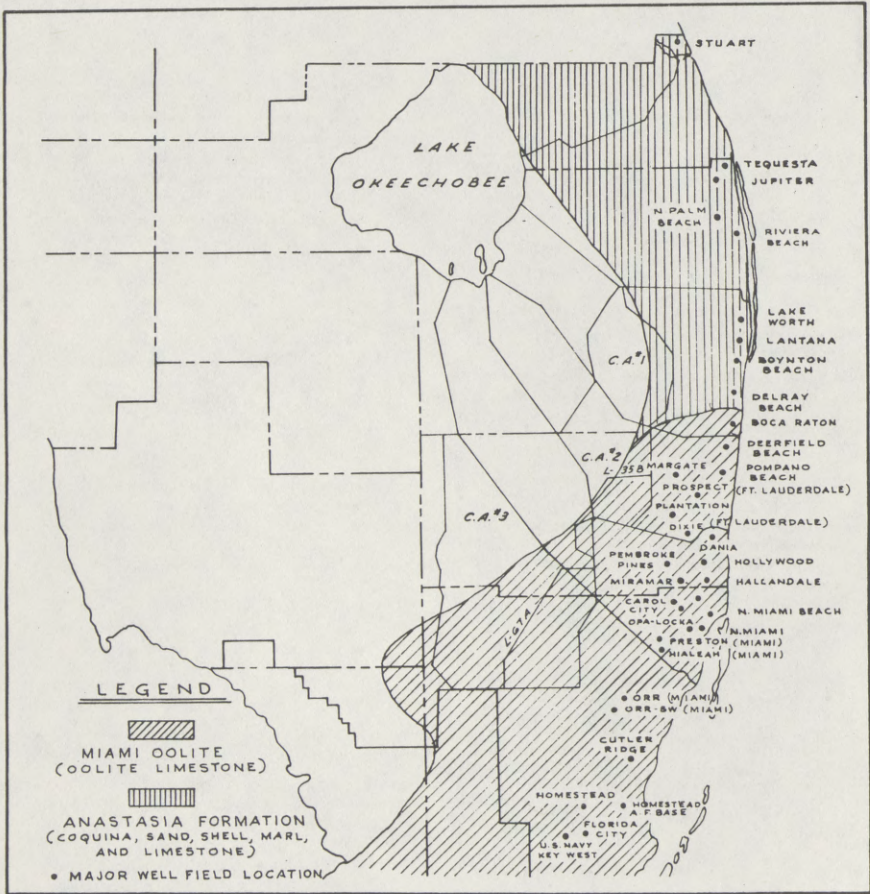


FIGURE 1. PARTIAL GEOLOGIC MAP OF SOUTHERN FLORIDA

Fresh Water "Floats" On Top

POROUS AQUIFER IS ALSO HOST TO SALT WATER

Because the Biscayne Aquifer is highly permeable, and is also connected with a salt water source (the ocean), it rather dramatically illustrates the intimate relationship between surface water and groundwater. Consideration of this relationship can best start with a look at the comparatively delicate balance between fresh and salt water.

Salt water is denser than fresh water. This is readily understandable since salt water contains much larger quantities of dissolved minerals. The relationship between the densities, or specific gravities, of the two liquids is such that it takes a column of fresh water 41 feet high to balance a 10 foot high column of salt water.

So, in a very porous environment such as the Biscayne Aquifer, open to both fresh and salt water sources, if the fresh water stood one foot above sea level you would not expect to encounter salt water until you reached a depth of 40 feet below sea level. For every foot of fresh water above sea level, then, there would be 40 feet of fresh water below. Ideally, three feet of fresh water "head" would mean 120 feet of fresh groundwater.

At the shoreline, of course, since there is no fresh water head, the aquifer will be salty throughout its depth. But, under natural conditions, the elevation of the fresh water table increases as ground elevation rises and consequently there is an increasing depth of fresh groundwater as one moves inland.

At some inland point the fresh water head is sufficient in terms of the thickness of the aquifer to maintain a fresh water condition throughout the aquifer's depth. If this progressive increase in depth of fresh groundwater can be visualized, it is then easy to see that the salt water forms a wedge which intrudes into the coastal portion of the aquifer. (See Figure 2)

Under the natural order of things the location of this wedge of salt water can change temporarily. During prolonged droughts, fresh water heads would be reduced and the point of the wedge would move inland. But over the long term, the location of the wedge would be comparatively stable.

This density principle is known as the *Ghyben-Herzberg Theory*. In reality it means that the fresh water floats on top of the salt water much as an iceberg floats on the sea, with most of its bulk below the surface.

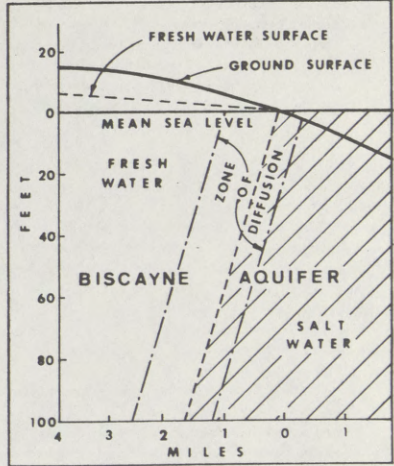


FIGURE 2
SALT WATER WEDGE & ZONE OF DIFFUSION

Avoiding Losses Through Canals

MANMADE BARRIERS RESIST SALT INTRUSION

With this principle fixed firmly in mind, it can readily be seen that salt water encroachment is not simply a matter of salt water moving up a natural tidal stream or a manmade tidal channel and being confined there. Such streams and channels lower the fresh water head in the adjacent aquifer. Thus they induce inland movement of the salt water wedge within the aquifer itself.

But natural streams are part of the natural system whereas manmade channels are not. The latter alter the equilibrium of the stable natural system. Such alterations work to reduce the volume of groundwater available for use.

First is the loss of some water received from rainfall now drained away which formerly would have gone into groundwater storage in inland areas. Second, and more grievous, is the displacement of fresh water as a result of salt water encroachment along the coast. The well-documented history of salt water encroachment in Dade County indicates the magnitude of this loss (3) (1). Such loss adversely affects municipal water supplies.

This loss can be avoided, however. By placing a barrier in the downstream reach of a tidal canal the necessary fresh water head

can be maintained. What is the necessary head? Assuming an aquifer thickness of 100 feet, the Ghyben-Hertzberg Theory says a fresh water stage 2½ feet above sea level on the upstream side of the barrier should keep the point of the salt wedge at the bottom of the aquifer in the vicinity of the barrier.

A program of salinity barrier construction in the major Dade County canals was initiated by Dade County after the severe drought of 1945. Initial work was accomplished under the direction of John C. Stephens and subsequently by F. D. R. Park, the present Dade County Water Control Engineer. A salinity barrier ordinance was adopted by the county prohibiting construction of tidal canals inland of the "salt barrier line" unless a salt barrier is provided at, or seaward of, the line. Broward County now has a similar ordinance.

Salinity barrier construction was incorporated in the FCD plan and under that plan new barriers have been, or will be, provided in all the primary canals of Dade and Broward Counties.

