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CUMBERLAND ISLAND NATIONAL SEASHORE

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HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

ON

S. 2411

A BILL TO ESTABLISH THE CUMBERLAND ISLAND NATIONAL SEASHORE IN THE STATE OF GEORGIA, AND FOR OTHER PURPOSES

MAY 11, 1972

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CONTENTS

	Page
S. 2411.....	2
Department reports:	
Budget.....	16
Interior.....	10

STATEMENTS

Brenneman, Russell L., Esq., on behalf of Mrs. Barclay McFadden, Germantown, Tenn.....	81
Foster, Franklin, Baltimore, Md.....	72, 77
Godley, J. Edwin, Woodbine, Ga., Camden County.....	67
Griffin, William, Atlanta, Ga., on behalf of the Georgia Conservancy, Inc.....	100, 101
Hartzog, George B., Jr., Director, National Park Service, Department of the Interior, accompanied by R. K. Mike Griswold, and George Sandberg.....	24
Henning, Harry, Columbus, Ga.....	48
McDowell, Putnam B., Pittsburgh, Pa.; accompanied by Mrs. Lucy R. Ferguson; and Thornton W. Morris.....	94
McFadden, Nancy Rockefeller, Greenwich, Conn., and Cumberland Island, Ga., accompanied by Mrs. Rose.....	59, 64
Morris, Jonas V., National Parks and Conservation Association, Washington, D.C.....	107, 108
Powell, Gen. Herbert B., president, Little Cumberland Island Homes Association, accompanied by Joseph Oliver, attorney; Neil Judd, chairman of the board, Little Cumberland Island Association.....	89
Smith, J. Robert, attorney for Okefenokee Rural Electric Membership Corp., Nahunta, Ga., presented by J. Edwin Godley.....	72
Stuckey, Hon. William S., Jr., a U.S. Representative in Congress from the State of Georgia.....	19, 21
Talmadge, Hon. Herman E., a U.S. Senator from the State of Georgia.....	17
Tanner, Joe D., Commissioner, Department of Natural Resources, State of Georgia, accompanied by Sam Candler, director of Natural Areas.....	31, 46
Voigt, William, Jr., Blackshear, Ga.....	52, 56
Yarn, Mrs. Charles, Save America's Vital Environment, Atlanta, Ga.....	102
Walker, David, senior associate, Conservation Foundation, Washington, D.C.....	109, 112

COMMUNICATIONS

Godley, J. E., clerk, Commissioners of Roads and Revenue, Camden County: letter to Senator Bible, dated May 12, 1972.....	71
---	----

ADDITIONAL INFORMATION

Proposed Amendment to S. 2411.....	85
------------------------------------	----

APPENDIX

STATEMENTS

Clapper, Louis S., on behalf of the National Wildlife Federation.....	118
Gambrell, Hon. David H., a U.S. Senator from the State of Georgia.....	115
Johnson, A. Stephen, vice chairman, Chattahoochee Chapter, Sierra Club..	134

IV

COMMUNICATIONS

	Page
Boswell, Edward T., 433d Tactical Fighter Squadron.....	139
Bruechert, Carl J., Atlanta, Ga.....	139
Butler, Nancy J., Atlanta, Ga.....	136
Crawford, Henry G., College Park, Ga.....	133
Dickerman, Ernest M., The Wilderness Society.....	115
Johnston, Thomas M. C., New York N. Y.....	140
Landau, Sherman, Atlanta, Ga.....	137
Moore, James O., Buffalo, N. Y.....	138
Morris, Thornton W., Atlanta, Ga.....	136
Norton, Craig W., Andalusia, Ala.....	133
Sheldon, Joanne S., South Deerfield, Mass.....	119
Stout, John C., Jr., Atlanta, Ga.....	137
Taylor, Lyle A., Huntsville, Ala.....	117
Yarn, Jane, Atlanta, Ga.....	135

ADDITIONAL INFORMATION

"By Laws of Little Cumberland Island Homes Association, Inc".....	128
"Crown Grant From King George III, January 6, 1767".....	119
"Declaration of Covenants and Restrictions of Little Cumberland Island Homes Association, Inc".....	120

CUMBERLAND ISLAND NATIONAL SEASHORE

THURSDAY, MAY 11, 1972

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION,
OF THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE,
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 and Moss.

Also Present: Bernard Hartung, Thomas A. Nelson.

Senator BIBLE. The meeting will come to order.

This is the time that we have noticed and set for the hearings on the Cumberland proposal. I unfortunately, have to be two places at once this morning. I am tied up in an appropriations conference that was scheduled long after this hearing was set.

Senator Moss will relieve me, I think, in a few moments. I do want to accommodate the congressional witnesses, first, Senator Talmadge and then Congressman Stuckey.

If Senator Moss does not come within the next few minutes, I will of necessity be required to recess the hearing for about 30 minutes. My plan is to proceed until about 12:30 and then resume at 2 o'clock this afternoon with everybody having a full opportunity to be heard.

I am not going to cut anybody off. I want to hear as much as possible of this testimony. I have to leave for about 30 minutes, simply because of the conference.

Without objection, the bill will be made a part of the record at this point. It is S. 2411 introduced by Senator Talmadge and cosponsored by Senator Gambrell. We will also make a part of the record, the official report of the Department of Interior dated April 27, 1972, signed by Nathaniel Reed.

(The text of S. 2411 and Department reports follow:)

(1)

92^D CONGRESS
1ST SESSION

S. 2411

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, AUGUST 3), 1971

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

A BILL

To establish the Cumberland Island National Seashore in the
State of Georgia, 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 provide for public outdoor recreation use and
4 enjoyment of certain significant shoreline lands and waters
5 of the United States, and to preserve related scenic, scientific,
6 and historical values, there is established in the State of
7 Georgia the Cumberland Island National Seashore (herein-
8 after referred to as the "seashore") consisting of the area
9 generally depicted on the drawing entitled "Boundary Map,
10 Cumberland Island National Seashore", numbered CUIS-
11 40,000B, and dated June 1971, which shall be on file and

1 available for public inspection in the offices of the National
2 Park Service, Department of the Interior. The Secretary of
3 the Interior (hereinafter referred to as the "Secretary") may
4 make minor adjustments in the boundary of the seashore
5 from time to time by publication of a revised drawing or
6 other boundary description in the Federal Register.

7 SEC. 2. Within the boundaries of the seashore, the
8 Secretary may acquire lands, waters, and interests therein
9 by whatever legal method available to him such as, but
10 not limited to, donation, purchase with donated or appro-
11 priated funds, exchange, or transfer from any other Federal
12 agency. The Secretary may also acquire not to exceed
13 one hundred acres of lands and interests in lands on the
14 mainland to provide access to the administrative and visitor
15 facilities for the seashore. Property owned by the State of
16 Georgia or any political subdivision thereof may be acquired
17 only by donation. Notwithstanding any other provision of
18 law, any Federal property located within the boundaries of
19 the seashore may, with the concurrence of the agency hav-
20 ing custody thereof, be transferred without transfer of funds
21 to the administrative jurisdiction of the Secretary for the
22 purposes of the seashore.

23 SEC. 3. For the purpose of providing access from Inter-
24 state 95 to the mainland administrative and visitor facilities
25 of the seashore, the Secretary may designate as the Cum-

1 berland Island Parkway a right-of-way, together with adja-
2 cent or related sites for public noncommercial recreational
3 use and for interpretation of scenic and historic values,
4 of not more than one thousand acres of lands, waters, and
5 interests therein. The Secretary is authorized to acquire
6 only by donation those lands and interests therein, and other
7 property comprising such right-of-way and adjacent or
8 related sites as he may designate pursuant to this Act for
9 the development, hereby authorized, of a road of parkway
10 standards, including necessary bridges, spurs, connecting
11 roads, access roads, and other facilities, and for the devel-
12 opment and interpretation of recreation areas and historic
13 sites in connection therewith. Lands acquired for the park-
14 way shall be administered as a part of the seashore, sub-
15 ject to all laws and regulations applicable thereto, and
16 subject to such special regulations as the Secretary may
17 promulgate for the parkway.

18 SEC. 4. (a) With the exception of any property deemed
19 necessary by the Secretary for visitor facilities or administra-
20 tion of the seashore, any owner or owners of improved prop-
21 erty on the date of its acquisition by the Secretary may, as a
22 condition of such acquisition, retain for themselves and their
23 successors or assigns a right of use and occupancy of the prop-
24 erty for noncommercial residential purposes, or agriculture
25 purposes, for a definite term not to exceed forty years, or, in

1 lieu thereof, for a term ending at the death of the owner or his
2 spouse, whichever is later. The owner shall elect the term
3 to be reserved. The Secretary shall pay to the owner the fair
4 market value of the property on the date of such acquisition
5 less the fair market value on such date of the right retained by
6 the owner: *Provided, however,* That when acquiring lands
7 and interests from the National Parks Foundation, its successors
8 and assigns, the Secretary shall acquire such lands and in-
9 terests subject to the written terms and conditions on which
10 the National Parks Foundation acquired the lands from prior
11 owners thereof, and that such previous written rights and in-
12 terests shall prevail over provisions of this paragraph.

13 (b) A right of use and occupancy retained or enjoyed
14 pursuant to this section may be terminated with respect to
15 the entire property by the Secretary upon his determination
16 that the property or any portion thereof has ceased to be used
17 for noncommercial residential purposes, or agriculture pur-
18 poses, and upon tender to the holder of a right an amount
19 equal to the fair market value, as of the date of the tender,
20 of that portion of the right which remains unexpired on the
21 date of termination.

22 (c) The term "improved property", as used in this sec-
23 tion, shall mean either (1) a detached, noncommercial resi-
24 dential dwelling, the construction of which was begun before

1 February 1, 1970 (hereinafter referred to as "dwelling"),
2 together with so much of the land on which the dwelling is
3 situated, the said land being in the same ownership as the
4 dwelling, as the Secretary shall designate to be reasonably
5 necessary for the enjoyment of the dwelling for the sole pur-
6 pose of noncommercial residential use, together with any
7 structures accessory to the dwelling which are situated on the
8 land so designated, or (2) any property used exclusively for
9 agricultural purposes, including housing incident thereto.

10 (d) (1) In order to provide an opportunity for the es-
11 tablishment of a natural and scenic preserve by voluntary pri-
12 vate action of certain owners of lands within the seashore,
13 and notwithstanding anything to the contrary herein con-
14 tained, no lands or interests in lands shall be acquired on
15 Little Cumberland Island without the consent of the owner,
16 for a period of two years from the date of enactment of this
17 Act, except as specifically otherwise provided herein.

18 (2) In the event that the owners of land on Little
19 Cumberland Island shall have created an irrevocable trust
20 or other method of preservation of the resources of Little
21 Cumberland Island which in the judgment of the Secretary
22 provides for the protection of the resources in a manner
23 consistent with the purposes of which the seashore was
24 established, the Secretary's authority to acquire such lands

1 shall be suspended for such time as the trust is in effect,
2 and the lands are used and occupied in accordance therewith.

3 (3) If, at any time during the two-year period fol-
4 lowing the date of enactment of this Act, the Secretary
5 determines that any lands on Little Cumberland Island are
6 threatened with development, or other uses, inconsistent
7 with the establishment or continuation of the trust herein
8 referred to, then the Secretary may acquire such lands, or
9 interests therein, by any of the methods provided for in
10 section 2 of this Act.

11 SEC. 5. The Secretary shall permit hunting, fishing,
12 and trapping on lands and waters under his jurisdiction
13 within the boundaries of the seashore in accordance with
14 the appropriate laws of Georgia and the United States to
15 the extent applicable, except that he may designate zones
16 where, and establish periods when, no hunting, fishing, or
17 trapping shall be permitted for reasons of public safety,
18 administration, fish and wildlife management, or public use
19 and enjoyment. Except in emergencies, any regulations pre-
20 scribing any such restrictions shall be put into effect only
21 after consultation with the appropriate State agency respon-
22 sible for hunting, fishing, and trapping activities.

23 SEC. 6. The seashore shall be administered, protected,
24 and developed in accordance with the provisions of the Act of
25 August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as

1 amended and supplemented, except that any other statutory
2 authority available to the Secretary for the conservation and
3 management of natural resources may be utilized to the extent
4 he finds such authority will further the purposes of the Act.

5 SEC. 7. (a) There is hereby established a Cumberland
6 Island National Seashore Advisory Commission. The Com-
7 mission shall terminate ten years after the date of enactment
8 of this Act.

9 (b) The Commission shall be composed of ten members,
10 each appointed for a term of two years by the Secretary, as
11 follows:

12 (1) One member appointed from recommendations
13 of the Board of Commissioners of Camden County;

14 (2) Four members appointed from recommenda-
15 tions of the Ocean Science Center of the Atlantic
16 Commission;

17 (3) Two members appointed from recommenda-
18 tions of the Governor of Georgia;

19 (4) Two members designated by the Secretary; and

20 (5) One member appointed from recommendations
21 of the Georgia Coastal Area Planning and Development
22 Commission.

23 (c) The Secretary shall designate one member to be
24 Chairman. Any vacancy in the Commission shall be filled in

1 the same manner in which the original appointment was
2 made.

3 (d) A member of the Commission shall serve without
4 compensation as such. The Secretary is authorized to pay
5 the expenses reasonably incurred by the Commission in carry-
6 ing out its responsibilities under this Act upon the presenta-
7 tion of vouchers signed by the Chairman.

8 (e) The Secretary or his designee shall, from time to
9 time, consult with the Commission with respect to matters
10 relating to the development of the seashore and, in partic-
11 ular, with respect to (1) the provision and adequacy of
12 passenger ferry service, and (2) the desirability of or neces-
13 sity for bridges or causeways to Cumberland Island.

14 SEC. 8. Nothing in this Act shall deprive the State of
15 Georgia or any political subdivision thereof of its civil or
16 criminal jurisdiction over persons found, acts performed, and
17 offenses committed within the boundaries of the seashore,
18 or of its right to tax persons, corporations, franchises, or other
19 non-Federal property on lands included therein.

20 SEC. 9. There are hereby authorized to be appropriated
21 such sums as may be necessary to carry out the provisions
22 of this Act.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 27 1972

Dear Mr. Chairman:

This responds to your request for comment on S. 2411, a bill "To establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes".

We recommend the enactment of S. 2411, if amended as set forth herein.

Cumberland Island is a remarkably unspoiled seashore area of beach dunes, forests and uplands, and marsh. The outstanding beaches are enhanced by the smooth, gentle, and predictable surf. While these beaches provide excellent opportunities for swimming, sunbathing, fishing and beachcombing, other natural values on the Island are conducive to other pursuits, both active, and restful, such as horseback riding, hiking, bicycling, and nature study. Cumberland Island is the southernmost and largest of the so-called "Golden Isles" of Georgia, and possesses well preserved natural conditions and the finest beaches of any of them.

In addition to these outstanding natural values, the archeology and history of Cumberland Island warrant special attention. The shell heaps from the Archaic Period, of 5,000 to 10,000 years ago, mark village sites, and sand mounds containing human burials indicate the presence of prehistoric Indian occupation. Cumberland Island possesses historical values dating from such early occupation through colonial times, the "Plantation Era" of the mid 19th century, and into more recent periods. Interpretation of sites, artifacts, and ruins will further enhance the visitors' enjoyment of the area. In sum, Cumberland Island represents an unparalleled opportunity for seashore preservation of an area containing natural, historical, and recreational assets.

There are approximately 39,500 acres of lands and waters within the boundaries of the proposed seashore, including 15,664 acres in State ownership, 660 acres in Federal ownership, and 13,227 acres acquired by the National Park Foundation for the seashore with funds donated by the Andrew W. Mellon Foundation. Of the acreage acquired by the National Park Foundation as of February 1972, some 9,675.5 acres are upland. The remaining 9,943 acres, which have 32 improvements, are in private ownership. Based upon current assumptions and estimates, the cost of acquiring

these lands (including the costs attributable to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) is \$10,500,000. Both acreage and acquisition figures include the properties of the Little Cumberland Island Home Association. Special provisions relating to voluntary action to establish a private method of preservation by that Association in regard to its lands are set forth in section 4(d) of S. 2411. Except where these lands are threatened by uses or developments inconsistent with the seashore, they could not be acquired without the consent of the owner for a period of two years after the date of enactment of the bill. We have been discussing the terms of various types of preservation easements with the Association and, though no result has been achieved, we would have no objection to the retention of the provisions contained in section 4(d).

The bill also provides for acquisition of not more than 100 acres of lands to provide access to the mainland administrative and visitor facilities. This provision is essential to permit development of a corridor between Harriets Bluff Road and the mainland site. It is expected that the lands needed for the mainland area and for the corridor will be donated by the Brunswick Pulp and Paper Company, together with a scenic easement on a small tract of land directly north of the administrative site. This easement is necessary to insure that development on the higher private lands would not intrude adversely upon the mainland facilities of the seashore. The flexibility afforded by the bill in section 1, to make minor adjustments in the boundaries, could be utilized as necessary, to effectuate the inclusion of this additional tract.

The provision in section 4 for retained rights of use and occupancy is inconsistent with similar conditions in other Acts. Such rights are not generally extended to agricultural users, nor does the term exceed 25 years. S. 2411 would grant such rights for terms of up to 40 years, and would include agricultural users among those entitled to avail themselves of this right.

Accordingly, we recommend the following amendments:

1. On page 3, revise lines 24 and 25 to read as follows:

erty for noncommercial residential purposes
for a definite term not to exceed twenty-five
years, or, in
2. On page 4, revise lines 17 and 18 to read as follows:

for noncommercial residential purposes, and
upon tender to the holder of a right an amount
3. On page 4, line 23, delete "either (1)"

4. On page 2, line 6, change the period to a comma, and add "but the total acreage within the boundaries of the seashore shall not exceed 40,500 acres."

This provision would supplement the map reference by specifying the estimated acreage of the seashore (39,500) together with an allowance of 1,000 acres for minor boundary adjustments. This figure does not include acreage for access facilities and Parkway right-of-way, which will be outside the boundaries.

5. On page 5, line 8, change the comma after "designated" to a period, and delete the remainder of the sentence through line 9.

The bill also provides for the designation and development of a "Cumberland Island Parkway" on donated lands. We have no objection to this provision in the bill provided that a suitable route can be agreed upon by the State of Georgia, Brunswick County, Brunswick Pulp and Paper Company, and this Department. Since the proposed parkway might require the relocation, or addition, of an interchange on Interstate 95, now under construction, the concurrence of the Department of Transportation could also be required. The cost of developing the 12 miles of parkway believed to represent the most feasible route, is estimated to be \$1,800,000, none of which is programmed for the first five years after enactment.

6. On page 3, line 6, delete the words "only by donation" and substitute therefor the words "by any means authorized in section 2".

The requirement that a Parkway right-of-way be acquired only by donation is unnecessarily restrictive. As amended, section 3 would authorize the acquisition of such right-of-way by purchase, if necessary to assure adequate access to the seashore.

7. On page 7, lines 5-24, and on page 8, lines 1-13, delete all of section 7 and renumber subsequent sections accordingly.

Inasmuch as the Congress through general legislation approved August 18, 1970 (84 Stat. 825) authorized the Secretary to establish advisory bodies with respect to the National Park System, the establishment of a specific commission for Cumberland Island in this bill is not necessary. While we fully intend to consult with and seek the advice of the State and local units of government in developing the seashore, we see no reason to duplicate in this bill the general authority already conferred on the Secretary by the Congress in 1970.

8. On page 8, after line 19, insert the following new section:

SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

This amendment adds language similar to that contained in the legislation authorizing Assateague Island, Fire Island, and Cape Lookout National Seashores, and which is identical to the language we recommended for the Gateway National Recreation Area. The amendment assures that any undertakings for shore erosion control and similar works must be in accordance with a plan mutually acceptable to this Department and the Secretary of the Army.

Total cost of development of the seashore, based on August 1971 prices is estimated to be \$27,840,000, of which \$19,010,000 would be programmed over the first five years after enactment. We recommend an amendment, as in prior enactments, to accommodate fluctuation in development costs without the necessity for new authorization, as follows:

9. On page 8, delete lines 20, 21, and 22, and insert in lieu thereof, the following:

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, \$27,840,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

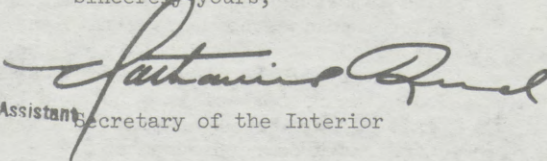
Operating costs for the seashore are expected to reach \$639,500 by the fifth year after enactment.

As a technical amendment, the word "succors" on page 4, line 7, should read "successors".

A man-year and cost data statement is enclosed.

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

Sincerely yours,



Assistant Secretary of the Interior

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

Enclosure

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

(Proposed)
CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA

Five-Year Projection of Estimated Obligations
and Expenditures

Estimated Expenditures

Personnel Services	\$ 1,630, 398
All Other	<u>19,579, 402</u>
Total	\$21,209, 800

Estimated Obligations

Land and Property	
Acquisition	\$10,500,000
Development	19,010,000
Operations (Management, Protection and Maintenance)	<u>2,683,800</u>
Total	\$32,193,800

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAY 8 1972

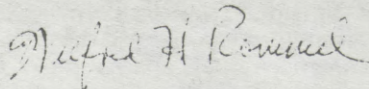
Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
3106 New Senate Office Building
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your request of September 10, 1971 for the views of the Office of Management and Budget on S. 2411, a bill "To establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 2411, and accordingly supports enactment of the bill if amended as recommended in the Department's report.

Sincerely,



Wilfred H. Rommel
Assistant Director for
Legislative Reference

Senator BIBLE. Senator Talmadge.

**STATEMENT OF HON. HERMAN E. TALMADGE, A U.S. SENATOR
FROM THE STATE OF GEORGIA**

Senator TALMADGE. I am extremely pleased to have this opportunity to comment on S. 2411, which I introduced along with Senator Gambrell, my colleague, to establish Cumberland Island, Ga., as a national seashore.

My bill, which is identical to legislation introduced in the House of Representatives by Congressman W. S. Stuckey, Jr., represents an effort to save one of our Nation's most limited resources, the seashore.

Moreover, it represents an effort to preserve the last outstanding undeveloped but unprotected seashore area on the Atlantic and Gulf Coasts.

At last count, Cumberland Island, which is slightly larger in area than Manhattan Island in New York, only had 19 residents. It is almost wholly wild now. Its 18 miles of white sand beach, fresh water lakes, forest areas, archeological sites and marsh lands, if protected, would offer unusual recreational and unique scientific research opportunities.

The National Park Foundation, working with private foundation funding, has already acquired more than 70 percent of Cumberland Island. This property will be donated to the seashore when appropriate legislation is enacted.

Mr. Chairman, in my judgment, S. 2411 provides us with a good starting point in our efforts to protect and preserve Cumberland. It recognizes and attempts to deal with the rights of property owners on the Island.

It considers the desires of local government officials. It furthers the announced policy of the President of the United States by providing more open spaces and recreational facilities.

Finally, the bill seeks to serve the interests of the American public by insuring that Cumberland Island does not fall victim to reckless development which is so often confused with progress and which has, in the past, robbed our generation and future generations of many of our wild and scenic places.

Indeed, Mr. Chairman, I feel that S. 2411 is basically sound legislation, but I also realize that it is not altogether perfect. I do not consider myself irrevocably wed to each and every provision, and, as the sponsor of this legislation in the Senate, I welcome suggestions which will improve the bill and better accomplish its purposes.

In this regard, the subcommittee will hear from both public and private witnesses today. As might be expected, there is considerable difference of opinion as to how Cumberland Island can best be preserved.

However, I am deeply impressed, and I am sure that the subcommittee will also be impressed, with the fact that the overriding consideration of practically every witness is that the island should and must be preserved.

I think all of us realize that Cumberland is one of those special places which, if left unprotected, will be lost. Such a loss must be

avoided at all costs in order that we, our children, and our children's children may enjoy the island's wonder and beauty.

Mr. Chairman, we have a number of witnesses from my State of Georgia here today, and with the permission of the subcommittee, the next witness will be the Honorable William S. Stuckey, Jr., a longtime personal friend and distinguished congressman from the 8th Congressional District from my State.

In addition to Congressman Stuckey, the known witnesses from the State who are here today are:

Mr. Joe D. Tanner, and I will ask him to stand, with the permission of the Chair, who is the Commissioner of the Department of Natural Resources, from the State of Georgia.

Mr. William Voigt of Blackshear, Georgia.

Mr. J. Edwin Godley, who is the clerk of the Camden County Commissioners, and he will speak for the government of that county here today.

General Herbert B. Powell, President of the Little Cumberland Island Association, and accompanied by Mr. Joseph Oliver, attorney from Savannah.

Mr. Neil Judd, Chairman of the Board of the Little Cumberland Island Association.

Also, Mr. William Griffin of Atlanta, Georgia, speaking for the Georgia Conservancy, Incorporated.

Mrs. Charles Yarn, Save America's Vital Environment from Atlanta.

Mr. Morris who is accompanying and representing Mrs. Lucy R. Ferguson of Camden Island, Ga., and Mr. Putnam B. McDowell.

Also, Mr. Chairman, Mr. David Walker, Senior Associate, Conservation Foundation, Cumberland Island, Ga.

All of these are distinguished citizens of my State and I am delighted to have the privilege of presenting them to the distinguished subcommittee.

I am sure the Chair would like to hear from Congressman Stuckey first.

Senator BIBLE. We will be happy to do that. I have the names of the people that you did call and maybe some others who you did not mention. For example, I have Mrs. Nancy Rockefeller who is here and whom you didn't mention.

Senator TALMADGE. I did not. She resides in our State part-time and we are delighted to claim her as a citizen.

Senator BIBLE. All right. There are several others on the list.

I have this commitment which I explained and I am going to be compelled to be gone for about 30 minutes, but I shall be back and I will read your testimony, Mr. Congressman. I am sorry I can't hear you personally, but I am going down to Cumberland Island this weekend to make a field inspection of the entire area.

In the meantime, I am going to ask Senator Moss to continue the hearing until I get back. I won't be gone longer than 30 minutes. I know you have to go to your other meetings, Senator Talmadge, but you are welcome to stay if you want.

Senator TALMADGE. Thank you, Mr. Chairman.

Senator BIBLE. Congressman Stuckey.

STATEMENT OF HON. WILLIAM S. STUCKEY, JR., A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. STUCKEY. Thank you, Mr. Chairman.

First let me say I appreciate the time the committee has given us this morning to speak in support of S. 2411 and I would like to ask consent that my prepared testimony be admitted into the record and I know time is of the essence and I will summarize my statement this morning.

Senator Moss (presiding). It will be printed in full in the record.

Mr. STUCKEY. First, I would like to say I appreciate Senator Talmadge and Senator Gambrell for introducing S. 2411 on the Senate side and we certainly look forward to the on-site tour that the committee will make of Cumberland Island, this coming weekend.

I think once the committee visits Cumberland Island, I think they will find the same thing many other people have found over the years, that is, a great love for the island. I think its beauty and history is unmatched anywhere in the world.

To give you a little background of the island, the first settlers were the Indians and later on came the Spaniards and also one of our early revolutionary heroes, Nathaniel Greene, made his home there and Eli Whitney invented the cotton gin while on Cumberland Island and Lighthouse Harry died and was buried at one time on Cumberland Island.

The early history of the island was a plantation economy and agricultural. Years later the island in large part was acquired by the Carnegie and Candler families and a large portion of the island is still owned by those two families.

The island is rich by its natural beauty and features. It has completely unmarked and unmarred beaches where one can just walk for mile after mile and not see the typical beer cans, the candy wrappers; the sand dunes are unmatched anywhere in the world.

The island is presently full with live oaks, palms, cedars, vines and the marsh plants. On the island, one will also find the wild pigs, the deer, the turkeys, many birds and animals that are unique to that area.

Cumberland's size is some 24,000 acres in which 14,000 of that is highland. Included in the national seashore also will be part of the mainland, which will be a stepping-off point for the people who wish to visit Cumberland Island.

Little Cumberland Island will also come under a scenic easement which will help preserve the overall beauty of the land. I feel like one of the advantages of the national seashore—Cumberland coming under the National Seashore bill, will be that this time it will be inexpensive.

Another thing I feel like, that there are a lot of people in this country that would like to see the beauty of this island and it will be open to the public, those who appreciate an island of this nature and it will be where people will be able to go over and enjoy.

Some of the things we envision they will be able to enjoy will be tent camping on the island as well as on the mainland, certainly the various trails where they can observe the island, the beauty and the wildlife on the island.

There will be hiking, horseback riding, bicycles, certainly areas will be preserved for sunbathing and gathering shells on the beach. The island offers unique opportunities as far as our historical research goes.

The remains of the early European developments, the island is rich with some of the historic homes and ruins of earlier days and the island lends itself to the ecological and natural study of the island, also.

I think it is known by all of us that there is a tremendous need in this country for additional recreation areas open to the public, especially along our seashore. There is presently only one located on the Atlantic and the Gulf coast between Cape Lookout and North Carolina.

I feel like this will be a tremendous addition to our national seashore and our Interior and Park department. Another unique thing about the island is that it is one of the largest islands off our shore that is basically in its natural state.

It does have the trees that have been on the island since its beginning. It does have the beautiful beaches. It is still in its natural beauty. I think there is a need to preserve this beautiful coastal island in its natural state and hopefully, action will be taken soon on this bill.

As was mentioned by Senator Talmadge, the National Park Foundation using private funds has already acquired approximately 70 percent of the upland islands and I think now is the time that Congress should act because I think by acting now, we can avoid rising costs and further development on the island.

In concluding my testimony, I think it best can be summed up by the words of the poet James Montgomery which I think are appropriate. He simply said, "What we can preserve, can perish never; what we forego, is lost forever." I think those words really apply to Cumberland Island, because if we do lose it, I don't think we will ever find another island as unique and beautiful as Cumberland.

Mr. Chairman, I thank you for allowing me this time to testify before the committee.

Senator Moss. Well, we do appreciate your testimony, Congressman Stuckey, and your printed statement which will be included in the record. I glanced at pictures in this book and must say they confirm your description of the beauty of the island.

I haven't had the privilege of seeing it and I would like to do so, but I am sure you will get a very sympathetic ear in this committee. We think so many things have been allowed to slip away and become despoiled and we are anxious to preserve any area of beauty that we can within the reach of our resources.

I don't have any specific questions because I think most of the answers on the details are in the report of the Department as to size and approximate cost and things of that sort. So we thank you and you are invited to remain, if you wish, but if you have assignments we will understand and you may leave if you care to do so.

Mr. STUCKEY. Thank you. If the committee will excuse me, I have two subcommittees at a meeting on the House side.

(The prepared statement of Congressman Stuckey follows:)

STATEMENT OF HON. W. S. (BILL) STUCKEY, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF GEORGIA

Mr. Chairman, it is indeed a privilege to appear before you in support of S 2411 a bill providing for the acquisition of Cumberland Island for use as a National Seashore. I am particularly appreciative of the Committee for scheduling hearings on this legislation which sponsored by both of Georgia's distinguished Senators, Herman Talmadge and David Gambrell.

I want to express my sincere appreciation to those of you who will go to Cumberland Island for an on-site inspection tomorrow. The holding of hearings by the Parks and Recreation Subcommittee and the impending visit to the Island give me reason to believe that a matter which has come to mean much to me personally will soon culminate in the enactment of legislation. The objective of this legislation interested me even before I was elected to Congress and I have had a continuing contact with the Interior Department, the National Park Service and the National Park Foundation over the past six years.

Cumberland Island is the southernmost of what for more than 200 years have been known as the Golden Isles. This string of off-shore islands extends the length of the Georgia coast from just below Savannah to within 20 air miles of Jacksonville, Florida. The area to be encompassed within the Cumberland Island National Seashore includes all of Big Cumberland Island and acreage facing the Island on the Georgia mainland. Development of Little Cumberland Island will also be regulated so as not to impair the use of Big Cumberland as a National Seashore.

Reminders of the Island's rich and varied past remain and would be a protected asset of the National Seashore. The Timucuran Indians who enjoyed Cumberland before the coming of the first Spanish soldiers constructed burial mounds which contain archaeological artifacts. Other earthen rises mark the sites of an early Spanish Jesuit mission (1568) and of an English fortification constructed by Oglethorpe, Fort Saint Andrew (1735).

It was during the first years of English colonization that Cumberland acquired her present name. History records that the Island was named by Toonahowie, son of an Indian chief, in honor of the Duke of Cumberland after the latter presented a gold watch to the Indian during a visit to England.

During the early days of the Republic and continuing until the War Between the States the arable land of Island sustained a flourishing plantation economy producing indigo and long-staple Sea Island cotton. An early planter was Revolutionary War hero General Nathaniel Greene who constructed a four-story, 30 room tabbey house on the site of Oglethorpe's hunting lodge at the southern end of the Island. It was while visiting at the Greene mansion that Eli Whitney invented the cotton gin. Another guest at the Greene's mansion was "Light-horse Harry" Lee, the father of Robert E. Lee. The elder Lee died on Cumberland and was interred there until 1913 when his remains were removed to the Washington and Lee Chapel in Lexington, Virginia.

Following the War Between the States the freed slaves either left or moved to the northern end of the Island where some still own plots. A planter named Stafford burned the cabins of his slaves upon learning they had been emancipated. The chimneys which served the cabins now stand in three parallel lines, mute witnesses of a bygone culture. In the absence of slave labor, agriculture proved economically unfeasible and activities on the Island went into eclipse.

The somnolence of the Island was broken during the last decade of the nineteenth century when some of the industrial elite of America discovered the attractions of Cumberland and other of the Golden Isles as vacation retreats. Andrew and Thomas Carnegie purchased approximately 80 percent of the Island. The Candler family, made wealthy by the development of Coca Cola, acquired much of the northern end of the Island. The families constructed mansions such as Plum Orchard and Grey Field which still stand in decaying splendor. To enter these massive houses, which are fully furnished in pieces of the period, is to step into a time machine and be carried back to the opulence of the nation's first generation captains of industry. These spacious mansions with heavy wooden fixtures, indoor swimming pools, and rococo furnishing, if preserved, would be interesting as museums. Impressive in ruin is the three story skeleton of Thomas Carnegie's Dungeness at the southern end of the Island.

The allure of Cumberland as a vacation spot was short-lived, with it being supplanted as a favored retreat before the Great Depression. Nonetheless the Carnegie and Candler families retained most of their holdings until recently.

The fact that the Island has been controlled by a very few people has proven fortuitous since these wealthy families prevented the development of the Island as has occurred on Jekyll and St. Simons islands to the north.

Since it is still almost totally undeveloped, Cumberland Island has the potential to become an integral part of both the National Park System and of the nation's growing program of National Seashores and National Lakeshores. Designation of Cumberland Island as a National Seashore would, as the National Park Service has recognized, be a significant addition to the nation's public land holdings. In 1955 the Park Service, after an extensive evaluation of the entire Atlantic and Gulf Coasts, concluded that Cumberland Island has one of the two best undeveloped beaches along this vast stretch of coastline and that it "deserves to be preserved so that it can be enjoyed by the greatest number of people." (*Cumberland Island: A Challenge in the Golden Isles*, p.1.) With the amount of privately owned beach declining and with additional miles of beach being consumed annually by hotels, shore side communities, etc., coupled with more people having more leisure time, the availability of beaches to the public becomes increasingly critical.

Cumberland Island is the last large island along the Atlantic coast which remains almost entirely in its natural state. While the Island once sustained a thriving plantation economy, most of it gradually returned to a primeval state after the War Between the States. The interior of the Island is heavily forested with giant live oaks, cedars, hickories, magnolias, and numerous species of palms. The trees are hung with flowing Spanish moss and various vines and creepers. The forest shelter wild pigs, deer, wild turkeys as well as smaller animals.

The sea coast boasts what may be Cumberland's most impressive feature, 18 miles of gleaming white beach. If a visitor to the Island has not been overcome by the solitude of the island while in the forest, he cannot help but notice the absence of man when on the beach. A multitude of shells in infinite variety cover the sand. The white sand is free of the litter of man—no soft drink cans, no candy wrappers, no cigarette packs. Indeed, standing on the beach, buffeted by the winds, you can look up and down the coast and in your reverie easily imagine that you are the discoverer of this lush isle, that yours are the first feet to mark the sand.

Back from the shoreline the winds have whipped the sand into ever-shifting dunes, some rising as high as 50 feet. The dunes protect the interior of the Island from the sea and the wind and in their lee are fresh water lakes in which visitors can observe alligators, ibis, and herons or fish for bass.

While the vast bulk of the island has the pristine beauty of unspoiled beaches and subtropical forests, civilized man has left his mark. The mark rests lightly on the Island's beauty however and is in no way like the deep scars of neon civilization which have marred much of coastal America. Indeed the ruins of Dungeness and the faded grandeur of Plum Orchard mansion contribute to the visitor's feeling that he has withdrawn from the hurly-burly of the twentieth century and has been reborn into Shangri-la.

Cumberland Island has no paved roads, only jeep trails winding under the expansive arms of ancient trees. The present jeep trails, which lead to the Island's points of natural and historical interest, will be excellent for hiking, bicycling, and horseback riding, once Cumberland comes under the administration of the National Park Service.

In addition to using the trails of the Island, plans call for additional recreational facilities, none of which will destroy the natural beauty of the Island. The beaches will be available for sunbathing, gathering sea shells, and swimming. The jetty at the southern tip of the Island at the mouth of the St. Mary's River provides exceptional opportunities for surf fishing. There will also be areas available for camping for those willing to back-pack in after bringing their gear over by ferry.

Plans for development of the Cumberland Island National Seashore have been carefully made so as not to impair the natural features of the Island. The Island will never become a jumble of neon lights, quick food dispensaries, tourist come-ons, and motels. Available will be a back-to-nature experience which can be enjoyed by almost anyone at minimal expense. Access to the island will be limited to ferries, which ultimately will dock at three points on the Island, Plum Orchard, Brick Hill, and Dungeness. The ferries will dock on the mainland at Cabin Bluff which will serve as the administrative and main-

tenance headquarters for the Park. Visitors will be able to leave their cars at Cabin Bluff, or stay in accommodations to be built there. On the Island, a vehicular shuttle, probably operating along today's jeep trails, is envisioned which will link the primary points of interest.

In addition to the potential recreational use to which the island can be put, it has examples of flora and fauna not currently found in the national park system. There are no live oak-palmetto forests or longleaf slash pine forests in the National Parks. A number of types of plants on Cumberland are not found in any of the National Parks and the Cumberland Island pocket gopher is found no where else in the world. Nor do any of the constituent units of the park system possess the range of landscape encountered on Cumberland-shore, dunes, marshes, fresh water lakes, and the flat Pamlico Terrace. The National Park Service has reported, "A representative example of the islands would move the Nation closer to a well-rounded, logically-balanced system of scenic-natural parks." (*Cumberland Island*, p. 37.) Cumberland Island is unique. We have a rare opportunity to preserve this enchanting isle for posterity.