Monitoring The Salt Water Line

'ISOCHLOR' INDICATES CONDITION OF AQUIFER

Returning to the salt water wedge concept, common sense indicates that there would not be an immediate and abrupt change along the inclined face of the wedge from sea water to fresh water. There is, in fact, a zone of diffusion or mixing. (See Figure 2)

This means there is a gradual transition from salt water to fresh water in the aquifer over some considerable horizontal distance. Ordinary sea water has a concentration of chloride salts on the order of 20,000 parts per million (ppm). Chlorides in normal fresh groundwater in this area run about 15 ppm. Therefore, along any horizontal plane within the aquifer there will be a gradual reduction in chloride concentrations as one moves inland.

Assuming the bottom of the aquifer to be roughly a horizontal plane, at some point on this plane a chloride concentration of 1000 ppm will be encountered. Moving inland from a number of starting points along the coast, an equivalent number of 1000 ppm points will be encountered at the bottom of the aquifer.

The line connecting all these points is the 1000 ppm isochlor; "iso" meaning the same or equal, and "chlor" being an abbreviation

for chlorides. It is like a contour line, on a topographic map, which connects points of equal ground elevation.

The movement of the "salt water front" is recorded by periodically preparing maps on which the location of the 1000 ppm isochlor is plotted. This is the commonly used measure of salt water encroachment. (Figure 3 shows the extent of salt water encroachment at the end of 1970).

But 'Back-Up' Source Needed In Drought

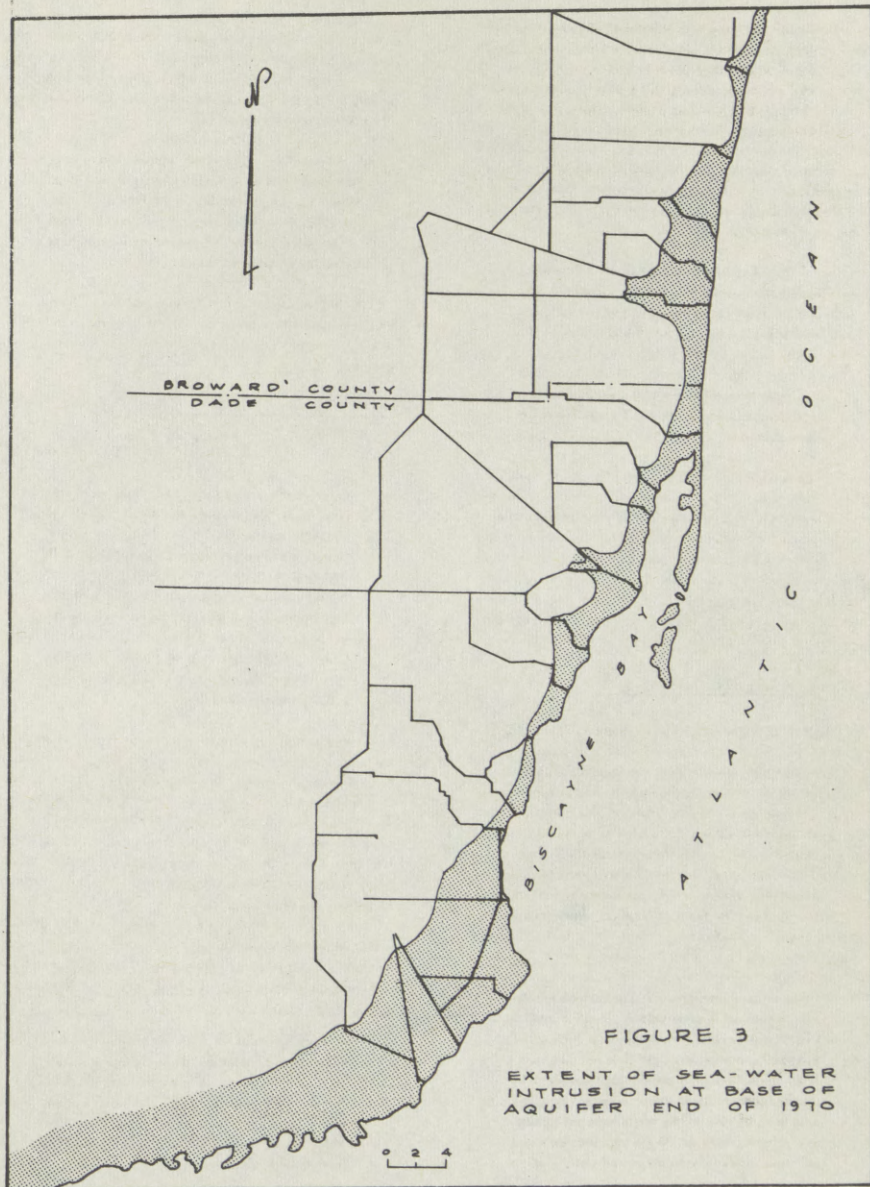
CANALS REPLENISH MUNICIPAL WELL FIELDS

Groundwater and surface water interact in another way through the manmade canal system. When a groundwater well, such as a municipal supply well, is pumped, groundwater levels in the vicinity are lowered. They are lowered most at the location of the well itself.

Depths of lowering decrease with distance from the well. In effect, a "hole" is sucked out of the groundwater by the pumping well. The hole is roughly cone-shaped and is accordingly called a "cone of depression." The size and shape of the cone is dependent on such factors as the porous quality of the aquifer and pumping rates.

If such a supply well in the Biscayne Aquifer is located close to a fresh water canal the cone of depression will intersect the water surface of the canal. When this is done, and as long as a fairly stable level is maintained in the canal, the supply well will be drawing water from the canal. A stable canal level is generally maintained by moving water from higher groundwater table areas inland to the salinity barriers near the coast. This water movement is accomplished simply by gravity flow.

Therefore, by locating a supply well near such a canal a municipality is not only drawing on the groundwater in the immediate vicinity of the well but also on the groundwater in more or less remote inland areas. The economy of this for the municipality is quite evident. Rather than locating a well field inland with the consequential cost of distribution to coastal urban centers, it is far cheaper to make use of a canal which taps that inland source and which is there for flood control purposes anyhow. This results in many canals of the flood control system serving the additional purpose of water supply.



There are risks involved in locating supply wells close to the coast. If close to a source of salt water there is the possibility of inducing saline water flow into the cone of depression. Then there is the possibility, during severe droughts, of there being a general drastic lowering of groundwater levels. When this happens gravity flow from inland groundwater sources via the canal, in quantities sufficient to maintain a stable canal elevation adjacent to the wells, can no longer be accomplished. The latter risk is alleviated if the canal is connected with some other "back-up" source of water.

The Miami Canal in Dade County furnishes a good example of this sort of situation. The City of Miami's Miami Springs - Hialeah well field complex is located on both sides of the Miami Canal. Fred W. Meyer, of the U. S. Geological Survey, has suggested that as much as 75 percent of the water pumped at this location can come from infiltration from the Miami Canal.