Presently there are eight National Seashores and four National Lakeshores. Of the Seashores, five are on the Atlantic Coast, two on the Gulf Coast and one along the Pacific Coast. The authorized Lakeshores border on the Great Lakes. Cumberland Island would be only the second National Seashore between Cape Lookout National Seashore in Carteret County, North Carolina, and Padre Island National Seashore south of Corpus Christi, Texas. Along this coastline of thousands of miles the newly authorized Gulf Islands National Seashore is the only enclave of federal parkland at which the American public can enjoy the beauty of undeveloped, unexploited, unravished expanses of beach and coastal forest. The southeast is one of the nation's fastest growing areas yet relatively little of the coast has been preserved in its natural state for recreational purposes. The Cumberland Island National Seashore is only 20 air miles from the residents of Jacksonville, Florida. Population projections indicate that by 1976 more than 16,000,000 people will live within 300 miles of Cumberland and in excess of 40,000,000 people will be less than 500 miles from the Island seashore. Further predictions are that by 1976 some 5.5 million vacationers will pass by Cumberland Island annually as they motor down the Georgia coast to Florida. Thus there are millions of Americans who would be potential visitors to the Cumberland Island National Seashore, located a few miles off Interstate 95.

The potential usage of Cumberland Island, while predominantly recreational in nature, is not exclusively so. The Island, so long as it remains undeveloped, offers opportunities for scientific research. Archaeologists can probe the secrets of the Indian burial mounds and the sites of early European fortifications. More significantly, the Island is an outdoors laboratory for those interested in learning about the ecology of coastal islands. Segments of Cumberland Island will in all probability be reserved for research. It has been suggested that there be facilities at Plum Orchard to be utilized as a study-research center.

Steps taken by the National Park Foundation to preserve Cumberland Island came just in time. The Island, after having been owned almost entirely by two families for decades, was on the verge of subdivision and development when Stoddard Stephens, a trustee of the Andrew W. Mellon Foundation, became interested in preserving Cumberland for future generations. Upon Stephen's advice the Mellon Foundation donated several million dollars to the National Park Foundation to be used to acquire a significant portion of the Island. National Park Foundation efforts halted the plans of Charles Fraser, developer of the beach resort at Hilton Head, South Carolina, who had acquired acreage on Cumberland and intended to convert it into another commercial seaside playground. Acquisitions of the National Park Foundation will be a gift to the American people once the Cumberland Island National Seashore is created. Cumberland Island which might have become a preserve for the rich will instead be open to all citizens who love nature.

Elsewhere on the island lots have been sold to people interested in building vacation cottages. Thus while Fraser's large-scale development has been nipped in the bud, time remains critical. The greater the delay in authorizing Cumberland Island as a national seashore, the more numerous become the landowners who must be dealt with and the more likely that the Island's beauty will be marred. Currently there are several hundred acres open to subdivision. Potentially this could mean as many as a thousand new landowners and residences if this tract is divided into one-third of an acre lots.

Another motivation for speedy action on S 2411 and its companion measure HR 9859 is that with each passing year the cost of land on Cumberland increases. The longer we delay, the more expensive the land will become, increasing at perhaps as much as 15 to 20 percent a year. While these prices are probably in excess of the fair market value, some of the small lots are now being sold for the equivalent of \$21,000 per acre.

Slightly more than two-thirds of the Island is presently owned by the National Park Foundation. The remainder of the Island, slightly less than 4,500 upland acres, is largely held by five people. The National Park Foundation is presently negotiating to acquire more of the privately owned lands and is very close to concluding at least one major acquisition.

I hope that the Committee will move expeditiously to insure that future generations of Americans will be able to enjoy the natural beauty of Cumberland Island. Failure to preserve Cumberland for posterity may be an irrevocable decision. Should we fail to prevent the development and despoilation of this unblemished jewel of the golden necklace along the Georgia coast, we cast die which cannot be changed for centuries. Our coastline has been transmogrified; great cities with soaring skylines, bustling ports, and opulent hotels, crowded public beaches, and resort areas have replaced the natural beauty in many places. While it is right and proper that the mask of civilization replace some of the tractless forests and unmarred shore, a great nation must not sacrifice all of its natural heritage before the icon of progress.

Cumberland Island is the only one of the Golden Isles which can be maintained in all of its primitive beauty. Indeed it offers the best opportunity anywhere along the Southern coast to set aside an unspoiled strip of beach, and coast for public enjoyment. Our position now is one for which the words of the poet James Montgomery are appropriate:

What (we) preserve can perish never,

What (we) forego is lost forever.

Thank you.

Senator Moss. Our next witness will be the Director of the National Park Service, George B. Hartzog, and we are glad to have you with us.

STATEMENT OF GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY R. K. MIKE GRISWOLD, AND GEORGE SANDBERG

Mr. HARTZOG. Thank you very much. It is a great delight to appear on behalf of the Department to convey to you the endorsement of the Department of the Interior for the proposal to establish the Cumberland Island National Seashore in the State of Georgia.

The seashore area is the southern end of the chain of islands and marshes known as the Golden Isles. These islands have been almost continuously inhabited for 10,000 years. Here a pottery-making culture existed 3,800 years ago, and 4 centuries ago, Spain established a chain of outposts which became the military frontier between the territories of the Spanish and English.

After the new Nation gained its independence, the island became one of the plantation islands specializing in raising long staple cotton.

The Civil War left the plantations unable to survive without slave labor, and the island became a hunting and pleasuring ground for wealthy business leaders, with about 80 percent of the island owned by the Carnegie family and the remaining 20 percent by the Candler family. Mansions were built as vacation homes, and for the most part the plantation lands reverted to forest cover.

The Great Depression again forced change on the islands. Some of the great families could no longer hold the vacation estates, and

large holdings were sold or were conveyed by inheritance to later generations.

It finally became apparent that Cumberland Island would continue to be subdivided with ultimate development of small-lot homes, the type of development which the island could least absorb and still retain its special fragile and beautiful environment.

Several years ago, using a generous grant from the Mellon Foundation, the National Park Foundation began a program of land acquisition to forestall further subdivision of the island by developers and to preserve the island's special qualities pending enactment of legislation to authorize a Cumberland Island National Seashore.

This action has been extremely successful, and all except about 4,700 acres of upland has been acquired to date. We estimate that an additional \$10.5 million will be required to complete the acquisition program envisioned by the bill.

Development of Cumberland Island National Seashore for visitor use, Mr. Chairman, will be undertaken with a determined sensitivity toward preserving the fragile natural values of the inland portions of the island.

The beach areas can absorb heavy concentrations of visitors, but the other portions of the island would swiftly lose their charm if uncontrolled visitor access and use were permitted. Therefore, we do not intend to permit visitors to bring their automobiles onto the island.

The visitor will be greeted at a mainland contact point, told the story of the island, and if he wishes to visit the island he may gain access only by using one of the passenger ferries shuttling to and fro or by using his personal boat.

Since the personal boat use will not place great numbers on the island, by controlling the number of passenger ferries, we can effectively control the number of visitors.

Once the visitor gets on the island, he would be conveyed to the beach use areas by way of a minibus, or jitney, system. Also we propose a net of biking-hiking trails, hiking paths, bridle trails, and nature trails in the inland portions of Cumberland Island.

The three beach use areas, characterized by gentle and predictable surf conditions, will be at Stafford, High Point, and Dungeness Beaches.

You will note, Mr. Chairman, that on the northwest portion of the seashore is Little Cumberland Island. We have no intention of using this area for visitor service, but we are concerned that land uses there not intrude upon the environment of the seashore.

Subsection 4(d) of the legislation before you, provides that the Secretary cannot acquire land on Little Cumberland without the consent of the owner for 2 years, that within 2 years, the owners must enter into an irrevocable trust to protect the aesthetics of the area, and that once the trust is effective and so long as its conditions are being lived up to, the Secretary will not acquire lands without consent of the owner.

These conditions would not preclude the Secretary buying land from a willing seller or from acquiring lands which are being subjected to adverse development either before, or in spite of establishment of the trust.

Inasmuch as environmental protection, rather than public use, is our objective for Little Cumberland, we feel this subsection of the bill is adequate if proper controls are placed on the land by the owners.

Mr. Chairman, our departmental effort recommends certain substantive amendments, which are intended to conform the bill to the formula approved by the Congress in establishing use and occupancy rights for earlier recreation area and seashore legislation.

That is, the amendments would permit retention of 25-year terms for residential purposes rather than 40-year terms for residential or agricultural purposes, as provided in S. 2411.

Other amendments would include an acreage ceiling for lands delineated within the boundary and add the usual escalator clause for the development appropriations ceiling.

In addition to the foregoing, we recommend that your committee delete section 7 of the bill, which establishes an advisory commission.

Inasmuch as the Congress through general legislation approved August 18, 1970 (84 Stat. 825) authorized the Secretary to establish advisory bodies with respect to the National Park System, the establishment of a specific commission for Cumberland Island in this bill is not necessary.

While we fully intend to consult with and seek the advice of the State and local units of government in developing the seashore, we see no reason to duplicate in this bill the general authority already conferred on the Secretary by the Congress in 1970.

Thank you very much.

This is the vicinity map. This is Jacksonville and this is Brunswick, Ga. Cumberland Island is in this location here.

Senator Moss. It is in the extremely southeast corner then, of Georgia, right adjacent to Florida?

Mr. HARTZOG. That's right. Amelia Island which is in Florida is just south of it, and the boundary line between Georgia and Florida is the St. Marys River and this estuary here.

Mr. Chairman, the proposal embraces all of Cumberland Island and Little Cumberland Island, which is separated from Cumberland Island by a small waterway and a parcel of high ground on the mainland on which we propose to have our headquarters maintenance complex.

Altogether about 39,500 acres of land and water are involved in the legislation now before you. The Federal ownership is shown in dotted grey. The cross-hatched marshland is State-owned. The cross-hatched brown is land which has been acquired by the National Park Foundation with funds donated by the Andrew Mellon Foundation for this purpose.

The white is still in private ownership.

Now, the various colors that you see here of yellow and orange and light green and dark green and so forth, are the individual remaining private ownerships, all except this large white block that you see at the top which is owned by the Associates of Little Cumberland Island.

Now, it is not proposed that we would acquire Little Cumberland Island if the owners of Little Cumberland Island put it in an irrevocable trust, because our purpose of including Little Cumberland

Island is to maintain and protect the environment of Cumberland Island and not to make Little Cumberland a part of the public use complex.

Senator Moss. Are those blue spots cottages that are now up there on Little Cumberland?

Mr. HARTZOG. Yes, sir. We also show red dots for the reserved homesites in connection with acquisitions made by the National Park Foundation. The National Park Foundation, in purchasing this property, agreed to leave a residential right in being for two generations or 40 years, depending upon the wishes of the sellers.

The bill, of course, also provides for retained interest. One of our amendments is that the retained residential right be restricted to 25 years where Federal funds are used to purchase the property as opposed to the 40 years which is permitted for the donations. So that's what these red dots are for, not existing houses.

There are now, as I recall it, 32 improvements on the island of which eight are year-round residences.

This is the plan of development. This is the mainland site which would have visitor orientation and information, parking and the location from which shuttle boats would ferry visitors to Cumberland Island.

There would be no automobile access to Cumberland Island. On Cumberland Island there would be a jitney service (these little dots here which represent a low-grade jitney road) to provide access along the island.

As I mentioned earlier, the inclusion of Little Cumberland Island is to continue the environmental protection which is there now and the ecological research which is now going on there. There would be a developed area at High Point Beach for swimming and associated day use facilities.

The Whitney Sweet Water Lakes area which is the outstanding natural area on Cumberland Island would be maintained as an environmental study and interpretive area. There would be another area with associated day use change room facilities such as you have seen at the seashores that we have at Cape Hatteras and Cape Cod and other places.

There would also be a beach development here at Dungeness. At South Point there would be an interpretive facilities. At Terrapin Point there would be an interpretive facilities. At Brick Hill Bluff there would be a visitor contact point on the island.

Here there would be picnic areas and trails and this kind of thing. Table Point is for natural area interpretation, and at Plum Orchard we are proposing an environmental conference center. Dungeness would also be a visitor contact and access point served by the ferry service.

Mr. Chairman, I think that pretty well describes the proposal and I would be pleased to try to answer any questions which you may have in connection with it.

Senator Moss. Is there any seashore area left south of here on the Florida coast or elsewhere that is likely to be acquired or could be acquired or would this be the southernmost area that we have a chance to get?

Mr. HARTZOG. Of course, you know the Congress has authorized and we have almost finished the acquisition of Biscayne National Monument and that series of Keys there.

This is the last remaining island where we can see any potential. There are a couple of other islands, Sappalo and those that are just north of here that have been talked about from time to time and were included in the Department's report on the Golden Isles of Georgia which was issued several years ago. I am not aware of any activity at the moment to bring those into the National Park System.

Senator Moss. Now, you explained the various ownerships in there of land and I see your estimate of acquisition costs is \$27,840,000, is that correct?

Mr. HARTZOG. No, sir, it is \$10½ million. I think you are looking at the development costs, \$27,400,000. The acquisition cost is \$10½ million, Mr. Chairman.

As we do in all of these estimates with the committee, we put in what we estimate to be the maximum cost of the project. However, we don't expect the land costs for this project to cost anywhere near that amount.

We have had discussions with the Brunswick Pulp and Paper Co. which owns about 50,000 acres on the mainland facing Cumberland Island. They own all of this area across here; for all practical purposes, all the way out to I-95.

They will probably give us this mainland site, although the cost of its acquisition is included in that \$10½ million. Likewise, as I mentioned, we have no real desire to purchase Little Cumberland Island, but the cost of acquiring it is included in that \$10½ million in case we have to.

Senator Moss. I see. That estimate would include acquisition of Little Cumberland if that became necessary.

Mr. HARTZOG. Everything we have to have in order to protect what you see inside that red line. We don't expect to have to spend that, however.

Senator Moss. Is your arrangement with the Foundation simply to reimburse them for what they have paid?

Mr. HARTZOG. No, one of the stipulations by Mr. Mellon in making this donation was that the land acquired by the National Park Foundation would be donated to the United States and not sold to it as has been customary in the past.

Senator Moss. So that would be free as far as acquisition?

Mr. HARTZOG. That's right. Mr. Mellon has made a commitment for up to \$7½ million. We haven't spent quite that much yet, but that is the commitment.

Senator Moss. I see. Are some of the landowners down there willing to make a contribution or enter into some agreement on their lands?

Mr. HARTZOG. We have had some discussions along that line and I am very hopeful that something will be worked. However, we haven't reached any agreements on the terms of donation or conveyance yet.

Senator Moss. But your plan of operation would permit residences on the island to continue, mostly as life estates, is that correct?

Mr. HARTZOG. Yes, sir, except for those properties acquired by the National Park Foundation. We would propose, and this legislation

would provide for, an acceptance of those donations from the National Park Foundation which honors the commitments that have been made by the Foundation. As I mentioned, the Foundation negotiated reserved estates for 40 years in some cases and for the lives of the beneficial owner, his or her spouse, and their issue—in other words, two generations, in other cases.

What we are proposing in this legislation is to restrict to 25 years or a life estate the retained residential use for federally acquired land. This is the policy of the Congress in other seashore legislative proposals.

And, Mr. Chairman, the reason we propose this distinction is that the National Park Foundation property has been donated. We feel a different criteria should be applied to property which we have to use the taxpayers' money to acquire.

Senator Moss. Are there residents on there now in sufficient number to be threatening the ecology of the island?

Mr. HARTZOG. No, sir.

Senator Moss. If there was any measurable increase that threat might develop?

Mr. HARTZOG. There is no question that that threat is there because there is a subdivision now underway on the island. Of course, I agree with the distinguished senior Senator from Georgia, as well as the distinguished Congressman from this district, Mr. Stuckey, that there is the real danger of losing one of the greatest islands on the coast of the United States.

Senator Moss. Does your development plan encompass any sort of educational facilities for studying the flora and fauna on there?

Mr. HARTZOG. Yes, sir, it does.

Senator Moss. Would that entail students being able to come and study there?

Mr. HARTZOG. Yes, sir. We think this is going to be a rather significant use of the island.

Senator Moss. Is the island large enough to have any game refuge areas on it?

Mr. HARTZOG. There is ample acreage for this. This bill also allows the hunting and fishing according to the laws of the State of Georgia, subject only to the controls spelled out by the Congress and the Secretary to close areas in the interest of public safety and administration, and so forth.

Senator Moss. How far is that from tip to tip in miles there?

Mr. HARTZOG. I think it is about $18\frac{3}{4}$ miles. The lands and surrounding waters total 39,494.33 acres.

Senator Moss. This land that you say is owned by Georgia Pulp and Paper—

Mr. HARTZOG. Brunswick Pulp and Paper.

Senator Moss. Is that being presently cut and reseeded and used for paper products?

Mr. HARTZOG. Yes, sir, they are managing that as part of their pulp operation.

Senator Moss. Is there any discussion with them of perhaps having a scenic screening easement?

Mr. HARTZOG. Yes, sir. As a matter of fact, we have been working very closely with them and with their plant for the development of

all this land that faces Cumberland Island and we have had a very fine relationship with them.

This bill provides for the construction of a controlled access parkway there from I-95 into this headquarters site through the property of the Brunswick Pulp and Paper which we think will be a tremendous thing, giving us the only area in the National Park System in which we do have a controlled access from the point at which people leave the Interstate Highway System right into the area of visitation.

Senator Moss. And you would hope to have a scenic easement along there so that their operations wouldn't be against that road?

Mr. HARTZOG. We expect to acquire enough right-of-way so that it would be, in and of itself, the screen, yes, sir.

Senator Moss. I see.

This jitney service you spoke about, is this just a normal vehicle or would it be a long carriage or what sort of thing?

Mr. HARTZOG. It might be a motorized tractor-type engine which would pull one or more trailers, similar to what we have on the Mall here and to what we have in Yosemite Valley.

Senator Moss. Would you do any surfacing of the roads?

Mr. HARTZOG. It would probably be necessary to do some surfacing. I am very hopeful that we can restore what was there originally, using a shell base, which is a very solid type of covering that can be maintained easily and also is very compatible with the environment there.

Senator Moss. Well, do the roads there now have a good foundation?

Mr. HARTZOG. Yes, sir, and it is pretty much of a shell base there. They have not been well maintained in recent years but the width, the layout, and so forth is adequate. We would hope to make the system one-way. And in that case what is now a two-way road system of county lanes would suffice. That is the best description I can give you of it.

Senator Moss. I see your estimate is that the operating costs are expected to reach \$639,500 by the 5th year after enactment.

Mr. HARTZOG. Yes, sir.

Senator Moss. Do you have an estimate of visitation projected?

Mr. HARTZOG. Yes, sir. The visitation that we anticipated at the end of the 5th year is 650,000.

Senator Moss. I guess this is really semitropical here. It would be open most of the year, wouldn't it?

Mr. HARTZOG. Yes, sir, and you have even a variety of air plants here on Cumberland Island. It is a very pleasant climate, which was reason it has been preserved. It was purchased originally by the Clanders and the Carnegies as a winter home.

Senator Moss. Are any of the buildings that are there now adaptable for this educational work we were referring to?

Mr. HARTZOG. We think so. The one we have now acquired is Plum Orchard. It is a manor house, a large structure. I believe there is a book of photographs up there, and I am sure there is a photograph of Plum Orchard in that book which will give you some idea of the dimension of the house.

Senator Moss. Yes, I see it, a large white house.

Mr. HARTZOG. Yes, sir.

Senator Moss. It looks like quite a mansion to turn into a school house of some kind.

Mr. HARTZOG. Well, I don't anticipate that we will have classroom instruction or anything like that in it. The classroom is out-of-doors.

Senator Moss. Well, I do appreciate your testimony, Mr. Hartzog. I think this pretty clearly lays out what you will do there and what the costs will be or what you estimate they will be.

I have been handed this from Save the Sea Turtles With Extensive Beach Use.

Mr. HARTZOG. This is one of the very valuable projects being carried on by a group of folks who own little Cumberland Island, and I think General Powell will be telling you about that as part of his testimony.

They are doing a very fine job. The beach use on Cumberland Island is not going to destroy the turtles. The greatest threat to the turtles there right now are the fantastic number of pigs that are running all over the place.

Senator Moss. They are just living wild, you mean, on the island?

Mr. HARTZOG. Yes, sir.

Senator Moss. Thank you very much. We appreciate that and we have some very interesting witnesses coming who will fill out the picture if we need more, I am sure.

Mr. HARTZOG. Thank you, Mr. Chairman.

Senator Moss. We will next hear from Mr. Joe D. Tanner, commissioner of the Department of Natural Resources of the State of Georgia.

STATEMENT OF JOE D. TANNER, COMMISSIONER, DEPARTMENT OF NATURAL RESOURCES, STATE OF GEORGIA, ACCOMPANIED BY SAM CANDLER, DIRECTOR OF NATURAL AREAS

Mr. TANNER. Thank you, Mr. Chairman.

With your permission, I would like to ask that Mr. Sam Candler, who is director of natural areas for the Department of Natural Resources, to also join me.

Senator Moss. Very good, glad to have you too, Mr. Candler.

Mr. TANNER. With your approval, I would also like to request that my written testimony, which we have previously submitted to you, be made a part of the record of the meeting and I would then summarize my statement and make some general comments.

Senator Moss. That is granted and it will be printed in full in the record.

Mr. TANNER. Thank you, sir.

First, let me thank you for the opportunity to come representing both the State of Georgia, Governor Carter and the Georgia Department of Natural Resources.

We support very strongly S. 2411, which would designate Cumberland Island as a national seashore. The importance of Cumberland Island has been known to conservation leaders for a long period of time.

The 1955 National Park Service survey identifies Cumberland as being of national significance and one of the two most outstanding seashore areas remaining along the Atlantic and gulf coast.

We believe that Cumberland is perhaps the most beautiful undeveloped and unprotected beach that remains today on the eastern seaboard. Cumberland Island is of course much more than a beach. It has literally fantastic sand dunes, some that range as tall as 50 feet.

It has some of the largest salt water marshes on the eastern seaboard. It has a number of large fresh water lakes located very close to the ocean. It abounds with deer, turkey, with alligators and it is one of the few remaining places in Georgia where sea turtles can lay their eggs unmolested and this of course is becoming an increasing problem, one that we are going to have to address ourselves to in our State.

The history of Cumberland Island would take a considerable length of time. I will just say that human life on Cumberland Island stretches back more than 10,000 years.

Two years ago, we narrowly scooped the first, large-scale residential development on Cumberland. As you know, a few very wealthy and very dedicated families have protected Cumberland Island to date, but we feel that they will no longer be able to protect Cumberland Island in the future.

We feel it is now up to the Nation to preserve for future generations Cumberland Island.

We support the Senate resolution but at the same time, we would like to suggest for your consideration, several additions and one or two changes to the Senate resolution.

We are very concerned that the natural resources on Cumberland Island be protected from overuse of all kinds, including recreational overuse. If we establish Cumberland Island as a national seashore, without respecting the island's natural uniqueness, and all of its unique natural resources, then we will not have done much better than those who would seek to develop Cumberland Island.

We would like to see a specific commitment to the conservation of the island's resources included in the bill. The resolution speaks of the potential of the island for recreational use and enjoyment but it does not manifest similar concern for the protection of the delicate natural resources and ecological balances on the island.

There are few natural features in our world that are more delicate than salt water marshes, the fresh water marshes, the sand dunes, and so forth.

This bill, we feel, does not make sufficient provision for the protection of these resources. Absent from the preamble of the resolution, is the declaration of the purpose included in the bills which established Fire Island, Cape Hatteras, National Seashores, Cape Cod, for example.

For example, in the Cape Cod legislation, it says in order that the seashore should be permanently preserved in its present state, no plan for visitors should be undertaken which would be incompatible with the resources of the area.

We feel like this type language should be included in this particular bill and we would encourage that be done.

In regard to the salt water marshes on Cumberland Island, the State of Georgia is perfectly willing to cooperate fully with Federal Government and National Park Service. Marshes in our State,

the State of Georgia, maintains the ownership of all marshlands, including some of the marsh areas on Cumberland.

There are other people who would also claim ownership of these marshes. We would say to you that the State of Georgia is perfectly willing to take whatever action is necessary to provide these marshlands that we claim title to to the Federal Government, to the National Park Service.

At the same time, I would have to hasten to add that our State has the strongest marshland protection laws of any State in the Nation and we would, of course, insist that proper provisions for protection of these marshlands be incorporated and I don't think that would be any particular problem.

We, speaking both for the Governor of the State and the department of natural resources, we oppose any provision in the legislation concerning the construction or possible construction of a causeway. No bridge has ever been built on the island after it was declared a national seashore.

We don't see any real need for the causeway. We in fact would like to see a provision in the bill which would prohibit the construction of a causeway to the island. If a causeway is constructed in the future, it is going to cause a multitude of problems, including motorized vehicles of all kinds on the island itself which would create innumerable problems.

We also feel this island is so unique that it is absolutely essential that the use of the island be controlled. In this area we agree completely with the National Park Service and its plans for controlled use of the island.

I would also like to point out that the legislation calls for an advisory commission. Frankly, we do not see the need for such an Advisory commission. We are afraid that the makeup of the particular commission that is proposed in this case, would be a lobby for development and we frankly do not see any need for a lobby for development.

We think development interests are already adequately represented throughout our governmental structure. If in the wisdom of your committee, you deem a commission desirable, then, Mr. Chairman, I would like to point out to you that the Ocean Science Center of the Atlantic Commission, which is shown in this legislation as having four members is now nonexistent.

We have completely reorganized our State government and the Ocean Science Center of the Atlantic Commission has been abolished, so there is no commission. We would also like to see more State representation on any commission that might be organized from conservation groups.

I would also, in closing, like to address myself very briefly to the economic impact of the island, if it becomes declared a national seashore.

Let me say that the figures I will quote were prepared on a very comprehensive and extensive survey by the University of Georgia. They were based on visitation figures that are somewhat higher than the visitation figures that have been estimated by the National Park Service and the University of Georgia at our request is now in the

process of revising these estimates but we still think they apply pretty well.

Within the first 15 years or at the end of the first 15 years, we believe there will be an expenditure of \$81 million in improvements and business expenditures to accommodate the visitors that would go into the area.

So we would see an \$81 million investment impact in this immediate area. We believe it would create somewhat less than 1,000 new jobs. We would estimate 915 new jobs and it would create about \$5.3 million new revenue.

We would also like to point out that at the end of the first 15 years, we believe that the taxes, ad valorem taxes in Camden County, would have been increased by nearly \$600,000. So without the causeway, the impact of Cumberland Island on the economy of the State of Georgia would be very substantial.

In closing, I would like to point out, as a matter of information to you, that Georgia does not have a major component of the National Park Service and this would be our first. We have no national recreation areas. We have no designated wild or scenic rivers. We have no designated wilderness areas in our entire State, nationally designated areas.

Under the proposed budget cuts and policy changes in the administration of the land and water conservation fund, as it relates to the Forest Service program for fiscal year 1973, as proposed, Georgia would be greatly penalized and acquisition funds for wilderness areas or unique areas which have averaged about \$1.1 million under this particular fund for the last 7 years, would be withheld down to fiscal year 1973 to \$143,000 and no funds after that period of time.

Georgia has many wonderful and unique resources. Cumberland Island is among one of our best and we certainly look forward to working closely with the Federal Government and the National Park Service and we offer our wholehearted cooperation to these agencies and we will do everything in our power to bring about the preservation of Cumberland Island and to make a wonderful and historical areas.

I would like to thank you for the opportunity of being here and I would be happy to answer any questions you might have.

Senator Moss. Thank you very much, Mr. Tanner. That was a fine presentation. Obviously, the Georgia Department of Natural Resources is very much concerned about the preservation of the island in its natural state.

Your recommendations that certain language to assure preservation be written into the statute itself is very commendable. We more often than not, hear the local people complaining that the Park Service is overzealous about protecting and overprotecting their holdings and it is refreshing to have somebody on the other side saying, well, even the Park Service ought to be questioned on those provisions in the statute that would require the preservation of the marshes and natural areas.

Would the State of Georgia then propose to donate to the Federal Government those areas that are in State ownership on the island? You spoke of the marshlands, is there other land besides the marshland that the State owns?

Mr. TANNER. There is no other land that I am aware of. If there is any other land, we would also be willing to cooperate fully and I would see no problems in any donation.

There are approximately 17,000 acres of marshland, marshes in Georgia—the title of those marshes are under some serious questions. Regardless of the title, we do have strict protection of our marshlands.

We claim title, as I said, to all of the marshlands. But those that we definitely have a clear title to, sir, we would be more than happy to donate so long as we were assured they would be properly preserved.

Senator MOSS. Would the State of Georgia undertake to clear title in case there was a conflict existing or some other claim made?

Mr. TANNER. The attorney general's office would be more than happy to work with the attorneys of the Federal Government to clear title as much as possible. In some cases, it may well be necessary, in the case of a direct grant, that perhaps you may either have to purchase or negotiate a gift from the land owner other than the State.

Senator MOSS. I like your suggestion that perhaps we write into the legislation itself, a prohibition against a causeway or a bridge. You heard me ask Mr. Hartzog about that and the Park Service plan is not to have one but of course, if it is just an administrative decision, and is subject to change at some later time. However, if it is written in, we can be sure it can't be done unless the law is changed.

Now, the \$81 million that you estimated would be spent in the first year by private business, what would that be, motels and things like that outside of the seashore?

Mr. TANNER. This would be combination of motels, restaurant facilities, all sorts of facilities that serve the public. As you know, Senator, in addition to that, if you make an investment, if you build a new motel or several new motels or several service stations, there is a whole gamut of jobs creating jobs.

Additional investments made to serve those facilities also. So we believe that the impact would be fantastic in our area.

Senator MOSS. This area of Georgia is not heavily populated, is it? Is this quite rural down in the southeast corner?

Mr. TANNER. In the particular area we are speaking of, it is, I think we can safely say, quite rural. However, we estimate that by 1976, there will be 16,500,000 people living within 300 miles of Cumberland.

Senator MOSS. You said you had a brush with a possible housing development that was escaped in some way. Is there currently still existing or are there any plans or any move afoot to do further subdividing and developing on the island?

Mr. TANNER. On a small scale basis there is at least one and perhaps more. The problem, Senator, exists because the ownership of the island is divided up among a number of people. Taxes on their estates in some cases have dwindled and the threat of development is higher and will continue to get higher as time goes on.

So the time to protect Cumberland Island is now. If the residential development that is proposed and almost took place had taken

place, we would have had a serious problem in declaring Cumberland as a national seashore.

Senator MOSS. I notice that you recommended that the advisory commission be abolished. Is it really because of the objection to that method of administration, or is it because of the personnel that are designated to be on that advisory commission?

Mr. TANNER. We basically have two objections to the advisory commission. Number one, this is where the specific language in the bill relates to the causeway which we would like to see eliminated entirely.

We are opposed to the causeway. We would like to see it prohibited and we therefore see no point in the advisory commission considering the need for such a causeway.

We are also concerned about the makeup of the commission. We would like to see greater State emphasis put in the makeup of that commission. We would like to see some local interest on it, if in your wise wisdom there is such a commission, but we would also like to see greater State emphasis and we would like to see more conservation groups represented on the commission.

But we frankly don't see a need for the commission.

Senator MOSS. Well, thank you very much. You have given a very good statement here and we are pleased to have you come and have Mr. Candler come with you. I don't know whether the Chairman has any questions of these witnesses.

Senator BIBLE (presiding). Senator MOSS, I am sorry I missed the preceding witnesses for the reasons I gave earlier. I have scanned the statement on Mr. Tanner and maybe you can enlighten me on this. I am not quite sure what the main purpose of the establishment of the Cumberland Island National Seashore is.

Is it preservation or is it recreation or just what is the main thrust of the bill? Maybe we can have somebody from the Park Service speak to that.

Mr. TANNER. That is our point, I think, Senator. We would like to see in the resolution, very clearly pointed out, and I think you are going to have an opportunity to look at Cumberland in the very near future.

Senator BIBLE. Yes, we are going to be down there on Saturday and Sunday of this week.

Mr. TANNER. We are looking forward to that visit of yours. I think you will see the need to write into the legislation some very strong language concerning the preservation of the island in addition to the recreational benefits.

We have Jekyll Island, St. Simons and other islands and recreational beaches on our Georgia coast but we don't have but one Cumberland. We feel some strong language should be included to protect the unique resource Cumberland Island is.

Senator BIBLE. That is why I wanted to know where the main emphasis was in this proposal. Senator MOSS and I jointly made the trip on the Connecticut River and that proceeded pretty well and there we were in a constant conflict as to whether it should be highly developed and open it up to millions of people or whether you want to preserve it as it is.

It is pretty hard to do both. In other words, if you want to preserve the island and if it is a fragile area, it won't stand too many pressures. That is the same problem we had on the Connecticut River.

We are getting more and more of those type of problems. You can't have it both ways. You can't preserve the island and bring in millions of people as visitors.

So what you are saying is that you think the primary thrust is preservation, is that correct?

Mr. TANNER. I think it is a combination of preservation and some use and education. The two things we think are necessary is, number one, prohibit the causeway and in that way the Park Service can limit to a greater extent the public use thereof.

There is going to have to be a controlled public use area, we feel.

Senator BIBLE. I don't know if I got that last thought. You say this has to be a controlled use area?

Mr. TANNER. Yes, sir, that's correct. By that I mean we feel the number of visitations that take place on the island in any given day have to be limited within reason, rather than opening it up to a causeway where unlimited numbers of people might be able to come into the area.

By the use of the parkway system into the area, and through the ferry system, there will be some method of control of the number of people that go over to Cumberland Island and still a large number of people can go, as high, they estimate, as 10,000 a day.

Senator BIBLE. Would that island accommodate 10,000 people a day? I don't know.

Mr. TANNER. Well, I think 10,000 people a day are a lot of people, but when you see this island it is a large island. The changes that are necessary to accommodate the national seashore, if they are planned as the Park Service is planning them, I think, yes, sir, the island could accommodate a substantial number of people a day.

Whether it would accommodate 10,000 a day or not, is a determination that I think is going to have to be made by the National Park Service.

Senator BIBLE. Well, I am sorry that I didn't hear Mr. Hartzog's testimony. I shall read it carefully.

Mr. GRISWOLD. Mr. Hartzog requested that I stay and answer any questions you might have.

Senator BIBLE. Do you know Cumberland Island?

Mr. GRISWOLD. Yes, sir; I have been there, from one end of the island to the other.

Senator BIBLE. All right, that qualifies you as a witness. What is the Park Service's philosophy in the development of this area? Are you acquiring it to preserve it or are you acquiring it to develop it?

Mr. GRISWOLD. We are not acquiring it to develop it. However, it will have developments to accommodate certain uses. This island is different than most national seashore proposals, Mr. Chairman, in that it does have a fragile nature which cannot absorb unlimited use.

Senator BIBLE. That is what Mr. Tanner said.

Mr. GRISWOLD. However, by limiting the means of access to a ferry system and private boat, we can control the number of persons who

do use the island. We believe that 10,000 people is the maximum that system we have designed could permit on the island during a peak day in the peak season.

Our fifth year use we estimate at 650,000, which is far less than the 10,000-a-day average.

Senator BIBLE. Who is going to operate the ferry?

Mr. GRISWOLD. The first 12 shuttle boats would be purchased from Federal funds, if necessary. The additional ones would be under a concession arrangement, with private capital buying them. It is possible, as the development for visitor facilities proceeds, that all of the ferries might be purchased by private capital and put into operation as a concession.

Senator BIBLE. How much would you charge on the ferry?

Mr. GRISWOLD. Our intention is \$1 per person per day to visit Cumberland Island.

Senator BIBLE. What is the distance from the mainland to wherever you take them?

Mr. GRISWOLD. Depending on whether the person goes to Brick Hill Bluff, to Plum Orchard, or to Dungeness, it would vary from about a half hour to one hour, one way.

Senator BIBLE. Do you operate any ferries now in the National Park Service?

Mr. GRISWOLD. We do not, to my knowledge; no, sir.

Senator BIBLE. So this is a new concept to that extent?

Mr. GRISWOLD. Access in lieu of a bridge or causeway, which we do not believe the resources of this island could accommodate, is, I think, a new concept.

Senator BIBLE. Well, if you put a bridge across it, you would destroy the ecology and the fragile nature of the area, if I understand what this island is like.

Mr. GRISWOLD. That's correct, Mr. Chairman.

Senator BIBLE. The State of Georgia is very positive in their statement that they don't want a causeway; is that correct?

Mr. TANNER. That's correct.

Senator BIBLE. Do you have any idea of how much money you would have to appropriate to operate this annually? What is your estimate on that? I am sorry I may be going over some grounds that already have been covered but I want to get some departmental positions on this.

Mr. GRISWOLD. Our costs for operation at the end of 5 years would be \$639,500 a year.

Senator BIBLE. Let me just examine you briefly as the departmental witness, because I am sure this is plowing ground that Senator Moss already covered and I am sorry for that but it was unavoidable.

The improvements, if I am correctly advised, on the island are one farm unit, eight year-round residences, 19 seasonal residents, one commercial building, and three special-purpose structures for a total of 32; am I correct in that?

Mr. GRISWOLD. That's the assessment we have; yes, sir.

Senator BIBLE. The year-round residences are eight, and how many people live there year round?

Mr. GRISWOLD. Mr. Chairman, we know for sure there is one year-round resident on the island. However, during the House hearing,

another person, who we did not have listed as a year-round resident, claimed that he, too, was a year-round resident. So there would be two buildings used for permanent year-round primary places of abode by the owners.

Senator BIBLE. If I were to go to Cumberland Island in December, January, February—in the winter months—how many people would I find there on the island? two or three? is that what you are saying?

Mr. GRISWOLD. Yes, as far as permanent residents are concerned. However, you might find 25, 30, or 40 people because during that time of year a number of people would be using their second homes there.

Senator BIBLE. How many months a year are considered seasonal? Does it run the general pattern of Memorial Day through Labor Day?

Mr. GRISWOLD. This area can be used year long. It has an advantage of a mild climate in the winter and the advantage of not many insects in the summer. It is relatively cool.

Senator BIBLE. What is the peak month?

Mr. GRISWOLD. March or April through September and October, Mr. Chairman.

Senator BIBLE. How many different ownerships are involved in the total island? That may have been covered earlier and I apologize for going over it.

Mr. GRISWOLD. Mr. Chairman, may we furnish that information for the record? I don't have my hands immediately on the figure of total ownerships involved.

Senator BIBLE. Well, it is rather important because we have run into a little problem on the Big Cypress proposal where we have—everyone admits at least 20,000 ownerships. Anytime you acquire an area and you have 20,000 owners to deal with, you have a real problem on your hand. I assume that's somewhat less here. Just a round figure.

Mr. GRISWOLD. There are approximately 50 to 60 different ownerships, Mr. Chairman. However, in Little Cumberland Island Association, there is a potential, as I understand it—and I think you will have witnesses testify to that later—of an increased number of members, up to 100. Whether this might be considered one ownership or many is a matter to discuss.

These brown areas are areas which have already been acquired by the National Park Foundation with Mellon grant money. The other colors essentially describe various ownerships.

Senator BIBLE. Why don't you run down those colors for me so I have a composite picture of the island.

Mr. GRISWOLD. If I might, I would like for George Sandberg to explain these colors. He has been involved with the National Park Service in acquiring lands for the National Park Foundation.

Mr. SANDBERG. The Little Cumberland Island Association has at present 64 owners.

Senator BIBLE. Sixty-four owners in that association. What do they own?

Mr. SANDBERG. They own the land in common and each is assigned an individual plot. I think there are 100 lots of 2 acres in size, or a total of 200 acres that have been subdivided, and 64 owners would then own a total of 100 lots.

Senator BIBLE. Are they lots or lots with cottages on them or what?

Mr. SANDBERG. I believe 21 lots are improved, 16 have completed houses and five are under construction.

Senator BIBLE. What do you consider a completed house? Is it a three-bedroom, a two-bedroom, a summer cottage?

Mr. SANDBERG. They vary from the summer cottage that would perhaps be prebuilt elsewhere and brought on the island and erected—

Senator BIBLE. Well, we will see that when we are down there. You say there are how many individual ownerships?

Mr. SANDBERG. 64 ownerships within the Little Cumberland Island Association. The balance of the island is held in a preserve status.

Senator BIBLE. If this bill is passed, what happens to those 64 ownerships?

Mr. SANDBERG. They have a 2-year period in which to place the land in an irrevocable trust.

Senator BIBLE. Is that some kind of a scenic easement?

Mr. SANDBERG. Yes, it could be. It would preclude any future development of Little Cumberland Island in a commercial or private way.

Senator BIBLE. All right, come on down the island and give me the next color.

Mr. SANDBERG. The green area is owned by the Candler family. There are 38 owners within the corporation. It is a family-held corporation. This would be about 1,300 acres of upland and 1,100 acres of marsh.

Senator BIBLE. What do I find in that area?

Mr. SANDBERG. Essentially an undeveloped area. They have an airfield up above this orange for access to the island. They have a family compound of about 20 or 25 acres that has substantial dwelling units in it, service buildings and the rest.

The balance of the island and the beach area is undisturbed except for a small beach facility.

Senator BIBLE. What is this bill to do insofar as the green area is concerned?

Mr. SANDBERG. This is within the acquisition area. The National Park Foundation is attempting to acquire it with the use of the Andrew Mellon funds.

Senator BIBLE. Do you acquire that land to the north?

Mr. SANDBERG. This is not to be acquired under the terms of the pending bill.

Senator BIBLE. Why do you exclude that?

Mr. SANDBERG. Mainly because it is separated by water and marsh from the main island.

Senator BIBLE. That is not covered within the bill?

Mr. SANDBERG. It is within the bill; the bill would give them a 2-year period to put it into a trust.

Senator BIBLE. If they didn't put it in a trust, then what?

Mr. SANDBERG. Then it would be subject to acquisition, and there is money for it in our cost estimate.

Senator BIBLE. All right, the green is within the taking area?

Mr. SANDBERG. Yes. There is a small in-holding of about 150 acres that have 10 to 15 ownerships. These are small lots of less than an

acre in size. There would be 15 acres of upland and another about 100 acres of upland. They would be included.

The blue marks or dots represent dwelling units. Brown is the area acquired by the National Park Foundation which would be donated to the Government at no cost.

Senator BIBLE. Are there year-round homes or seasonal cottages on the brown area?

Mr. SANDBERG. There are several that are constructed in connection with the acquisition of these areas, and several of the land owners retained rights to build cottages for a lifetime use, or dual life, or 40 years.

Senator BIBLE. Dual life is what?

Mr. SANDBERG. The lives of the present owners and the lives of their children.

Senator BIBLE. And their children?

Mr. SANDBERG. Yes.

Senator BIBLE. That is an option, is it, within the foundation?

Mr. SANDBERG. This was an option extended by the Foundation to the land owner. They could choose to take a 40-year term or the dual life right.

Senator BIBLE. If you had a young couple and they had a 6-month-old baby that would extend to the life of the 6-month-old baby?

Mr. SANDBERG. That's correct.

Senator BIBLE. So that would be a long time, 50 or 60 years at least.

Mr. SANDBERG. Yes.

Senator BIBLE. All right, come on down the island.

Mr. SANDBERG. The area in blue is owned by OGR, Incorporated, a family-held corporation, Oliver G. Richardson. This is about 500 acres of upland and additional marshland.

Senator BIBLE. What is on the blue area?

Mr. SANDBERG. He sold out about 5 or 10 tracts within the last year on the western portion of his property, and I believe the tracts he sold out would vary from 2 acres to 30 acres.

Several of them have—I think there may be one shed and a house trailer in this area at the present time. The only thing that could be classified as permanent improvements would be wells.

Senator BIBLE. And the bill proposes to acquire the blue area in fee simple?

Mr. SANDBERG. Yes.

Senator BIBLE. Subject to the right of the same period of time that the foundation gives them?

Mr. SANDBERG. No, the way the bill is structured there is a cut-off date on development of February 1, 1970.

Senator BIBLE. In other words, if I hadn't started a home by February 1, 1970, I would be subject to having the property condemned. I wouldn't have any special rights, is that a correct statement?

Mr. SANDBERG. That's correct.

Senator BIBLE. All right, come on down. Brown again is the foundation ground?

Mr. SANDBERG. Yes.

Senator BIBLE. And what is on the brown area there?

Mr. SANDBERG. This is unimproved.

Senator BIBLE. Now you are in the yellow section.

Mr. SANDBERG. They are owned by Greyfield, Incorporated. This is a family-held corporation. The upper property is the farm unit that is referred to in our testimony. There is a permanent residence here occupied by Mrs. Lucy Ferguson.

Senator BIBLE. And come on south again.

Mr. SANDBERG. This is a part of their ownership. There is the Greyfields' property, a family home where they take in guests.

Senator BIBLE. How do you deal with that under this bill, the property in yellow?

Mr. SANDBERG. It would be subject to agricultural retention rights.

Senator BIBLE. What you are telling me then is as long as the property in yellow is continued to be used for agricultural, it can remain in the corporation at the present time?

Mr. SANDBERG. It would be acquired in fee, but the retention of rights would go back to the land owner to permit agricultural use.

Senator BIBLE. You mean, the U.S. Government would acquire the property in yellow and then make a lease back to the present owners for agricultural purposes. Is that what you are saying?

Mr. GRISWOLD. This is what the bill would do, Mr. Chairman, grant residential rights of use and occupancy after we acquire. Under the retention of residential use formula, we would acquire the structure and discount from the purchase price the value of that retained right of occupancy for 25 years or life.

The same would be done under the bill with agricultural lands. However, our departmental report recommends against this agricultural retention. Since it is not normal practice to extend agricultural rights in this type of area, we have suggested removal of the provision extending agricultural use and occupancy.

Senator BIBLE. What does that mean, that you acquire it fee simple?

Mr. GRISWOLD. Yes, sir.

Senator BIBLE. What was your experience at Point Reyes? At that time there were very fine farming areas there and excellent dairies there that supplied the main source of milk in San Francisco and we permitted them to retain their land in perpetuity as long as they used it for agriculture. Is that correct?

Mr. GRISWOLD. That applied to acquisition by condemnation, whereas this provision would provide for them retaining a use right rather than retaining ownership of the lands.

You are correct; that was in perpetuity. This would be a right which would be limited to either the life of the owner or 25 years, whichever the owner chooses at the time of acquisition.

Senator BIBLE. Why do you give them a shorter life span there than you gave them in the brown area? You gave them a life estate and likewise for the life of the child in the latter.

Mr. GRISWOLD. The National Park Foundation in acquiring these lands worked out retention agreements with the land owners that were considerably more generous than those which are normally used in this type of legislation, that is, the 25-year or lifetime.

We recommend that this bill have an acceptance of the arrangements made by the National Park Foundation on those donated lands.

However, lands which lands the taxpayer is acquiring, we believe, should be treated as we have other land throughout the National Park System, that is, 25-years or lifetime.

Senator BIBLE. This 40-year concept is new to me and it may be completely the right thing to do here. Looking down the road if this bill does become law, in whatever form it is, it would seem to me you should treat practically all of the ownerships there the same. This would avoid confusion in the next 40 or 50 years because if I take the choice for my life and my children's lives, that could extend to 70 or 80 years.

Way down in the path of time you may have a complicated mess if you treat one group of people one way and one another. I don't know how you respond to that.

Mr. GRISWOLD. I don't believe we have a difference in equity, Mr. Chairman, because when we acquire these lands under the provision of the bill, the ones that the Foundation has not acquired, we pay for the lands and we discount from the purchase price of those lands only the value of the retained use and occupancy.

So they are not being denied value for the lands acquired. In the instance of the lands acquired by the National Park Foundation, the Foundation arranged their purchase, and the Foundation is arranging their donation with these provisions for retained use and occupancy in them.

We are not purchasing from those owners. We are accepting a donation with a condition in it.

Senator BIBLE. You still end up at the end of the road with a complicated problem, don't you? Whether it is donated to you or whether it is acquired by taxpayers' money.

Mr. GRISWOLD. I am not certain that we do. Even the termination of a life estate would be spread out over a period of time, and an owner's lifetime might be longer than a dual life retained under one of the donations.

So we are going to have a termination of occupancy spread over a period of time, but you are right, it will probably be longer on those instances where the Foundation acquired the lands.

Senator BIBLE. Very well, bring me down to the next color.

Mr. SANDBERG. The next area would be the areas of Lucy Rice. This property has recently been in an estate; I believe it is very near settlement.

Senator BIBLE. It is owned by the estate at the present time, is that correct?

Mr. SANDBERG. I believe the beneficial owners are the three children of Mrs. Rice.

Senator BIBLE. What is on that particular land?

Mr. SANDBERG. They agreed to a division of the property and there are three buildings on the property at present. One is a large manor house, the Stafford house which is not occupied; the second is a cottage, out on the edge of an airfield, which is used as a vacation residence by one of the heirs; and the other is a beach house which recently has been renovated and added to and, again, is used as a vacation cottage.

Senator BIBLE. All right.

Mr. SANDBERG. The next property is unimproved. It is approximately the same size as the Rice property which is about 630 acres. We estimate 657 acres of upland. It is owned by Cynthia Cooper and she has no improvements on the property.

Senator BIBLE. In that situation, what would her rights be under the bill before us?

Mr. GRISWOLD. It would be acquired in fee simple. There would be no right for retained use and occupancy.

Senator BIBLE. Because there is no home on it?

Mr. GRISWOLD. That's right.

Mr. SANDBERG. We have another area in brown acquired by the Foundation, then a tract 54 acres of upland which has been subdivided by the owner, a wholly-owned corporation set up by Robert L. Davis. Davis has sold about 40 lots, some of them one third acre in size. He also has leased frontage of approximately 13 acres to a cartel of businessmen from the Atlanta area.

Senator BIBLE. What is built on this area?

Mr. SANDBERG. There are three substantial improvements. I believe I am correct on this. Three homes or cottages that are very nice, all constructed within the past 2 years.

Senator BIBLE. Under the terms of this bill, how would you treat that particular area of ground?

Mr. SANDBERG. I do not believe any one of the three substantial dwellings would be entitled to retention.

Senator BIBLE. Why, because they were built after that date?

Mr. SANDBERG. After February 1, 1970.

Senator BIBLE. What would you do, condemn them? Is that how you would handle the three people that have residences on that last described plot of ground? What would you do with them?

Mr. GRISWOLD. This might possibly be it, sir. I would not want to state categorically that in each of these instances we would condemn to acquire the lands. However, it is perfectly within the purview of the law to acquire them in total, to include the residences and move the owners off.

However, in instances of this type we do retain the administrative flexibility to phase out the occupancy as we phase in the public use, if these improvements are not in areas needed for immediate development.

We want to be as good neighbors as we can to persons in instances like this.

Senator BIBLE. The problem that has always bothered me in that is that I don't know, as of February 1st, 1970, whether people had any knowledge that there was going to be a determined effort by the Park Service or the Park Foundation to acquire this island and prevent the building of homes.

I think if one went in there, with the knowledge that there was a bill pending and there was an attempt by either the Foundation or the National Park Service to acquire this area, then they would have been fully aware as to future plans of said Park Service or Foundation.

But if you go in there innocently and build a nice home, I would feel a little disturbed if I were required to move out and I think I would have certain rights in this instance.

Mr. SANDBERG. I believe that the date coincides with Mr. Stuckey's introduction on the House side.

Senator BIBLE. I don't know when the Senate first introduced their bill on this side. Was there a bill introduced on the Senate side earlier? If so, I am not aware of it.

Mr. GRISWOLD. I don't know either.

Senator BIBLE. The staff people can check it out.

Mr. SANDBERG. Again this would be the Greyfield property; the remaining privately held property would be the Rockefeller property. They have two substantial year-round homes here as well as a third structure occupied by a caretaker.

Senator BIBLE. What would the status of that property be under the terms of the bill? If I was one of the sons or daughters of the Rockefellers, what are my rights under this bill?

Mr. SANDBERG. At best, only one of the buildings would qualify for retention and even that is doubtful.

Senator BIBLE. And that's why, because of the date?

Mr. SANDBERG. Yes.

Senator BIBLE. In other words, the structures were built after February 1970, is that the reason they wouldn't qualify?

Mr. SANDBERG. I believe possibly one was started before, but I don't believe they both were.

Senator BIBLE. All right, they are here to testify. How many acres are in that so-called Rockefeller tract?

Mr. SANDBERG. About 300 acres of upland.

Senator BIBLE. All right.

Mr. SANDBERG. The remainder has been acquired by the Foundation except for this area that is gray and this area out on the island, which are spoil areas acquired by the U.S. Corps of Engineers for dredging.

Senator BIBLE. The gray area is owned by the Corps of Engineers?

Mr. SANDBERG. Yes.

Senator BIBLE. What is the use of that?

Mr. SANDBERG. They maintain a shipping channel to a maximum depth of 80 feet to a terminal here at Kings Bay Army Terminal. It is designed, I believe, for military hardware.

They deposit the spoils from the dredging on these two islands as well as this area up here.

Senator BIBLE. Very well.

Mr. SANDBERG. This area, as Mr. Tanner testified, is State-held. The State of Georgia holds title to that, and they allege title to other areas of marshland along the perimeter of the island.

That is why my testimony was more specific as to upland acreage.

Senator BIBLE. The State of Georgia land, up to—I guess that would be west of the brown area, what use does the State of Georgia make of that land?

Mr. Tanner?

Mr. TANNER. The tide flows through it every day so you don't obviously make much use of it.

Senator BIBLE. It is submerged part of the time, is that what you are saying?

Mr. TANNER. Yes, sir; the tide ebbs and flows on that land and this, of course, is important to our commercial seafood industry.

It is the beginning of life in the ocean and we feel it needs to be preserved in its completely natural state.

Senator BIBLE. Well, you couldn't do anything else but preserve it.

Mr. TANNER. That's correct.

Mr. SANDBERG. One last area would be on the mainland, which is owned by Brunswick Pulp and Paper. It is 300 acres in size.

Senator BIBLE. Very well, you have made an excellent presentation and I think you have given me a good composite picture of this.

Do you have an approximation of the total ownerships involved in the taking area?

Mr. GRISWOLD. No, I don't.

Senator BIBLE. Well, this last witness is pretty knowledgeable, do you have an idea of the total ownerships involved?

Mr. SANDBERG. It would depend on whether you include Little Cumberland as an ownership of 64.

Senator BIBLE. I would exclude that if it is not in the taking area. I am not going to get involved in something that is not in the bill. It is either in the bill or isn't. We can examine that as we go along on this problem.

But excluding the Little Cumberland, how many individual ownerships do you have involved?

Mr. SANDBERG. I would say 75, certainly under 100.

Senator BIBLE. All right, fine. Thank you, Mr. Griswold and thank you very much, Mr. Tanner. I have no questions of you and I appreciate your being here too and look forward to going over this beautiful area on Saturday and Sunday.

Mr. TANNER. Yes, sir, thank you.

(The prepared statement of Mr. Tanner follows:)

STATEMENT OF JOE D. TANNER, COMMISSIONER OF THE GEORGIA
DEPARTMENT OF NATIONAL RESOURCES

I have come here today to represent Governor Carter and the Georgia Department of Natural Resources in asking you to support the designation of Cumberland Island as a National Seashore. We have seen the preservation of Georgia's unique natural areas as one of our chief responsibilities to the people of the State and the Nation. No area has been of greater concern to us than the coastal lands and waters.

In 1955, the National Park Service carried out an extensive survey of the remaining opportunities to preserve outstanding natural seashore resources along the Atlantic and Gulf Coasts. Three of the five best areas identified have been acquired as suggested, but Cumberland Island, which they cited as being "of national significance and one of the two (with Cape Cod) most outstanding seashore areas remaining along the Atlantic and Gulf Coasts," remains unprotected.

Two years ago we narrowly averted the first residential subdivision on Cumberland Island. The forces that paved the way for that development—the upward spiral of land values, the rising taxes, and the diminishing supply of open space—promise that the Island will not long remain protected by the private ownership of a few wealthy families. It is now up to the nation to protect for future generations what has been preserved by history.

We therefore support the thrust of Senate Resolution 2411. It is because we are so anxious to see the Island protected that we have reservations about some of the bill's provisions.

We are concerned that vulnerable natural resources be protected from recreational overuse. If we establish Cumberland Island as a National Seashore without respecting the Island's natural uniqueness then we have not done much better than those who would develop it.

We would like to see an explicit commitment to conservation of the Island's resources included in the bill. The resolution speaks of the potential of the Island for recreational use and enjoyment; it does not manifest similar concern for the protection of the delicate ecological balances. Few natural features are more fragile than sand dunes, salt marshes, and the water table upon which the unique freshwater marshes on Cumberland depend. Vulnerable as they are to insensitive recreational development, the bill makes no provision for their conservation.

Absent from the preamble of this Act is the declaration of purpose included in the bills which established Fire Island and Cape Hatteras National Seashores. Nor is there anywhere the commitment included in the Act establishing Cape Cod National Seashore, which provides:

In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate.

We urge the inclusion of these sorts of guidelines in the resolution.

We need recreational beaches. But Cumberland Island is much more than a beach. On its west are the largest salt marches south of Chesapeake; inland is the largest fresh-water lake so close to ocean; deer, turkeys, and alligators still roam the Island, along with the Cumberland Island Pocket Gopher which is found nowhere else. Also, the Island provides a protected resting place for Loggerhead turtles. On the dunes and in the forests of Cumberland are the marks of human life stretching back 10,000 years: the remains of Indians, and the Spanish who followed them; the remains of pirates, and the British who followed them. Above all, on Cumberland Island, the impression is one of nature in process. The National Park Service wrote of the Island:

Forming first under a prehistoric sea, then emerging from the receding ocean, the Island continues to be molded and reshaped by changing winds and moving tides . . . the overall effect is one of pristine beauty and serenity achieved in a forest type that is not now adequately represented in any unit of the National Park System.

There are many areas of Cumberland where human beings are the least frequent of visitors and the marks of their coming are scarcely in evidence. In recognition of this and in view of the fragility of the Island's ecosystem, the bill should provide for the reclassification of portions of Cumberland Island as wilderness, where appropriate. A full study of the wilderness potential of areas of the Island should be authorized, and the National Park Service should be encouraged to act on the study's recommendations.

We are particularly interested in the preservation of the marshlands. The State of Georgia is ready to consider transferring claim to the marshlands to the Federal Government and to cooperate in any way possible to accomplish our mutual objectives. In any such discussions, our chief concern will be the protection of these valuable wetlands in their present natural state.

The State of Georgia opposes the construction of a causeway to the Island. There is no real justification for the bridge, because, other than limited camping facilities, there will be no accommodations on the Island. We recommend that you remove from this Act provisions that encourage the building of such a causeway, and instead prohibit it. No bridge has ever been built to a National Seashore once established, and there is no reason to begin the practice.

The land road construction destroys is only the most obvious victim. More damaging by far is the fact that in their coming natural process loses dominion, and dunes, forests, and marshes all become simply background scenery.

An island connected to the mainland by a highway is not an island. With roads come cars, dune buggies and motorcycles and their offspring—gas stations, convenience stores, motels. Once they are brought to the Island by a causeway, motor vehicles would be impossible to restrict to roads. We cannot afford to submit the dunes and forests of Cumberland to this abuse. Off-the-road vehicles kill dune grass, destroy the understory of shrubbery in forests, and cause erosion.

The State of Georgia sees no need for the establishment of an Advisory Commission. We cannot help but see such a body, in view of its make-up and assigned responsibilities, as a lobby for development. Development has quite sufficient a lobby already; it needs no additional voice.

If you feel, nevertheless, that there must be such a Commission, we hope that you will change its composition so as to more adequately represent the interests of the State in guiding natural resource policy. If there is to be a Commission, let it be one composed of persons who understand the land and water and can design policies which protect the Island while promoting maximum public benefit. Reorganization of State Government has led to the abolishment of the Ocean Science Center of the Atlantic Commission; therefore, some reconstitution of the Commission is necessary in any case.

Even without a bridge, the establishment of a National Seashore will give a tremendous economic boost to surrounding counties. According to a 1968 study by the University of Georgia, the establishment of a National Seashore on Cumberland Island, with no bridge, would result in expenditures of \$81 million by an estimated 11.5 million visitors in Camden and Glynn Counties in the first 15 years of the Seashore. The Seashore would create 915 new jobs and generate \$5,300,000 revenue in Camden County alone through the creation of new homes and businesses. This study is presently being updated to reflect the Park Service's estimates of visitation. There is no question, however, that the economic impact of the National Seashore would be substantial.

There is one last point I would like you to keep in mind as you consider this bill. At this time, Georgia does not have any major Congressionally-designated nature reserves; no National Recreation Areas, no designated Wilderness Areas, no designated Wild and Scenic Rivers. Proposed budget cuts and policy changes in the administration of the Land and Water Conservation Fund Forest Service Program for the 1973 Fiscal Year would further penalize Georgia for this absence. Acquisition funds which have averaged \$1,100,000 for the past seven years would be drastically cut to \$143,000 this year, and probably to nothing thereafter.

We have learned that wilderness cannot be considered a luxury and left to the end of a long list of priorities. We do a disservice to ourselves if we do not show a sensitivity to the dictates of nature. It is important that Georgians—and Americans in general—be able to visit areas where nature still holds dominion.

I trust in your good judgement. Thank you.

Senator BIBLE. Our next witness will be Mr. Harry Henning of Columbus, Ohio.

Mr. Henning?

STATEMENT OF HARRY HENNING, COLUMBUS, OHIO

Mr. HENNING. Mr. Chairman, members of the committee, my name is Harry L. Henning and although I live in Columbus, Ohio, I do own property on Cumberland Island. Prior to moving to Columbus, I was domiciled in Woodbine, Camden County, Ga. My wife was raised in Woodbine.

One might view my appearance here as simply that of a disgruntled property owner, but that is not the case. It is my understanding that the goal of this bill is twofold.

First, it seeks to preserve the natural conditions which now exist on Cumberland Island. Secondly, it seeks to make the beauty of that island available as a vacation place for many American families.

While I am not particularly enthused over the latter goal, I certainly support the former. If the only way to accomplish the first goal would be the taking of the entire island, I would not object.

However, I think that it is possible to achieve both the first and second goals without the necessity of condemning the entire island. This would, of course, require the implementation of means which have not at this time, been considered.

Rather than describe the beauties of the island, as others certainly will, I would like to discuss certain problems that I see and offer, perhaps, some solutions. The problems are basically twofold.

First, a taking of the entire island would deprive the residents of Camden County, Ga., of a certain economic opportunity and second, the proposed bill contains provisions which make effective implementation impractical.

If Cumberland were not taken, there is a distinct possibility that some or all of it would be commercially developed. The island represents the only sandy beach in the county. Camden County does not have a particularly strong economy and the island certainly represents an opportunity for a tourist industry.

With some limited commercial development, there would be an increase in the tax base evaluation and thus more property tax revenues for the county. Additionally, certain limited commercial development would produce increased payrolls in the county.

Further, if residential development were to take place on the island, the property tax base would again be increased and ultimately there would be increased property tax revenues. Thus, it is easy to see that the island does represent a definite economic opportunity to the residents of the county.

Joe D. Tanner, the commissioner of the Georgia Department of Natural Resources, testifying before the House subcommittee on this bill, stated that by making the island a National Park, there would be approximately 950 additional jobs in the county.

I suggest that this is not only optimistic but also that 950 jobs is only a minor factor if one would consider the true potential were there to be limited commercial development on the island.

In order to better understand the problem of depriving the residents of the county of economic opportunity, I would suggest that members of the committee talk to the residents of the county and see how they react.

I understand certain members intend to visit the island soon. At that time, I would suggest those present take the opportunity to speak with the residents of the county.

The second problem is perhaps more serious. The present structure of the bill makes it economically impractical to accomplish the desired goals. There are three basic problems. One, without a causeway, transportation is a very serious problem. Two, the impracticality of visiting the island would discourage most tourists. Three, the proposed prices for the land are completely devoid of economic reality.

The lack of a causeway, something which residents of this county are strongly in favor of, forces visitors to rely on a boat or ferry. In testimony before the House committee, the Department of the Interior estimated travel time to or from the island to be in the neighborhood of 20 or 30 minutes each way.

The Department is also estimating that there will be upwards of 650,000 visitors a year to the island. On an estimated 350 day year, that there would be approximately 2,000 visitors per day to the island.

I would suggest initially that one could not hope, even under the most optimistic conditions, to have those 2,000 visitors spread out evenly across the day. There will in all likelihood be a very concentrated group in the morning to get over to the island and, as closing time nears, a very concentrated group seeking return passage.

Also, without a causeway, there would be little encouragement for local development of motel and hotel facilities to handle such large numbers of people. Thus, visitors will face the prospect of additional driving time to and from living accommodations.

The second problem, that of inaccessibility discouraging visitor traffic, is an outgrowth of the first. Because access to the island will be very limited, making it oftentimes inaccessible, it will not be reasonably available to visitors.

There is very little likelihood that people will be traveling to and from the area solely for the purpose of seeing Cumberland Island. Rather, these visitors might be envisioned as ones either going to or coming from a Florida vacation.

If the island is inaccessible, there is a great likelihood that the typical American family would simply pass it by. Therefore, because of the impracticality of visiting the island, the second goal, of making it a vacation spot for many Americans, will not be achieved.

A third problem also points out some of the inconsistencies in the proposed legislation. In testimony before the House committee, a representative of the Department of the Interior stated that the Department had allocated some \$10.5 million for the purchase of the acreage which was not being donated to the Government.

Based on that testimony, the sum total of the land which would have to be acquired equaled something in excess of 10,000 acres. In effect, the proposal is to purchase the land for a price of approximately \$1,000 an acre.

The market price at this time, according to some public data, is as high as \$21,000 an acre. Mr. Chairman, I suggest that the true cost of acquiring that land will be more in the neighborhood of \$200 million and not the \$10 million presently proposed.

One alternative solution which occurs could solve the subproblems under this general problem area. First, by adding a provision to the bill for a causeway, the island would certainly be more accessible for the typical tourist.

Also, the causeway would encourage development of local motel and hotel facilities and thereby stimulate the economy of the surrounding area. The addition of the causeway, I realize, is an expensive item.

However, the second portion of this major problem, that of the deflated price to be offered for the land, does offer a possible solution.

If the Government were to accept that portion of the island offered them by the public foundations, they would acquire almost 80 percent of the island. The remaining property need not be acquired in fee.

Rather, by legislation, this Government could impose restrictions much like those existing on the land presently held through the Little Cumberland Island Association. In other words, gentlemen, I suggest a scenic easement which would make all construction on privately held property subject to certain standards.

Further, use of all nonpublicly held property could be limited to single family residential dwellings on certain minimum size tracts, and any agricultural use could also be required to conform to needs consistent with the size of the home on the property.

By not taking the privately held property, some \$10.5 million would be freed for the causeway.

I suggest that, at least, this alternative would better serve to accomplish the ultimate objectives this bill seeks. We would preserve the ecological balance on the island, and we would also make it available to those Americans who want to visit it.

The natural beauty would not be disturbed by commercial development but rather would be maintained as it presently exists. It is not necessary that the park cover the entire island. Some 80 percent of it is now available to this Government without cost, and those funds which would be expended to acquire the remaining 20 percent could be better utilized to make the island more accessible to the public and, therefore, a more attractive visiting place.

In summary, I have sought to point out two problems. First, that the taking of this island will have a severe economic impact on the county, and second, there are certain elements in this bill which establish that it is not a very workable solution to a desirable goal.

The solution to these problems is, in my eyes, not impractical. First, any discussion with the people in the county would indicate that they are very concerned about the loss of the economic opportunity.

To help compensate for this, the use of a causeway, rather than ferries, would stimulate mainland growth and make the island more accessible to the average American. The funds required for the causeway could be, in part if not in total, obtained from that portion of the funds which would now be used to acquire the remaining 20 percent of the island.

By restricting the use of the privately owned property and placing a scenic easement upon it, the objective of preserving the natural state of the island could be assured without the required expenditure of massive sums of money.

Therefore, it would appear that the goals of this bill can be accomplished without the necessity of taking any more land than that which is offered to the Government at this time and by better use of the limited amounts of monies available.

Thank you.

Senator BIBLE. I followed your statement very carefully, Mr. Henning. You made some suggestions there about the scenic easement arrangement which we have used many times and I think rather successfully in park areas and highland regions.

My only question of you will be, I don't think you are a disgruntled property owner. You own property and you have a right to come before us and give us some of your views.

Where is your property and how big is it?

Mr. HENNING. We own a 2-acre tract in the blue sector in the very middle of the island there.

Senator BIBLE. I see. You own a 2-acre tract there. Do you own it in fee simple?

Mr. HENNING. Yes, sir.

Senator BIBLE. Do you have any buildings or anything on it?

Mr. HENNING. I wouldn't dare do that.

Senator BIBLE. It would be a little risky right now.

Mr. HENNING. I think in its natural state, it offers far more beauty than any manmade structure could add to it.

Senator BIBLE. You mean you wouldn't put anything on it anyway.

What use do you make of it, just go camp on it?

Mr. HENNING. Yes, camp on it and enjoy the natural beauty.

Senator BIBLE. Well, I think that's a laudable objective. A lot of people like to camp out and enjoy nature. I have grown a little old for that. I used to do it when I was a kid. I appreciate your appearance here this morning. You made some worthwhile suggestions.

Our next witness will be Mr. William Voigt, Jr., of Blackshear, Ga. Mr. Voigt?

STATEMENT OF WILLIAM VOIGT, JR., BLACKSHEAR, GA.

Mr. VOIGT. Thank you, Mr. Chairman.

I would like to say, sir, that Mr. Tanner has expressed quite a few of my views. I differ with him in some few respects.

I am William Voigt, Jr., Blackshear, Ga., and I would like the record of the hearing to show that I am heartily in favor of putting the environmental, historic, and cultural values of Cumberland Island, Ga., under Federal guardianship.

I am here at my own expense and as a private citizen. I have spent much of my adult career in natural resources work and have some personal knowledge of Cumberland Island. I am a former executive director of the Izaak Walton League of America and of the Pennsylvania Fish Commission.

Senator BIBLE. Your full statement will be incorporated in the record, Mr. Voigt, and I would appreciate if you just highlight it. I guess everybody admits it is a beautiful island. Go ahead and hit the main points and I recommend that you develop new points that haven't been covered by others.

Let me ask this question preliminarily. That is an intriguing name, Rockin' Cheer Farm. Where is Blackshear?

Mr. VOIGT. In the southeastern part of the State, about 40 miles north of Florida and about 60 miles in from the coast.

Senator BIBLE. Very well. Do you own any property within Cumberland Island?

Mr. VOIGT. No, sir. I am not a property owner on Cumberland.

Senator BIBLE. All right, you may proceed.

Mr. VOIGT. Last month at a House committee hearing, Assistant Secretary Reed stated that there are fragile natural values in the interior of Cumberland.

This island supports one of the few sizable forests of eastern liveoak, in the United States. The only ones of which I am aware, and I have made inquiries, are those on a few of the less exploited islands of the South Atlantic.

There are, of course, many yard trees and small groves, such as those in downtown Savannah and in rural churchyards and cemeteries, but there appear to be no more liveoak forests on the mainland.

The Government set aside large reserves of liveoak in the Carolinas, in Georgia, and later in Florida in the days of wooden ships, for construction and repair by the Navy. Now the liveoak is considered a nuisance by the corporate and private owners of large pulpwood pine plantations, who girdle it and leave it to die and rot wherever it is found.

I have not measured it, but would estimate there are at least 10,000 acres of liveoak forest on Cumberland. I have pictures of a few of the liveoak areas and specimens on Cumberland, which the committee may wish to insert in the record or hold in its files.

There must be at least, in my opinion, close to 10,000 acres of liveoak on Cumberland alone. I have some pictures of Cumberland, particularly some pictures of liveoak trees and areas on Cumberland and I would like to pass them up to you, sir, so you may look them over and either—or hold them in the committee's files.

Senator BIBLE. Well, we will always take anything that somebody gives us. That is a donation and there is no bribery involved in it and we will be happy to adopt those by reference to the committee. They are marked on the back I assume?

Mr. VOIGT. Yes; there is considerable liveoak reproduction on Cumberland except where it has been deliberately excluded or where the ground has been heavily used. You do not find such reproduction on the intensively used picnic areas established by a State park authority among the liveoaks of nearby Jekyll Island.

Earlier I stated that I favored making Cumberland into a Federal reservation, and hope you will see merit in amendments to S. 2411 that I believe will improve it and help assure that we preserve and enhance the qualities that make Cumberland worth putting in the park system in the first place.

I am concerned over whether we should designate Cumberland Island a national seashore, but confess that I don't know of another name now commonly given to units in our National Park System that would fit it better. Permit me to come back to this later in my statement, after commenting on specific sections of the bill.

With regard to section 3, pages 2 and 3, I should mention Kings Bay Ocean Military Terminal, which lies across Cumberland River from the island. This is a standby terminal that mainland interests would like to convert into an industrial park.

I propose, Mr. Chairman, that if Kings Bay Terminal should be declared surplus by the Department of Defense before the Department of the Interior has made other firm commitments, the Interior people should be required to use such portions of it as are adaptable to its mainland activities and those of concessioners based on the mainland.

Frankly, I am fearful of the effect use of an area so near Cumberland by heavy industry would have on the island's ecological systems as well as the richness of human experience now possible there.

Mr. Chairman, I would like to ask that you disregard the paragraph on page 4 of my statement speaking of language in section 4(d)(3), for the reason that while those I consulted earlier were of the opinion that there was a question whether the existing language fully protected Cumberland in the service and exploitation by Little Cumberland Island, the testimony that I heard and the expertise that I am sure is present in the Interior Department in these real estate matters, is better than what information I was able to obtain.

I bow to their judgment on that subject.

Senator BIBLE. All right, we will disregard that.

Mr. VOIGT. Now, as written, section 5, page 6, would allow public hunting and trapping on Cumberland. These appear inconsistent

with the dominant values and opportunities the island will bring to the public. Therefore, I suggest that references to hunting and trapping be deleted from lines 11, 12, 16, 17, and 22 on page 6 of S. 2411.

Under the no-hunting rule, an overpopulation of some species of wild birds and animals, probably wild turkeys and whitetail deer, could come about.

A chief ecologist should determine when such overpopulation threatens, and surpluses should be trapped and transplanted to mainland areas chosen in consultation with the Georgia Department of Natural Resources. Hogs and horses that have gone wild might also need this sort of attention.

As to section 7, I question, first, whether advisory commission should be abolished after 10 years, as provided on page 7, lines 6 to 8. One should have value longer than that, and membership could be on a basis of staggered terms for a number of years.

Nor in my view should the secretary be as restricted as under present language with regard to the composition of the advisory body. I refer to section 7(b) on page 7, starting at line 9. However, if you decide to retain advisors much as now specified, I suggest a change in the member indicated on lines 20 to 22.

Instead of a person recommended by the Coastal Area Planning and Development Commission, let it be one from that branch of the University of Georgia system most closely identified with environmental conditions and problems of the South Atlantic coastal islands.

Please note that the agency referred to in the present bill is mandated under law to concern itself with economic development. It has, in fact, been busy with promotional activities involving commerce including tourism.

I have no antipathy to the commission or its activities. Rather, I think that economic promotion and development have little to commend them in the management of Cumberland in the public interest. This is a situation where it looks like scientific and technological advice related to the natural scene would be of greater use to the service, for that would be coupled to the conservation of what is still healthy and recuperation of what is sickly.

This seems paramount to me, for Cumberland has areas where human use should be held in check instead of being promoted or developed. I want to see those environmental wounds healed, and Cumberland's many remaining superlative qualities kept at their present high level.

I suggest, sir, that section 7(e) needs major surgery. Instead of the present language, I suggest that you consider the following:

The secretary or his designee shall, at times of his choosing, consult with the commission with respect to Cumberland Island and the public use thereof, provided that interim meetings may also be held upon call of the commission chairman or written request made to the secretary or his designee by any three members.

The advisory body should study subjects beyond the scope of present language in the bill. It should be clear that what I have proposed would not prohibit discussion and advice on that matter of a cause-way or bridge to the island, but it does reduce the emphasis on the subject, which is my intent.

And I like particularly what Mr. Tanner said about absolutely no causeway and what you said, Mr. Chairman, about preservation in regard to the island. I don't believe that a causeway or a bridge would help.

Ferries serving Cumberland would operate in sheltered waters and should be quite safe except in time of a hurricane, when they shouldn't be out on the water anyway. I am much concerned over the destructive effect of a causeway in salt marsh country.

These marshes are used by wild waterfowl and various animals, but more importantly they are vital to at least some part of the life cycles of most of the sport and food fishes and all of the valuable shellfish native to the South Atlantic.

Reputable scientists say salt marshes down there produce up to 10 tons per acre per year of high protein organic matter that in one way or another is utilized by living creatures as far offshore as the edge of the Continental Shelf.

With a causeway you lose marsh initially and progressively into the future. A bridge there would have to be more than 3 miles long, would cross the Intracoastal Waterway, and would be costly to build and maintain. So I suggest that we forget both causeway and bridge until it has been proved that ferries can't haul as many people as Cumberland can safely accommodate.

This brings me to a fundamental problem mentioned earlier, the label to be given this island, and its management. The term national seashore, as now understood and administered, does not seem to consider adequately the diversity of ecological conditions and the historic and cultural values on the island.

Problems of broadly similar nature exist in part at Assateague National Seashore and at Indiana Dunes National Lakeshore, where the emphasis on mass recreation goes counter to the need for more gentle treatment of sensitive environments.

The question then arises of the best approach to use to solve the dilemma involving Cumberland, and much of the problem seems to concern labels and the definitions given to them. I question whether anyone knows at this moment whether Cumberland could for long, stand up under the massive human use the words national seashore connote.