During the 1970-71 drought it was found in mid-April that stable stages in the canal above the salinity barrier could no longer be maintained by groundwater recharge to the canal from inland areas. Therefore, surface water releases were made into the canal first from Conservation Pool 3B then from Pool 3A and eventually from Lake Okeechobee. For a period of 60 days, water in surface storage was used to maintain the necessary rates of canal infiltration into Miami's well field.

Slowing The 'Leaks' Reduces Waste

INTERIOR LEVEES RETARD SEEPAGE TO COAST

The high permeability (porous quality) and transmissibility of the Biscayne Aquifer results in a comparatively rapid movement of water through the aquifer both vertically and laterally. As with surface water, lateral groundwater movement is down-gradient - from points of higher elevation to points of lower elevation. Rates and volumes of groundwater flow increase with increasing differences in elevation, or head, between two points. Movement of groundwater in response to this head from one area to another is called "seepage."

As shown on Figure 1, the eastern perimeter levees of Conservation Areas 2 and 3 were constructed across the top surface of the southern portion of the Biscayne Aquifer. With higher surface water stages being held in the conservation areas, seepage into the area east of the levees was increased. Seepage rates as high as 40 cfs per foot of head per mile of levee were measured (5).

Although it is desirable to maintain a seepage flow eastward to hold up groundwater levels in that area, the amounts of seepage occurring were considered excessive. Much of this seepage occurred during wet periods, was picked up by the canal system, and was simply discharged to tidewater as surplus.

Accordingly, interior levees were constructed in Conservation Areas 2 and 3 as close to the outer limits of the aquifer as practicable. These levees reduce the head differential across the perimeter levees, thus reducing seepage to the east.

The net result has been to increase the effectiveness of the conservation areas as water retention areas while still maintaining an adequate groundwater gradient from west to east.

Six-Inch Rise From One Inch Of Rain

SHALLOW AQUIFERS RECHARGED BY RAINFALL

Shallow aquifers receive their recharge from local rainfall over the aquifer itself. A common characteristic of shallow aquifers, then, is their responsiveness to local rainfall. Because the top strata of the aquifer is so close to the ground surface, and because of the high permeability of the aquifer formations, this is particularly the case with the Biscayne Aquifer. A rough rule of thumb is that an inch of rainfall will cause about a 6-inch rise in the groundwater table.

Groundwater level contour maps are regularly plotted by the U. S. Geological Survey's Miami Sub-District Office, which is under the direction of T. J. Buchanan. Figures 4 and 5 show such water level contours for June 19, 1945 and for October 12, 1947. In 1945, a dry year, the total rainfall for the months of April and May was about 3 inches at Homestead. On the other hand, 1947 was a wet hurricane year, with the June through October rainfall ranging from 50 to 74 inches over South Florida. Note that in 1945, at Florida City, the groundwater table was at an elevation of one foot below mean sea level (about ten feet below ground surface). In 1947, the water table was 7 feet above mean sea level, a difference of 8 feet.

Lack of rainfall, with accompanying high rates of evapotranspiration, result naturally in severe lowering of groundwater levels in the Biscayne Aquifer (6). The canal system, with its ability to transfer inland groundwater to the coastal area, can play a useful role in such circumstances.

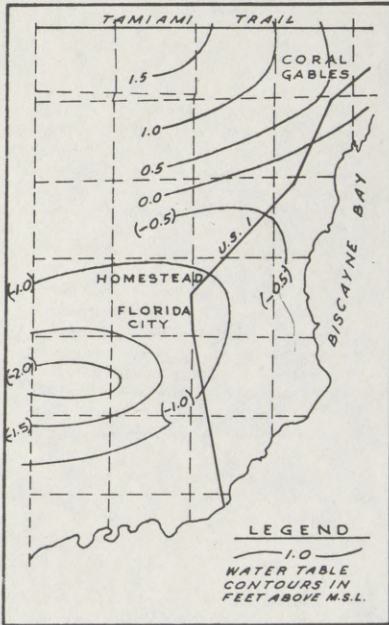


FIGURE 4
LOW STAGE WATER-LEVEL MAP OF
SOUTHERN DADE COUNTY,
JUNE, 1945

Leach, Klein and Hampton have stated: "The hydrograph for well F-319, near the coast south of Miami, shows the marked moderation of the height of annual water level peaks since the 1917 high and an upward trend of the minimum levels. These changes in the pattern of fluctuations are a result of water control practices in Snapper Creek Canal." And further: "The upward trend in minimum levels is the result of . . . the ability of the Snapper Creek Canal and its secondary canal system to pick up groundwater in the interior and convey it eastward and thereby maintaining relatively high levels in the coastal reach to combat sea-water intrusion . . ." (7)

However, as mentioned earlier in discussing Miami Canal infiltration, this capability diminishes under severe drought conditions. Groundwater levels both inland and along the coast recede and the threat of salt water encroachment increases. In north Dade County, the major canals are connected with

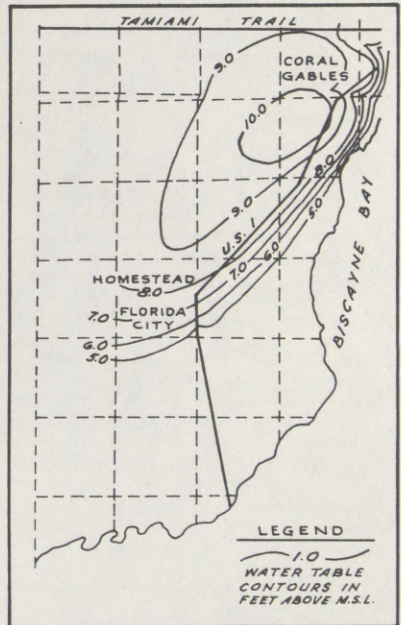


FIGURE 5
HIGH STAGE WATER-LEVEL MAP OF
SOUTHERN DADE COUNTY,
OCTOBER 11, 12, 1947

surface water sources; the Everglades Conservation Areas and Lake Okeechobee. Adequate water levels for salinity control can be maintained by making water transfers from surface storage.

The situation in south Dade County is different. No connection with the reservoirs to the north exists. Presently, one of the major water management efforts is to provide such a connection and water delivery capability. This work is now in the planning stage. In addition to providing recharge for the aquifer in south Dade County, such a system will also be capable of delivering surface water flow to Taylor Slough in Everglades National Park, and to the Eastern Panhandle of the Park.

Billions of Gallons Remain In Aquifer

WATER SUPPLY PROBLEMS LOCALIZED IN DROUGHT

The example of the difference in groundwater ele-

vations at Florida City between June 1945 and October 1947 represents a somewhat extreme occurrence. Although the normal annual fluctuation in the water table throughout the lower east coast area varies, a range of about 3½ to 4 feet appears to represent a rough average for the general area.

This change in water table elevation reflects, of course, the annual change in groundwater storage. The volume of water stored between the spring low groundwater stage and the fall high stage is substantial. But here, as with surface water storage, losses take their toll; evapotranspiration, natural outseepage to the ocean through the aquifer, and seepage into the drainage system.