The words national park signify an area that can be accorded greater protection, preservation, and restoration of natural values. But, because of past and present situations and activities, I must say that not all of Cumberland today could come up to national park standards. Yet, unless precautions are taken now, giving Cumberland the label of national seashore could result in environmental devastation as severe as any that has occurred or is likely to eventuate under private ownership.

Therefore, I recommend that in the language of the bill and in the committee report, the Secretary be directed to manage the island so its predominant ecological, scientific, educational, and inspirational qualities may be enhanced and not degraded.

To insure this, the committee may wish to consider the following:

First, that the Service be required to prepare and carry out a plan for such use of Cumberland that in years ahead, when presently sub-

standard values shall have been repaired through technology and the curative ministrations of time, this Nation may have the option of giving the area a designation of national park or the equivalent of what we say a national park ought to be.

If that requires finding Cumberland a new name, or giving it temporarily what the aviation people call a holding pattern, so be it.

Next, I believe the scientific staff of the Service should be given a strong voice in determining from an ecological standpoint what uses may safely be made of Cumberland. A conclusion reached at the recent Yosemite conference was that the Service does not have adequate knowledge of values present in the property it now administers.

Nor does it have funds or manpower to accumulate that understanding. So I propose that the committee seek ways to assure that the island staff shall include a chief ecologist who is schooled, trained, and experienced in the realities of the often sensitive natural systems of these coastal islands.

This person should be capable of judging what areas, interior or beach or marsh or whatever they may be, may be given heavy, medium, light, or even no use at a given time, so his advice may have weight with his superiors.

It seems to me that it might be possible for the Service to find a scientist who also has what it takes to be a superintendent, combining both skills in one individual.

In the general way I have outlined, I believe we can achieve needed restoration, prevent deterioration, and still not forbid a safe human carrying capacity. I hope we can initiate this kind of forward-looking program here and now, at the start of Cumberland's new career as a natural wonder with great historic and cultural attributes as well, for the enrichment of our people.

Senator BIBLE. That is a very well reasoned statement. I compliment you on it and the thrust of what you are saying is preserve it as it is and don't ruin it with too many people. I think that's what you are saying.

Mr. VOIGT. Yes.

(The complete statement of Mr. Voigt follows:)

STATEMENT OF WILLIAM VOIGT, JR., BLACKSHEAR, GA.

I am William Voigt, Jr., RFD 1, Blackshear, Georgia, 31516. Please let the record of this hearing on S.2411 show I am heartily in favor of putting the environmental, historic, and cultural values of Cumberland Island, Georgia, under Federal guardianship.

I am here at my own expense and as a private citizen. I have spent much of my adult career in natural resources work and have some personal knowledge of Cumberland Island. I am a former executive director of the Izaak Walton League of America and of the Pennsylvania Fish Commission. I was executive director of the quasi-official agency of New York, Pennsylvania, and Maryland that produced and advocated the enactment of the Federal-Interstate water resources management agreement that became the Susquehanna River Basin Compact, Public Law 91-575. From April 13 through April 15, this year, as the representative of the Public Lands Committee of the Izaak Walton League, I took part in the conference at Yosemite concerning the future management and administration of our National Park System. I am still interested in natural resource matters though I no longer punch a time clock. I am especially interested in the Coastal Plains and estuarine systems of the South

Atlantic. I have visited Cumberland Island twice in the last two months, also at my own expense, to observe its present condition and to inquire about natural, historic, and cultural matters that bear on its use and its future.

There is risk of repetition in what I am about to say, but it may not hurt to have it in the record more than once, for emphasis. Last month, at a House committee hearing, Assistant Secretary Reed stated that there are "fragile natural values" in the interior of Cumberland. This island supports one of the few sizeable forests of eastern liveoak left in the United States. The only ones of which I am aware, and I have made inquiries, are those on a few of the less exploited islands of the South Atlantic. There are, of course, many yard trees and small groves—such as those in downtown Savannah and in rural churchyards and cemeteries—but there appear to be no more liveoak forests on the mainland. The Government set aside large reserves of liveoak in the Carolinas, in Georgia, and later in Florida in the days of wooden ships, for construction and repair by the Navy. Now the liveoak is considered a nuisance by the corporate and private owners of large pulpwood pine plantations, who girdle it and leave it to die and rot wherever it is found. I have not measured it, but would estimate there are at least 10,000 acres of liveoak forest on Cumberland. I have pictures of a few of the liveoak areas and specimens on Cumberland, which the Committee may wish to insert in the record or hold in its files.

There is considerable liveoak reproduction on Cumberland except where it has been deliberately excluded or where the ground has been heavily used. You do not find such reproduction on the intensively used picnic areas established by a state park authority among the liveoaks of nearby Jekyll Island.

Earlier I stated that I favored making Cumberland into a Federal reservation, and hope you will see merit in amendments to S.2411 that I believe will improve it and help assure that we preserve and enhance the qualities that make Cumberland worth putting in the Park System in the first place.

I am concerned over whether we should designate Cumberland Island a National Seashore, but confess that I don't know of another name now commonly given to units in our National Park System that would fit it better. Permit me to come back to this later in my statement, after commenting on specific sections of the bill.

With regard to Section 3, Pages 2 and 3, I should mention Kings Bay Ocean Military Terminal, which lies across Cumberland River from the island. This is a standby terminal that mainland interests would like to convert into an industrial park. I propose, Mr. Chairman, that if Kings Bay Terminal should be declared surplus by the Department of Defense before the Department of the Interior has made other firm commitments, the Interior people should be required to use such portions of it as are adaptable to its mainland activities and those of concessioners based on the mainland. Frankly, I am fearful of the effect use of an area so near Cumberland by heavy industry would have on the island's ecological systems as well as the richness of human experience now possible there.

Language in Section 4(d) (3), Line 3, Page 6, seems inappropriate. I ask that you strike out the words "during the two-year period" in that line. As the bill now reads it charges the present private owners of Little Cumberland Island with meeting specific requirements concerning development or inconsistent uses for only two years after enactment. It would appear to allow any kind of development or exploitation of Little Cumberland thereafter. This is an important factor, since Little Cumberland is almost part of Great Cumberland, being separated from its northern end by only the width of a tidal stream known as Christmas Creek. We should give Cumberland long term protection against any incompatible uses on Little Cumberland, even if it means buying out the private owners there now.

As now written, Section 5, page 6, would allow public hunting and trapping on Cumberland. These appear inconsistent with the dominant values and opportunities the island will bring to the public. Therefore, I suggest that references to hunting and trapping be deleted from Lines 11, 12, 16, 17, and 22 on Page 6 of S.2411. Under the no-hunting rule, an overpopulation of some species of wild birds and animals, probably wild turkeys and whitetail deer, could come about. A Chief Ecologist should determine when such overpopulation threatens, and surpluses should be trapped and transplanted to mainland areas chosen in consultation with the Georgia Department of Natural Res-

sources. Hogs and horses that have gone wild might also need this sort of attention.

As to Section 7, I question, first, whether the Advisory Commission should be abolished after ten years, as provided on Page 7, Lines 6 to 8. One should have value longer than that, and membership could be on a basis of staggered terms for a number of years. Nor in my view should the Secretary be as restricted as under present language with regard to the composition of the advisory body. I refer to Section 7(b) on Page 7, starting at Line 9. However, if you decide to retain advisors much as now specified, I suggest a change in the member indicated on Lines 20 to 22. Instead of a person recommended by the Coastal Area Planning and Development Commission, let it be one "from that branch of the University of Georgia System most closely identified with environmental conditions and problems of the South Atlantic coastal islands." Please note that the agency referred to in the present bill is mandated under law to concern itself with economic development. It has, in fact, been busy with promotional activities involving commerce including tourism. I have no antipathy to the commission or its activities. Rather, I think that economic promotion and development have little to commend them in the management of Cumberland in the public interest. This is a situation where it looks like scientific and technological advice related to the natural scene would be of greater use to the Service, for that would be coupled to the conservation of what is still healthy and recuperation of what is sickly. This seems paramount to me, for Cumberland has areas where human use should be held in check instead of being promoted or developed. I want to see those environmental wounds healed, and Cumberland's many remaining superlative qualities kept at their present high level.

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(e) The Secretary of his designee shall, at times of his choosing, consult with the Commission with respect to Cumberland Island and the public use thereof; *provided*, that interim meetings may also be held upon call of the Commission chairman or written request made to the Secretary or his designee by any three members.

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The question then rises of the best approach to use to solve the dilemma involving Cumberland—and much of the problem seems to concern labels and the definitions given to them. I question whether anyone knows at this moment whether Cumberland could for long stand up under the massive human use the words "National Seashore" connote. The words "National Park" signify an area that can be accorded greater protection, preservation, and restoration of

natural values. But, because of past and present situations and activities, I must say that not all of Cumberland today could come up to National Park standards. Yet, unless precautions are taken now, giving Cumberland the label of "National Seashore" could result in environmental devastation as severe as any that has occurred or is likely to eventuate under private ownership. Therefore, I recommend that in the language of the bill and in the Committee report, the Secretary be directed to manage the island so its predominant ecological, scientific, educational, and inspirational qualities may be enhanced and not degraded. To insure this, the Committee may wish to consider the following:

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In the general way I have outlined, I believe we can achieve needed restoration, prevent deterioration, and still not forbid a safe human carrying capacity. I hope we can initiate this kind of forward-looking program here and now, at the start of Cumberland's new career as a natural wonder with great historic and cultural attributes as well, for the enrichment of our people.

Senator BIBLE. Our next witness is Nancy Rockefeller McFadden of Greenwich, Conn., and Cumberland, Ga.

STATEMENT OF NANCY ROCKEFELLER McFADDEN, GREENWICH, CONN., AND CUMBERLAND ISLAND, GA., ACCOMPANIED BY MRS. ROSE

Mrs. ROCKEFELLER. May I introduce my daughter, Mrs. Rose.

Senator BIBLE. Yes, indeed. I have met her before and I am happy to see her again.

Mrs. ROCKEFELLER. Mr. Chairman, you heard so many about the island and the physical part of it that I think I will change my statement here a little bit and maybe tell you a little bit about the heir's point of view, if that would be all right with you.

Senator BIBLE. Certainly, anything you say is all right with me. You are the witness.

First, Mr. Reporter, make the full statement of Mrs. Rockefeller a part of the record at this point. Likewise, make a part of the record at this point, a short history of Cumberland Island and this will be incorporated in full in the record as if given word for word.

Now you may proceed.

Mrs. ROCKEFELLER. My name is Nancy Carnegie Rockefeller, granddaughter of Thomas M. and Lucy C. Carnegie, owners of Cumberland Island.

I am here to earnestly beg you to see the heirs' side of bill S. 2411, concerning the national park takeover of our beloved Cumberland Island, our home for four generations.

In 1881, grandfather purchased the southern end to make it his home and keep it a wilderness. I get kind of agitated when people talk about it as our vacation home. It really and truly has been the home and we have been brought up there through three generations.

Unfortunately, grandfather died 3 years later having barely finished the third Dungeness which was built on the ruins of General Greene's house and General Oglethorpe's hunting lodge.

My grandmother, Lucy C. Carnegie, was left to raise their nine children, 16 to 3 years of age, on Cumberland. After the War Between the States, the Cumberland plantation owners were forced to abandon their plantations for without the slaves they no longer were able to grow the Sea Island long staple cotton that had made plantation life so profitable.

Grandmother slowly bought these ruined plantations and allowed nature to take over. A sailboat was the only access to the island. Amelia Island, Fla., across the Sound, or St. Marys on the Georgia coast, the nearest civilization.

By the turn of the century, the Carnegie family owned all but the northern end of Cumberland which now belongs to our good neighbors, the Candler family.

The island was held as a whole, everything including four houses built for Mrs. Carnegie's children, boats, cattle, wild ponies, and so forth, were the property of the Lucy C. Carnegie estate and administered by a manager of my grandmother's choosing.

As years passed, Dungeness became the capitol as our Uncle Munn called it. Everything was concentrated there, electric light plant, carpenter shop, dairy, bakery, quarters for both white and colored employees, stables, garage, and dog kennels. In fact, everything needed to run the estate, thus conserving the rest of the island in its natural state.

This was always uppermost in the minds of the entire Carnegie family of all generations. In this unique and beautiful place, three generations lived excepting for forced absences.

My courageous and wonderful grandmother died in 1916 but her will decreed her estate would continue to run the entire island until the death of her last child, which was in 1962.

It was then this paradise was violated through the division, and no provision made among the cousins to continue the preservation of Cumberland. The 10 parcels the island was divided into, represented a northern and a southern piece for each of the Carnegie children who had heirs.

One family, for financial reasons, sold their one-fifth to someone other than the family, Charles Fraser. His desire to own all Cumberland and develop it was the shock the family needed. They refused to sell him any more land and when the Mellon Foundation came to the rescue, those who wished to dispose of their inheritance sold to the foundation, trusting the National Park Service would continue to preserve the island for future generations.

Those of us who never considered parting with our inheritance

and wished to continue our life on Cumberland, welcomed the Park and its conservation program and expected to cooperate in every way we could.

To our utter amazement, we were told if we did not sell to the Park, with the same arrangements they gave those who did, we would be condemned. Imagine our horror. As an American, I object to my government having the power to rob me of my home and inheritance unless it were absolutely necessary to the welfare of many.

That is why I am here—to earnestly urge you to consider this all-important question which threatens our individual freedom.

The National Park Service has acquired two-thirds of the island, and was given first option of what has now been sold to others, leaving my father's parcel and one-half of his sister's parcel to those of us who do not wish to sell.

There is thus sufficient property on Cumberland Island already available free of charge to the Federal Government through the Mellon Foundation to permit a national park or seashore, without the further acquisition of our property.

We have already conceded to the Federal Government, the right to encumber our property with sufficient restrictions to permit us to coexist on the island as a national park and seashore as an attractive, harmonious and worthwhile neighbor.

My earnest request is that a clause be added to bill S. 2411. First, that no Carnegie heir shall ever have their land, home, docks, and so forth, on Cumberland Island taken from them by condemnation, or any other way, by the U.S. Government or the National Park Service or any other organization.

Two—in return, Carnegie heirs will cooperate with the Park Service in preserving the natural resources of Cumberland.

Three—when the Carnegie heirs wish to dispose of their land, buildings, docks, and so forth, they will agree to give the first option to the Park Service, if it is functioning on Cumberland in such a way as to preserve the natural resources.

At this time, may I also ask your consideration for the four Georgia families who have lately built small homes adjoining each other on an area of not more than 12 acres. They in no way interfere with the conservation of Cumberland, are excellent neighbors, and would be helpful in many ways to the Park Service.

Mr. Chairman, gentlemen, this I request for my children, myself, and all Carnegie heirs wishing to retain their homes and land. I am sure you must agree with me, this is little to ask under the circumstances and I am trusting to your sense of justice and your understanding of what our homes on Cumberland mean to us and remembering if it were not for the Carnegie's preservation of Cumberland, we would not be here today.

Thank you.

Senator BIBLE. That is a very fine statement, Mrs. Rockefeller. Let me just ask you a few questions to clarify the record.

The earlier witness described your homes and I guess he described them correctly, is that right? Did you hear his testimony?

Mrs. ROCKEFELLER. Not too well. I think it is green down there.

Senator BIBLE. Yes; it is green and he said it had what, 300-odd acres?

Mrs. ROCKEFELLER. Just 300 acres, that was my inheritance and I divided it equally among my four children, keeping out 12 acres to build my house.

The reason I had to build a house was, in the division, I had one sister and when we came to divide my father's one-fifth of the land, I got the lower end which had no house on it and seeing that I was going back there to live in my older age, I needed a roof over my head. That is why I built it.

Senator BIBLE. How many homes are there, whether they are seasonal or year-round homes, how many homes are on that 300 acres in green described today?

Mrs. ROCKEFELLER. Two. One on mine and then my daughter Nancy—

Senator BIBLE. Well, I am talking about whoever has it.

Mrs. ROCKEFELLER. There are two on the green spot.

Senator BIBLE. What kind of homes are they, Mrs. Rockefeller? Are they seasonal or year-round?

Mrs. ROCKEFELLER. We have them furnished, year-round I think you call it and we do go there year-round so we do have to have it built for winter use.

Senator BIBLE. Just for my own interest and for the purposes of the record, how much time in each year do either you or any of your heirs spend on your 300 acres of property?

Mrs. ROCKEFELLER. I lived there from 1900 to 1925, when I was married, continuously excepting for going to school for two winters. Since my marriage, I of course, have not been able to live there, but every holiday we go back and in the summer we have gone back whenever we could.

At the moment and for the last few years, not having any house to live in, I really couldn't go back. So now that I have a house, I am just going to live there, period.

Senator BIBLE. Year-round, 3 months a year, what would you say?

Mrs. ROCKEFELLER. I am going to try to live there as long as I can. It would be at least 6 months.

Senator BIBLE. All right. You reside in Greenwich, Conn., or Cumberland, Md., isn't that true?

Mrs. ROCKEFELLER. More likely in North Carolina.

Senator BIBLE. There is nothing wrong with living in different places. A lot of people do that. I think it is fine work if you can get it and I am all for it. But I wanted to get a feel of how much of the time you spent there.

I think I understand your concern. I believe I have a better feel for this whole area and I will have a better feel for it after I go down and see it. I appreciate the position you are making.

I don't know, there are a number of different alternatives by which this can be handled, it seems to me. The scenic easement procedure is sometimes desirable. I think we have to treat everybody similarly situated more or less alike.

I suppose you have a better claim than most because you used to own the whole island at one time, is that the way you feel?

Mrs. ROCKEFELLER. Yes. We owned the whole thing and it is pretty hard to be pushed onto 300 measly acres. I only have 12 acres and I used to have the whole island.

Senator BIBLE. Well, it isn't this committee's fault that you only have 300 acres now.

(Laughter.)

Mrs. ROCKEFELLER. I know, but it doesn't help me much.

Senator BIBLE. Well, I suppose it is correct and honest to say that the only area which you, yourself, can stake a claim today for yourself and your children, is the 300 acres, is that right?

Mrs. ROCKEFELLER. That's right.

Senator BIBLE. Well, we are going to try to work this out in a just manner and I think it can be worked out that way.

Mrs. ROCKEFELLER. We are wishing very much and we are going to try to do a little conservation work on those 300 acres. I asked Mr. Tanner if he would develop something and we certainly want to start our turtle business down on our beach in front of us.

There are many things that we can really do to help the park along and not be in the way at all.

Senator BIBLE. Well, I think people can live together in harmony. We tried this concept out first at Cape Cod where there were people that had resided there for years and years. I would think that they probably outdated the Carnegies. They came over in the Mayflower and I guess that's about the first boat to get here.

I don't know who was the first in this country, whether it was Leif Ericson or whether it was Christopher Columbus. I guess it was our friends, the American Indians, who were here first.

But we managed to solve the Cape Cod problem and I think with a fair degree of satisfaction to everyone concerned. There were people there that lived in that locality continuously for hundreds of years, and they can still live there.

I think these uses can be compatible and worked out to the satisfaction of all concerned. The problem that worries me most in the whole area is the fact that you have on one hand the pressure to bring a lot of tourists in, and on the other hand, the expressed desire, as Mr. Tanner stated it and as the Park Service people rather cautiously stated, to preserve the area in a natural state.

I can't see taking a limited and natural area and exposing it to thousands and thousands of tourists. It just won't work out. Our problems today in the parks, and I have handled these for 12 or 13 or 14 years, are the pressures of people who want to get out into the great outdoors and into the parks and onto the islands and the national seashores. The Park Service has finally come to the stark realization that they have to do something about this and they are starting to limit the visitation in certain parks and other areas.

Yosemite is a classic example. Yellowstone is very close to it. There will be many people hurt by these restrictions but that's my general feeling and concept on this and I hope we can get together and come up with something worthwhile. We are going to try, which is all any of us can do.

Mrs. ROCKEFELLER. I am sure you will and I am sorry I won't have you in my house tomorrow night.

Senator BIBLE. Well, I will let the senior Senator from Georgia set it up but I am going to be down there to see you and I will look in on you.

Mrs. ROCKEFELLER. I hope you will. Thank you very much.
 (The prepared statement of Mrs. Rockefeller, and the short history of Cumberland Island follow:)

STATEMENT OF NANCY ROCKEFELLER MCFADDEN, GREENWICH, CONN.
 AND CUMBERLAND ISLAND, GA.

Mr. Chairman, Senators: My name is Nancy Rockefeller McFadden, and I inherited land on Cumberland from my Mother.

I began my love affair with Cumberland when I was six months old and have been going there as much as possible over the past 45 years.

My interest here today is twofold.

I. We want to be very sure Cumberland Island continues to be preserved in its present natural state as my family has done for the past four generations.

II. I do not want my land to be condemned.

I truly believe most of us here are of the same accord. To perpetuate that which makes Cumberland unique.

Otherwise, there would be no point in creating a National Park, nothing to preserve, nothing for the public to see and experience. In other words, an exercise in futility.

What is the main concern?

Too many people.

This must be controlled, and only you can do it by writing "the intent" into this Bill so clearly and strongly that no future administration could possibly misinterpret it.

First, there must never be a bridge or causeway. I would love to see this in writing.

Second, the number of people must be very strictly controlled. I wish you would spell this out as well.

If there are 10,000 people a day, as the Park suggests, biking, hiking, swimming and yes, unfortunately, littering, it will be the end of the marsh and migratory birds including the practically extinct Wood Ibis which now roosts there. The sea turtles will no longer come ashore to lay their eggs, and the raccoons, wild horses, pigs, and the deer will not be seen by the public.

Also, the fish would suffer.

Let me explain.

No one yet has mentioned the onslaught of small pleasure craft arriving from all directions the moment the Island becomes available for public use.

Did you know that in Fernandina Beach there are 600 registered small pleasure craft?

In Jacksonville—12,000.

What about St. Mary's, Woodbine, Cabin Bluff, Brunswick, and St. Simons? All these towns are within four hours of Cumberland.

In all of Georgia, there are 112,000 licensed small pleasure craft, and I would imagine that most are on the coastline.

If only a lovely May day 10% of all these boats came over with only two people on each boat, there would be nearly 25,000 people wandering around.

If there were four people on each boat—50,000.

To make it even worse. How do most of these boats approach Cumberland? Mostly through the marshlands.

I am sure you all know that marshland is considered the uterus of marine life. This is where all the food is grown to nourish the fish.

Things like this worry me. The true preservation and wisdom of making Cumberland Island a public recreation ground too quickly—without proper study.

I believe if an ecologist has been advising the Park, this kind of problem would have been thought of.

Therefore, point 3—I'd like to see qualified ecologists, conservationist, naturalist and marine biologists on the Commission.

I refer to page 7, line 5

My 2nd reason for being here is personal.

I do not want to be condemned. The members of my family who sold to the Park did so for monetary reasons.

Why should I be penalized because I chose to hold my land instead of choosing short-term financial gain. It doesn't make sense to me. I really wish you would explain it.

Gentlemen, it may be thought that I am simply a stubborn woman here to inherit an inherited privilege against the claims of public interest.

I have searched my conscience on this question, and I want to leave this thought with you before I go.

It is quite true that I inherited something precious in my property, but I believe with all my heart that my interest and the REAL public interest are not in conflict here.

And for this reason; What is precious and unique in Cumberland Island is its wilderness.

This is what makes it priceless to the people of the country as well as to me. I have no quarrel with the idea of the National Park.

With the idea that those who love nature should see Cumberland.

They are going to, and I entirely accept that fact.

But, unlimited public access to this small area would soon destroy what is truly irreplaceable.

We have seen it happen all too often in this country.

Please, not here!

Thank you.

SHORT HISTORY OF CUMBERLAND ISLAND

The Island has passed through several stages of development since it was called "Missoe" by Creek Indians, meaning "beautiful land." These natives did not destroy nature but lived in it and used the fruits of the land. We found buried in the Creek one of their long dug-outs, which is now at the Smithsonian. Pottery, arrowheads, and even this week, a skull was found, not in a burial ground where they are buried in a squatting position.

Their first enemy were the Spanish in 1742 who changed the Island's name to San Pedro and established missions to convert the Indians, which caused many a massacre. To defend themselves from the British under Oglethorpe, who had 800 men exclusive of Indians, the Spanish in 1802 built two forts at the south and north ends of Cumberland, Ford Andrew and Fort William, and manned them with—it is said—500 men and their families.

The British victory at Bloody Marsh on St. Simons Island ended the second stage. General Oglethorpe built a hunting lodge on the southern end of Cumberland and named it "Dungeness." Chief Tomachichi, a Creek Indian, helped him both in Savannah and on the Islands, and went with him to England to tell the King of their victory over the Spanish. The Duke of Cumberland was given the Island in recompense for his victory over the Scots. The Duke gave Tomachichi a gold watch and the Island was given its third name, "Cumberland."

After our revolution, history repeated itself. General Nathaniel Greene, Commander of the Southern Revolutionary Army was presented with the southern end of Cumberland by the State of Georgia along with the Mulberry Grove Plantation near Savannah. He lived but a year, time only to select the site of Oglethorpe's burnt hunting lodge and to erect a beautiful mansion which he named Dungeness, and to lay out the gardens.

In the year of Gen. Greene's death in 1786, the foundations were laid for the second Dungeness but it was not finished until 1803 by his widow who lived there till her death in 1814. During the 60 years the Greene heirs lived at Dungeness it became famous for beautiful gardens with rare plants such as guava, orange, ginger, olives, pomegranates, sago palms, citrons and roses. Mrs. Greene's hospitality and kindness were well known and Dungeness was considered the most lavish plantation on the coast.

Eli Whitney from Connecticut, later inventor of the cotton gin, obtained the position of tutor to a Georgia planter but on arrival in Savannah in 1792 he found that due to imperfect postal regulations his acceptance was not received, and another had taken his place. Without means or friends he was in great want when his circumstances became known to Mrs. Greene. She took him in their home and with her suggestions helped him invent the cotton gin that revolutionized the cotton industry. Mrs. Greene's second husband, Mr. Phineas Miller, became his partner, and was also instrumental in the development of Dungeness.

Mrs. Greene died in 1814 and is buried with her husband, Mr. Miller and her daughter, Louisa Shaw (1831), and son-in-law, James Shaw (1820), in a little family cemetery at Dungeness.

Mrs. Shaw, youngest daughter of General Greene, inherited Dungeness but died without children and left it to her nephew, Phineas Miller Nightingale, General Greene's grandson. In 1818 General Henry Lee, (Lighthorse Harry of the Revolution) comrade of General Greene's, landed on the Island from Cuba to recuperate from wounds received from a mob in Baltimore in 1814.

Young Phineas Miller Nightingale met him at the dock and was told to take this message to his aunt, Mrs. Shaw: "Tell her, he said, that the old friend and comrade of General Greene has come to die in the arms of his daughter." He passed away in two months and was buried in the Greene cemetery with full military honors. His son, Robert E. Lee, visited his father's grave twice and in 1913, Mrs. Lucy C. Carnegie, then owner of Cumberland, allowed the Lee family to remove his body to Lexington, Va. The original stone in his memory still stands in the little cemetery.

During these years the Island was owned by many families who had large profitable plantations of rice, indigo and the best long staple Sea Island cotton, worked by hundreds of slaves. Mr. Stafford, having the largest plantation at "Stafford" burnt the cabins on leaving, but today the chimneys still stand. This house was used by the Carnegie family till it burnt in 1898.

The war between the states ended this plantation life due to the slaves having been freed, and no one to work the fields.

Dungeness was occupied by Northern troops. St. Mary's on the mainland was taken by Sherman's army and most plantation owners' homes were devastated. At the close of the war Dungeness burned through the carelessness of negro refugees. Only the four walls were left. The Island thus became deserted and started to return to its wild state. This was what my grandfather saw when he first visited the Island.

In 1881, grandfather, Mr. Thomas M. Carnegie, and his wife, Lucy Coleman Carnegie, finally persuaded Mr. Davis to sell him Dungeness. It was not till Mr. Davis finally realized they really loved it and was assured it would be held in its natural beauty that he consented to part with it.

Grandfather had decided to retire from the Carnegie Steel Company and make the Island his home where he would raise his children and, in turn, his grandchildren, and great-grandchildren would call it home.

Like General Greene, he lived only to plan the third Dungeness and died in 1884 at 42. Again, a widow carried on to fulfillment the desires of her husband. Grandmother, left with 9 children (6 boys and 3 girls) ages 16 to 3, built the third Dungeness on the same site as the other two and lived there till her death in 1916. She slowly bought the rest of Cumberland as it came on the market until she owned all but High Point which belonged to various white and colored families. The hotel there was well known for summer guests and later became a gun club and Mr. Candler, one of its members, took it over and the family still own it.

As Mrs. Carnegie's children married, she built homes for them but these homes belonged to her estate as did the land. Four such homes were built: the Cottage at Dungeness, Greyfield, and Plum Orchard and when Mr. Stafford's plantation home burnt in 1899, the present house was erected. Grandmother insisted my father, Andrew Carnegie, II, my mother and sister and I live at Dungeness with her as she depended on my parents in the running of Dungeness. At her death father moved to Stafford which his brother no longer used.

Five of grandfather's children had children and the third generation numbered 14, and considered the Island their home although there were forced periods of absence. My sister and I lived there continuously until our marriages in 1924 and 1925. This was the last time Dungeness was occupied as we wished to be married at our home.

Grandmother's will stipulated nothing could be changed on the Island until her last child died. Her estate continued to run it. First, my father and his brother were trustees and then the bank in Pittsburgh and later a Georgia bank. Thus the Island itself was protected from despoilers until 1962.

Because no one had ever owned their bit of Cumberland and felt frustrated in not being able to pursue their desires, we divided it into 5 parcels as equal in value as possible, one for each of our grandparents' five children who had heirs.

By this time three grandchildren had died leaving five of the third generation to inherit their parents' share. At this time, I being all but the eldest and desperately interested in retaining Cumberland as it was, struggled to have those who wished to hold their land, keep adjoining parcels so those wishing to dispose of theirs could join in selling one large piece. My cousins would not follow this plan and thus one parcel was sold to Charles Fraser of Hilton Head who planned to buy up the whole Island and develop it as he has so ably done at Hilton Head. Luckily, the rest of the family refused to sell to him.

Fortunately, conservationists came to our aid and Mr. Paul Mellon offered again to buy from those who wished to sell and give it to the National Park Service. Two other families sold to Mr. Mellon as did Mr. Fraser and those of us who wished to retain our inheritance felt safe in our belief that Cumberland Island was again saved and we would have a dependable neighbor in the Park to help keep it the unspoiled paradise it is.

However, we were soon threatened with condemnation if we did not sell to the Park at their terms. This was a great blow to my sister and now her three children and myself who had divided our father's one-fifth between us. Also, Mrs. Ferguson who had divided her mother's share between her brother's three children and herself, and Mrs. Laughlin who wished to hold half of her mother's parcel.

So last year, July 1971, in desperation my children and I met with Mr. Hartzog in Washington to discuss with him this matter.

We made what we considered a generous and suitable offer, i.e., that my four children and I would retain our inheritance of 300 acres which lies in one piece. Use it as we always have for residences only, a minimum of houses erected, and cooperate with the Park in every way. As my heirs wished to dispose of this property, it would be turned over to the Park Service under the condition the Park Service was still on Cumberland. This would save a great deal of money at the moment and we cannot see why the taxpayer should pay if a gift is offered. Also, two-thirds of the island seems enough to start the Park, and would accomplish what we are all working for. My nieces and nephew offered their land to Audubon and the Conservancy who would have taken it but Mr. Hartzog would not agree to either of these plans.

That is why we are here to save our inheritance. We feel that the government morally has no right to condemn in a case like this. If we had not kept the Island as it is, there would be no question of a Park and it could be another Miami if my family had been after money.

Are we who love our homes to be punished and deprived of our inheritance so that 10,000 people can swim. The public has every other island to swim from and enjoy, why not keep Cumberland as a priceless museum where scientists, conservationists and lovers of the wild can use it to further their studies.

Then Cumberland would be giving to future generations knowledge that nowhere else could be found. And would be fulfilling her destiny as God meant her to do and the work of five generations would not have been in vain. This great decision can be made but once, and you gentlemen hold it in your hands. We beg you to go down in history as preservers of our national resources.

Thank you.

Senator BIBLE. Our next witness is J. Edwin Godley of Woodbine, Ga.

STATEMENT OF J. EDWIN GODLEY, WOODBINE, GA., CAMDEN COUNTY

Mr. GODLEY. Mr. Chairman, one other thing, the Okefenoke REM asked me if it would be permissible to read their statement. It is only a little less than 1 page.

Senator BIBLE. Sure, sit down and relax and we will hear you with interest. You may proceed.

Mr. GODLEY. Chairman Bible and other members of this committee. My name is Edwin Godley. I am clerk of the Board of County Com-

missioners of Camden County, the county in which Cumberland Island is located.

We appreciate you allowing me a few minutes to express some of the feelings of the Board of County Commissioners regarding bill S. 2411 and Cumberland Island.

I am appearing here today in a dual role. First, to represent Camden County Commissioners at this hearing, and to convey to you some of the thoughts as to the feelings of the Board of Commissioners—the board in charge of the fiscal affairs of the county. Second, to also present some of my personal wishes.

We feel, and have felt for a long time that Cumberland Island holds a great potential for Camden County, if this potential could be fully developed. How this should be accomplished is a matter of mixed feelings in our community.

A number of our citizens feel that a National Seashore would be best by maintaining it in its natural state as proposed in the bill. There are others that feel it would be better as a wilderness area, while another portion of our people, and we think probably the majority, feel that it would be much better to allow some type of private residential development, with limited commercial facilities for spending a night, or even spending a week or longer, accommodations that would permit someone an opportunity to linger a little longer, not just a quick trip to see an island and catch the next ferry boat back to the mainland, probably driving on to another State to spend their leisure time.

It is reported that the National Parks Foundation now holds title to approximately 62 percent of the island; this would amount to somewhere about 12,000 acres.

It is the feeling of the Board of County Commissioners that this amount of acreage should be sufficient to provide an adequate seashore facility, at least for a beginning, allowing those landowners that do not wish to relinquish their property on the island an opportunity to enjoy the same unspoiled and unsurpassed scenic beauty that is so desirable to the National Park Service.

It should be remembered that the opportunity to purchase any lands on the island has only become possible within the past few years.

The National Parks Foundation should have every right to do whatever they desire with their lands, but the Board of Commissioners feels very strongly that the right of condemnation of property on Cumberland Island for the establishment of a National Seashore would not be in the best interest of the public.

That condemnation of the property of those who do not wish their property converted into a park or recreational facility would only create a feeling of distrust of our Government since the acquisition by condemnation process would in no way be necessary to the defense of our country.

A brochure "Parkscape U.S.A." published by the National Park Service recently gave a description of Cumberland Island. A portion of the beginning is quoted: "Rich in history and legend, remote, unspoiled, and endowed with unsurpassed scenic and recreational value," et cetera.

The brochure gave about 4 pages of description just about as exciting as the eye-catching beginning.

Realizing the word island is a magic and fascinating word to almost everyone, it is to us also. We that own a portion of the island, whether that portion be large or small, love the island and are just as reluctant to give up our portion as the Park Service is anxious to obtain it.

I own, jointly with my son, a small lot on the island and we have a great love for the island.

Senator BIBLE. What area is that in? Is that within the blue?

Mr. GODLEY. Within the green, sir. Well, let's see—excuse me, let me get a little acclimated here. It is within this blue.

Senator BIBLE. Yes, the same as the earlier ownership was described.

Do you have any type of a structure on that land?

Mr. GODLEY. Not as of now; no, sir. We just purchased it sometime in the latter part of last year, about September, I believe.

Senator BIBLE. All right, thank you very much.

Mr. GODLEY. It is our intention to build a home on the island, should we be permitted to retain possession of the lot. I am rapidly approaching the age of retirement and nothing excites me more than the thought of maybe having an opportunity of spending my remaining years on Cumberland Island to enjoy some of those things nature has so abundantly provided on the island.

If the people were allowed to keep their property, we do not believe anyone owning lands on the island would object to cooperating in every way with the Park Service to protect and preserve the island's scenic beauty. Everyone we have talked with about this, has agreed they would certainly be glad to cooperate.

Camden County Commissioners feel very strongly that the development of Cumberland Island as a National Seashore with the projected estimate of 10,000 visitors daily to the island, that a ferry service would not be adequate to handle that amount of traffic.

We feel that a bridge would be necessary to accommodate that number of visitors and that provisions should be included in the bill to provide funds for a bridge. There is a provision included to provide a parkway from Interstate Highway 95 to the administration area.

This provision could be amended to continue the parkway to the island with facilities for parking only on the island. A bridge has many advantages over a ferry service in our opinion.

In our effort to maintain a balanced budget for the operation of County Government and keep up with the demands for services required of us, we feel the loss of taxable revenue by acquisition of the Cumberland Island property should be considered.

Provisions should be included in the bill to allow compensation in lieu of taxes by some method and formula. We have lost the tax revenue on the 12,000 acres acquired previously by the National Park Foundation and in our small county that amounts to quite a sizable sum of revenue.

There are many of our citizens in Camden County that probably would like to testify at a hearing on this matter but could not attend

this particular hearing because of distance to Washington, lack of funds, and other reasons, but are certainly interested in the outcome of the legislation.

We would respectfully request the committee hold a hearing in our county, giving those that wish to testify the opportunity to do so before any final decision is made by this committee.

Senator BIBLE. Let me speak to that point, Mr. Godley. It is a fair request and it is going to be impossible for me to come down there and hold any specific hearings. I am going to go down and take a look at the area. It is a pattern we have followed many times at these hearings but I always have known that clerks for County Commissioners are about as good a spokesman as any.

Is that an elected office?

Mr. GODLEY. No, sir; that is appointed. Incidentally, I am elected to superior court. I wear two hats. Actually I have been elected eight 4-year terms without opposition.

Senator BIBLE. Well, when I come down there, I hope you will give me your recipe for that.

[Laughter.]

Mr. GODLEY. I had opposition the first time I ran, sir.

Senator BIBLE. Well, you are entitled to it once.

Mr. GODLEY. Yes, sir.

Senator BIBLE. I think that is great. I have 25 other park hearings scheduled for this session of the Congress and I have to squeeze in a Democratic Convention in Miami, and several other odds and ends.

But I am just overwhelmed with the amount of hearings I must conduct in the next 5 or 6 weeks. But what I would suggest to you, sir, we are going to keep this record open for a sufficient length of time. If anyone in Camden County wants to furnish a statement for the record, they can do so.

The statement will be carefully read by me and my staff and if you will take the burden of telling people who cannot come here to submit their ideas, we would welcome whatever statements they may have.

Confine it if possible, to 1 page and express a viewpoint. We will keep the record open sufficiently long to give adequate consideration to all of those statements. Would you undertake that?

Mr. GODLEY. We would be happy to, sir.

Senator BIBLE. Camden County has approximately how many people?

Mr. GODLEY. Approximately 12,000.

Senator BIBLE. What is the total tax valuation of Camden County?

Mr. GODLEY. The net valuation, sir, Senator, is approximately \$31 million. Actually, it is \$31,287,251.

Senator BIBLE. What is the total net valuation—well, what do you mean by net valuation?

Mr. GODLEY. That's the taxable valuation. We have a gross valuation and exemptions are taken from there.

Senator BIBLE. I see, if I am a veteran, I am entitled to an exemption and you take out of the tax. Give me that figure again?

Mr. GODLEY. \$31,287,251.

Senator BIBLE. That's for the current fiscal year?

Mr. GODLEY. 1971.

Senator BIBLE. Do you do it annually?

Mr. GODLEY. Annually. That would be as of January 1. It hasn't been compiled as of yet.

Senator BIBLE. I understand. That type of valuation returns you how much revenue?

Mr. GODLEY. It returns us—we have a 30 mil levy. That would return us approximately \$900,000. Now, if I may, sir, our county government only gets $7\frac{1}{2}$ mills of the 30. The schools require 20 mills. Retirement of bonds requires $1\frac{1}{4}$ mills and the State requires $\frac{1}{4}$ mil.

Our county government, for the operation of government other than the schools, gets $7\frac{1}{2}$ mills which would be approximately \$220,000.

Senator BIBLE. Tell me this. What is the total valuation of Cumberland Island?

Mr. GODLEY. Sir, I can't give you that. Actually, I don't have that broken down.

Senator BIBLE. I think maybe that would be a useful figure because complaints were made when we considered these problems that there is a substantial loss of taxes to the county. I think, however, in fairness to the complete record, we ought to know what the totals are; the total assessed valuation of Cumberland Island as taken from the assessment rolls of Camden County and how much money that brings in in revenue.

I wouldn't expect you to have that right at your fingertips but if you could check that when you get back to Camden County and furnish it to me. We will incorporate it as part of the record.

Mr. GODLEY. Would that include also Little Cumberland Island?

Senator BIBLE. Why don't you bring it in consecutively because I am not clear how Little Cumberland Island fits into this. We have an association spokesman who can maybe clear this question later on. He will speak to that point this afternoon.

So I would like to have the figures for both because I don't know just exactly how we ultimately deal with Little Cumberland Island in this particular legislation. If you could supply that, that would be very helpful to the committee.

(The information referred to follows:)

COMMISSIONERS OF ROADS AND REVENUE,
CAMDEN COUNTY,
Woodbine, Ga., May 12, 1972.

HON. ALAN BIBLE,
CHAIRMAN, SUBCOMMITTEE ON PARKS AND RECREATION,
WASHINGTON, D.C.

DEAR SENATOR BIBLE: Complying with your request at the Senate hearing yesterday I am pleased to furnish you with the following information.

The total taxable valuations of property on Big Cumberland Island for the year 1969 is assessed at \$655,243.00. This valuation being for the year prior to the purchases by the National Parks Foundation.

The total taxable valuations of property on Little Cumberland Island for the year 1969 is assessed at \$197,677.00.

The two combined totals amount to \$852,920.00 and at the present rate of millage set at 30 mills (total) our usable tax should bring in \$25,587.00. As I mentioned at the hearing, this 30 mills includes all operating school funds, bond retirement and the County Commissioners operating funds for one year. (Also includes $\frac{1}{2}$ mill State tax).

Should you desire any further information, please let me know.

Sincerely yours,

J. E. GODLEY, Clerk.

Senator BIBLE. Now, you may proceed to give us the other statement.

Mr. GODLEY. This, of course, is addressed to you, sir.

STATEMENT OF J. ROBERT SMITH, ATTORNEY FOR OKEFENOKE RURAL ELECTRIC MEMBERSHIP CORP., NAHUNTA, GA., PRESENTED BY J. EDWIN GODLEY

Mr. GODLEY. Senator Bible, chairman, of the Senate Subcommittee on Interior and Insular Affairs. Mr. Chairman and gentlemen of the committee:

I am appearing in behalf of Okefenoke Rural Electric Membership Corp. Nahunta, Ga. This cooperative began the initial construction of 25 miles of underground distribution on Cumberland Island in October 1966 at a cost of \$225,000.

Since April 1967, the cooperative has added 9 miles of underground distribution making a total of 34.5 miles representing a total investment of \$389,643 in the Cumberland Islands.

The revenue for 1971 was \$11,093. On the basis of the cooperative's overall investment, this represented a subsidy by the cooperative to the island of \$74,168, for the furnishing of electric power to the customers located on the islands.

At the time the initial construction was begun in 1966, there was no mention of the fact that the island might later become a national seashore.

This cooperative is opposed to Senate bill 2411, but should this bill be enacted into law, the cooperative respectfully requests that a provision be contained in this bill for a reimbursement to this cooperative for its investment in the Cumberland Islands.

Senator BIBLE. I very much appreciate your appearance here today, Mr. Godley, as well as the position of the REM. I now have no further questions of you.

It is now 12:30. Our first witness this afternoon will be Mr. Franklin Foster of Baltimore, Md. The second witness will be Mrs. Barbara McFadden, of Germantown, Tenn., accompanied by Mr. Russell L. Brenneman of New London, Conn.

We will stand in recess until 2 o'clock and we will start with the witnesses in that order.

(Whereupon, at 12:30 o'clock, p.m., the hearing was recessed, to reconvene at 2 o'clock, p.m., this same day.)

AFTERNOON SESSION

Senator BIBLE. The hearing will resume.

Our first witness this afternoon is Franklin Foster, Baltimore, Md., Mr. Foster?

STATEMENT OF FRANKLIN FOSTER, BALTIMORE, MD.

Mr. FOSTER. Thank you, sir. I am here representing my wife's family which is the estate of Lucy Rice. Mrs. Rockefeller's sister was my wife's mother and that's how we are related.

Senator BIBLE. All right, proceed.

Mr. FOSTER. We are talking about this tract here, the Stafford property, tract 1 North. It is approximately 630 acres of highland

and 800 acres of marsh which Mr. Candler tells me is not in dispute as far as the State is concerned.

I have an amendment and conservation easement I would like to put in the record, if I may.

Senator BIBLE. Certainly.

Mr. FOSTER. But perhaps I could refer to my notes.

Senator BIBLE. Very fine, your full statement which I hold before me will be incorporated in the record and then you have attached to that, a proposed amendment and also you have attached to it a conservation easement.

Each of these documents will be incorporated in full in the record.

Mr. FOSTER. Thank you, sir. This property contains three improved dwellings that have been used by members of our family for the past three generations. The property has unique scenic and ecological features in that it is an important nesting area for shore birds, gulls, upland game birds and the green and logger head turtles.

As a matter of fact, the pocket gopher which is unique to Cumberland Island is right in this area.

According to a report made by John Anderson, ecologist for the National Audubon Society, on March 24, 1971.

. . . the variety of habitats is a very unique feature. The property is an important wintering and migration area for birds, the fresh water ponds and marshes contain alligators, and the mammalian population is unique.

It is our desire to give this property at no cost to the taxpayers to an organization that will transfer it to the National Park Service in a way that will preserve its unique natural resources while permitting such nonconsumptive uses as education and scientific research.

This will be done by a conservation easement that will protect its unique, aesthetic, scientific and ecological values without interfering with the administration of a national seashore park.

Over the past 16 months, we have had over 10 meetings with members of the National Park Service and members of the Department of Interior. We have made two field trips to Georgia to go over the property with staff personnel from the Department in an effort to work out a program that will protect the land and not interfere with the administration of the park.

We developed four complete proposals, including conservation easements, warranty deeds, and grants that were approved by the Department of Interior attorneys and the staff members with whom we were working. In every case, when they were ready to be signed, the Director of the Park Service reneged.

We made a field trip to the island with the head of planning for the National Park Service, John Kauffman, George Sandberg, Land Acquisition Officer, and members of the Nature Conservancy.

We jointly developed a plan that Mr. Kauffman said would not interfere with the administration of the seashore, and The Nature Conservancy felt would maintain the ecological balance of the land.

When we presented this to be signed, it was turned down. In a final attempt to resolve this impasse, even though this is like having the cat watch the canary, we went so far as to offer the National

Park Foundation, the conservation easement. Just 2 weeks ago, even this proposal was turned down.

Using the valuation placed on land sold to the south of us recently, the land we are offering to donate would save the taxpayers over \$9 million.

Mr. Hartzog's \$10 million acquisition figure for the whole island is totally unrealistic. But our only stipulation for making this gift is that it be through a responsible conservation organization who will enforce the easements so that the land will be truly maintained as a wildlife preserve without any commercial development, concessions, or activities that would upset the ecological balance.

The public would still have access through designated nature trails, bicycle trails, or horseback trails, as well as necessary rights-of-way for National Park vehicles.

Gentlemen, let me put it bluntly. Incredible as it may seem, in the past 16 months, our family has done everything humanly possible to cooperate with the Federal Government. In spite of spending a tremendous amount of time, and having gone to great expense, we are still unable to find a way that concerned citizens can donate land for the public's good.

We are only going into this detail to illustrate why we do not have complete confidence in the good intentions of the Park Service and wish to have the conservation easement held by an outside conservation organization.

An island this size needs an area set aside as a wildlife sanctuary. It would be a national disgrace to have all of Cumberland Island desecrated the way that some other seashores have been abused.

Exempting these properties as a preserve will insure that in the future there will not be dune buggies, all terrain vehicles and campers on at least a portion of Cumberland Island.

Cumberland Island is not comparable to seashores such as Assateague and Fire Island which are located near high density population centers, yet the bill before us has the same wording in it as the bills that authorized those centers.

There are already miles and miles of seashore available to the public at Jekyll Island, Amelia Island and Jacksonville Beach. Cumberland should be preserved for the public to enjoy, not destroy.

Gentlemen, you can do this by legislative mandate that limits its development and permits wildlife and scenic preserves such as we wish to establish.

I agree with Mr. Tanner's testimony earlier where he developed this point better than I. If Mr. Hartzog wants to keep this as a preserve of natural beauty, why doesn't he accept our proposals?

Senator BIBLE. Has he told you why he turned you down?

Mr. FOSTER. Yes, sir, he wants the whole thing with no strings and a conservation easement is a string and he won't accept it.

Senator BIBLE. We will explore that further because what you are going to suggest, I assume, is handling this by virtue of a scenic easement.

Mr. FOSTER. A conservation easement. They both accomplish the same thing, sir.

Senator BIBLE. All right. You may proceed.

Mr. FOSTER. I respectfully request that bill S. 2411 be amended to permit the donation of our property to a responsible conservation organization who will transfer it to the National Park Service, subject to a conservation easement that will insure that it remains a wildlife preserve.

Provision will be made along the previous recommendations as approved by Mr. Kauffman, the head of planning for the National Park Service, to see that this does not interfere with the administration of the park.

We are not trying to deny public access. We are trying to control the public on at least this portion of the land in good conservation policy.

We would like the privilege of maintaining or replacing our improved dwellings which we are already entitled to under the proposed legislation.

We urge the other landowners of Cumberland Island and elsewhere to join us in donating their lands to create preserves. As a matter of fact, this would solve your Little Cumberland problem because they could do the same thing.

A copy of the suggested conservation easement, and a proposed amendment are attached to these remarks, and I request that they be made a part of the legislative history.

There are two other points that I would like to touch on briefly that don't really affect me too much. First, it is not fair to arbitrarily select February 1, 1970, as the cutoff date for owners of improved property.

Senator BIBLE. Well, I know the Senate didn't have any firsthand knowledge of it until this Congress. I forget the exact date of introduction of that bill. As soon as I find the bill, I will look. The date of the introduction on the Senate side, was either this year or last year.

Mr. FOSTER. August 3, 1971, sir.

Senator BIBLE. That is the date it was introduced here and that is the first direct knowledge we have of this bill. Okay.

Mr. FOSTER. There are four houses built in good faith by long-term landowners just a few months after that date. These are good neighbors that love the island as we do, and we submit that the date in paragraph 4-C be changed to the date of the introduction of this bill, August 3, 1971.

Senator BIBLE. That is just the question I was asking. If I had waited a couple of minutes I would have had the answer August 3, 1971, you suggest as the cutoff date?

Mr. FOSTER. Yes, I think this is fair to these people. They shouldn't be penalized by picking an arbitrary date back in 1970. I am not asking for anything for me because our house has been there for a longtime.

Senator BIBLE. I understand. You don't come under the cutoff date in either event.

Mr. FOSTER. That's correct.

In paragraph 4a and b, it says that owners of improved dwellings that are retained will have their condemned property value reduced by the value of the retained dwelling, and then when the dwelling

is taken over by the Government, and this could be 25 years or 40 years or the death of the owner, the owner is compensated as if it were depreciated.

That is a dirty trick. You get less for your condemned land, pay taxes on your home, and, in effect, pay the Government rent for the privilege of living in your own home as long as you live.

Senator BIBLE. Well, that wouldn't seem fair and I am sure it isn't fair. I don't know what the implications of 4a and b are. We will ask our staff expert, Jerry Verkler, who is a very fine lawyer, to examine it and no doubt this bill needs considerable amendment and improvement and I am glad to have you call this to my attention.

I will ask of you only one question. What does a conservation easement do?

Mr. FOSTER. It is quite lengthy, sir, and I will just touch briefly on it.

Senator BIBLE. Touch briefly on it. Tell me what it does. If you set up a conservation easement on your property—

Mr. FOSTER. Well, we put it on the whole property of roughly 1,500 acres.

Senator BIBLE. What does it do to that 1,500 acres?

Mr. FOSTER. It preserves the present state of the land character by restricting all things that could possibly adversely affect it, such as the building of dwellings, any commercial activity, dumping of trash, cutting trees, excavating, dredging, spraying pesticide and herbicides, mining or quarrying, no dune buggies or motor vehicles; game control will be exercised only to the extent of keeping the animal population in balance; improved access roads shall not be paved with bituminous concrete material.

They cannot be widened. It also makes provision for nature trails for the general public and a right-of-way along the beach and a public access road so forth. There never has been a conservation easement placed on property in Georgia, our lawyers tell us, so we had to go to quite a bit of research to develop this.

There have been a few in Maryland and quite a few in Maine. It is interesting that this will be briefed at the next meeting of the American Bar Association as being one of the most comprehensive conservation easements.

Senator BIBLE. We have done this in Piscataway and at the overlook in Mount Vernon and it worked out very well there. You have how many homes on your property now?

Mr. FOSTER. Three, sir.

Senator BIBLE. Under this conservation easement concept that you are suggesting, could you build other homes?

Mr. FOSTER. No, sir, we have to abide by the easement just like everybody else does.

Senator Moss. Then you are restricted to just having three homes in that area. If one of them burns down, you could rebuild it?

Mr. FOSTER. Yes, sir.

Senator BIBLE. Is there a square foot limitation as to how large a home would be allowed if one were to burn down?

Mr. FOSTER. We said they would have to be single family residences compatible with the surrounding topography. No commercial, no motel or hotel or anything like that.

Senator BIBLE. I understand that. Well, we will study that con-

servation easement concept and we will find out from Mr. Hartzog why he objects to it, because you are saying you are perfectly willing to donate, if I understand you, correct me if I am wrong.

You are perfectly willing to donate the property subject to a conservation easement that would permit you and your family and heirs to occupy it as long as you preserve the character required in the conservation easement. Do I understand that correctly?

Mr. FOSTER. Yes, sir; that is correct. It is a little complicated because first of all, I am not asking that we held the easement. We want a conservation agency to hold it so there is no vested interest for me, but I can't give the land to the Park Service and give them the easement because it distinguishes itself if they own the easement and the land.

It is like owning land in a right-of-way. That is why there has to be a third party who will be a policeman to make them stay honest as far as this is concerned.

Senator BIBLE. Tell me this. This would involve 1,500 acres?

Mr. FOSTER. Yes, sir.

Senator BIBLE. I am not sure where the other is above the 632.

Mr. FOSTER. There are roughly 630 acres of high land here and roughly 800 some odd acres in this marshy land here.

Senator BIBLE. I see. What does that total again?

Mr. FOSTER. Between 1,400 and 1,500 acres.

Senator BIBLE. You are counting that marshland?

Mr. FOSTER. Yes, sir.

Senator BIBLE. Thank you very much and we will certainly carefully study and examine this. We will have a better feel for it again after we have gone down to take a look at it and we will look at the official position of the Park Service as to why this can't be handled through a conservation easement.

I don't know, we will find out eventually.

Mr. FOSTER. I would like to know, too.

Senator BIBLE. So would I and we will find out and let you know and the staff will be charged with that responsibility.

Mr. FOSTER. Thank you.

(The prepared statement of Mr. Foster and attachments follow:)

STATEMENT OF FRANKLIN FOSTER, BALTIMORE, MD.

Mr. Chairman and Members of the Committee:

My name is Franklin Foster and I am here in behalf of my family, who own a tract of land on Cumberland Island, known as Tract #1 North, comprised of approximately 630 acres of high land and 700 acres of marshland. The property contains three improved dwellings that have been used by members of this family over the past three generations.

This property has unique scenic and ecological features in that it is an important nesting area for shore birds, gulls, upland game birds and the green and logger head turtles. According to a report made by John Anderson, ecologist for the National Audubon Society, on March 24, 1971, ". . . the variety of habitats is a very unique feature. The property is an important wintering and migration area for birds, the fresh water ponds and marshes contain alligators, and the mammalian population is unique."

It is our desire to give this property at no cost to the taxpayers to an organization that will transfer it to the National Park Service in a way that will preserve its unique natural resources while permitting such nonconsumptive uses as education and scientific research. This will be done by a conservation easement that will protect its unique, aesthetic, scientific and ecological values without interfering with the administration of a national seashore park.

Over the past sixteen months, we have had over ten meetings with members of the National Park Service and members of the Department of Interior. We have made two field trips to Georgia to go over the property with staff personnel from the Department in an effort to work out a program that will protect the land and not interfere with the administration of the park. We developed four complete proposals, including conservation easements, warranty deeds, and grants that were approved by the Department of Interior attorneys and the staff members with whom we were working. In every case, when they were ready to be signed, the Director of the Park Service reneged.

We made a field trip to the island with the head of planning for the National Park Service, John Kauffman, George Sandberg, Land Acquisition Officer, and members of The Nature Conservancy. We jointly developed a plan that Mr. Kauffman said would not interfere with the administration of the seashore, and The Nature Conservancy felt would maintain the ecological balance of the land.

So, in a final attempt to resolve this impasse, even though this is like having the cat watch the canary, we went so far as to offer the National Park Foundation the conservation easement. Just two weeks ago, even this proposal was turned down.

Using the valuation placed on land sold to the south of us recently, the land we are offering to donate would save the taxpayers over \$9,000,000.

Our only stipulation for making this gift is that it be through a responsible conservation organization who will enforce the easements so that the land will be truly maintained as a wildlife preserve without any commercial development, concessions, or activities that would upset the ecological balance. The public would still have access through designated nature trails, bicycle trails, or horseback trails, as well as necessary rights-of-way for National Park vehicles.

Gentlemen, let me put it bluntly. Incredible as it may seem, in the past sixteen months, our family has done everything humanly possible to cooperate with the Federal Government. In spite of spending a tremendous amount of time, and having gone to great expense, we are still unable to find a way that concerned citizens can donate land for the public's good.

We are only going into this detail to illustrate why we do not have complete confidence in the good intentions of the Park Service and wish to have the conservation easement held by an outside conservation organization.

An island this size needs an area set aside as a wildlife sanctuary. It would be a national disgrace to have all of Cumberland Island desecrated the way that some other seashores have been abused.

Exempting these properties as a preserve will insure that in the future there will not be dune buggies, all terrain vehicles and campers on at least a portion of Cumberland Island.

Cumberland Island is not comparable to seashores such as Assateague and Fire Island which are located near high density population centers. There are already miles and miles of seashore available to the public at Jekyll Island, Amelia Island and Jacksonville Beach. Cumberland should be preserved for the public to enjoy, not destroy. Gentlemen, you can do this by legislative mandate that limits its development and permits wildlife and scenic preserves such as we wish to establish.

I respectfully request that Bill S-2411 be amended to permit the donation of our property to a responsible conservation organization who will transfer it to the National Park Service, subject to a conservation easement that will insure that it remains a wildlife preserve. Provision will be made along the previous recommendations as approved by Mr. Kauffman, the head of planning for the National Park Service, to see that this does not interfere with the administration of the park. We would like the privilege of maintaining or replacing our improved dwellings which we are already entitled to under the proposed legislation.

We urge the other landowners on Cumberland Island and elsewhere to join us in donating their lands to create preserves.

A copy of the suggested conservation easement, a proposed amendment, are attached to these remarks, and I request that they be made a part of the Legislative History.

There are two inequities in the legislation as it now stands. These don't affect owners of improved property. There are four houses built in good faith by us, but I believe you should consider them.

1. It is not fair to arbitrarily select February 1, 1970 as the cut-off date for long-term landowners just a few months after that date. These are good neighbors that love the island as we do, and we submit that the date in Paragraph 4-C be changed to the date of the introduction of this bill, August 3, 1971.

2. In Paragraph 4, a and b, it says that owners of improved dwellings that are retained will have their condemned property value reduced by the value of the retained dwelling, and then when the dwelling is taken over by the government, the owner is compensated as if it were depreciated. That is a dirty trick. You get less for your condemned land, pay taxes on your home, and, in effect, pay the government rent for the privilege of living in your own home as long as you live.

PROPOSED AMENDMENT TO S. 2411

Insert at the end of Section 4(d) (3) a new sub-section to be entitled Section 4(e) and to read as follows:

Section 4(e) (1) In order to provide opportunities for the establishment of scenic conservation preserves and wildlife refuges on Cumberland Island and Little Cumberland (herein 'Preserve') and notwithstanding anything to the contrary elsewhere in this Act, none of the lands within a Preserve nor any interest therein shall be acquired without the consent of the owners of a Preserve, for a period of three years from the date of enactment of this act, except as specifically otherwise provided herein.

(2) In the event that the owners of a Preserve shall have caused or permitted the recording among the appropriate land records of the county in which the Preserve is situate of an irrevocable conservation easement establishing a wildlife refuge which will maintain the ecological balance as it exists at the date of enactment of this Act in favor of the National Park Foundation, The Nature Conservancy, The Georgia Conservancy, National Audubon Society, or any other conservation organization approved by the Secretary, such easement to be applicable to all of the lands in the Preserve; the Secretary's authority to acquire any interests in lands and improved property as defined under Section 4(c) in such Preserve shall be suspended for such time as the conservation easement is in effect.

Provided, however, that no land shall be deemed to be a Preserve within the provisions of this Section 4(e) unless it consists of a contiguous tract or tracts of more than 300 acres.

Section 4(a) Line 4—Insert period after word "acquisition".

Lines 5 & 6—Delete phrase "less the fair market value on such date of the right retained by the owner."

(b) Line 19—Insert period after word "tender".

Lines 20 & 21—Delete phrase "of that portion of the right which remains unexpired on the date of termination."

(c) Line 1—Change "February 1, 1970" to "August 3, 1971".

CONSERVATION EASEMENT

1. The intent of this grant is to preserve the present state of the land character, scenic beauty, natural wild life and ecological balance, and to provide a sanctuary for natural wild life indigenous to the area. Particularly the Grantor and Grantees will, pursuant to and within the purport of the provisions stated herein, preserve and protect, by duly observing and complying with the covenants hereof, the scenic beauty of the forests, surface features and marshes, the ecological balance of the marshes and its denizens, the flora and fauna, and the nesting areas of sea turtles, shorebirds and waterfowl.

2. The restrictions hereby imposed upon the use of said property granted and retained by this deed shall prohibit the following described activities:

(a) Except as provided in sub-paragraph (m) hereunder, the construction or placing of buildings, house trailers, camping accommodations, roads, trails, utilities, signs, billboards or other advertising on or above the ground;

(b) The dumping of trash, waste, ashes, rubbish, garbage or any other unsightly or offensive materials or the changing of the topography through the placing of soil or other substance or material such as landfill;

(c) The removal, cutting or destruction of trees or shrubs, except to the extent approved by the Grantor for conservation purposes and except as to provide for firewood for use exclusively in the respective family residences;

(d) The excavation, dredging or removal of loam, soil and other material substances in such a manner as adversely to affect the natural drainage or surface;

(e) Any activities or uses detrimental to drainage, flood control, water conservation, erosion control, soil conservation, fish and wild life, or habitat preservation;

(f) Spraying of pesticides, herbicides and similar noxious material;

(g) The use of land for commercial purpose which might alter its present natural state, except that grazing animals may be permitted on the land, though the number and type of said animals must not be such as to produce overgrazing, or removal of natural grass cover so that the bare soil is exposed and subject to erosion, and no such activity (with the foregoing exception) shall be permitted, regardless of its effect on the land, without the prior written approval of the Grantor;

(h) Mining or quarrying;

(i) The operation of dunebuggies, motorcycles, all-terrain vehicles, loud and offensive recreation vehicles; and all other vehicles, except for necessary and customary service vehicles, and other such vehicles which the Grantor shall allow by written permission;

(j) Game control shall be exercised only to the extent necessary in the judgment of the Grantor to keep the animal population within the numbers consistent with the ecological balance of the area;

(k) Other activities not consistent with the intent of this Grant;

(l) Improved access roads shall not, except as to those driveways and access roads now in existence, exceed 12 feet in width or be paved with concrete or bituminous material.

(m) Notwithstanding the prior provisions hereof, the Grantor and the Grantees, their heirs and assigns, shall have the right to lease or grant rights of way and tracts of land to the National Park Service, its successors and assigns, for the following purposes:

(1) To create nature trails for use of the general public;

(2) To establish and maintain a right of way along the Atlantic beach for use by public pedestrian traffic and National Park Service maintenance vehicles.

(3) To create a public access road to be located upon and through the land granted by this Deed.

3. The Grantor shall have the right to reasonable ingress and egress to and from the lands of the Grantees, and the Grantees shall have the right to reasonable ingress and egress to and from the lands of Grantor, for the purpose of investigation of compliance with and enforcement of the covenants hereof; and, without limiting the generality hereof, to make observations of the surface, the wild life, and the natural habitat in general; to prevent trespassing and poaching; and generally to protect the natural habitat. The Grantor shall have the right to reasonable ingress and egress to and from the lands retained by this Deed, and to and from all future tracts granted by Grantees, individually and/or collectively.

4. Except to the extent herein set forth the Grantees respectively reserve all their rights appurtenant to their respective ownership of the lands referred to herein, provided, however, that grantees will close the existing airport operation to the general public when regular ferry service to and from the mainland is available.

5. The Grantor, its successors or assigns, may grant exceptions to the above restricted usage of the premises in its sole judgment for reasons of safety, forest or wild life management and convenience, provided that the essential natural character of the premises is not impaired.

6. Should circumstances so change in the future that the purpose and intent of this Grant can no longer be fulfilled by Grantor; or that the fulfillment of said purposes by Grantor would no longer be appropriate, or that the grantor can no longer retain this Grant, all in the sole judgment of the Grantor, then upon the happening of such event, upon written notice being given to the Grantees or their assigns or recorded on the land records, all the rights, privileges and easements reserved by this easement by the Grantor may be transferred to another suitable organization.

7. The owners, their heirs, successors and assigns of the land, prior to the granting of this easement, shall, if not the Grantors, have the same rights as if they were the Grantors.

8. No change shall be made in the character of the topography of the land other than that caused by the forces of nature unless the change is approved in writing in advance by the Grantor. Except for small personal gardens directly related to the occupancy, and appurtenant to the permitted buildings, no land shall be plowed or otherwise altered for cultivation.

9. To insure that the purposes of this easement be maintained, Grantor and Grantees agree that the terms of this easement may be enforced in any appropriate court by any party having interest and concern in the conservation purposes of this easement.

And the said Grantor will forever defend the right and title to the above described property unto the said Grantees against the claims of all persons whomsoever; provided, however, that said warranty of Grantor shall not apply to any of the property conveyed which lies below the low water mark on the Atlantic Ocean or on Stafford Creek, and shall not apply to any of the property conveyed which lies on or about Stafford Island.

And the said Grantor, for itself, its successors and assigns, hereby accepts the foregoing provisions and particularly the obligation and privilege to maintain and enforce the easement hereby granted.

And the said provisions hereof shall be binding upon the Grantees and their heirs, personal representatives and assigns forever, and shall bind and run with the land forever.

In witness whereof, Grantor has signed and sealed this Indenture, the day and year first above written.

Senator BIBLE. Our next witness is Mrs. McFadden, Germantown, Tenn., appearing with Mr. Russell L. Brenneman, of New London, Conn.

**STATEMENT OF RUSSELL L. BRENNEMAN, ESQ., ON BEHALF OF
MRS. BARCLAY McFADDEN, GERMANTOWN, TENN.**

Mr. BRENNEMAN. Mr. Chairman, Mrs. McFadden is the daughter of Mrs. Rockefeller, to identify her.

My name is Russell L. Brenneman. I speak on her behalf and after I am through, Mrs. McFadden would like to make some remarks on her account.

I would like to request the inclusion of my statement which I shall not summarize and perhaps elaborate on it.

Senator BIBLE. Yes.

Mr. BRENNEMAN. It may seem strange that a resident of Tennessee should call upon a law firm in Connecticut to help her in Washington, D.C., concerning a park in Georgia.

The primary reason is that our firm for the past dozen years, has been involved in environmental law and considerations of the kinds of judgments this committee has been called upon to make in connection with S. 2411.

Specifically, I am presently serving as special counsel to the Connecticut Council for Environmental Protection of the State of Connecticut and have experience in making such judgments as a representative of legislative committees and administrative agencies and as an attorney for individuals, foundations and organizations.

More importantly, my presence today emphasizes that we are dealing here with national resource. The barrier islands of Georgia are unique. Cumberland is among the last which is unspoiled.

As citizens and taxpayers, we New Englanders have an interest in what happens to this island. I would like to have our interests identified with the testimony of Mr. Voigt and Commissioner Tanner.

I would like to remark about something which Mr. Voigt was too modest to mention in his testimony. Mr. Voigt is former executive director of the Izaak Walton League and I think his remarks are worthy of special note.

While this statement is made on behalf of Mrs. McFadden, I wish to make it clear that she has asked us to evaluate S. 2411 primarily from the standpoint of the public interest after an examination of the site and much of the relevant literature.

I think the chairman's question to Commissioner Tanner regarding the thrust of the bill is the most pertinent question that has been asked today. He asked whether the thrust of the bill is for recreation or preservation.

I think it should be made clear that the thrust of the bill which you have before you is definitely in the direction of recreation. I think that if a reversal of this emphasis is to occur, amendatory language should be placed in the bill which will direct the emphasis towards preservation.

All studies indicate that Cumberland Island is an extraordinarily fragile resource. It could easily be threatened by a public use which is so extensive as to threaten the very values which now make it attractive for that use.

Much of the island is a wilderness whose ecological system has been largely unaffected by man's intrusions. This system can easily be destroyed by thoughtless overuse. We hope that this subcommittee, in the public record developed at these hearings and the report which will result, will make it clear that public use must be entirely compatible with preservation of the island.

We are encouraged that the National Park Service evidences the intention of managing the island with the care which it deserves, but we still believe that additional language should be added to the bill, as well as to the report of this subcommittee on the bill, which will direct the Park Service toward preservation.

It is evident that the Park Service is often torn between the dual directives both to provide for public recreation and to preserve natural resources. The Congress should make clear its intention that Cumberland Island be managed with a primary emphasis on preservation and to provide a unique and superlative experience in nature rather than simply another opportunity for mass recreation.

We join with the previous witnesses who expressed puzzlement about placing this island in a category, considering this bill. We have wondered whether it should be a national seashore or a national park, and we find deficiencies in both of these handles. There really isn't any handle that is suitable under your present categories and we join with Mr. Voigt in suggesting that the Congress work creatively towards recognizing a unique situation here on Cumberland Island which does not fit into past experience. The primary characteristic of this resource is that it is an island. The island is not presently connected with the mainland by any means of vehicular access, thus preserving and enhancing its quality as an island both esthetically and ecologically.

It is of critical importance that access to the island remain, as it is now, by ferry rather than by bridge, in order to preserve this

sense of separation from the mainland as well as to control the numbers of people using it.

We think without question there should be a statutory prohibition against a bridge or causeway, so that if this suggestion is revived—apparently the National Park Service does not now see merit in it, but if, subsequently, it does let it come back and seek this authority rather than making their decision as an administrative matter.

I mention in my comment to this committee that a great many people are going to be living near Cumberland Island by the year 1976. One estimate says 156 million within 1,000 miles. I think this points up the important problem we have as far as visitor control is concerned.

A question was asked earlier about how many people this resource could accommodate and I think the simple fact is we don't know what might be ecological carrying capacity of the resource. It seems proper to begin in a moderate and conservative manner so that we don't exceed this carrying capacity. If we do exceed it, we may find it difficult or perhaps impossible to get back to the conditions that existed prior to the abuse.

We suggest that the National Park Service should be required to include in its management structure for this island a continuing ecological judgment and audit in the initial design of management criteria and, in an on-going review of that criteria, make sure they are adequate to protect the resource.

In order to assure sensible management policy from this standpoint, we urge upon you that instead of the kind of commission contemplated by section 7 of the bill before you, that Congress instead should legislate the creation of a Cumberland Island National Seashore Advisory Commission which is composed of scientists having special knowledge of the effect of development and use upon the national environment and we further urge that this commission should be able to make its own evaluation and consult with the Secretary or Director of the Park Service on its own initiative rather than having the Secretary call the meetings for consultation.

To the same objective, the Congress, in our judgment, should require that, except for certain portions of the island deemed especially adaptable for recreational use, the remainder should be permanently preserved as a primitive wilderness. We request therefore, the inclusion in this bill of further language in the customary form requiring a wilderness study to determine if any part of this island qualifies for inclusion under the Wilderness Act.

Speaking for Mrs. McFadden, I close with a special word about the rights of the present property owners under the bill. The record is clear that the cost of this enterprise will be substantial and the rights of present owners will be significantly curtailed.

Perhaps in some degree both of these effects are necessary, but I urge upon you consideration of whether these costs might in some degree be reduced and the rights of owners in some degree protected by instructing the Secretary to attempt to accomplish his purpose by the acquisition of conservation easements or other less-than-fee interest in land to control development or obtain rights of passage or use.

If this idea has merit, it should be spelled out in the bill.

Senator BIBLE. You heard the preceding witness, Mr. Foster, who somehow or other is related to your client, I guess. I didn't follow that complicated relationship but there appeared to be some. Have you ever read his conservation easement?

Mr. BRENNEMAN. No; but I have written a book on conservation easements so I am familiar with their use.

Senator BIBLE. Maybe he improved on your book.

Mr. BRENNEMAN. It would not be difficult.

Senator BIBLE. That seems to be one of the suggestions you are making to handling this problem; isn't that what you are saying?

Mr. BRENNEMAN. Yes.

Senator BIBLE. Let me ask you this; Mrs. Rockefeller has 300 acres. She had four children and your client is going to receive one-fourth of 300 acres? That is 75 acres.

Mr. BRENNEMAN. She has received it.

Senator BIBLE. And that's within the green zone up there?

Mr. BRENNEMAN. Yes, sir.

Senator BIBLE. Is that on the ocean side?

Mr. BRENNEMAN. It runs through the island, Mr. Chairman.

Senator BIBLE. I see; it runs east and west. Is there anything on that 75 acres?

Mr. BRENNEMAN. Yes; there is a residence which qualifies as having been constructed prior to February 1, 1970. There is a residence on that.

Senator BIBLE. That's Mrs. McFadden's residence?

Mr. BRENNEMAN. Yes, sir.

Senator BIBLE. Is that a summer home or year-round?

Mr. BRENNEMAN. I think you would call it a second home. It is visited throughout the year.

Senator BIBLE. Pretty much the same as your mother?

Mrs. MCFADDEN. Yes.

Senator BIBLE. But I want the record to reflect that each of these run east and west; is that right, Mrs. McFadden?

Mrs. MCFADDEN. Right.

Senator BIBLE. I wish you would examine that easement. There might be great merit in what you are saying here, actually, Mr. Brenneman.

Did you get involved in that Connecticut River Historic Waterways, at all because that involved a lot of scenic easement problems and our attempt there was to create something that you might call a cultural park where the main thrust was preservation rather than recreation and flooding the area with too many people.

Fundamentally, that's what every witness said here today, as I gather.

Mr. BRENNEMAN. This is so but I might say, Mr. Chairman, that the Connecticut River situation with which I am familiar, does not—seems to me to be much more complex than the Cumberland Island problem.

I think, really, the people interested in public policy, the owners and the people who know something about the ecology are essentially in agreement today that this should be saved or there is no sense in our talking to one another about it.

It will be destroyed by too much use.

Senator BIBLE. I think that has been pretty well underscored by practically all the witnesses who talked. I am not quite clear on Mr. Hartzog's own position. I don't know whether he wants to preserve it or whether he wants to make it a recreation facility.

I think the two become pretty largely compatible if this is the ecological area that you claim it is, but in any event, that's one thing we have to wrestle with as we go along.

Mr. BRENNEMAN. If I could add a thought, Mr. Chairman.

As I indicated, I represent the bureaucracy in Connecticut and I have also been involved with this question of scenic easements and conservation easements for perhaps 10 years. I am aware of the reluctance of administrators to accept the idea of having and managing less than the whole fee interest in land.

But I have felt, as a result of experience, that oftentimes this attitude on the part of the administrator is simply a result of his desire for administrative tidiness and I think administrative tidiness should not be the reason for failing to look into the use of easements, the use of more subtle arrangements than ownership and acquisition of the fee involved.

I certainly hope this committee would urge this upon the Secretary.

Senator BIBLE. Well, this committee will study it very carefully because you have a unique situation here and what fits one area of the country, out my way where we have vast acreages, will not be applicable to a region where you have the fragile ecology.

I think you have to consider that if you are going to preserve it, because it doesn't do much good to acquire it for thousands of dollars and then over-use the area and perhaps ruin it. That will probably be the bone of contention as we move forward on this project.

I appreciate your statement, Mrs. McFadden, all of your appendages will be made part of the record at this point and we will be very happy to hear from you.

(The material referred to follows:)

APPENDIX "A"

PROPOSED AMENDMENT TO S. 2411

Page 1, line 3

Insert after the word "for" the words "the preservation and".

Page 1, line 5

Insert after the words "United States" the words "that remain undeveloped".

Page 2, line 12

After the word "agency" add:

"Except where acquisition of the full title to land is required for preservation or recreation purposes the Secretary shall make every effort to accomplish such purposes by the acquisition of easements or other less-than-fee interests in land to control development or obtain rights of passage or use."

Page 7, line 4

After the word "Act." add the following:

"Except for certain portions of the area deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area."

Page 7, line 10

Delete word "as" and lines 11 through 22 and substitute the following:
 "who shall be physical or biological scientists, possessing special knowledge and educational qualifications enabling them to judge the effect of man's activities upon the natural environment."

Page 8, Line 8

Delete subparagraph (e) and substitute the following:
 "(e) The Commission shall consult with the Secretary or his designee on a continuing basis, with respect to matters relating to the planning, use, management and preservation of the seashore."