Although this annual storage increase is normally more than enough to meet municipal water supply requirements (even considering the natural "losses") municipal supply wells do not tap the entire "annual groundwater storage pool." The supply wells are concentrated and therefore draw water from only a portion of the groundwater pool. As pointed out earlier, the drainage canals can and do extend the area of the pool which can be tapped. During droughts, however, critical conditions can occur because:

- (a) *the annual storage pool contains less water,*
- (b) *the area of the pool which can be tapped becomes more restricted due to general overall reduced water tables, and*
- (c) *at the supply wells the point of the "cone of depression" extends deeper into the aquifer.*

When this occurs the threat of salt water contamination arises.

In most years the area is self-sustaining in terms of water supply. The annual storage increase which results from rainfall is adequate. In drought periods the problem is essentially localized in character. It is a problem which is centered around the municipal supply wells and derives from their location close to the centers of demand along the coast and their concentrated nature. It must be remembered that even during droughts there are still many billions of gallons of fresh water in the aquifer which is up to 100 feet thick over an area of more than 2000 square miles.

Adding To Extensive Studies

ELECTRONIC MODEL SIMULATES AQUIFER FUNCTIONS

Through the course of the years the hydrology of the Biscayne Aquifer has been rather extensively studied. These investigations have been conducted by personnel of the U. S. Geological Survey. They have been financed 50 percent by the Federal Government and the remainder variously by Dade County, Broward County, the Cities of Miami and Fort Lauderdale, Everglades National Park and the Flood Control District.

The purpose of every one of these investigations is to gain a better understanding of the aquifer, with the objective of improving water management. Although there is a lot more to be learned, there is now a good body of knowledge and information available. There is no reason for anyone to be ill-informed on the Biscayne Aquifer.

Conventional analytical methods are available to the professional geohydrologist which, together with necessary field information, will permit reasonable answers to be given to specific questions concerning the hydrology of the Biscayne Aquifer.

Another type of tool is now being used to support and supplement these analytical methods. In the late 1960's the U. S. Geological Survey developed and tested a model of the Biscayne Aquifer. This work was funded by the U. S. G. S. and the Flood Control District, with support from Everglades National Park. At the local level, the development work was the responsibility of Charles Apel, of the U. S. G. S. The model itself, located at Phoenix, Arizona, is now functional.

It is what is called an "electrical analog" model. It makes use of the principle that the flow of electrical current and the flow of water is analogous. The model was developed using the data gathered over the years concerning the characteristics of the aquifer (permeability, transmissibility, etc.). Electrical components are used to simulate aquifer characteristics at a multitude of points, or "nodes".

When subjected to an electrical current representing, say, a specific rainfall event, the model will produce, at each node, information as to what groundwater levels will be in response to the event. Other features, such as water supply wells, canals,

water level control structures, can be "plugged in" to the model.

The model was used to estimate the amount of supplementary water which would have to be brought into South Dade County to maintain groundwater elevations. Next year it will be used to evaluate the performance and effectiveness of inland water level control structures on Snake Creek, Biscayne and Little River Canals, which were proposed by the Governor's Conference on Water Management. Several additional tasks for the model have already been formulated.

The tables below list for each municipality the present capacity of the well field, and the population served. Some municipalities furnish water to other areas. For example, the City of Miami system supplies the City of Maimi Beach and the Tequesta system furnishes domestic water to an area in South Martin County. Key West gets its water from the mainland, via the Florida Keys Aqueduct.

TABLE I
(Southern Portion)

City	Capacity (MGD)	Population Served (est.)
Miami		
Preston	60.0	
Hialeah	60.0	
Orr-Southwest	100.0	915,000
North Miami Beach		
Sunny Isles	6.0	
Norwood	5.0	
Myrtle Grove	12.0	100,000
North Miami		
East Plant	3.0	
West Plant	7.0	55,000
Opa-Locka	2.5	14,000
Homestead	12.0	13,000
Carol City (private)	4.0	15,500
Key West	7.0	64,000
Florida City	1.5	5,000
Homestead AFB	2.5	5,000
Cutler Ridge, etc. (private)	4.0	12,000
Dania	3.0	8,500
Deerfield Beach	16.0	15,000
Fort Lauderdale		
Dixie	20.0	
Prospect	40.0	186,000
Hallandale	8.0	25,000
Miramar	6.0	23,000
Pembroke Pines	4.0	20,000
Pompano Beach	24.0	52,500

With 'Rational' Land Use Plan

PRESERVATION OF THE RESOURCE VITAL NEED

Shallow groundwater is abundant in coastal Martin, Palm Beach, Broward and Dade Counties. The Biscayne Aquifer is an enormous reservoir of fresh water. In this area the average excess of rainfall over potential evapotranspiration is significantly greater than the current municipal requirement.

Table I (Cont'd.)

Hollywood	20.0	100,000
Broward County (7 sites)	17.5	58,500
Other Municipal in Broward County	4.0	15,000
Plantation (private)	6.5	22,000
Margate (private)	1.5	13,000
Other private in Boca Raton	10.0	10,500
	37.0	35,000
	504.0	1,783,000

TABLE II
(Northern Portion)

City	Capacity (MGD)	Population Served (est.)
Delray Beach	16.5	20,000
Boynton Beach	12.0	19,000
Lantana	3.0	7,000
Lake Worth	16.0	26,000
Riviera Beach	14.0	23,000
Tequesta	1.5	3,000
Jupiter	1.0	3,000
North Palm Beach	7.0	17,000
Utilities (private)		
Stuart	1.5	8,000
	72.5	126,000

NOTE: Data in the above tables has been adapted from basic information furnished by the U. S. Geological Survey.

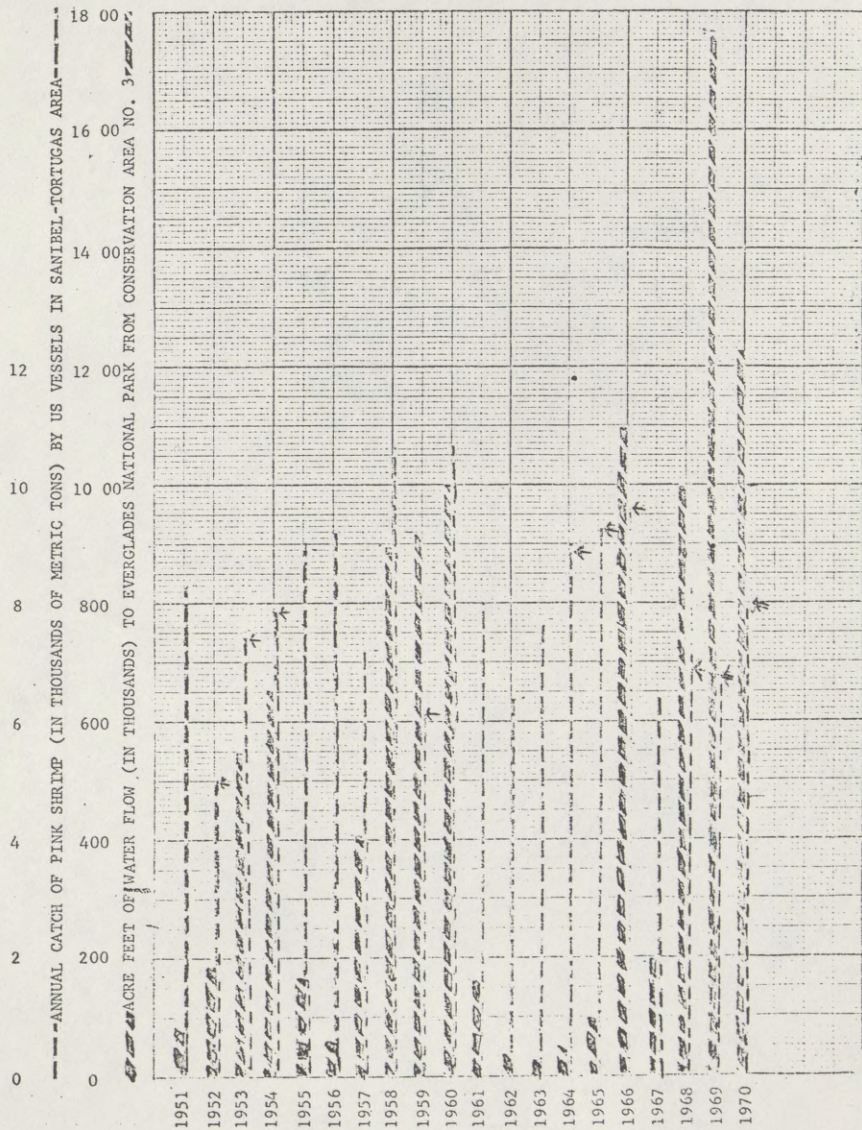
This means that the area is potentially self-sustaining without the necessity for "mining" its groundwater reserves on a long-term basis of diminishment. Beyond this there are in existence back-up surface water supplies to the west and northwest. And there are the means to deliver this back-up water to much, but not all, of the area.

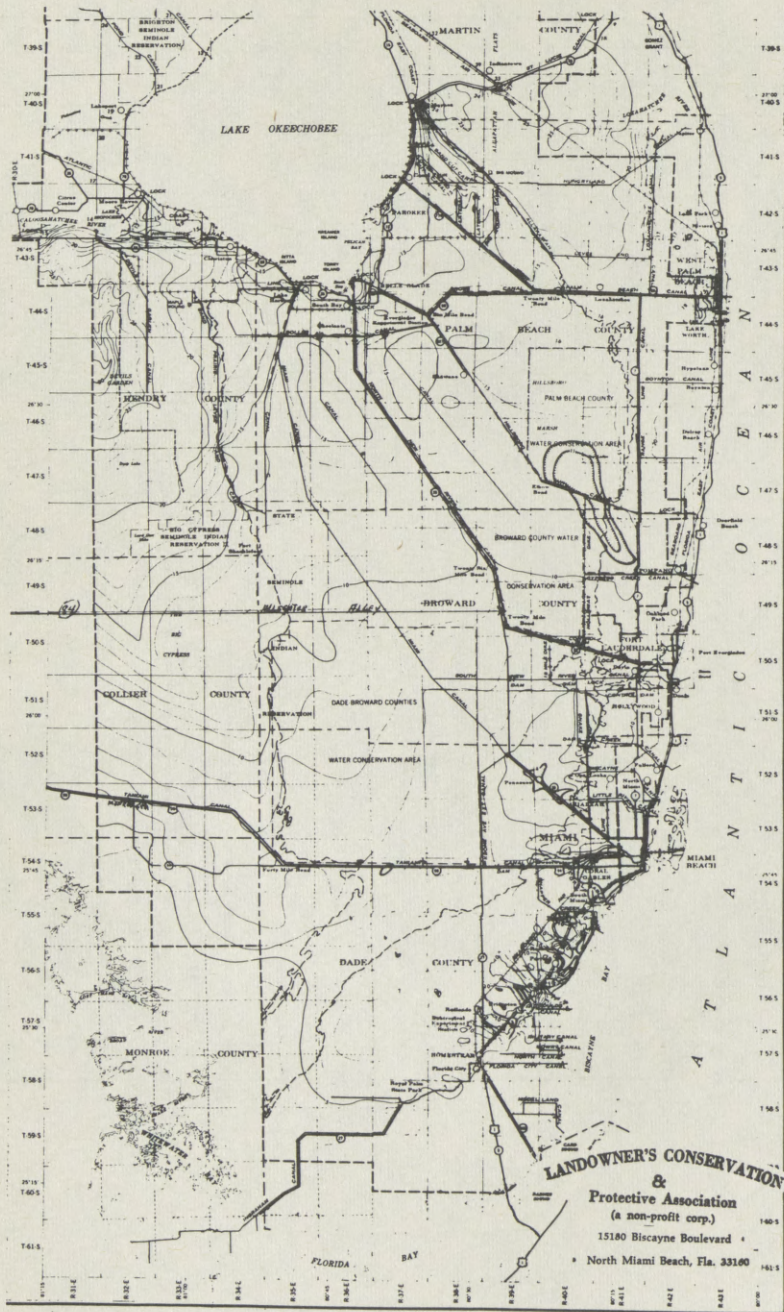
In terms of the resource itself, and its potential for replenishment, the picture is good. But droughts will continue to occur, and supply wells located too close to salt water sources will be threatened with saline contamination. Ill-planned, intensive development of inland portions of the area will increase runoff and thereby reduce the present margin of rainfall which goes into temporary groundwater storage. Increasing demands and usage rates for domestic water will further reduce the present "living on current income", or self-sustaining, capabilities of the system.

Government, then must continue to pursue a program of preserving the resource and its replenishment capability. Among its tasks will be those of properly locating municipal well fields, reducing waste, providing effective carryover storage for drought periods, and developing a framework for rational use of the land in relation to the needs of the resource itself as well as of those who use it. The future will very soon become the present.