Mrs. McFADDEN. I hate to keep on saying what you have already heard before about preserving the island but I am just going to read a few things.

Senator BIBLE. Proceed any way you like.

Mrs. McFADDEN. All right. My interest here today is two-fold. First of all, we want to be very sure Cumberland Island continues to be preserved in its present natural state as my own family has done for the past four generations and number two, naturally, I do not want to be condemned.

I truly believe most of us here today are of the same accord, to perpetuate that which makes Cumberland unique. Otherwise, there would be no point in creating a national park, nothing to preserve and nothing for the public to see and experience.

What is our main concern is in too many people. This must be controlled and only you can do it by writing the intent into this bill so clearly and strongly that no future administration can possibly misinterpret it.

First there must never be a bridge or causeway as Mr. Tanner and several other people have already mentioned and I personally would love to see this in writing.

Secondly, the number of people must be strictly controlled and I also wish you could spell this out. The park is suggested for 10,000 people a day, biking, hiking, swimming and yes, unfortunately, littering.

It will be the end of the marsh and migratory bird including the wood ibis which now roosts there. The sea turtles will no longer come ashore to lay their eggs and the raccoons, wild horses, pigs and deer will not even be seen by the public.

Also, the fish life will suffer. And yet no one has mentioned the onslaught of small pleasure craft arriving from all directions the moment the island becomes available for public use and they are already landing there now saying they thought the island was a national park.

Senator BIBLE. What would happen if I had a boat and came down there almost any time of the year, a year or two ago? I could still land there, couldn't I? Would there have been somebody there to chase me off the island?

Mrs. McFADDEN. Let me explain a little more. What if everybody who has a little boat comes?

Senator BIBLE. I don't know how you stop that, whether you own it or your mother owns it or the National Foundation owns it.

How do you control it? You have the National Foundation owning roughly two-thirds of this area, what if the boats come there now, what do you do?

Mrs. McFADDEN. I think it is going to be a huge problem.

Senator BIBLE. Well, it is a huge problem right now.

Mrs. McFADDEN. People know it is a private island right now and they haven't been landing but the minute it belongs to them, they are going to come on over. I don't blame them, I would too.

Senator BIBLE. Two-thirds of it is really owned by a public foundation. I'm not trying to confuse you. I am just trying to find guidance as to how we work out a problem that is very difficult.

Mrs. McFADDEN. From the figures I can gather, this is just in Florida, there are 600 registered small craft at our nearest port. In Jacksonville, there are 12,000. This doesn't mention St. Mary's, Woodbine, Cabin Bluff, Brunswick, and St. Simons and all of these towns are within a few hours of Cumberland.

So in all of Georgia, the Clerk in the County Office says there are 112,000 licensed small pleasure craft and I would imagine most of these are on the coastline.

If on a lovely May day, 10 percent of all these boats came over with only two people on each boat there would be already 25,000 people wandering around the island and if four people came it makes 50,000. I don't know what the solution is.

To make it even worse, how do most of the boats approach Cumberland, mostly through the marshland. This is considered the uterus of marine life. This is where all the food is grown to nourish the fish.

Things like this worry me and the true preservation and wisdom of making Cumberland Island a public recreation ground too quickly and without proper study. I frankly believe if an ecologist had been advising the Park, this kind of problem would have been thought of. Therefore, I suggest a qualified ecologist conservationist, natural and marine biologist on the commission.

I refer to page 7, line 5. My second reason for being here is personal. I do not want to be condemned. The members of my family who sold to the Park did so for monetary reasons. Why should I be penalized because I chose to hold land instead of choosing short-term financial gain?

It still doesn't make sense to me and I wish you would explain it. Gentlemen, it may be felt that I am simply a stubborn woman here to hold an inherited privilege against the claims of public interest.

I sincerely have searched my conscience on this question and I want to leave this thought with you before I go. It is quite true that I inherited something precious in my property but I believe private interest and the real public interest are not in conflict here and for this reason.

What is precious and unique in Cumberland Island is its wilderness. This is what makes it precious to the people in the country as well as to me. I have no quarrel whatsoever with the idea of a national park, with the idea that those who love nature should see Cumberland.

But unlimited public access to this small area would soon destroy what is truly irreplaceable. We have seen it happen all too often in this country, please not here.

Senator BIBLE. I think that's an unusually fine statement and I understand what you are saying clearly. I am still puzzled by what

you do with all these boats, however, when this island becomes public property, we will examine this problem carefully.

If I am running around there in the motor boat, I assume I can land there any place on the National Park Foundation and you are not going to be able to stop me from landing my boat. Maybe there will be too many boats and then we will have an additional problem.

Mrs. McFADDEN. That's what scares me about having too many people there.

Senator BIBLE. I understand the people problem. I don't understand the boat problem. If they are all out there boating you get x number of boats landing on the island. I don't suppose it would be possible to effectively patrol the shoreline to keep you off, I don't know.

I need my easement expert to tell me about that. I think that's one of the real practical problems you face. I understand what you are saying and I think I understand it very well. You want this region preserved and you don't want the ecology disturbed because it is a fragile area and you don't want too many people on it.

Of course, you can't have a recreation area that you advertise worldwide and have complete preservation on Cumberland. So you have to determine whether the preservation comes first or recreation.

It seems to me that these two concepts are somewhat incompatible. Again this is our problem.

Tell me this. In the case of your own family, if the National Park Foundation were to acquire this, if I understand you correctly, you would have your home there for your lifetime and the lifetime of your children.

Mrs. McFADDEN. No, they are going to condemn me. I have chosen not to sell to the National Park Foundation.

Senator BIBLE. I understand that. But assuming you had chosen to sell or donate to the National Park Foundation, I am not faulting your decision, it is your property to do whatever you want with, we know that.

But if you were to donate it to the National Park Foundation, the assurance that you could stay there for your lifetime and for your children's lifetime still isn't sufficient to satisfy you, is that right?

You want a longer tenure than 60 or 70 or 80 years?

Mrs. McFADDEN. Yes.

Senator BIBLE. You have a lot of years left in your life and your children have another 80 or 90, they look like good stock, so there might be another 100 years ahead of you.

Mrs. McFADDEN. The Foundation position was my lifetime or 40 years.

Senator BIBLE. I understood some witness to say you did have a choice that you could take it for your lifetime plus the lifetime of your children.

Mrs. McFADDEN. That is not my understanding. I have a 5-year-old child, that means he is out at 45. I am 45 today. I plan to use it for another 40 years, hopefully.

Senator BIBLE. Well, that was not my understanding. We will find out. I thought they said you could make an election. You could have it for your lifetime and the lifetime of your children. If that is true, that would be—you say your youngest child is how old?

Mrs. McFADDEN. Five.

Senator BIBLE. Well, if that child were to live until 90 or 95, that would be a long tenure. But I may not understand the easement correctly and I will try to clear it up.

You have been a very helpful witness and I understand your position clearly. Thank you very much.

Our next witness is Herbert B. Powell, president of the Little Cumberland Island Homes Association. General, you may proceed.

STATEMENT OF GEN. HERBERT B. POWELL, PRESIDENT, LITTLE CUMBERLAND ISLAND HOMES ASSOCIATION, ACCOMPANIED BY JOSEPH OLIVER, ATTORNEY; NEIL JUDD, CHAIRMAN OF THE BOARD, LITTLE CUMBERLAND ISLAND ASSOCIATION

General POWELL. Allow us to express our appreciation for the privilege of appearing before you to discuss this important legislation now before you, and to make a few observations regarding the measure as now drafted.

We support the concept of the Cumberland National Seashore. We also urgently recommend the continuation of our voluntary private action in preserving the natural state of Little Cumberland Island.

We submit that the job of preservation of our environment, and the wise use of our national resources, is an effort that must include the people in private endeavor because it cannot be done by Government alone.

Our association has been operating a private conservation effort, together with a carefully regulated and limited homesite situation on Little Cumberland Island for over 10 years, and is proud of its results.

In these circumstances, and in view of the provisions of the bill applying to Little Cumberland Island, we feel that it will be helpful to the committee for us to explain our operation and to make some recommendations from our point of view.

Mr. Richard Pough, noted conservationist, and one of our early members, stated our philosophy as follows:

The ownership of an area like Little Cumberland Island should be viewed in the nature of a trust. A trust for coming generations who will be living in a far more crowded world where fewer and fewer forms of nature will remain undisturbed. You can leave no finer inheritance than an opportunity to enjoy this lovely island unmarred by the heavy hand of man.

Back in 1965, our organization was amended to the present Little Cumberland Island Homes Association and incorporated under the laws of Georgia. The corporation is not engaging in business. The operating philosophy and intent is set forth in the amended charter filed with the Secretary of State of Georgia in the following language:

Whereas, it has at all time been the primary purpose and intent of the incorporators and stockholders of this corporation, that its Camden County, Georgia, real estate consisting of Little Cumberland Island, be held, owned, and maintained in its natural state, including wildlife preservation, with provision for use of a portion thereof as homesites for its stockholders, all being, however, primarily concerned with nature conservation.

In implementing our philosophy, all activities are conducted in a way to do the least possible violence to the natural condition of the

island. No golf courses, tennis courts, aircraft landing strips, or metalled roads have been built.

Access to island areas is by trail and light aircraft land on the beach. No automobiles as such are on the island, vehicles are of the utility type.

With the exception of passing Indians, ancient pirates, some itinerant newly freed slaves, and the lighthouse keepers and their families, the island has been virtually free of the human element until the advent of the Little Cumberland Island Association stewardship.

Since Little Cumberland Island has been maintained as a wildlife refuge for years, with all hunting prohibited, wildlife abounds. Bird life includes water fowl, waders and more than 100 other species.

A migration path passes over the island and the annual bird population has been estimated in the hundreds of thousands. Animals include a high deer population, otters, mink, raccoons, and pigs.

Also, salt water fish, shellfish, and alligators are plentiful. Loggerhead turtles make the island a principal nesting place. Since 1964, we have been assisting this species, which has been threatened with extinction, in nesting and hatching on the island.

The threat to these turtles has been from egg poachers, from raccoons, sand crabs, and wild pigs, all of whom eat either the eggs or the newly hatched young.

Since 1964, this project has been subsidized, first by Mrs. Robert R. Meigs, one of our Philadelphia members, and since her death by our membership at large.

From late May to September, the turtles crawl up on the beach at night, and lay their eggs. College students are employed to pick up the eggs as soon as they are laid and bury them in a hatchery which is surrounded by an electrified fence to keep out the predators.

In 8 years of operation, over 70,000 young turtles have been hatched and returned to the sea. The mother turtles, often weighing several hundred pounds and measuring up to 6 feet in length, are tagged with a number and a careful record is made of the time, location and number of eggs laid.

Subsequent visits by the turtles are made of record. This data is now at the University of Georgia and the work of analysis and publication is now going forward under the supervision of our scientific adviser, Dr. Michael W. Dix, association professor of the Department of Zoology.

Mr. Chairman, we have here today in the room, the young student who will be in charge of this operation during the coming year and who has worked there before. His name is Mr. Will Dix, the younger brother of our scientific adviser.

Senator BIBLE. Yes, I had the pleasure of meeting him just as we broke up for lunch. Happy to see you.

General POWELL. Mr. Chairman, permit me to emphasize our close and mutually profitable relationship with the University of Georgia in our conservation and scientific activities. We encourage serious scholarly and scientific activities and the island has unique and invaluable resources for such purposes, as long as its use is kept on a severely limited basis, because overuse would destroy many essential values.

Studies have been, or are being made, on such subjects as the composition of the bird population, the interaction of the dunes and fresh

water ponds on the environment, the composition and diet of marine life in the ponds, the diet and migration of the raccoon population, and the meaning of ancient pottery fragments.

In a number of cases, these studies will be used in doctoral dissertations at the University of Georgia.

We are proud of all of this activity. We are not only preserving an irreplaceable natural environment, conserving wildlife, conducting interesting and worthwhile scientific activity, but we are training young people in technical skill, responsibility and educational growth.

Our association, at its own expense, has restored the Little Cumberland Lighthouse on the north end of the island, as an historical monument. This lighthouse, built and first lighted in 1838 as a fixed white light of the third order, visible 14 miles at sea, is an interesting example of the Pharology of the period.

The light was used until 1915 when it was discontinued, and the property was sold by the Government in 1923. During the war between the States, the lighthouse was used by both the Union and Confederate forces and the keepers went freely through the opposing forces even though the U.S. Navy was blockading the coast.

Mr. Chairman, to our knowledge, the Government has never shown a need to acquire Little Cumberland Island under the legislation now before you.

However, our objectives are so nearly identical with those of the Department of Interior in the area of preservation of natural areas, that at some future date we might come to a mutual understanding involving an accommodation which would include permanent assurance that the objectives of our association would not change and that the policy of the Government would permanently exclude the public from Little Cumberland Island and not allow it to be trampled underfoot as some national park areas have been.

We have, in fact, had detailed conversations with the National Park Service to explore the possible provisions of a scenic easement arrangement.

At this point, it would seem to be useful to the committee to describe the topography of Little Cumberland Island and briefly summarize the organization of the Little Cumberland Island Homes Association and its history.

Little Cumberland Island lies within Camden County, Ga. It is bounded on the north by St. Andrew Sound, on the east by the Atlantic Ocean and Cumberland Inlet, on the south by Christmas and Half Tide Creeks, and on the west by the Cumberland River, the Intracoastal Waterway.

Mr. Chairman, it is the white part of the map you have reviewed. It is a nearly detached, and separate entity, and has been so shown on official records since the time of the Crown Colony of Georgia.

The island comprises about $3\frac{1}{2}$ square miles with approximate acreage as follows: highland—1,289 acres; salt marshland—1,008 acres; total—2,297 acres.

The island beaches are backed by giant sand dunes which approach heights of 50 feet on the extreme north. The shoreline inland from the dunes is covered with virgin forest which contains giant pines, live oaks, magnolias, hollies, palmettos, and other vegetation, all of which has been carefully protected.

The island has never been logged off, had a plow put to its surface, or developed commercially. It is as nearly in the same natural state as it was hundreds of years ago, as we can maintain it.

At the present time, there are 16 cottages on the island and five more are under construction. In addition, there are a half-dozen other structures used in island administration. All have been carefully controlled to prevent damage to the natural state of the island and its appearance.

Our covenants and restrictions provide that no building, fence or structure can be erected without approval of our land and planning committee. Not only are the specifications approved, but the precise location with regard to the topography is controlled.

Only single family dwellings solely for residential purposes, one to a site, of not less than 2 acres are allowed. In addition, policies require that no structure be visible from the shore line, no house can be seen from another or rise above the tree line, and that all structures must be of a color and material to blend into the landscape.

The usual covenant restrictions prohibiting unclean and unsightly conditions, and requirements for septic tanks and sanitary practices are included. No tree more than 6 inches in diameter may be removed.

Little Cumberland Island is owned in fee simple without encumbrance by the Little Cumberland Island Home Association. This is a Georgia Corporation which holds a certified title to the island which traces back to a Crown grant from King George III, dated January 6, 1767.

The original of this Crown Grant is written with a quill pen and is on file in the Surveyor General's Department, of the Georgia State Archives in Atlanta. I offer a transcription of this interesting and important document for the record.

Senator BIBLE. We would be very happy to have that and we will incorporate it in the record.

(The document referred is in the appendix.)

General POWELL. A small group of men purchased Little Cumberland Island in 1960 for the purpose of establishing—in a salt water retreat location—a club-type community for part-time or retired home owners, who would live on and enjoy the island without destroying the beauty.

To liquidate the purchase price and establish the community it was necessary to recruit about 50 members who would buy \$10,000 worth of stock and a \$2,000 building site. Without facilities permitting the building of cottages, progress was slow, and some new members were more interested in a commercial development than a club-type community.

By 1962, the finances were not in condition to take care of the interest and mortgage payments. Foreclosure was a distinct possibility. It was suggested that conservationists might appreciate the island and invest in it if given the assurance that a lot of money would not be spent for improvements.

This suggestion was followed and proper financing obtained. The commercial development threat had been met by our own members. No one is more opposed to the commercial development of the island than we are.

The original organization had been chartered under the name of Southeastern Properties, Inc. It was decided that a home owners

association was a more proper organization for the objectives of the members and in 1965, the charter was amended to change the name to The Little Cumberland Island Home Owners Association and it was incorporated in Georgia with the purposes officially filed with the secretary of state of Georgia that I have already quoted.

Five thousand shares of stock have been sold at no par value and are held by 65 stockholders, counting jointly owned shares as one member. Each stockholder must own a building site of 2 acres for each 50 shares of stock.

Eleven directors are elected at annual meetings of the stockholders to serve staggered 3-year terms. The directors in turn elect the officers for 1-year terms. All officers and directors serve without compensation.

Only 200 acres out of the total of 2,297 have been set aside for a maximum of 100 building sites, but it is improbable that that total will ever be reached since many of our members are interested only in conservation of the island.

Real estate taxes are paid to the State of Georgia and to Camden County by both the corporation and by individual member land-owners.

Mr. Chairman, I submit for the record a copy of our covenants and restrictions, bylaws, and amendment to the charter of Southeastern Properties, Inc., which cover the matters I have explained.

Senator BIBLE. That will be incorporated in the record.

(The material referred to is in the appendix.)

General POWELL. Mr. Chairman, we appreciate the interest and patience of the committee in hearing us. We would now beg you to allow us to make some observations on S. 2411, the measure before you, as now drafted.

May we ask your attention to the provisions of the bill in regard to acquisition of improved property in the event of a takeover of our island. Section 4(c), pages 4 and 5, defines improved property as a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970.

Four of our members started construction after that date and other building for members is about to begin or is planned. We recognize that the Government must be protected from speculators, but our members in full compliance with our tight restrictions, have or will in good faith, build on their own land for their own use.

The provisions of the bill as now written, we believe, would deprive these members of their property without due process and compensation for the building. We ask that this provision be stricken from the measure.

Also, we would like to see our investment of money, effort and dedication in maintaining Little Cumberland Island in its natural state recognized.

Section 4(d)(1), page 5 reads: "in order to provide an opportunity for the establishment of a natural scenic preserve by private voluntary action." We suggest that instead it read: "In order to provide the opportunity for the perpetuation of a natural and scenic preserve which has been established by voluntary private action."

Likewise, section 4(d)(2), page 5, beginning on line 21 which reads: "in the judgment of the Secretary provides for the protection of the resources in a manner consistent with the purposes of which

the seashore was established." should read: "in the judgment of the Secretary provides for the resources in a manner which is consistent with the purposes for which the existing program on Little Cumberland Island was established."

And finally, Mr. Chairman, we find no specific commitment or statement of policy by the Government in the bill, that the existing natural condition of Little Cumberland Island will be preserved, or that the general public will be excluded. In the absence of such a guarantee, the island could be doomed to overuse.

In closing, I would like to express, Mr. Chairman, our appreciation for the courtesy and helpfulness of Senator Herman E. Talmadge and his staff in this matter.

I would also like to thank Mr. George B. Hartzog, Jr., the Director of the National Park Service and his staff for uniform helpfulness and courtesy during our many contacts in the course of the past year.

Mr. Chairman, we thank you for your time and will try to answer any questions.

Senator BIBLE. That is a very fine statement. How many homes are there actually in your association now?

General POWELL. There are 16 cottages in a completed condition and five more under construction.

Senator BIBLE. Sixteen plus the five. I think that dovetails with the testimony that was given by the Department witnesses this morning.

General POWELL. Yes, sir.

Senator BIBLE. Fine, I appreciate your appearance here today. Did the people with you have anything they wanted to add? No, I guess not. Thank you very much, General, and I look forward to seeing you over the weekend.

General POWELL. We will welcome you.

Senator BIBLE. Now, I have Mr. William Griffin next and Mr. Jonas V. Morris of the National Parks and Conservation Association. We will put Mr. Morris at the bottom of the list and if we don't hear from you today, we will get to you Monday but I want to accommodate these people from Georgia.

I guess it is Mr. Thornton W. Morris, since he has the early flight. With the approval of the other people, I think they will agree in a neighborly spirit to permit you to be next so that you won't miss your airplane.

Then we will go to the two Georgia witnesses and then Mr. Morris of the National Parks and Conservation Association.

STATEMENT OF PUTNAM B. McDOWELL, PITTSBURGH, PA., ACCOMPANIED BY MRS. LUCY R. FERGUSON, AND THORNTON W. MORRIS

Mr. McDOWELL. Mr. Chairman, I am Putnam McDowell and I will start off if I may.

We certainly thank you for putting us ahead on this schedule so we can get away.

My name is Putnam B. McDowell, 2,000 Grant Building, Pittsburgh, Pa. and this is Thornton W. Morris, attorney at law, 1300 Fulton National Bank Building, Atlanta, Ga., and we are here

representing my mother-in-law, Mrs. Lucy R. Ferguson of Cumberland Island, Ga.

Mrs. Ferguson is the granddaughter of Thomas M. and Lucy C. Carnegie and has lived all of her life on Cumberland where she raised her own four children.

She and her four children own approximately 1,100 acres of high ground and 500 of marsh. Mrs. Ferguson is here today and would be happy to answer any questions which might be directed to her.

I would like to review with you a short history of the Carnegie family's ownership of Cumberland Island and then to discuss specifically certain provisions of the pending legislation.

Cumberland Island, located off the southern coast of Georgia, lies directly north of the Georgia/Florida line and most of the island has been owned by the Carnegie family for five generations.

During the 1880's, Thomas Morrison Carnegie—brother and partner of Andrew Carnegie—and his wife, Lucy Coleman Carnegie, visited Cumberland Island, decided upon the island as a home, and began purchasing available land and built a home.

Thomas' brother Andrew owned no Cumberland property at any time. Thomas Carnegie died very young and his widow continued her buying program and enlarged her home, Dungeness, on the southern end of the island. She used Cumberland Island as a home in which to raise her nine children. She died in September, 1916.

Upon the death of Mrs. Carnegie, ownership of Cumberland Island went into a trust established under her will and was administered first by family members and later by banks.

In 1959, the trust was dissolved and the property vested into the five main Carnegie family groups as tenants-in-common. The island was administered by the family-owned Cumberland Island Company from 1959 until 1965. In 1965, the island was partitioned into tracts for each part of the family.

Cumberland for the Carnegies, has not been a vacation home or a winter home. This has been a full-time home at the beginning, at first for all of the family and even today for Mrs. Ferguson and one of her children and even a grandchild.

The Carnegie ownership of Cumberland Island since 1880 has been designed to hold the island as a wilderness preserve. The overriding concern of the family has been the protection of the land, and not uncontrolled commercial exploitation. Without that careful ownership, it is doubtful that a national seashore could ever have been considered.

During the term of the Carnegie ownership, three main houses were built on Cumberland Island in addition to Dungeness. One, Plum Orchard is presently owned by the National Park Foundation. Another is Greyfield, built by Margaret Carnegie Ricketson, mother of Lucy Ferguson, who has made her home at Greyfield for more than 70 years until recently when she moved to a smaller house.

Greyfield is run by Mrs. Ferguson's son as a small inn for members of the family and others who are interested in Cumberland.

I believe you are scheduled to have a meal at Greyfield during your visit.

Mrs. Ferguson, whose age is 72, has been active in Camden County and State of Georgia affairs through most of her lifetime. Her hus-

band, the late Robert W. Ferguson, served several terms in the Georgia Legislature.

Mrs. Ferguson has raised cattle, horses, hogs, and poultry on the island for more than 40 years as an income-producing activity. Her farming operation in which she participates personally on a daily basis is centered on her 1,000-acre tract in the center of Cumberland.

Mrs. Ferguson feels that the bill should make clearer the intent of Congress to maintain Cumberland's remote and unique character and in particular to prohibit the construction of a causeway.

Mr. Chairman, it is certainly our view that the dominant theme of the present bill is recreation and not otherwise.

A direct link between the island and the mainland will be disastrous for the essential character of Cumberland. Others such as the Georgia Natural Areas Council and SAVE—Save America's Vital Environment—will in all likelihood submit specific proposals in regard to these matters and Mrs. Ferguson endorses their efforts in this regard.

We would also like to commend the State of Georgia for the forthright stand on these matters which was expressed by Mr. Tanner this morning.

Mrs. Ferguson has specific questions about section 4(a) regarding the term any owner or owners. In 1968, Mrs. Ferguson transferred all of her holdings on Cumberland Island to Greyfield Land Corporation. This included both her houses and adjoining buildings as well as the land upon which they are located.

The purpose of this transfer was to establish an estate planning vehicle and to transfer partial ownership of the land to her children. The overall purpose was to hold the land as one tract and not have such a large holding split up.

It was felt by the Ferguson family that one corporate owner of all of their Cumberland Island properties would be preferable to fragmented ownership. By that I mean preferable for the family and preferable for the National Park Service in later years.

Senator BIBLE. What is the total acreage held by the Greyfield Land Corporation as of today?

Mr. McDOWELL. 1,100 acres of high ground and 500 of marsh in two separate tracts.

Senator BIBLE. That entire acreage is the highland and the other land is all held in the title of the Greyfield Land Corporation?

Mr. MORRIS. It looks like it is half of the yellow at the top and half at the bottom. It is half of the yellow here, the southern half of this yellow tract right here and the southern half of this yellow tract right here.

Senator BIBLE. And when you consider those together, that constitutes the Greyfield Land Corporation holdings?

Mr. MORRIS. Yes, sir.

Senator BIBLE. How many homes are on there at the present time?

Mr. MORRIS. There is a Greyfield House right here where you will have lunch on Saturday and an adjoining building to that which you will see and Mrs. Ferguson's present home right here which has the one main house and adjoining barn and servants' quarters.

Senator BIBLE. Very well.

Mr. McDOWELL. With respect to this particular language, in a conference between Mr. Morris and Mr. Stuckey, I understand Mr. Morris was informed that the term "any owner or owners" was meant to include stockholders in a family corporation, such as Greyfield Land Corporation.

Further, it has been our understanding that retention rights as provided in the bill, would be available to shareholders of the corporation rather than to the corporation itself. By this I mean that the governing lives, or the definite term of years as the case may be, would be based upon the lives of the shareholders of the corporation.

Senator BIBLE. Well, what is that in the case of this land corporation, the Greyfield Land Corporation? What is your understanding of the total tenure?

Mr. McDOWELL. Under the present bill?

Senator BIBLE. Yes, what is your understanding of it?

Mr. McDOWELL. It is not clear to us whether the shareholders of the corporation would be entitled to retention rights and that's the issue we are raising now.

Senator BIBLE. And you think the present shareholders should be entitled to retention rights extending for how long a period of time?

Mr. McDOWELL. If I may, I am going to come to that subject in a moment on the question of the 25 years versus 40 years.

Senator BIBLE. Yes. There are so many misunderstandings when you are developing a bill and I always try to do my best to clarify the misinterpretations so you know what the bill is. I am frank to say I am a little confused about the contents of the bill myself.

I just want you to tell me what you understand it to be and what you think it should be.

Mr. McDOWELL. I will speak to that in just a moment.

Senator BIBLE. You may proceed.

Mr. McDOWELL. We would like to see a clarification of this language in the bill to verify whether the thinking of Congress on this matter is as we understand it and we have submitted suggested language which the committee may wish to consider, and which Mr. Morris can comment on further.

In response to the recommendation of the Department of Interior to amend the bill in certain respects, Mrs. Ferguson opposes the deletion of the agricultural exception and the reduction of the term of years from 40 to 25 years.

So far as the 25-year provision is concerned, this would unfairly discriminate against those who sell property after the passage of the bill and would have the following result. The owners who have sold to the National Park Foundation have obtained, as you know, generally 40-year retention rights.

Senator BIBLE. Am I in error then that the National Park Foundation, in acquiring the property within the brown area, did not stipulate 40 years plus the life of the youngest child? Forty years was one option, was there an alternate option of lifetime of the owner plus the issue of the child?

Mr. McDOWELL. Let me ask Mr. Morris to explain that. He has represented a number of owners who have sold property to the National Park Service.

Senator BIBLE. Because I have been handed details on the Cumberland Island acquisitions and it appears to me it runs both ways. Some of these total 40 years, others involving Henry Carter Carnegie as an example, as a life estate including his children.

Another 7½ acres had a 40-year option. Here is 80 acres for a life estate for beneficial owners ending upon the death of each and every beneficial owner. So apparently they have gone both ways and I suppose this is the answer.

Mr. MORRIS. Yes, in the past it has been handled either way. Either through the life estate or permanent years. When it was handled for permanent years, it was for a 40-year period. That's the point Mr. McDowell is trying to make.

Senator BIBLE. Did I have the option of taking it for my life and the life of my children?

Mr. MORRIS. I think in some cases that was the case, yes.

Senator BIBLE. This seems to say that. That is all I am trying to develop because in discussing this with Mrs. McFadden a few minutes ago, I told her I thought that's the way I understood it. I guess it was an option, I could either take 40-year terms or a lifetime plus the life of my children.

Mr. MORRIS. I think that may have been based upon a particular transaction.

Senator BIBLE. Yes, I have a whole list of them here. Some of them seem to be 40 years flat term and some seem to be my life plus the life of the children.

Mr. MORRIS. That is a definite time. The recommendation for Interior to reduce that to 25 years would be unreasonable.

Senator BIBLE. What is your feeling as to the option the Park Foundation engaged in? In other words, they gave you a choice, either 40 years or your life plus the life of your spouse and children. Is that built into the present bill or is it just the flat 40 years?

Mr. MORRIS. It has the option of the life estate or 40 years.

Mr. McDOWELL. That's life estate for the owner, I believe.

Senator BIBLE. But just for the owner—

Mr. MORRIS. That's right, just for the owner.

Senator BIBLE. All right, you may proceed.

Mr. McDOWELL. Most of those who sold to the Park Service sold for a variety of reasons, including economic reasons, and included among them is the developer who we rejected and sent away with his tail between his legs.

He would have a 40-year retention right while Lucy R. Ferguson and her children, who are third and fourth generation residents of Cumberland, would get only 25 years. I submit that this would be unfair and recommend that the bill retain the proposed 40-year provisions.

Mrs. Ferguson feels that the agricultural exception should remain in the bill, as it is not inconsistent with the activities of the National Park Service on Cumberland, and this is her full-time occupation.

May I add in response to the discussion on this matter this morning, that Mr. Morris and I would like to propose an amendment to provide that land which is under agricultural use not be subject to condemnation.

We do not have suggested language on this, but Mr. Morris would be glad to go into this with the committee.

Senator BIBLE. You can furnish that language whenever you want. It will take some time to perfect this record. There's a number of questions that must be answered. So you will have plenty of time to do that.

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

Senator BIBLE. Maybe the national seashore is a model in that respect. I have said it many times, they permitted farming side by side at Point Reyes and it is not incompatible. The way that was written, if I recall it, is that the dairy farmer could continue his farming as long as he didn't change that use.

He couldn't take it and build high-rise apartments, for example. As long as he raised cattle and produced milk and cream, that was all that was required.

Maybe something like that would be adaptable to Cumberland. We will ask the staff to go into that and ask them to get the suggestion from the Department on it.

Mr. McDOWELL. Mr. Chairman, I think Mrs. Ferguson would like at this point to make one or two comments in her own behalf.

Mrs. FERGUSON. I am Lucy Ferguson of Cumberland. I have lived on the island all of my life. My family have been there for five generations, and three generations are buried there.

You find Cumberland wild and beautiful today only because our family has kept it that way.

Senator BIBLE. Well, good for you.

Mrs. FERGUSON. I want my land to go on to my children and their children, for as long as they love and cherish it. There will be no continuity in this country if you condemn those who have put out their roots.

All I ask is that we who have loved and protected our land be left alone to continue to do so.

Senator BIBLE. Well, thank you very much. You speak very emphatically and I understand you very clearly. Do you have anything further you want to add?

Mr. McDOWELL. I would like to read the last paragraph, if I may.

As it has been made clear by Mrs. Ferguson, it is her hope that she will be able to live out her lifetime on Cumberland Island and that she and her children will be able to continue their activities on the island consistent with the intent of the bill and with the interest of the public in other parts of the island and she opposes the use of Federal funds for condemnation to acquire property which is being maintained privately and used in ways which are not inconsistent with the long-term interest of the national seashore recreation area.

Thank you for allowing us to appear before this committee. If there are any questions, either Mrs. Ferguson or we, will be happy to answer them as best we can.

Senator BIBLE. I have no further questions. I might say if I understood Mrs. Ferguson correctly, she carried that out one more dimension than you did. She wanted it for her lifetime, the lifetime of her children and her children's children.

She added another generation in there. I think she said that. Then I think she said forever, which is a good many generations.

All right, I appreciate your being here and I am not going to ask you questions because you might be delayed. You made a very fine presentation.

Our next witness is Mr. William Griffin of Atlanta, Ga., of the Georgia Conservancy, Inc.

**STATEMENT OF WILLIAM GRIFFIN, ATLANTA, GA., ON BEHALF
OF THE GEORGIA CONSERVANCY, INC.**

MR. GRIFFIN. Mr. Chairman, I would request that my written remarks be incorporated in the record.

Senator BIBLE. Very well, that will be the order.

MR. GRIFFIN. And in view of the passing of time so rapidly I would like to summarize those remarks in brief.

I have been told that the weight accorded the remarks by the legislator in Georgia is determined by their brevity so I will try to be brief in this summary.

Senator BIBLE. I don't mind the summary as long as the summary isn't longer than the prepared statement. The prepared statement is very short so you proceed either way.

MR. GRIFFIN. I want to concur with those that preceded me that the major thrust of the use of this island should be towards preservation.

I do think that's not inconsistent with recreational use, however. I think that the use for preservation purposes, that people would put this island to, is a more sophisticated recreation than the usual beachball, golfing, fishing, hunting, and recreational uses usually put to high intensity recreational areas in the national seashore system.

We think there are five major points that we would like to emphasize. First, we would like words in the bill emphasizing as the purpose, the protection of environmental quality through preservation of national systems and processes without unreasonable artificial manmade injections.

We would like words creating a mandate for management in the preamble and we favor spelling out the management purposes, concepts, uses and policies usually applying to a national park rather than those applying to a high intensity seashore on the present Park Service management policies.

Second, we think the Secretary of the Interior should have the right of eminent domain and ultimately there be no pocket for pride in ownership on the island. I would like to add to that and amplify that there should be no pocket of private ownership on the island, incompatible with the management concepts set forth.

Senator BIBLE. I think that's a good amendment to your observation.

MR. GRIFFIN. We favor a permanent advisory commission containing representatives selected from the local county board of county commissioners. What I mean is that we should have a representative on the commission representing conservation interests and from a planning agency, planning and development agency, we have said in

our statement the Georgia Coastal Area Planning and Development Commission.

That might very well be any State agency dealing with planning and, from recommendations of the Governor of Georgia as well as the Secretary of the Interior.

We would like to see this commission an independent interest, watchdog body, meeting as it chooses, whose advice and counsel to the Park Service would be respected.

It would get citizen input into the bureaucracy of the Federal Government.

Fourth, we would like to see words in the act prohibiting the construction of a causeway or bridge and, fifth, we think hunting is incompatible with the uses we contemplate for the island and we would like to see prohibitive language in the act.

We realize, however, that certain species such as deer and hogs are subject to overpopulation and they should be controlled under any circumstances.

That is my statement.

Senator BIBLE. That is a very fine statement and I am happy to have your input into this.

Where does Georgia Conservancy work out of, Atlanta, Ga.?

Mr. GRIFFIN. The office is in Atlanta. We have over 5,000 members in Georgia. It is a citizens' organization dedicated to wide use and it is a middle of the road conservation organization.

Senator BIBLE. Very good. I appreciate your appearance here today. (The complete statement of Mr. Griffin follows:)

STATEMENT OF WILLIAM W. GRIFFIN, ON BEHALF OF THE GEORGIA
CONSERVANCY, INC.

Before the Parks and Recreation Subcommittee of the Interior and Insular Affairs Committee of the Senate of the United States of America.

Mr. Chairman and Members of the Committee:

I appear before you today representing The Georgia Conservancy, Inc., a citizens organization of over 5,000 Georgians dedicated to the wise use of our natural and historical resources. This organization, though not quite five years old, has made quite an impact in Georgia and has been recognized as a voice for stable but concerned citizens seeking environmental protection for society through logical and reasonable approaches. We try not to be shrill.

I am pleased to have been Chairman of the Coastal Areas Committee of the Georgia Conservancy at the time legislation was first introduced in the Congress of the United States for the establishment of the Cumberland Island National Seashore. The Conservancy had been vigorous in its advocacy of Seashore status for a long time prior to the introduction of this legislation.

Let me say at the outset that my remarks will be brief and I trust they will be to the point.

First, we wholeheartedly support legislation establishing a national park or seashore for Cumberland Island. As a subtropical coastal island with unparalleled natural and historical endowments it certainly should be available for all citizens of the United States to sample. It is a great national resource. The Georgia Conservancy wants Cumberland to be under the custody and control of the National Park Service first and foremost. We urge you to report favorably on legislation giving the people of this nation this park.

Now, with the respect to the particular bill before the Senate, we have several points which we believe represent the consensus of Georgia conservationists.

We believe that one of the most important elements in making a visit to Cumberland Island a unique and memorable experience is the quality of a great natural environment touched lightly and not despoiled by the hand of

man. This quality can well be lost through a management policy which tolerates overcrowding or overdevelopment. We think that Cumberland's niche in the national park and seashore system is therefore that of a truly *insular—natural—unexploited area where visitations are limited in order that they may be more meaningful to the visitors*. Certainly one would not invite more guests to dinner that he had seats at the dinner table, especially if he planned a gourmet meal.

As I have said we want Cumberland Island to be under the custody and control of the National Park Service, and so we want a bill to pass. We would like some changes in S 2411 if we can get them. If we can't get the changes, we want S 2411 to pass.

The changes we suggest all really relate to my premise of managing the island in such a way that each visitation is a quality visitation—*quality rather than quantity visitations*.

First, we advocate words in the bill emphasizing as a purpose the protection of the environmental quality through preservation of the natural systems and processes without unreasonable artificial manmade injections. We would like words creating a mandate for management in the preamble or statement of purpose, and we favor spelling out the management purposes, concepts, uses and policies usually applied to a national park or natural area rather than a high intensity recreational seashore.

Second, we think the Secretary of the Interior should be given the right of eminent domain in order that ultimately there be no pocket of private ownership on the island.

Third, we favor a permanent Advisory Commission containing in its membership representatives selected from recommendations of the Board of Commissioners of Camden County, the Georgia Conservancy, Inc., the Georgia Coastal Area Planning and Development Commission, and the Governor of Georgia, as well as the Secretary of the Interior. We would like this Commission to be an independent watchdog body, meeting as it chooses, whose advice and counsel to the Park Service would be respected.

Fourth, we would like to see words prohibiting the construction of a causeway or bridge thereby insuring an insular quality and limiting vehicular traffic on the island.

Fifth, we believe that hunting is incompatible with the uses we contemplate for the island and would like to see prohibitive language in the act. Overpopulation of various species of animals should be controlled, however.

Gentlemen, Georgia conservationists and future generations of Americans who will be less able than our generation to experience a quality natural seaside environment, will thank you for a report favoring these recommendations.

Senator BIBLE. Our next witness is Mrs. Charles Yarn of Save America's Vital Environment.

STATEMENT OF MRS. CHARLES YARN, SAVE AMERICA'S VITAL ENVIRONMENT, ATLANTA, GA.

Mrs. YARN. We are happy to be here today to testify on Senate bill 2411, a bill to establish the Cumberland Island National Seashore in the State of Georgia.

Save America's Vital Environment—SAVE—has been actively interested in Cumberland Island and all of Georgia's Golden Isles since our inception. We were instruments in causing the Georgia legislature to pass the Coastal Marshlands Protection Act.

We have also assisted, where we have been able, in working with the National Parks Foundation to preserve Cumberland Island in its natural, undeveloped state until the island could be protected by appropriate Federal legislation.

Because of our involvement, we have strong feelings about this proposed bill, and we welcome this opportunity to share our thoughts with you on this important legislation.

We are authorized to state that this statement has the unqualified endorsement of the National Council of State Garden Clubs.

Cumberland Island is unique. The southernmost of the Golden Isles, and inaccessible except by boat and plane, Cumberland Island has remained in its natural, beautiful state. This circumstance has come about largely because of limited private ownership, and this same circumstance is what presents the Federal Government with its great opportunity.

Cumberland Island has been described as one of the two most outstanding seashore areas remaining on the Atlantic and gulf coasts. We consider the island one of the country's most precious coastal resources. It is a jewel, a paradise.

A visitor can walk and enjoy 18½ miles of dunes and white beach. He can hike through miles of trails of moss-draped live oak trees and share the island with deer, wild horses, alligators, and wild turkeys.

He can visit the ruins of a millionaire's mansion, or he can swim in natural inland lakes, all without smelling gasoline exhaust fumes, listening to blowing horns, or being offended by hot dog stands or neon lights. In short, a visitor can glimpse the natural beauty of this country's rapidly disappearing wilderness.

We want to keep Cumberland Island in this state, but we also want the public to be able to enjoy this precious resource of America. We think both objectives can, and should, be accomplished. We believe this proposed legislation is a start in that direction, but because of the reservations which we express here today, we cannot support the bill in its present form.

We have three primary reservations concerning S. 2411:

(1) The bill would cause the island to be developed as a national seashore, designed for maximum development and minimum preservation, instead of a national park designed for the enjoyment of the island by the public in its natural state.

(2) The bill fails to set forth standards and restrictions concerning the preservation of the island in its natural state.

(3) It should be made clear in the bill that no bridges or causeways will be built to the island, and that vehicular traffic on the island will be limited to shuttle service by the National Park Service.

As set forth in the enabling clause, the stated purposes of the bill are: First, to provide for public outdoor recreational use and enjoyment; and second, to preserve related scenic, scientific, and historical values.

We find ample provision for the first purpose of developing recreational use, but no provision at all for the second purpose of preserving the related values of the island.

We submit that providing for one without the other invites ecological disaster by encouraging unplanned and undisciplined development.

The bill should be restructured to designate Cumberland Island as a national park instead of a national seashore. Under current administrative policies of the National Park Service, a national seashore must be developed to enable maximum public recreational usage, and preservation of the area is effectively disregarded.

We cannot support such a fate for Cumberland Island. It offers the unique scenic and historic elements which are preserved in the national Park System, where public enjoyment and natural preservation peacefully coexist.

It is completely inappropriate to designate Cumberland Island as a national seashore under current Park Service policies. Thus, we urge that the bill be amended to provide that the island shall be designated and administered as a national park.

The bill should assure that the island's nonrenewable resources are developed and used wisely, and that these resources are protected and conserved. For example, the island's salt marshes provide a major feeding and breeding area for important game and commercial fish.

The island itself offers valuable opportunities for scientific research into nature's resources. Indian burial grounds, dating to prehistoric times, can be found. Yet we see no provision in the bill for the preservation of these scarce and disappearing scenic, historic, and scientific resources.

Such a provision was added by Congress to the Cape Hatteras National Seashore Act, and it should not be omitted here. Thus, we would strongly urge that you add the following language, taken from the Cape Hatteras Act, to section 6 of H.R. 9859:

Except for certain portions of the area, deemed especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area.

Without such a protective provision, the bill is dangerously deficient, and we cannot support it.

We view as equally important, the legislative prohibition of causeways or bridges to the island and the limitation of vehicular travel to public conveyances. Without such a prohibition and restriction, the future of Cumberland Island as an island must always be in doubt, and its charm and beauty and uniqueness imperiled.

We Americans are great builders, but we are also great destroyers. We would hope that we can also say that we are great preservers of our environment for the benefit of our people.

Those areas untouched by man's automobiles, parking lots, concrete paving and service stations are few. Especially on an untouched island without any paved roads, man's mechanical hand should be stayed, and this beautiful island maintained in its natural, undeveloped state. All Americans would be the benefactors.

Thus we urge that the last clause of section 7(e), relating to the desirability of or necessity for bridges or causeways to Cumberland Island be struck, and that a new provision be added prohibiting the construction of bridges and causeways to the island and restricting vehicular traffic to public conveyance.

We have stated our three primary reservations concerning the bill. We also have a few comments on the drafting of the bill, which are attached as appendix A to this statement. With the three major changes suggested by us today, we would support the bill wholeheartedly.

Without them, we fear the bill has more potential for harm than good because it lacks the necessary safeguards to protect the fragile nature of the island. What makes Cumberland Island unique is its undeveloped state.

If you destroy that uniqueness, you destroy the area's potential as a national resource. America doesn't need another Coney Island, but America does need Cumberland Island, as it exists today and as it existed yesterday and, we hope and believe, as it will exist hundreds of years from now.

Thank you.

Directed to those points and going beyond that, we have the following specific suggestions concerning the bill in its present form, if I may take the liberty of making these suggestions.

In section 1, we would like to see it stated this way: Cumberland Island should be designated as a national park in order to protect its natural state.

That would be instead of national seashore park.

Section 3, the next to the last sentence should be amended to read: for the conservation and management of recreation areas and historic sites, instead of for the development and interpretation of recreation areas and historic sites.

Section 4(c). We strongly support the cutoff date of February 1, 1970, in order to prevent last minute developers. However, since attending the hearing and beginning to realize some of the problems that would cause older owners problems, I think perhaps there should be special review in some cases.

Senator BIBLE. One thing I am not clear on and I have not asked the question. I would like to know just how many homes were built or started between February 1, 1970, and September of 1971 when the bill for the first time was introduced in the U.S. Senate and I will ask the staff people to supply that. They can do it very easily. (Five houses were started during this period.)

Because I think there is some merit to that, that people operated from February 1, 1970, without any notice of the Park Service's intention, just from having a bill dropped in the hopper on the House side, with no comparable measure on the Senate side.

I think some of them have a perfect right to take it for granted that possibly the Congress wasn't going to do anything. Cutoff dates are always difficult. We handle many park areas and the only firm conviction I have, just as a matter of fairness, is where people are on notice that there is a strong possibility of some type of Federal area being created. Then I think they operate under a known risk.

But where there seems to be a little information on possible government developments, I think I would treat them a little differently. So I think that is why this area is an exception.

Mrs. YARN. This points out again, I think, the value of the hearings, too. These things come up. Then in section 5, the provision to allow hunting should be carefully studied. Hunting is not compatible with recreational areas, and should be limited to designated areas and at specified intervals simply in order to maintain the natural balance of the animal population.

Section 6. The following provision, found in the Cape Hatteras National Seashore Act, should be added:

Except for certain portions of the area, deemed especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area.

Section 7. 7(e)(2) should be eliminated in its entirety. A new section should be added prohibiting bridges or causeways to the island and restricting vehicular traffic to public conveyance.

The advisory commission appears unnecessary. Under present law, the Secretary can hold hearings, adopt rules and regulations, and take all appropriate action, based on recommendations of experts.

If retained, the commission should be revamped. Experts on coastal marine life, ecology and the environment should be members. In this regard, the Ocean Science Center no longer exists as a separate agency. We would recommend more public members and fewer political appointments.

Senator BIBLE. I think you will find—we found in our working on these areas all over the United States, that an advisory commission is a useful tool. These representatives can express the feelings of the public on matters of local importance.

I couldn't agree with you more, however you create it, the fewer political appointments you have on the commission, the better off you are and the more public members you have, the better representation you have of local concern.

This worked out particularly well with the first advisory commission created at Cape Cod. It had a limited life and we extended the tenure and now we have concluded to make it a permanent commission.

I think it performs a useful function, actually, and if the bill goes forward, we can get those problems worked out. I do think you will find the commission a useful tool.

Mrs. YARN. Well, I serve on the U.S. Forestry Commission so I am aware of their function. But I think in this case, it can be either way. If it is enacted, it should be restructured.

Senator BIBLE. Well, if it is going to be restructured, that would be a good point.

Mrs. YARN. Well, we have stated our primary reservations concerning the bill. We also had these comments that I felt I took a few liberties by presenting, but perhaps they have been helpful and with those improvements we could, of course, support the bill wholeheartedly and hope that we can do all we can or we will do all we can to help.

If you need any of our staff or any of our people in Georgia, we will be available and most happy to assist.

Senator BIBLE. You made a very intelligent and useful contribution. You obviously have great expertise in this area and I appreciate your suggestions. They are helpful.

Thank you very much.

Mrs. YARN. Thank you.

Senator BIBLE. Our next witness will be Mr. Jonas V. Morris, National Parks Conservation Association.

STATEMENT OF JONAS V. MORRIS, NATIONAL PARKS AND
CONSERVATION ASSOCIATION, WASHINGTON, D.C.

Mr. MORRIS. Mr. Chairman, my name is Jonas V. Morris. I am appearing on behalf of the National Parks and Conservation Association.

We do appreciate your invitation to testify. I have a prepared statement that I would like to have inserted in the record, if I may, and I will make a few comments.

Senator BIBLE. Without objection, it will be inserted in the record in full.

Mr. MORRIS. We are in support of the creation of the island as a unit of the National Park System and we do hope that the committee can act speedily on this. We do feel, along with others, that the island should be managed as a national area.

You undoubtedly know that seashores are automatically managed as recreation areas by the National Park Service and I think this problem can be handled by a statement in the legislation requiring it be managed as a national area.

We see as many of the other witnesses have, some unique natural resources here that perhaps take the higher level of management in order to preserve them, than they would get under the management procedures of a recreation area.

We support the comments that have been made by you and others with regard to the advisory commission, that it should be broadened to include a broader spectrum of the public, that it should have more involvement in the planning and a continuing involvement that shouldn't be terminated at any given number of years but should be a permanent body.

We think that along with all new units of the National Park System that are appropriate, that these areas should be studied for wilderness and we would like to see some consideration for putting a requirement for a wilderness study in this legislation.

We do not think that hunting should be allowed on the island. We think it would be inappropriate to the intent and goals for the island.

Finally, I would like to say that we regard the plan that the Park Service has developed for the island, while there are some areas for improvement, as a good thing. We would like to compliment the Park Service for an unusually good plan. We review just about all of the plans that the Park Service develop; not only for new legislative areas, but for wilderness areas, master plans and other types of plans that they put together and we have many strong disagreements with the Park Service in their general planning procedures.

We think here they have done an unusually good job. The elimination of automobiles of the general public to the island, keeping automobiles off, no bridges, the other approaches they have made for controlling the type of visitor use and the type of visitor access is to be commended and we just wanted to call this to the committee's attention.

I do thank you for the opportunity to testify.

Senator BIBLE. Glad to have you here. You have made some very intelligent observations. Thank you.

(The complete statement of Mr. Morris follows:)

STATEMENT OF JONAS V. MORRIS ON BEHALF OF THE NATIONAL PARK AND
CONSERVATION ASSOCIATION

Mr. Chairman, members of the Subcommittee, my name is Jonas V. Morris and my offices are located at 2233 Wisconsin Avenue, N.W., Washington, D.C. This statement is presented on behalf of the National Parks and Conservation Association, a private nonprofit organization, educational and scientific in character. It publishes the monthly *National Parks and Conservation Magazine*, the *Environmental Journal*, which goes to each of the more than 50,000 members of the Association.

NPCA, as the only national organization whose major field of interest is the national park system, appreciates your invitation to express its views on S 2411, a bill to establish the Cumberland Island National Seashore in Georgia.

These islands, in combination with a staging area on the mainland as envisioned under S 2411, would be a valuable addition to the national park system. Recreational opportunities within the proposed boundaries are significant, and under the Park Service's current plans many more people will be able to enjoy the area.

This area is one which lends itself extremely well to a policy of restricting automobile access and providing alternative means to move people through the area. The Park Service' plans in this regard are good, and we fully support the proposals for a passenger ferry system to bring people to the island, and the motor jitney service to transport them once they get there. This system will provide greatly improved access for the public, while at the same time preserving the natural and historic resources of the islands. NPCA has long advocated such a policy in units of the park system where excessive automobile use detracts from the visitor's enjoyment. In this instance, the Park Service has foreseen the problems in advance, and we commend them for their decision to prohibit visitor automobile access to the islands. (Access for life tenants, obviously, will continue to be available.)

We also believe that Park Service plans for the islands, which include both the development of recreational facilities and the establishment of natural and historic areas, will ensure a wide range of different recreational opportunities to cater to the varied demands of visitors. We are particularly glad to see the establishment of ecological and environmental research areas, and with the plans for providing cycle rentals and trails.

Altogether, we believe Park Service plans will ensure that the unique natural values of the area are preserved, while at the same time greatly expanding the opportunities for visitor use, and NPCA therefore supports the bill before you (S 2411). We would, however, like to make two recommendations.

First, the area should be managed by the Park Service as a natural area, not as a recreation area as currently proposed. The Park Service policy to include all National Seashores within the recreation area category, totally ignores the fact that many of these areas possess outstanding natural features which make designation as a natural area more appropriate. Management criteria for recreational and natural areas are different, and designating Cumberland Island as a recreation area could therefore have detrimental effects on the island's resources.

Secondly, while NPCA supports the establishment of an Advisory Commission for Cumberland Islands, authorized under Section 7, as a provision which should ensure public participation in the planning and operation of the Seashore, we can see no reason to limit the life of the Commission to ten years. Planning for areas of the national park system is a continuous process, as the areas must adapt to changing use patterns and changing visitor demands. Park Service master plans are revised periodically—sometimes as often as every four or five years—and public participation is desirable both in the initial planning stage and in these periodic reviews. Although all of the park Advisory Commissions created by statute are temporary bodies, those established by the Park Service can be permanent. We believe that the Congress should change its policy in this regard, and amend Section 7 to make the Commission a permanent body.

A second problem with the Advisory Commission is the question of who is to serve on such a body. Traditionally, these Commissions have not proved to be representative of the general public, or of interested groups who could offer some significant insight into park planning. Some recommendation in the

language of the bill is necessary to ensure that local conservation interests and representatives from conservation and environmental groups and organizations, as well as the general public participate in these Advisory Commissions.

Finally, we would like to commend the provision in Section 4 (d) of this bill to permit the creation of a trust for the preservation of the resources of Little Cumberland Island. Such an arrangement, if it can be satisfactorily drawn up, is far preferable to federal acquisition and will free money in the Land and Water Conservation Fund for use by the Park Service in other areas.

In conclusion, NPCA supports the bill, but recommends some amendment as outlined above.

Our next witness is Mr. David Walker.

STATEMENT OF DAVID WALKER, SENIOR ASSOCIATE, CONSERVATION FOUNDATION, WASHINGTON, D.C.

Mr. WALKER. Mr. Chairman, with your permission, I would like to have my statement inserted in the record.

Senator BIBLE. Very well, your statement is incorporated in the record and the attachment as well. You have a six-page statement and you say you are going to summarize it. You may proceed.

Mr. WALKER. I am David Walker. I am project director for the conservation foundation's Georgia coast environmental planning demonstration project. The conservation foundation is a private, non-profit research, education, and information organization in Washington, D.C., dedicated to a wide range of conservation and environmental concerns.

For several years, with support from the Ford Foundation, we have conducted a series of planning and citizen education demonstration projects. The demonstration projects are designed to show how development based on ecologically informed planning can minimize damage to the natural systems which perform useful and, indeed, essential functions for man.

We appreciate the opportunity to provide this committee with information gathered as a result of our work and hope that it will be helpful. For the committee's files I am providing a copy of a report. The Georgia Coast: Issues and Options for Recreation, prepared for the foundation by the University of Georgia.

The National Park Service has prepared a master plan which specifically recognizes that the island must be carefully managed to preserve and protect its special assets. These could be severely degraded by improper management, as for example, if mass recreation use is emphasized.

Despite the proposal by the National Park Service to control access and numbers of visitors by the ferryboat system, environmental damage could occur if emphasis is on recreational development rather than resource protection. For these reasons, we are fearful that direct application of existing administrative policies on recreational areas could be damaging. These policies state—

National recreation areas may include within their boundaries, scenic, historic, scientific, scarce or disappearing resources, provided the objectives of their preservation and enjoyment can be achieved on a basis compatible with the recreation mission.

We believe that emphasis is potentially hazardous and unnecessary. First, mass recreational facilities are already available at Jekyll

Island immediately to the north. Second, while the ocean beach can sustain heavy recreational use without permanent damage, the island's magnificent high dunes cannot. The dunes are unstable, and they are a vital element in the island's sand system. As shown in the regrettable circumstances at Savannah Beach and St. Simon's Island, the beaches can be lost when the dunes are destroyed.

Further, Cumberland Island is much more than a 13-mile beach. It possesses cultural and natural values of unique national significance which could easily be destroyed by excessive public use.

Given an opportunity for restoration under the National Park Service, Cumberland Island could become eligible for national park status. A dilemma arises over whether to emphasize Cumberland's potential to provide Americans with an outstanding ocean beach for recreational use or to emphasize protection of the subtropical forest, scenic dunes, and highly productive salt marshes, which are as yet unrepresented in the National Park System.

While designation as a natural area may not be a feasible alternative at this time, it does seem appropriate on the basis of ecological analysis to suggest that Cumberland is a unique national asset which does not fit into either category.

It would be appropriate if the committee amended the bill to recognize the need for protection of the sensitive and vulnerable natural features such as dunes and marshes and if the committee report could clarify for National Park Service guidance a specific environmental management concept and policy designed for Cumberland Island.

Senator BIBLE. Can you suggest how that should be done?

Mr. WALKER. The report and attachment suggest some items there.

Senator BIBLE. That seems to be the thrust of the underlying threat of all the testimony here today. Here you have a fragile island and you don't want to destroy it by a big infiltration of people. Everybody seems to be saying that. You want to enjoy it and not make it a scene of mass recreation. I don't think you have to follow concepts of other park areas. If this is worthy of preservation, it seems to me you can create a new concept. You don't have to create a national seashore. What fits one area and one type of environment might not necessarily fit the other. I think probably that's what you are saying.

Mr. WALKER. That's right, very few of the areas fit neatly into one or the other of the areas.

Senator BIBLE. Cape Hatteras is the first of our national seashores and it has created all kinds of problems. Of course, the ocean treats it unkindly and to try to stabilize the shoreline there is an expensive, costly, and recurring expense. We must treat these areas as we find them and there are numerous problems that come about.

Mr. WALKER. I will not attempt to summarize other findings and suggestions in the report since copies are attached. In closing, however, I would like to call the committee's attention to three factors which will have an important bearing on the type of national recreation resource which we can obtain from Cumberland Island.

First, although Cumberland is an island, it is not immune from external impacts on its recreational value. For example, King's Bay Ammunition Terminal is nearby on the mainland. Efforts to have it declared surplus for transfer to industrial development could result in adverse effects on the island.

Water and air pollution from existing industrial activity in Camden and Glynn Counties in Georgia and from the adjacent area in Florida are already apparent and serious, especially for recreational use dependent upon high-water quality. I hope the committee will consider ways to prevent such degradation.

Second, the island has its highest value as an island. Construction of a causeway would destroy the increasingly rare opportunity for public enjoyment of a true insular experience. A ferry ride to the island could be a memorable experience; a drive across a causeway probably would not. I will not elaborate on the consequences of allowing private automobiles on the island; the effects are all too evident in other units of the National Park System.

Finally, since it becomes increasingly apparent that public involvement in creation and other forms of resource use planning has not been adequate, an advisory commission should be established in the bill to assist and advise the Secretary and the Park Service on planning and management of Cumberland Island.

As now described in S. 2411, the proposed commission would not be able to function as a true advisory body. For example, it would not establish its own agenda or meeting schedule and is assigned a very limited mission.

The Department of the Interior is proposing that this legislation should not establish an advisory commission for Cumberland. Rather, the Department has said that its general enabling authority, under the National Park System General Authorities Act of 1970, should be relied upon. The inadequacies of that approach are several. For example, if this authority is relied upon, the Secretary has discretion to appoint and to abolish an advisory committee as he chooses.

Further, unless Congress establishes an advisory commission tailored for Cumberland, the sole advisory body for the future problems of Cumberland Island will be a regional advisory committee with responsibilities for many major units, including Great Smokey Mountains and Everglades National Parks, and Cape Hatteras National Seashore, of the National Park System, and covering 13 states, Puerto Rico, and the Virgin Islands.

With such a task, a Southeast Regional Advisory Committee could not possibly provide the advisory liaison and two-way communications services that an advisory commission set up by Congress with responsibilities for Cumberland alone could provide. It is questionable whether competent scientists, essential for reviewing Cumberland's development, for just one example, would be willing to serve in an advisory capacity under that condition.

The need for independent advice from concerned citizens, scientists, and other non-Federal interests has been demonstrated by experiences at Point Reyes and Cape Cod National Seashores. It would be shortsighted to have only a token vehicle for public participation in the future of Cumberland when the park service is proposing such an imaginative approach which will require a high order of understanding and support by many citizens and by State and local governments and agencies if it is to succeed.

Before I thank you for this opportunity, I think it is fairly clear from much of the testimony that there is some urgency in deciding

the future of Cumberland. Many things have happened since the legislation has been proposed and we hope the committee will be able to act soon.

Senator BIBLE. What has happened?

Mr. WALKER. Much of the land is beginning to change hands and we think this is the first sign—

Senator BIBLE. But there isn't much building going on?

Mr. WALKER. No.

Senator BIBLE. This is inevitable. Again, we were confronted with this at Point Reyes as you mentioned, Asseateague, the minute somebody says they want a park, some developers move in and I am sure that's what you are telling me.

I think in all of these areas if we are going to create something we should do it reasonably soon so the people know what the final decision is, rather than leaving them up in the air for many years. That is not the correct way to treat the public and we must avoid delay if possible.

I have never seen so many park bills in my life as I have this year. I have 25 proposals that I still have to dispose of this year. I will do the best I can. This seems to be the park year before the Senate. They all want them the day before yesterday, and this means an almost impossible schedule.

Thank you very much.

(The complete statement of Mr. Walker follows:)

STATEMENT OF DAVID WALKER, SENIOR ASSOCIATE, CONSERVATION FOUNDATION,
WASHINGTON, D.C.

My name is David W. Walker. I am project director for the Conservation Foundation's Georgia Coast environmental planning demonstration project. The Conservation Foundation is a private, non-profit research, education and information organization in Washington, D.C., dedicated to a wide range of conservation and environmental concerns.

For several years, with support from the Ford Foundation, we have conducted a series of planning and citizen education demonstration projects. The demonstration projects are designed to show how development based on ecologically informed planning can minimize damage to the natural systems which perform useful and, indeed, essential functions for man.

We appreciate the opportunity to provide this Committee with information gathered as a result of our work and hope that it will be helpful. For the Committee's files I am providing a copy of a report, *The Georgia Coast: Issues and Options for Recreation*, prepared for the Foundation by the University of Georgia.

The National Park Service has prepared a master plan which specifically recognizes that the island must be carefully managed to preserve and protect its special assets. These could be severely degraded by improper management, as, for example, if mass recreation use is emphasized. Despite the proposal by the National Park Service to control access and numbers of visitors by the ferry boat system, environmental damage could occur if emphasis is on recreational development rather than resource protection.

For these reasons, we are fearful that direct application of existing administrative policies on recreational areas, could be damaging. These policies state that:

"National Recreation Areas may include within their boundaries scenic, historic, scientific, scarce or disappearing resources, provided the objectives of their preservation and enjoyment can be achieved on a basis compatible with the recreation mission."

We believe that emphasis is potentially hazardous and unnecessary. First, mass recreational facilities are already available at Jekyll Island immediately

to the north. Second, while the ocean beach can sustain heavy recreational use without permanent damage, the island's magnificent high dunes cannot. The dunes are unstable, and they are a vital element in the island's sand system. As shown in the regrettable circumstances at Savannah Beach and St. Simon's Island, the beaches can be lost when the dunes are destroyed.

Further, Cumberland Island is much more than a 13-mile beach. It possesses cultural and natural values of unique national significance which could easily be destroyed by excessive public use. Given an opportunity for restoration under the National Park Service, Cumberland Island could become eligible for national park status. A dilemma arises over whether to emphasize Cumberland's potential to provide Americans with an outstanding ocean beach for recreational use or to emphasize protection of the subtropical forest, scenic dunes, and highly productive salt marshes, which are as yet unrepresented in the National Park System.

While designation as a natural area may not be a feasible alternative at this time, it does seem appropriate on the basis of ecological analysis to suggest that Cumberland is a unique national asset which does not fit into either category.

It would be appropriate if the Committee amended the bill to recognize the need for protection of the sensitive and vulnerable natural features such as dunes and marshes and if the committee report could clarify for National Park Service guidance a specific environmental management concept and policy designed for Cumberland Island.

I will not attempt to summarize other findings and suggestions in the report, since copies are attached. In closing, however, I would like to call the Committee's attention to three factors which will have an important bearing on the type of national recreation resource which we can obtain from Cumberland Island.

First, although Cumberland is an island, it is not immune from external impacts on its recreational value. For example King's Bay Ammunition Terminal is nearby on the mainland. Efforts to have it declared surplus for transfer to industrial development could result in adverse effects on the island. Water and air pollution from existing industrial activity in Camden and Glynn Counties in Georgia and from the adjacent area in Florida are already apparent and serious, especially for recreation use dependent upon high water quality. I hope the Committee will consider ways to prevent such degradation.

Second, the island has its highest value as an island. Construction of a causeway would destroy the increasingly rare opportunity for public enjoyment of a true insular experience. A ferry ride to the island could be a memorable experience; a drive across a causeway probably would not. I will not elaborate on the consequences of allowing private automobiles on the island—the effects are all too evident in other units of the National Park System.

Finally, since it becomes increasingly apparent that public involvement in recreation and other forms of resource use planning has not been adequate, an advisory commission should be established in the bill to assist and advise the Secretary and the Park Service on planning and management of Cumberland Island. As now described in S. 2411, the proposed commission would not be able to function as a true advisory body. For example, it would not establish its own agenda or meeting schedule, and is assigned a very limited mission.

The Department of the Interior is proposing that this legislation should not establish an Advisory Commission for Cumberland. Rather, the Department has said that its general enabling authority, under the National Park System General Authorities Act of 1970, should be relied upon. The inadequacies of that approach are several. For example, if this authority is relied upon, the Secretary has discretion to appoint, and to abolish an "advisory committee" as he chooses.

Further, unless Congress establishes an Advisory Commission tailored for Cumberland, the sole advisory body for the future problems of Cumberland Island will be a Regional Advisory Committee with responsibilities for many major units, including Great Smoky Mountains, and Everglades National Parks, and Cape Hatteras National Seashore, of the National Park System, and covering 13 states, Puerto Rico and the Virgin Islands. With such a task, a Southeast Regional Advisory Committee could not possibly provide the advisory liaison and two-way communications services that an Advisory Commission set up by Congress with responsibilities for Cumberland alone could pro-

vide. It is questionable whether competent scientists, essential for reviewing Cumberland's development, for just one example, would be willing to serve in an advisory capacity under that condition.

The need for independent advice from concerned citizens, scientists, and other non-federal interests has been demonstrated by experiences at Point Reyes and Cape Cod National Seashores. It would be shortsighted to have only a token vehicle for public participation in the future of Cumberland when the Park Service is proposing such an imaginative approach which will require a high order of understanding and support by many citizens and by state and local governments and agencies if it is to succeed.

Thank you for the opportunity to present these comments stemming from our investigation of recreational development from an ecological perspective.

Senator BIBLE. That concludes our hearing. I think it has been a very helpful hearing and I think it has been both illuminating and informative.

We will keep the record open on it until June 1, which is an easy day to remember. That's about 5 weeks.

We stand in adjournment.

(Whereupon, at 4:15 o'clock, the subcommittee adjourned, subject to the call of the chair.)

APPENDIX

(Under authority previously granted, the following statements and communications were ordered printed:)

STATEMENT OF HON. DAVID H. GAMBRELL, A U.S. SENATOR FROM
THE STATE OF GEORGIA

MR. CHAIRMAN: On Thursday, May 11, hearings begin on S. 2411, a bill to establish the Cumberland Island National Seashore in my State of Georgia. This bill, as introduced in the Senate by Senator Talmadge and myself is identical to the House Bill, H.R. 9859 introduced by Congressman Stuckey on which 2 days of hearings were held last month. This bill represents considerable effort, particularly on the part of Mr. Stuckey and others who have spent a great deal of time in attempting to construct effective and reasonable legislation.

Cumberland is a 24,000 acre island off the southern coast of Georgia, the largest of Georgia's "Golden Isles". It is the last large island along the Atlantic Coast which remains almost entirely in its natural state. The National Park Service has recognized that Cumberland island would be a significant addition to the Nation's public land holdings. As early as 1955, the Park Service, after an extensive evaluation of the entire Atlantic Gulf Coasts, concluded that Cumberland Island had one of the best undeveloped beaches along our coast. Through the generosity of the Mellon Foundation, the Park Service has been acquiring land on the Island and now owns over 13,000 acres, in addition to that owned by the State and Federal Government.

Cumberland contains, along with its 18 miles of unspoiled beach, some of the largest salt water marshes on the coast. With its dense forests and fresh water lakes, the island abounds in wildlife, and is considered to be an outstanding wildlife refuge. By virtue of its location on a migration path, the island has a bird population numbering in the hundreds of thousands. In addition, the island is of great archeological and historical significance.

It is my hope that we can act quickly to preserve Cumberland. The island is a bargain for the American taxpayers which we should snap up.

THE WILDERNESS SOCIETY,
Washington, D.C., May 15, 1972.

SENATOR ALAN BIBLE,
*Chairman, Subcommittee on Parks and Recreation,
New Senate Office Building,
Washington, D.C.*

DEAR SENATOR BIBLE: Please enter this letter as a part of the official record of the hearing conducted by your committee on Thursday, May 11, 1972, on S. 2411 and other bills which would establish the Cumberland Island National Seashore in Georgia. We highly commend the Senate Interior Committee for holding hearings on S. 2411 and otherwise moving toward the ultimate goal of placing Cumberland Island in the National Park System. We offer our full support to gaining this objective.

While in no way disagreeing with the intent and purpose of S. 2411, we believe that modification of certain language therein is needed. Accordingly the balance of this statement will deal with suggested changes.

The bill as presently worded would establish the Cumberland Island National Seashore. We suggest that a preferable designation would be Cumber-

land Island National Park. The particular designation would not be greatly significant were it not for the markedly different administrative policies which the National Park Service has drawn up to cover the administration of national seashores as compared with national parks. Under Park Service policy, all national seashores or lake shores are to be administered primarily as mass recreation areas, that is, with the emphasis to be placed on maximum recreational use of the particular area by the greatest number of people. We know all too well that too many people can destroy the natural values of any area regardless of the diligence of the administering agency. It is the natural values of Cumberland Island which has led to the strong public demand that Cumberland Island be acquired as public property and be given a protected status. In our view the natural values of Cumberland Island, such as its magnificent unspoiled beach extending some 15 to 20 miles, its range of island flora, the sense of remoteness which being an island gives it, and other natural characteristics, all merit the highest degree of protection which is available to a unit of the National Park System. It is to provide this highest degree of protection and administration that we recommend changing the designation of Cumberland Island from National Seashore to National Park. Such change would likely also require some change in the wording of Section 1 so as to place the emphasis on the preservation and enjoyment of the natural values, rather than on public outdoor recreation use.

May we say in passing that it seems to us a mistake for the National Park Service automatically to treat all national seashores and lake shores as recreation areas without consideration of the characteristics of the particular area. Certainly it is possible for a given seashore or lake shore to meet full National Park standards. The public is not generally aware of the unfavorable distinction which the Park Service automatically makes in determining administrative policy with respect to a national seashore as compared with a national park. Were there a general public awareness of this discrimination, we express the view that in the case of Cumberland Island there would be clear public demand for the designation of national park.

With respect to section 3 there is serious question in our mind as to the need, much less the desirability, of constructing a new access route from Interstate 95 to the mainland administrative and visitor facilities. The problem in this day and age is not to get more visitors to come to units of the National Park System. It is rather to assure that those visitors who do come have a high-quality experience suited to the caliber of the area being visited. There will be adequate roads leading to the mainland center without the federal government going to the expense of building a new and special road. We recommend that section 3 be deleted in its entirety.

Section 5 deals with the subject of hunting, fishing and trapping. We have earlier in this statement indicated that National Park status would be more fitting for Cumberland Island than National Seashore. Were National Park status established, no question would arise with respect to hunting and trapping since such activities are regularly prohibited in all national parks. Consistent with the National Park policy of giving maximum protection to all natural values, we consider that the prohibition of all hunting and trapping is the proper policy to apply at Cumberland Island. If, however, national seashore designation is ultimately retained, then we suggest that in the first sentence of section 5 the word "may" be substituted for the word "shall" so that the Park Service has full administrative discretion with respect to the control of hunting, fishing and trapping. The sentence would then read, "The Secretary may permit hunting, fishing, and trapping. . . ."

We have grave doubts as to the desirability of section 7 which would establish a Cumberland Island National Seashore Advisory Commission. The director of the National Park Service already has authority to establish citizen advisory commissions in any cases where he considers it desirable or in response to clear public demand. The composition of the committee as provided under section 7 would for the most part almost certainly consist of persons appointed primarily because of their political status rather than because of a genuine interest in a park or seashore as such and with special competence to advise on matters of park policy and planning. It is our understanding, further, that the Coast and Science Center of the Atlantic Commission which would have the power to appoint four commission members, in fact, no longer exists.

Continuing our comments on section 7, irrespective of any other changes which may be made, we most strongly recommend the deletion of section 7(e) (2), which now reads "and (2) the desirability of or necessity for bridges or causeways to Cumberland Island." The elimination of this clause would terminate subsection (e) immediately after the words "passenger ferry service." The last thing that Cumberland Island needs is private automobile access by any means. An island provides the ideal means of controlling vehicular use in any unit of the National Park System. Excessive private vehicle use is a primary cause of the deterioration in quality of too many of our national park system units today. This destructive force can be fully controlled by making sure that Cumberland Island does in fact remain an island. There should be no suggestion anywhere in the act establishing Cumberland Island as a unit of the National Park System that sometime there may be consideration given to constructing a bridge or causeway to Cumberland Island.

We note that the sponsors of S. 2411 have omitted the regular wilderness review clause which your committee has customarily inserted in bills establishing new units of the National Park System. The omission was probably an oversight. We would urge the committee to insert this provision in S. 2411 at an appropriate point, perhaps immediately after Section 6. The following language has been passed in previous acts:

"... Within four years from the date of the enactment of this Act, the Secretary of the Interior shall review the area within the _____ and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), and recommend as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act."

We appreciate very much this opportunity provided by the Senate Interior Committee to express the views of The Wilderness Society with respect to the establishment of Cumberland Island in Georgia as a unit of the National Park System.

Sincerely yours,

ERNEST M. DICKERMAN,
Director of Field Services Eastern Region.

HUNTSVILLE, ALA., May 11, 1972.

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

DEAR SENATOR BIBLE: I am pleased to submit the following comments, in reference to proposals to establish The Cumberland Island National Seashore in the State of Georgia. Please include my comments in the hearing record on this legislation.

S. 2411, as entered under the authorship of Senator Herman Talmadge and Mr. Gambrell is representative of legislation advancing the national best interest. I am pleased in the extreme to submit comments on this bill to found the noted national seashore.

Section 2 of this bill is accepted without comment.

To the extent that Section 3 acts to impose controls on roads and rights-of-way to preserve the environment of the region of the Causeway, it is concurred in, in principle. That there is, however, any requirement for a road of Parkway standards including the enumerated appurtenances, is not established. That such development is consistent with the purposes of the proposed national seashore is unproved. Any access provision should include provision for access control to limit use to that load that can be proved to be less than the maximum acceptable environmental stress.

Section 4 seems unnecessarily evasive of the central need to protect this area for the public of the future. Private property rights must be honored. Similarly, the public interest must be protected. The provision of minimum essential visitor facilities is concurred in, subject to the condition that public hearings be held in regard to any development that occurs in this proposed national seashore.

Inclusion of provisions to incentivise the establishment of totally undeveloped national and scenic preserves by voluntary private action is most desirable. Provision should be included to provide reward. Similarly, provision must be included to preclude a sale of opportunity that would transfer all profits to the owner and any environmental impact costs to the public.

That Section 5 is consistent with the purposes of this national seashore is not clear. Where the enumerated practices of taking wildlife are an established way of life and rescission would work a personal hardship, right to continue for life would seem proper. That a perpetual right to *kill* should be given legal protection seems highly improper. To presuppose that any State Department of Fish and Game is the proper agency to control the noted practices is also questioned.

Section 6 can not be spoken to, except to note that limitation to conform to some stated purpose perhaps such as stated on page No. 1, lines 1 through 11 seems desirable.

Section 7 fails any test of reasonableness other than including local membership. No guarantee of expertise in the disciplines essential to protection is set down and a strong possibility of enrolling despotic despoilers can be inferred. Addition of biologists (marine, invertebrate, etc.) zoologists, ecologists, ornithologists, ichthyologists, and other essential disciplines is recommended.

I thank you for this opportunity to present the foregoing comments.

Sincerely,

LYLE A. TAYLOR.

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL
WILDLIFE FEDERATION

Mr. Chairman: I am Louis S. Clapper, Director of Conservation for the National Wildlife Federation, which has its national headquarters at 1412 Sixteenth Street, N.W., here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. The Federation has independent affiliates in all 50 states, Guam, 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 S. 2411, establishing the Cumberland Island National Seashore in Georgia.

The National Wildlife Federation has long supported a policy endorsing the establishment of national parks, monuments, recreation areas, lakeshores, and seashores as a means of preserving in perpetuity those natural treasures which merit protection and sound resources management. This policy is designed to preserve these areas for their educational and recreational values to the public, as well as to offer sound resources management for a variety of other beneficial purposes, including wildlife. In this context, we are of the firm opinion that Cumberland Island, Georgia, merits protection and management as a national seashore to provide public outdoor recreational use and preserve the area for scientific, scenic, and historical values. Consequently, we endorse the basic principles expressed in S. 2411, believing this area can become a valued addition to the National Park System.