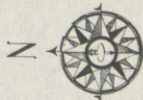
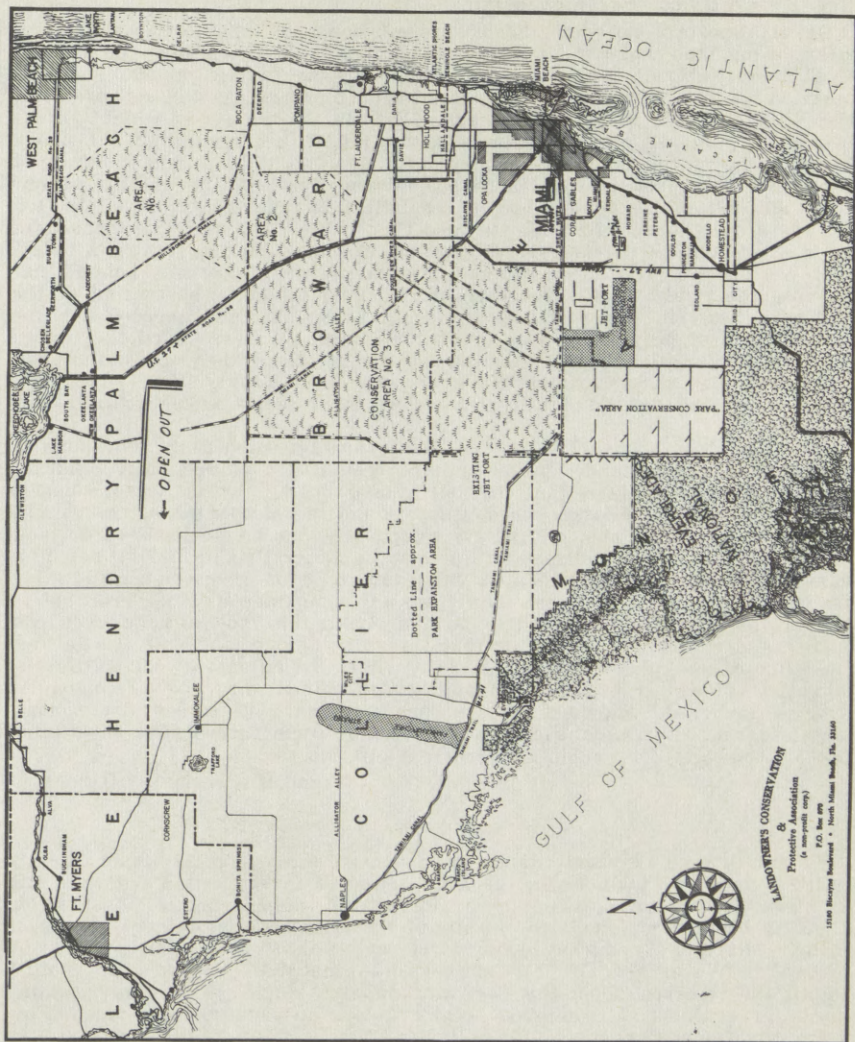
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1. Parker, Ferguson, Love and others, 1955, Water Supply Paper 1255, U. S. Geological Survey, pages 160 - 162.
2. Ibid., page 96.
3. Ibid., page 589.
4. Leach, Klein and Hampton, 1971, Hydrologic Effects of Water Control and Management of Southeastern Florida, U. S. Geological Survey, page 113.
5. Klein and Sherwood, 1961 Florida Geological Survey, Report of Investigations No. 24, page 21.
6. Hartwell, Klein and Joyner, 1963. Preliminary Evaluation of Hydrologic Situation in Everglades National Park, Florida, U. S. Geological Survey, page 6.
7. Leach, Klein and Hampton, page 107.





**LANDOWNER'S CONSERVATION
&
Protective Association**
(a non-profit corp.)
15180 Biscayne Boulevard
North Miami Beach, Fla. 33160



LIDO BEACH CONSERVATION
Protective Association
(a non-profit org.)
P.O. Box 499
12500 Biscayne Boulevard • North Miami Beach, FL 33160

MIAMI, FLA.

SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE
New Senate Office, Washington, D.C.

GENTLEMEN: As one of the 35,000 property owners we object to the acquisition of our land under the subterfuge that it is needed to protect the existing Everglades National Park. But we also object as taxpayers who sincerely question the priority of needs of appropriation for the cleansing and preservation of our Miami River and Biscayne Bay. Surely the funds which will be needed to purchase our land can be better put to use rebuilding our urban society. One of the many sad aspects of the proposal to purchase our land for a National park is that those people who dwell in the ghettos of our cities not only will suffer the loss of rehabilitation funds that will be diverted for the acquisition of the land but also they will be unable to visit the park as they are unable to visit the Everglades National Park as it exists today.

If you are sincerely interested in conservation we respectfully submit that you use the funds for the purchase of this land for the conservation of the underprivileged in our polluted city. Only after the funds needed for the conservation of people has been appropriated can we then afford the luxury of purchasing National park. Also let us consider the added burden that will be passed upon the remaining taxpayers in Collier County, Fla., which will result from the loss of tax revenue that is presently collected from our property.

One last observation which we will call your attention to is that none of the giant corporate land developers have been forced to sell their land for National park. It appears that the individual property owners cannot compete with the power of the large land developers and therefore must be the victims for the conservation element that is comprised of a handful of selfish individuals seeking self grandizement. Further the mineral rights have a potential value that only the oil companies can evaluate from the secret exploration reports. No doubt at a future date these oil companies will be permitted to exploit the oil that is believed to be underlying this land although you can justify and rationalize by stating that the value of our land will also include the value of our mineral rights. We all realize that as a practical matter the potential value a true value will not be determined until the oil companies explore further. If you must vote on such a measure please consider exempting therefrom all mineral rights which may at some future date be granted the oil company for exploration and exploitation.

Mr. and Mrs. ANTHONY BARONE.

TO THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE: I would like my written statement included in the hearing record in connection with the Big Cypress. Neither my husband or I can attend the hearing in Washington, D.C. My brother couldn't serve in any of the branches of services, because of being a diabetic. Loving my country the way I do, I decided to go into the WAAC in World War II. I re-enlisted into the WAC. When I got out, I joined the reserves. Then the Korean Campaign started. I said my country needs me again, so I re-enlisted because I love my country very much. Now I am wondering, Does my country love me? Now it wants to take our property away from us. This is supposed to be a free country. What is happening to it, It is getting to be more like a dictatorship. My husband and I sold our home in Dade County at a great loss to live out here in the country. We built our home, 9 rooms, 2 baths and carport with our own 2 hands. We are in our fifties. Where can we go and pay only taxes to live? We have a son, that will be 2 years old in June. This is the only place to bring up a child. The cities are not a place to bring up children, with dope, riots etc. We do not wish to lose our happy home. I beg you, please don't take our property. We are not harming the land that we love so very much.

Sincerely,

Mrs. MARGARET CARROLL.

OCHOPEE, FLA., April 17, 1972.

SENATOR CHILES,
Senate Building,
Washington, D.C.

DEAR SENATOR CHILES AND GENTLEMEN: The Preamble of the Constitution of this United States says "We are to have a government of *the People, By the People, For the People.*

Now as a tax payer and an owner of land in The Big Cypress, my wife and I protest the purchase of this land. We have built our home, planted our trees, over 1000, shrubs and flowers with our own hands. We have left undisturbed the big Pines, Palms and Cypress trees and have accepted as nature intended we should the overflowing water. We do not hunt or shoot on our land or any other. During the drought of 1970 & 71 we fed and placed water where Turkeys and a doe deer could use it. One hen Turkey raised 2 broods during that season. We did not see any of the Bird Watchers or Conservation Clubs show up in our area to help the wild life. I saw a Conservation Member shoot a small hen turkey from his car in the middle of our road.

In Harry Schermans new book "Promises Men live by" there is a short paragraph I will quote. "When a man buys a piece of land be it large or small, it is his to have and to hold as long as he pays his taxes. This is his promise to his Government. If he should have to mortgage this land he makes an additional promise to pay this loan or forfeit his land" end of quote. Why should we be forced to sell the land we love. So some group can have it to hunt on and destroy the game and birds.

The idea of relocating us on other land or towns has been brought forth. Mr. Senator we are American Citizens. We are not Indians or pawns to be pushed around as a few think we should be. Florida had in 1970 a density of population of 114 persons to each square mile of land. Deny us the right to live on our land and force us to move to the cities, keep this up and your problems will increase a hundred fold. Florida today has 1 National Park of 1,400,533 Acres, (still not paid for after 30 years and only a small portion of this developed for people to see.) 3 National Forests, 2 State Parks, 807 Recreational Areas. The state of Florida completed the purchase of 26,660 Acres of land on the gulf. Mostly Marsh land of this 6,600 Acres was a gift of Georgia Pacific Corp. the balance costing \$1,700,000 of tax payers money. Now this 585,000 Acres of land you are asking for, Do you realize the revenue loss this will be to the State, County and Federal Government? I do not believe the condition of our National economy, the devaluation of our dollar that you can afford to go into a project like this. In Jan. 1972 National Geographic Magazine there is an article by Mr. Craighead stating in his opinion the Big Cypress should be bought by the Government, estimating the cost at \$170,000,000 at least. But the Government owes \$340,000,000 for other land projects not funded by Congress to date. Why go deeper in debt. Even our great Nation cannot finance wars around the world. Aid to many poverty stricken countries, not to say the billions needed here for the pressing needs of welfare, schools. We need this money to clean up the filth and crime in cities. Care for the helpless far more than to give a favored few to hunt and destroy the wild life. Mr. Senator, the rains have fallen on the Everglades for millions of years and will continue to fall in spite of all the disasters you predict. So let us who have had the guts to build and live here enjoy our peace and quiet for our few remaining years and please do not take it away and give to the people that did not have the courage or will power to pioneer this area. Thank you for listening.

DONALD C. BURNS.

COPELAND, FLA., April 18, 1972.

SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE,
New Senate Office Bldg.,
Washington, D.C.

GENTLEMEN: Why is it that we have to give up our lands and home? When we and some had to go to war to fight for what we thought was ours to keep? Why is it that we have to find ourselves in our own back yards fighting again for what we worked hard and sold our homes elsewhere to have a chance to live in peace and live out our old age in, and something for our sons and grandsons to have when we die?

And to the Government of ours I say once again we and I have given top dollar for our land and some we put on it to turn around and let you have it for a measly \$100 per acre. I say is this the freedom we have now? And to sell it without a fight? This is wrong and I say again, 'Is this progress?' Is this progress when you have to get up in the morning stretching out and hitting some one in the eyes because we are over crowded in the cities today—if so then we would be like China in our own cities that they have no place to turn but to the sea with their Sanpans to live on.

I myself believe, gentlemen, if crime is to be cut down we need land to expand on, to live on, and to feel free, and can say it belongs to us. Once the Government gave us this right and freedom. Now its been taken away piece by piece from us.

Sir. I worked hard for my wife and kids to go out and buy this land because I thought I had the right to live free as well as other men like yourself (Mr. Chiles) when you bought your own domain. But the only difference is that we don't have the money to buy as nice (as you) but to suit our purses, yes.

Sir. While you were here I hoped we impressed you in many ways, in a sense of speaking, I mean the look of the people here. Some of us, but most of us, only have a small piece of land we call our homes. We put homes on the lands we have, and to some it took every penny we saved; yet not to sell it, sir, but to hand it down to our sons and daughters when we pass away. So really we are asking you to go around us instead of over us, or lets say—we beg you.

Sir. When I spoke with you (Mr. Chiles) the last words were 'to look around you and you could see the people that were of age hitting fifty and sixty, and a few younger that are starting out like myself.' Where would they be ten years from now? Some of us might be here, if the Government takes that long to pay us for our lands, that even now there are some that has not been paid for from ten to twenty years back. Some of these people are so old that in their age where could they start or root again with the price of land they have today—or the money, will it be enough to even move when the government pays you off and tells you you have to leave.

Sir. May I suggest that Key Biscayne be selected as a National Park instead of my home. It will be more convenient for 'the people' to visit and they won't have the problem with the mosquitos. And, it is more convenient for the people on Key Biscayne to move because they have more money.

You say, sir, (Mr. Chiles) that now these hearings will be held in Washington on April 20th and 21st. I say that these hearings should have been held down here in Collier County in the beginning. I know its not possible for me to be there at this time to testify but I would like my statement to be read and put in file at the hearings there in Washington.

I do wish I could be there but for the lack of money, as well as the other small land owners, we all thank you. I do hope, sir, you can leave us stand as we are.

Most Sincerely,

(Apache) JOHNNIS JOE PEREZ AND FOR ALL.

SENATOR ALAN BIBLE
U.S. Senate Building
Washington, D.C.

DEAR SENATOR BIBLE: I would like to take this opportunity to "thank you" for your patience and cooperation toward us here in South Florida for what I think was a very fair and impartial hearing pertaining to S2465 and S3139. I feel this was the best NON BIASED hearing of the three that we have had and brought out more pertinent information which will help you and your committee to fully evaluate this matter.

In a rebuttal to a statement made by Mr. John C. Jones on April 21, 1972 about the Florida Federation and the Everglades Conservation Club making a donation of \$2000.00; it would be greatly appreciated if the following facts are entered into the record:

My statement made April 20, 1972 pertained to the general membership of the Everglades Conservation body. Soon after my votes from the member-

ship were received, the President and Board of Directors elected among themselves to donate \$1000.00 to the Florida Federation on an emergency needed basis. I inquired about this so-called-emergency to the newly elected Treasurer of the Florida Federation, Mr. L. Nipper, who is also the Everglades Conservation Club President, and he read me the check book and the \$1000.00 was for operating expenses. At the next scheduled meeting in January, 1972 the Conservation Club membership ratified the donation and even I voted on this donation since it was already spent for operating expenses by the Federation. However, at this same meeting a motion was made and unanimously passed that NO DONATION of any type was to be given without the membership approval.

Since the January 1972 meeting, the President of the Everglades Conservation Club and Treasurer of the Federation, Mr. L. Nipper, gave a PERSONAL DONATION of \$1000.00 to the Florida Wildlife Federation to lobby to save the "Big Cypress".

Senator, this may sound trivial to you but I am only trying to point out the authenticity of the heads of the Clubs saying this is how the Clubs feel when it is NOT the membership talking but the leaders—some of which are paid, some of which are not paid. They are conveying their own thoughts, not the people.

This issue is however of such a magnitude that the outside people should in NO way be considered the only consideration to be taken is!—Water, Recreation and/or What? and does the Government have the money for a venture of this magnitude?

Thank you again for your consideration and time to enter this rebuttal for the record.

Yours very truly,

R. L. BURNETT, JR.

STATEMENT OF DR. O. E. FRYE, JR., DIRECTOR, FLORIDA GAME AND FRESH WATER FISH COMMISSION

Mr. Chairman, because of the many fine and detailed reports—such as that of the Everglades Jetport Advisory Board—already presented or available to the Committee, I will comment only briefly and in general about the biological or hydrological considerations involved in the Big Cypress acquisition. After more than twenty-six years as a wildlife biologist or administrator in Florida, I am convinced that the maintenance of the Big Cypress in a natural state is essential to the ecological integrity of southwest Florida. Without the historical pattern of flood and drought in the Big Cypress the entire natural system of this area will cease to exist in its present form. Alteration of this pattern will adversely affect not only the Big Cypress itself with its unique flora and fauna, especially its wading bird life, but also the Everglades National Park and the estuarine oriented marine fishery of adjacent portions of the Gulf of Mexico. All are dependent upon this annual cycle.

The alternative to acquisition or some other presently unavailable restriction is massive development, principally for residences. Development means water control and water control means water removal during periods of high water. Accelerated water removal means reduced salinities in the estuaries for certain periods and excessive salinities at other periods rather than the gradual flow of fresh water to which the biota of the area has adapted during its evolution. Finally, the acceleration of runoff of fresh water to the Gulf will inevitably affect the supply of fresh water available for urban and agricultural use.

The principal point that we wish to make relates to the *use* of the area. We view the effort to preserve wildlife and its habitat in the Big Cypress and the Everglades National Park as a common objective with a somewhat different thrust; alike in that both areas should remain essentially in their natural condition, differing in that management of Big Cypress should aim more toward those more or less unregimented recreational pursuits such as camping, hunting, fishing and boating; whereas management of the Park properly aims toward a more preservationist and restricted use. Both serve a function that will grow in importance as the human population increases

and wild areas become less available. We strongly believe that the basic aim of the Big Cypress acquisition can be accomplished with relatively little restriction of present uses. We do not believe that hunting, fishing, properly controlled use of off-the-road vehicles, or even the maintenance of existing permanent dwellings will conflict with the aim of preserving the ecological integrity of the area if these uses are properly regulated.

If anything but the periphery of the Big Cypress is to be used for general recreational purposes access by motorized vehicles must be provided. This access can be provided either by off-the-road vehicles or by construction of roads. We think that off-the-road vehicles are unquestionably more preferable. In this area, construction of an all-weather road means a raised roadbed which, with or without the ditching normally required to obtain the road fill material, would interrupt the sheet flow of water.

Permanent dwellings or camps at widespread intervals if constructed either on piling or on high ground not requiring ditching or other means of protecting the dwelling from the essential flood that occurs in normal years would not be damaging to the overall objectives. The key is regulation. Leading criteria for determining whether or not a dwelling is permitted should be: present land ownership, waste disposal, the nature of the dwelling site, its nearness to another dwelling, and most importantly whether a dwelling presently exists.

Our thinking here is based on two concepts. First, that those people who have in the past acquired land and constructed permanent camps within the Big Cypress are obviously people with a love for the Cypress and its recreational opportunities. They deserve as much consideration as possible. Secondly, we think active support of such individuals, who basically favor the concept of the project, will greatly enhance the likelihood of passage of the necessary acquisition legislation. We believe there is a concerted effort being made by detractors of the project, essentially those individuals with a financial interest in development of the area, to induce these landowners to oppose the project. We think it makes practical common sense to enlist their support rather than to encourage their opposition.

Sooner or later the Big Cypress must be preserved if the ecosystem of southwest Florida, including the Everglades National Park, is to survive. We most sincerely hope that we will have the wisdom and foresight to take the necessary action now while the Big Cypress is relatively undisturbed and inexpensive rather than to allow development with its attendant drainage that would have to be rectified at a much greater cost.

Thank you.

NATIONAL AUDUBON SOCIETY,
TROPICAL AUDUBON SOCIETY, INC.,
Coral Gables, Fla., May 12, 1972

SENATOR HENRY JACKSON,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR JACKSON: The Tropical Audubon Society, representing the National Audubon Society in Southeastern Florida and the six Audubon chapters from West Palm Beach through the Keys, is urging you to support the acquisition of the Big Cypress.

It is our belief that, unless this area is protected by Federal purchase, private developers will destroy its value as a water resource for the peoples of southwest Florida and as a vital source of water for Everglades National Park. Furthermore, the destruction of this unique natural plant and wildlife habitat would be inevitable. We believe the protection of this valuable water resource affects the future of South Florida. Therefore, you will understand the necessity of leadership of the federal government in acquiring the Big Cypress Swamp.

We request this letter be part of the record urging swift acquisition of the Big Cypress.

Yours truly

JEAN EVOY (Mrs. William)
Conservation Coordinator.

FT. LAUDERDALE, FLA., May 24, 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: I have been a resident of South Florida for 8 years and have come to love its uniqueness and vulnerability to the pressures exerted by all the others like me who wish to reside here. We can convert all of South Florida into one big sprawling suburb like all the others in this country, with only one difference, a lack of snow. Or we can take action now to preserve some of the uniqueness of this land for ourselves and the future.

In the process of preserving the Big Cypress we also help guarantee an adequate water supply. All of our "Flood Control" and "Water Management" efforts so far seem ineffective. We either have too much or too little water. We are drowning herds of deer or banning lawn sprinkling. A man's right to ownership and use of land is important but more important is his right to clean, fresh water. Water does not come out of the spigot because we will it to but because there is a reservoir someplace. Our someplace is the Everglades and Big Cypress.

We can chop down a tree and drain a swamp in no time at all but, once done, we cannot recreate it. The Big Cypress is a valuable resource—let's preserve it.

Please make my letter a part of your committee's record.

Yours truly,

ALETTE PYKNEN.

TUCSON, ARIZ., May 25, 1972.

SENATOR ALLAN BIBLE,

Chairman, Interior and Insular Affairs Committee, Washington, D.C.

DEAR SIR: As a small landowner and member of the Landowner's Conservation & Protective Association I wish to thank you for your recent Hearing (April 20 & 21st, 1972) of our group concerning the "Big Cypress Watershed," and to urge you to stand against federal purchase of the land concerned.

Sincerely,

(Mrs. Daniel C.) DORIS J. POST.
NAPLES JUNIOR WOMENS CLUB,

Naples, Fla., May 26, 1972.

SENATOR ALAN BIBLE,

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

DEAR SENATOR BIBLE, Our organization enthusiastically endorses the proposed Federal acquisition of the Big Cypress Swamp in South Florida (S3139).

The Big Cypress Swamp is an area which left in its natural state will provide many benefits. The most important of these benefits is the fresh water resource. The fresh water supply from the Big Cypress Swamp is essential to the future of the Everglades National Park, the residents of South Florida and the many winter tourists. The Big Cypress Swamp also provides outdoor recreational resources at a time when such resources are rapidly diminishing.

Our basic concern is whether these natural resources should be sacrificed for the short term profits of a few, or whether we should protect them and provide for the continued long term use of many.

We feel it is our responsibility to provide and protect such critical areas not only for our own children, but also for theirs.

Thank you.

Sincerely,

CONSTANCE F. INMAN.
Community Improvement Project Chairman.