The beaches, dunes, and upland areas along the "Golden Isles" are particularly outstanding and can offer a wide variety of public recreational and educational opportunities. In addition, designation as a national seashore will permit the preservation of important archeological and historical values.

As we understand it, the Seashore would encompass 39,494 acres of land, of which 15,664 acres are in State ownership and 660 acres are in Federal ownership. The balance includes 13,227 acres acquired by the National Parks Foundation under an Andrew Mellon Foundation Grant and 9,943 acres in private ownership. The estimated cost of acquiring the private property is estimated at \$10,500,000.

We believe this is a modest enough amount for the Federal Government to authorize and appropriate to secure such an outstanding area.

In conclusion, Mr. Chairman, we would like to express our approval of Section 5, which directs that the Secretary shall permit hunting, fishing, and trapping within the seashore in accordance with the appropriate laws of Georgia and the United States, recognizing the need for safety zones, with one recommended change. It is our information that wildlife on the Island needs and requires management of the type best provided by hunting. The change we recommend is to delete the phrase, "fish and wildlife management," on line 18 of S. 2411. This is the phrase so vigorously opposed by the International Association of Game, Fish, and Conservation Commissioners and many conservation organizations as being an unwarranted intrusion of the Federal government into a prerogative of the state governments.

We hope the Committee can act speedily on this proposal in order that it may become another conservation accomplishment of the 92nd Congress.

Thank you again for the opportunity of making these remarks.

SOUTH DEERFIELD, MASS., May 15, 1972.

SENATOR ALAN BIBLE,

Chairman, Senate Subcommittee on Parks and Recreation, New Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: As a Masters degree candidate in Natural Resource Planning at the University of Massachusetts, I have done extensive research on National Seashore legislation, particularly S. 2411 establishing the Cumberland Island National Seashore.

I attended the hearings on May 11, 1972, which you conducted on this bill, and was particularly impressed with the Park Service Plans for the Cumberland Island National Seashore, and feel that more qualified witnesses than I adequately emphasized the need for changing the proposed legislation to reflect the preservation attitude of the Park Service.

Mrs. Charles Yarn, Jr. of SAVE, suggested an excellent modification to Section 6, with wording similar to that in the Cape Hatteras National Seashore Act. I would like to further suggest that wording similar to that in the Fire Island legislation also be added to this section:

"The areas of maritime forest of said seashore area shall be preserved in as nearly its present state as possible, without developing roads therein, but continuing present access by those trails already existing and limiting new access to similar trails limited in number."

This area on Cumberland Island is similar in its uniqueness to the Sunken Forest area thus protected on Fire Island.

I have a love for this area which comes from having been lucky enough to have lived on nearby Sapelo island for a brief period while my late husband was a student at the University. I have since become a member of the Little Cumberland Island Association, and feel that General Powell has done an adequate job of representing my interests in this regard.

I sincerely appreciate the efforts of you and your committee.

Sincerely,

JOANNE S. SHELDON.

CROWN GRANT FROM KING GEORGE III, JANUARY 6, 1767

George the Third, by the grace of God, of Great Britain, France and Ireland, King Defender of the faith and so forth, to all to who these presents shall come, greeting: know ye that we of our special grace, certain knowledge and mere motion have given and granted and by these presents for us, our heirs and successors, do give and grant unto James Habersham, Esquire, his heirs and assigns, all that tract or island of land containing 1,400 acres, known by the name of Little Cumberland Island, situate and being in the parish of St. Mary and province of Georgia, bounded northerly and easterly by the Sea Beach, southerly by the inlet and marshes and creeks of the same, and westerly by marshes and creeks leading thereform, having such shape, form and bounds marks as appears by a plat thereof hereunto annexed, together with all woods, underwoods, timber and timber trees, lakes, ponds, fishing water, water courses, profits, commodities, hereditaments and appurtenances what ever thereunto belonging or in any wise appertaining, together

also with privilege of hunting, hawking and fowling in and upon the same, and all mines, minerals whatsoever, having and reserving, nevertheless, to us our heirs and successors all white pine trees, if any should be found growing thereon, and also saving and reserving to us, our heirs and successors, one-tenth part of mines of silver and gold only, to have and to hold the said island or tract of 1,400 acres of land and all and singular other the promises hereby granted with the appurtenances unto the said James Habersham, his heirs and assigns, forever in free and common socage. To the said James Habersham, his heirs and assigns, yielding and paying therefore unto us, our heirs and successors, or to our receiver general for the time being, or his deputy or deputies for the time being, yearly and every year on the 25th day of March, at the rate of two shillings sterling for every 100 acres, and so in proportion according to the quantity of acres contained herein, the same to commence at the end and expiration of two years from the date hereof, provided always and this present grant is upon condition nevertheless that if the said James Habersham, his heirs or assigns, shall and do, within three years after the date hereof, for every 50 acres of plantable land hereby granted, clear and work three acres at least in that part thereof as he shall judge most convenient and advantageous, or also clear and drain three acres of swamp or sunken grounds, or drain three acres of marsh, if any such contained herein, and shall and do, within the time aforesaid, put and keep upon every 50 acres thereof accounted barren, three neat cattle or six sheep or goats, and continue the same thereon until three acres of every 50 acres be fully cleared and improved, or otherwise if any part of the said tract shall be stony or rocky ground and not fit for planting or pasture, shall and do, within three years as aforesaid, begin to employ thereon, and so continue to work for three years then next ensuing, in digging any stone quarry or coal or other mines, good and able hand for every 100 acres, it shall be accounted and sufficient cultivation and improvement, provided also that every three acres which shall be cleared and worked or cleared and drained as aforesaid shall be accounted and sufficient seating (seeding), planting and cultivation and improvement to save forever from forfeiture 50 acres of land in any part of the tract hereby granted, and the said James Habersham, his heirs and assigns, shall be at liberty to withdraw his or their stock or to forebear working in any quarry or mine in proportion to such cultivations and improvement as shall be made upon the plantable lands, swamps, sunken grounds or marshes herein contained, and if the said rent hereby reserved shall happen to be in arrear and unpaid for the space of one year from the time it shall become due and no distress or distresses can be had or found on the said lands, tenements and hereditaments hereby granted, that then the said lands, tenements and hereditaments hereby granted and every part and parcel thereof shall revert to us, our heirs and successors, as fully and absolutely as if the same had never been granted, provided also that is this grant shall not be duly registered in the registrar's office of the said province within 6 months from the date hereof and a Dorguet thereof also entered in the auditor's office of the same, that then this grant shall be void, anything herein contained to the contrary not withstanding.

Given under the great seal of the province of Georgia; witness our trusty and well beloved James Wright, Esquire, our Captain General and Governor in Chief of our said province, the 6th day of January in the year of our Lord 1767 and in the 7th year of our reign.

Signed by his Excellency, the Governor in Council.

(S) JAMES WRIGHT
(S) CHAS. WATSON C.C.

Registered January 12, 1767.

NOTE.—*Socage (sic), socage*—A medieval English system of land tenure in which a tenant held land in return for a fixed payment or for certain stated nonmilitary services to his lord.

DECLARATION OF COVENANTS AND RESTRICTIONS OF LITTLE
CUMBERLAND ISLAND HOMES ASSOCIATION, INC.

THIS DECLARATION made this 10th day of September, 1965, by Little Cumberland Island Homes Association, Inc., hereinafter called "Declarant" or "Association",

WITNESSETH

Whereas, Declarant as such Association is the owner of Little Cumberland Island, situate in Camden County, Georgia, which includes that property described in Article II of this Declaration, and desires to create thereon a residential community with beaches, marshes, streams, wharves, docks, roadways, open spaces, and other common facilities for the benefit of the community; and

Whereas, the Association desires to provide for the preservation of the values and amenities in said community and for the maintenance of said common facilities; and, to this end, desires to subject the real property described in Article II to the protective covenants, restrictions, easements, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each property owner thereof; and, with the reservation of the right in the Association in accordance with its Articles and By-Laws, to borrow money for the purpose of improving and preserving the above described properties and, in aid thereof, to convey or otherwise pledge said properties (other than any site conveyed to a property owner), so that the rights of the holder of such deed or instrument of pledge shall be superior to the rights of the property owners hereunder.

Now, therefore, the Association declares that the real property described in Article II is and shall be held, transferred, sold, conveyed and occupied subject to the protective covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions") hereinafter set forth.

ARTICLE I—DEFINITIONS

Section 1

The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

- (a) "Association" shall mean and refer to this corporation.
- (b) "The properties" shall mean and refer to all such existing properties, and additions thereto, as are subject to this Declaration or any Supplemental Declaration, as described in Article II hereof.
- (c) "Common properties" shall mean and refer to those areas shown on any subdivision plat of the properties approved and recorded by the Association and intended to be devoted to the common use and enjoyment of the owners of the properties.
- (d) "Site" shall mean and refer to any plot of land now or in the future designated by the Association as a building site for a property owner.
- (e) "Reserved property" shall mean and refer to property on Little Cumberland Island, Camden County, Georgia, not designated by the Association as common properties or as sites, but subject to future designation as either.
- (f) "Property owner" shall mean and refer to the owner of one or more sites.
- (g) "Mortgage" shall include chattel mortgage, bill of sale to secure debt, deed, deed to secure debt, deed of trust, and any and all other similar instruments of pledge or trust.

ARTICLE II—PROPERTY SUBJECT TO THIS DECLARATION

Section 1.

Property.—The real property which is, and shall be, held, transferred, sold, conveyed and occupied subject to this Declaration is that part of Little Cumberland Island, situate in Camden County, Georgia, as the same may be shown and designated upon a plat or plats thereof, approved by the Board of Directors, to be recorded in the office of the Clerk of Superior Court of Camden County, Georgia.

ARTICLE III—MEMBERSHIP AND VOTING RIGHTS

Section 1

Membership.—Every person or entity who is a record owner of a fee interest in any site which is part of the properties and which is subject by covenants of record to assessment by this corporation shall be a stockholder in this corporation, *provided that* any such person or entity who holds such interest merely as security for the performance of an obligation need not be a stockholder.

ARTICLE IV—COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1

Creation of the Lien and Personal Obligation of Assessments.—The Association, for each site owned by the Association, within the properties, hereby covenants and each purchaser of any site by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay to the Association annual assessments or charges covering annual ownership costs and expense of the common properties and property reserved by the Association, such assessments to be fixed, established and collected from time to time as hereinafter provided. The annual assessments, together with such interest thereon and costs of collection thereof as is hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with such interest thereon and cost of collection thereof as is hereinafter provided, shall also be the personal obligation of the person who was the owner of such property at the time the assessment fell due.

Section 2

Purpose of Assessments.—The assessments levied by the Association shall be used exclusively for the purpose of promoting the health and welfare of the property owners on Little Cumberland Island and in particular for the improvement and maintenance of properties, services and facilities devoted to this purpose and directly related to the use and enjoyment of the common properties and of the homes situated upon the properties, including, but not limited to, the payment of taxes and insurance thereon (excluding sites owned by property owners) and repair, replacement and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof.

Section 3

Basis and Maximum of Annual Assessments.—Until the fiscal year beginning April 1, 1965, the annual assessment shall be \$365.00 per property owner. From and after April 1, 1965, the annual assessment shall be determined by vote of the Directors, as hereinafter provided. The Board of Directors of the Association may, after consideration of current maintenance, costs and future needs of the Association fix the actual assessment for any year at a lesser amount, but may not increase the annual assessment beyond \$500.00 without approval of the stockholders as hereinafter in Sections 4 and 5 provided.

Assessments allocable for capital improvements, shall not bind any stockholder where, with respect to the portion of such assessment for improvements, it causes the annual assessment to exceed \$500, if such assessment is made against the dissent of any stockholder, but each stockholder shall remain liable for any portion of the annual assessment below \$500, which may be allocable to capital improvements.

Section 4

Change in Basis and Maximum of Annual Assessments. Subject to the limitations of Section 3 hereof, the Board of Directors of the Association may change the maximum and basis of the assessments fixed by Section 3 hereof prospectively *provided that* any such change shall not be adopted against the dissent of the holders of one-third of its stock, voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be given to all members at least thirty (30) days in advance and shall set forth the purpose of the meeting, *provided further that* the limitations of this section and of Section 3 hereof, shall not apply to any change in the maximum and basis of the assessments undertaken as an incident to a merger or consolidation in which the Association is authorized to participate under its Charter and under Article VI, Section 5, hereof.

Section 5

Quorum for any Action Authorized Under Section 4.—The quorum required for any action authorized by Section 4 hereof shall be as follows:

At a meeting called, as provided in Section 4 hereof, the presence at the meeting of members, or of proxies, entitled to cast sixty (60) percent of all of the votes of all stockholders, shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in Section 4, and the required quorum at any

such subsequent meeting shall be one-half of the required quorum at the preceding meeting, *provided that* no such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Section 6

Date of Commencement of Annual Assessments: Due Dates.—The annual assessments provided for herein shall commence on the date (which shall be the first day of a month) fixed by the Board of Directors of the Association to be the date of commencement.

All the annual assessments commencing with the first annual assessment for the fiscal year commencing April 1, 1963 shall become due and payable on the 1st day of June in each year unless otherwise determined by the Board of Directors who may also provide for installment payments and may prorate assessments to new owners.

Section 7

Duties of the Board of Directors.—The Board of Directors of the Association shall fix the date and the amount of the assessment against each site and property owner for each assessment period at least thirty (30) days in advance of such date and shall, at that time, prepare a roster of the properties and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any property owner.

Written notice of the assessment shall thereupon be sent out to every property owner subject thereto.

The Association shall upon demand at any time furnish to any property owner liable for said assessment a certificate in writing signed by an officer of the Association, setting forth whether said assessment has been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 8

Effect of Non-Payment of Assessment: The Personal Obligation of the Owner; The Lien: Remedies of Association.—If the assessments are not paid on the date when due (being the dates specified in Section 6 hereof), then such assessment shall become delinquent and shall, together with such interest thereon and cost of collection thereof as hereinafter provided, thereupon become a continuing lien on the property which shall bind such property in the hands of the then owner, his heirs, devisees, personal representatives and assigns. The personal obligation of the then owner to pay such assessment, however, shall remain his personal obligation and shall not pass as a personal obligation to his successors in title unless expressly assumed by them.

If the assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the rate of eight (8%) percent per annum, unless waived or reduced by the Board of Directors, and the Association may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the property, or both, and in the event of filing suit, or of foreclosure, there shall be added to the amount of such assessment the cost of preparing and filing the complaint in such action or the cost of preparing and prosecuting the foreclosure, such costs to include a reasonable attorney's fee and costs of court.

Each property owner agrees to pay all taxes of every character that may accrue or be assessed against said site or sites (unless property owner shall in good faith dispute the same, and shall have taken such steps as in the opinion of the Association are necessary to protect the Association's interests), and shall pay all of the assessments provided for above, promptly as the same shall become due. In the event of any such default by the property owner in paying any such taxes or assessments, the Association may, at its option, pay such taxes, and all payments of the Association in connection therewith shall bear 8% interest per annum from the time of payment by the Association until payment by property owner to the Association, unless waived or reduced by the Board of Directors.

Such expenses and fees, in addition to such taxes and interest as may be incurred in the protection of said premises, including the fees of any attorney employed by the Association for the collection of any or all of the indebtedness for the security of which provision is hereby made, or foreclosure by Association's sale, or court proceedings or in any other litigation or proceeding affecting said site or sites, and attorney's fees reasonably incurred in any other way, shall be paid by the property owner, and secured by this instrument.

In the event of any such default, the Association may enter upon said site or sites, take possession thereof, and may, with or without taking possession, sell the same as a whole or any parcel thereof separately at public sale or sales, before the Courthouse door in Camden County, Georgia, to the highest bidder for cash, first giving notice of the time, place and terms of such sale or sales by advertisement once a week for four weeks in the paper in which the Sheriff of Camden County, Georgia, publishes his advertisements. This power shall not be exhausted until said indebtedness has been satisfied and one or more sales may be held hereunder.

The Association may bid and/or purchase at any sale, and may execute and deliver to the purchaser or purchasers at any time a sufficient conveyance of said property sold, together with appropriate warranties of title; each property owner hereby constitutes and appoints the Association his Agent and attorney-in-fact to make such sale and conveyance, thereby divesting property owner of all right, title or equity that he or they may have in and to said property, and vesting the same in the purchaser or purchasers at such sale or sales, and all of the acts and doings of said attorney-in-fact are hereby ratified and confirmed by property owner by reason of acceptance of the deed to his site or sites (if a selected site or sites, and by reason of having a site or sites allotted to him, if the site or sites be allotted), and any recitals in said conveyance as to facts essential to a valid sale shall be binding on the property owner.

The proceeds of such sale or sales shall be applied first to the payment of all sums secured hereby, then to the expenses of such sale or sales and all proceedings in connection therewith, and the remainder, if any, shall be paid to the property owner or persons lawfully entitled thereto. The power and agency hereby granted are coupled with an interest and are irrevocable by death or otherwise, and are granted as cumulative to the remedies for collection of said indebtedness as provided by law.

The Association shall, upon application to any court, be entitled to a Receiver to take charge of said property without alleging or proving insolvency of the property owner, and without consideration of the value of the property, or any other ground usually incident to the appointment of receivers, other than default, as is hereinabove set forth.

The property owner covenants that, in the event of a sale under power as hereinabove provided, the property owner shall then become and be a tenant holding over and shall forthwith deliver possession to the purchaser at such sale, or be summarily dispossessed, in accordance with the provisions of law applicable to tenants holding over.

Section 9

Subordination of the Lien to Mortgages.—The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage or mortgages now or hereafter placed upon the properties subject to assessment; provided, however, that such subordination shall apply only to the assessments which have become due and payable prior to the sale of such property pursuant to a decree of foreclosure of any such mortgage. Such sale shall not relieve such property from liability for any assessments thereafter becoming due nor from the lien of any such subsequent assessment. In the event it shall be found that the provisions of this Declaration preclude a lending institution lending money on property on the Island, then the provisions of this Declaration may, in the discretion of the Board of Directors, be waived in whole or in part, with respect to such lending institution.

Section 10

Exempt Property.—The following property subject to this Declaration shall be exempted from the assessments, charges and liens created herein: (a) all properties subject to any easement or other interest to the extent dedicated and accepted by the local public authority and devoted to public use; (b) all common properties and properties reserved by the Association; (c) all properties exempted from taxation by the laws of the State of Georgia, upon the terms and to the extent of such legal exemption.

ARTICLE V—LAND PLANNING AND BUILDING COMMITTEE

Section 1

No building, fence or other structure shall be erected, placed or altered on any site until the proposed building plans, specifications, exterior color or finish, site plans (showing the proposed location of such building or structure, wells, sewage system, drives and parking areas), and construction shall have

been approved in writing by the Association, its successors or assigns, acting herein in all matters by a Committee composed of its Board of Directors or by a Landing Planning and Building Committee composed of three (3) or more representatives appointed by the Board. Refusal of approval of plans, location or specifications may be based by the Committee upon any ground, including purely aesthetic considerations, which in the sole and uncontrolled discretion of the Committee shall seem sufficient. No alterations may be made in such plans after approval by the Committee is given except by and with the consent of the Committee. No alterations in the exterior appearance of any building or structure shall be made without like approval by the Committee. One copy of all plans and related data shall be furnished the Committee for its records.

No plan will be approved unless the proposed house will have a minimum required square footage of enclosed dwelling area, which does not include garages, boat sheds, terrace decks, open porches, etc., but does include screen porches, where roof of such porch forms an integral part of the roof line of the main dwelling. Such minimum square footage shall be as required by the Committee subject to limits and applications set by the Board of Directors.

Since the establishment of standard inflexible building setback lines for locating houses on sites tends to force construction of homes both directly behind and directly to the side of other homes with detrimental effects on privacy, view of the ocean, preservation of important trees, etc., no specific setback lines are established by these covenants and restrictions. In order to assure that location of houses will be located with regard to the topography of each individual site, taking into consideration the height of the dunes, the location of large trees and similar considerations, the Association reserves unto itself, its successors and assigns, the right to control absolutely and solely to decide the precise location of any house or dwelling or other structure upon all sites, PROVIDED, HOWEVER, that such location shall be determined only after reasonable opportunity is afforded the property owner to recommend a specific location.

The Committee shall act with all reasonable promptness upon receipt of such information to approve or disapprove such structure and to notify the property owner.

Section 2

All sites shall be used solely for residential purposes and only one single family residential building for private residence shall be erected on any site, but more than one site may be used as a location for a single residence. Any residence erected on a site shall be fully completed within twelve (12) months of the date that ground is broken for construction.

If permanent corner reference monuments have not been erected, or are not in place, each property owner shall at his expense have such permanent corner reference markers erected at locations fixed by a competent registered surveyor. No site shall be sold except as a whole, or subdivided; provided, however, that an original site of approximately 4 acres may be subdivided into two sites each of approximately 2 acres, and a site may be subdivided when the portions so created are added to the adjoining sites.

Section 3

It shall be the responsibility of each property owner to prevent the development of any unclean, unsightly or unkempt conditions of buildings or grounds on his site which shall tend to substantially decrease the natural beauty of the neighborhood as a whole or the specific area.

No noxious or offensive activity shall be carried on upon any site, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance or nuisance to the neighborhood. There shall not be maintained any plants or animals or device or thing of any sort whose normal activities or existence is in any way noxious, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the beauty and enjoyment of other property in the neighborhood by the owners thereof. These provisions shall be interpreted both objectively and liberally with all reasonable latitude being given to a property owner before any determination is made that anything is objectionable hereunder.

Section 4

The Association may enter upon land to remove any trash which has collected on a site without such entrance and removal being deemed a trespass, all

at the expense of the property owner of said site, provided, however, that such expense shall not exceed Twenty-five Dollars (\$25.00) annually. This provision shall not be construed as an obligation on the part of the Association to provide garbage or trash removal services, nor to permit violations of the preceding Section.

Each property owner occupying a residence on any site shall provide receptacles for garbage, in a completely screened area not generally visible from the road and other property, or provide underground garbage receptacles or similar facility, all in accordance with reasonable standards established by the Association.

Section 5

Prior to the occupancy of a residence on any site, proper and suitable septic tank or tanks will have been constructed on such site for the disposal of all sewage, and all sewage shall be emptied or discharged into such tank or tanks, unless and until other public or community facilities for handling sewage shall have been developed and made available. No sewage shall be emptied or discharged into any ocean, any creek, marsh, river, sound or beach or shorelines thereof. No sewage disposal system shall be permitted on any site nor may any sewage disposal system be used unless such system is designed, located, constructed and maintained in accordance with the requirements, standards, and recommendations of the Committee, which standards may be more but not any less exacting than those of the State of Georgia, Glynn County, and such regulations which Camden County may adopt. A further approval of such system shall be obtained from the Committee after the completion of said system and prior to the use of the system.

Section 6

No commercial signs, including "for rent", "for sale" and other similar signs, shall be erected or maintained on any site except with the written permission of the Committee or except as may be required by legal proceedings, it being understood that the Committee will not grant permission for said signs unless their erection is reasonably necessary to avert serious hardship to the property owner. Property identification and like signs exceeding a combined total of more than one (1) square foot may not be erected without the written permission of the Committee.

Section 7

No structure of a temporary character shall be placed upon any site at any time without written permission of the Committee, provided, however, that this prohibition shall not apply to shelters used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not, at any time, be used as residences or permitted to remain on the site after completion of construction.

No trailer, tent, barn, tree house or other similar outbuilding or structure shall be placed on any site at any time, either temporarily or permanently, without specific consent of the Board of Directors.

Section 8

No fuel tanks or similar storage receptacles may be exposed to view, and may be installed only within the main dwelling house, within an accessory building or enclosure buried underground.

Each property owner constructing a dwelling must construct a screening fence to shield and hide from view any service yard. Plans for such fence delineating the size, design, texture, appearance and location must be approved by the Committee prior to construction.

Section 9

No large trees measuring six inches or more in diameter at ground level may be removed without the written approval of the Committee.

Property owners may not remove, reduce, cut down, or otherwise lower the elevation of sand dunes and ridges located on any site, except with the written approval of the Committee. The Committee shall guard against approving any such changes or building plans which might result in instability or wind or water erosion or dune blowouts, but its approval shall not be construed as a representation that such will not occur.

Section 10

Any decision of the Land Planning and Building Committee as composed of representatives appointed by the Board of Directors may be appealed within a reasonable time to the Board whose determination shall be made promptly and may be made by communication between the members thereof without a formal meeting.

Section 11

The Board of Directors shall have the authority to interpret and from time to time amplify and to modify the covenants and restrictions set forth in this Article in keeping with the purpose of the Association, any amendments, however, to be subject to stockholder approval.

ARTICLE VI—GENERAL PROVISIONS

Section 1

The covenants and restrictions of this Declaration, as they may be amended from time to time, shall run with and bind the land, and shall inure to the benefit of and be enforceable by this Association, or the owner of any land subject to this Declaration, his respective legal representatives, heirs, successors, and assigns, for a term of 25 years from the date this Declaration is recorded, after which period of 25 years said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by two-thirds of the then owners of the sites has been recorded, agreeing to change said covenants and restrictions in whole or in part provided, however, that no such agreement to change shall be effective unless made and recorded. In arriving at such two-thirds fraction, each site shall be deemed to have a single owner.

Section 2

Enforcement.—Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; the Association shall have such rights to enter and abate violations as the By-Laws may provide; and failure by the Association or any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 3

Severability.—Invalidation of any one or more of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

Section 4

Annexation of Additional Properties.—The Association may, at any time, annex additional residential and common properties to the properties described in ARTICLE II, *provided that* any such annexation shall have the assent of two-thirds of the stock voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be given to all stockholders at least thirty (30) days in advance and shall set forth the purpose of the meeting.

Section 5

Mergers and Consolidations.—To the extent permitted by law, the Association may participate in mergers and consolidations with other corporations organized for similar purposes, *provided that* any such merger or consolidation shall have the assent of the holders of two-thirds of the stock voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be given to all stockholders at least thirty (30) days in advance and shall set forth the purpose of the meeting.

Section 6

Mortgages.—The Association shall have power to mortgage, convey or otherwise pledge its real estate, *provided * * ** a meeting duly called for this purpose, written notice of which shall be given to all stockholders at least thirty (30) days in advance and shall set forth the purpose of the meeting.

Section 7

Amendments.—Except as is hereinabove provided, this Declaration may be amended by stockholder approval, provided that any such amendment shall not be adopted against the dissent of the holders of one-third of its stock, voting in person or by proxy, at a meeting duly called for that purpose, written notice of which shall be given to all stockholders at least thirty (30) days in advance of the meeting, and in which notice the intention so to amend shall be set forth.

In witness whereof, Declarant, Little Cumberland Island Homes Association, Inc., has caused these presents to be executed in its corporate name by its officers thereunto duly authorized and its corporate seal properly attested to be hereto affixed on the day and year first above written as the date hereof.

LITTLE CUMBERLAND ISLAND HOMES ASSOCIATION, INC.
By INGRAM T. RICHARDSON,
President.

ATTEST:

ALLSTON TENTUM,
Secretary.

Signed, sealed and delivered in the presence of:

JOSEPH M. OLIVER,
EDWARD WIDDER,
Notary Public, State of New York.

Recorded September 22, 1965.

FLOELLA BORING,
Deputy Clerk, Superior Court, Camden County, Ga.

BY LAWS OF LITTLE CUMBERLAND ISLAND HOMES ASSOCIATION, INC.

ARTICLE I—DEFINITIONS

Section 1

The following words when used in these By Laws shall have the following meanings:

- (a) "Association" shall mean and refer to this corporation.
- (b) "The properties" shall mean and refer to all such existing properties, and additions thereto, as are subject to these By Laws, as described in Article III hereof.
- (c) "Common properties" shall mean and refer to those areas shown on any subdivision plat of the properties approved and recorded by the Association and intended to be devoted to the common use and enjoyment of the owners of the properties.
- (d) "Site" shall mean and refer to any plot of land now or in the future designated by the Association as a building site for a property owner.
- (e) "Reserved property" shall mean and refer to property on Little Cumberland Island, Camden County, Georgia, not designated by the Association as common properties or as sites, but subject to future designation as either.
- (f) "Property owner" shall mean and refer to the owner of one or more sites.
- (g) "Mortgage" shall include chattel mortgage, bill of sale to secure debt, deed, deed to secure debt, deed of trust, and any and all other similar instruments of pledge or trust.

ARTICLE II—LOCATION

Section 1

The principal office of the Association shall be located at 24 Drayton Street, Savannah, Georgia.

ARTICLE III—PROPERTY SUBJECT TO THESE BY LAWS

Section 1

Property.—The real property which is, and shall be, held, transferred, sold, conveyed and occupied subject to these By Laws is that part of Little Cumberland Island, situate in Camden County, Georgia, as the same may be shown and designated upon a plat or plats thereof, approved by the Board of Directors, to be recorded in the office of the Clerk of Superior Court of Camden County, Georgia.

ARTICLE IV—MEMBERSHIP AND VOTING RIGHTS

Section 1

Membership.—Every person or entity who is a record owner of a fee interest in any site which is part of the properties and which is subject by covenants of record to assessment by this corporation shall be a stockholder in this corpora-

tion, *provided that* any such person or entity who holds such interest merely as security for the performance of an obligation need not be a stockholder.

Section 2

The rights of membership are subject to the payment of annual and special assessments levied by the Association, the obligation of which assessments is imposed against each owner of and becomes a lien upon the property against which such assessments are made as provided by Article IV of the Declaration of Covenants and Restrictions to which The Properties are subject and recorded in the office of the Clerk of Superior Court of Camden County, Georgia, in Record Book 76, Folio 341-358.

ARTICLE V—STOCKHOLDERS

Section 1

Annual Meeting.—Annual meetings of the stockholders of this corporation shall be held at the principal office of the corporation or at some other place within the State of Georgia, as may be fixed by the Directors in the call notice of the annual meeting which shall be held during the period commencing with two weeks prior to April 11th or two weeks following April 11th of each year. In the event such day should be a legal holiday, the meeting shall be held at the same hour on the next day following that is not a legal holiday.

Section 2

Notice of Meeting.—A written or printed notice of the time and place of such meeting shall be given by the Secretary, by delivery or by mailing such notices to each stockholder addressed to him at his usual place of business, or such address as may appear on the books of the corporation, at least ten days prior to such meeting, and in such other manner, if any, as may be prescribed by law.

Section 3

Purpose of Meeting.—The purpose of such meeting is to permit the officers of the corporation to acquaint the stockholders with the state of affairs of the corporation, to transact such other business as may properly come before such meeting, and to elect directors of the corporation for the ensuing year.

Section 4

Order of Business.—The order in which the business of such meeting shall be conducted is as follows:

1. Roll call by Secretary;
2. Reading of the minutes of the previous meeting;
3. Report of the officers;
4. Other business;
5. Election of Directors; and
6. Adjournment.

If, for any reason, the annual election of Directors shall not be held as herein-before provided, it may be held on any subsequent day to be fixed by the Board of Directors then serving.

Section 5

Special Meetings.—Special meetings may be called by the President, by a majority of the Board of Directors, or whenever so requested in writing by stockholders who are entitled to vote, and who hold at least one-third of the stock of the corporation. Such requests must specify the time and place and object of the proposed meeting, which must be within the State of Georgia.

A written or special notice of the time, place and object of every special meeting shall be given by the Secretary by delivery of, or by mailing such notice to each holder of stock, addressed to his usual place of business, or such address as may appear on the books of the corporation, at least ten days prior to such meeting and in such other manner, if any, as may be prescribed by law.

Section 6

Rules for Voting at Such Meeting.—At any meeting of the stockholders, a majority of the holders of the common stock of the corporation shall constitute a quorum for the transaction of business, except as otherwise provided by law, and except that a less number may adjourn a meeting.

At said meeting of the stockholders, each holder of stock shall be entitled to one vote for each share of stock standing in his name on the books of the cor-

poration and such vote may be cast by the stockholder in person, or by proxy properly authorized by written or printed appointment, executed by stockholder himself, or by his duly authorized attorney.

ARTICLE VI—CAPITAL STOCK

Section 1

Subscriptions.—Subscriptions to the capital stock shall be paid in at such times and in such installments as the Board of Directors may, by resolution, require.

Section 2

Certificates.—Certificates of stock shall be issued in manner prescribed by law to each stockholder, showing the number of shares to which he is entitled. Each certificate shall be signed by the President and the Secretary, or such other officers as may be designated by the Board of Directors to sign such stock certificates and countersigned by the transfer agent, if any, designated by the Board of Directors. Such certificates shall have the corporate seal affixed thereto, and shall contain language calling attention to the pre-emptive rights of the corporation and its stockholders for the purchase of the stock, as is hereinafter provided.

Section 3

Transfer of Stock.—Stock may be transferred only upon the books of the corporation. No sale, transfer, assignment or pledge of any stock, or right or title thereto may be made without the prior consent of the corporation. Upon receipt by the Secretary of notice in writing of such intended sale, transfer, assignment or pledge, the corporation shall have the right, within thirty (30) days (Sundays and Holidays excepted) from the date of receipt of such notice, to purchase such stock for cash, at its then fair market value, as the same is determined by the Board of Directors, which value so determined shall be final and conclusive. Thereafter the stockholders of this corporation shall have a period of thirty (30) days within which to purchase at such fair market value and after the expiration of sixty (60) days and failure by the corporation to purchase within such sixty-day period and by any stockholder to purchase, then the stockholder desiring to sell shall be at liberty to dispose of his stock on the open market to any purchaser approved by the Board of Directors. Any such sale or transfer hereunder shall carry with it also a sale or transfer of such land or leasehold as such stockholder may own at the time of sale or transfer and any land purchase rights vesting in him by reason of being the holder of such shares, each two-acre site to continue in the same ownership with fifty shares and each four-acre site in the same ownership with one hundred shares, and such real property to be valued in the same manner as such stock, all subject to present or future alienation restrictions of this corporation.

The corporation may not sell, lease, or otherwise dispose of its Little Cumberland Island lands to individuals, other than to its stockholders.

Stockholders desiring to dispose of such lands, leasehold or land purchase rights, shall first offer such real property and the accompanying stock to the corporation and its stockholders, as is provided above.

Upon receipt by the Secretary of notice in writing of any such intended alienation sale or transfer of stock, land, leasehold or land purchase rights, the Secretary shall, within thirty (30) days, notify the other stockholders thereof. If the corporation fails to purchase such, the rights of the stockholders to purchase the same shall be in the order of their priority as shown on the books of the corporation.

If any stockholder is adjudged bankrupt, or a Receiver be appointed for him, or upon the death of any stockholder, the corporation may require the sale of the stock and any land or leasehold of such stockholder to it, at its then fair market value, as determined by the Board of Directors, which fair value so determined shall be final and conclusive; should any such stockholder, or the personal representative on his Estate, his Receiver or Trustee in Bankruptcy, decline to surrender such stock certificate for transfer, the President of the corporation, for the time being, acting as attorney-in-fact for such stockholder, or the estate of such deceased stockholder, or such Trustee or Receiver, shall effect the necessary transfers on the corporate stock records, and thereafter the corporation shall hold the purchase price of the stock as Trustee for the person or persons entitled thereto, but as such Trustee, the corporation shall not be required to pay interest on any such fund.

Notwithstanding anything to the contrary herein, such preemptive rights in the corporation and its stockholders, both as to stock and to land or leasehold rights, shall not apply with respect to a transfer by a member to his or her spouse, or the lineal descendants of the transferor, or the lineal descendants of a common ancestor of the transferor who was himself a member, whether intervivos or otherwise.

Section 4

Transfer Books.—The transfer books of the stock of the corporation may be closed for such period, not exceeding forty days, in anticipation of stockholders' meetings, as the Board of Directors may determine. In lieu of closing the transfer books, the Board of Directors may fix a day not more than forty days prior to the day of holding any meeting of stockholders as the day as of which stockholders entitled to notice of and to vote at such meeting shall be determined; and only stockholders of record on such day shall be entitled to notice of or to vote at such meeting.

Section 5

Lost Certificates.—In case of any application for the issue of a new certificate of stock in place of one or more claimed to have been lost or destroyed, the same shall be referred to the Board of Directors, who shall determine whether to grant such application and the terms, if any, upon which it is to be granted.

ARTICLE VII—DIRECTORS

Section 1

Number of Directors; Term of Office.—The affairs of the corporation shall be managed and conducted by not less than seven nor more than eleven directors, to be elected by the stockholders of the corporation, at the time and place fixed by the By Laws. They shall hold office for one (1) year, and until their successors are elected, and have qualified.

A director shall not be required to own any stock in the corporation to entitle him to hold office.

Section 2

Quorum at Meeting.—A majority of the Board of Directors at a meeting duly assembled shall be necessary to constitute a quorum for the transaction of business, and the act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board.

Section 3

Regular Meeting.—A regular meeting of the Board of Directors shall be held on the day of and immediately following the annual meeting of the stockholders. They shall organize and proceed to the election of officers as provided hereinafter.

Section 4

Special Meetings.—Special meetings of the Directors shall be called by the President or by the Secretary if the latter receives a request in writing signed by two Directors specifying time, place and object of proposed meeting. Notice of such meetings shall be mailed to each director at his address as may appear on the books of the corporation, at least ten (10) days prior to such meeting.

Section 5

Powers.—The Board of Directors shall have the entire general charge of the affairs of the corporation. Such Board shall be empowered to exercise all of the powers, rights, and privileges granted in the charter of the corporation. The Board of Directors shall have the right to promulgate such rules and regulations, not inconsistent with these By Laws as may be legitimate and proper for the government of this corporation. The Board of Directors shall elect the officers hereinafter named, and shall have the power to create such other offices as they may deem necessary.

Section 6

Vacancies in Board of Directors.—Any vacancy in the office of any Director, however occasioned, may be filled, pending the election of his successor by the members, by a majority vote of the remaining Directors.

ARTICLE VIII—OFFICERS

Section 1

Offices.—(a) The officers of the company shall consist of a Chairman of the Board, President, Vice President or Vice Presidents, Secretary and Treasurer, and assistants, to be elected by the Board of Directors at a meeting for organization held after the annual meeting of the stockholders, or at any meeting held in lieu of said meeting for such purpose. Each of such officers shall serve for the term of one year and until the election and qualification of his successor.

(b) Any two offices may be merged by a majority vote of the Board of Directors, and such dual office may be held by one person.

(c) The Board of Directors may also create such offices and appoint such other officers, agents and employees as the Board deems necessary. All officers, agents or employees so appointed shall be removable at the pleasure of the Directors. Any vacancy in any office may be filled by the Board of Directors.

Section 2

Chairman of the Board.—The Chairman of the Board shall preside at all meetings of the corporation and of the Board of Directors and shall perform such other duties as may be assigned to him by the Board of Directors.

Section 3

President and Vice President.—The President shall preside at all meetings of the corporation and of the Board of Directors in the absence of, or at the request of, the Chairman, and shall sign all certificates of stock and all notes and obligations of the corporation, unless otherwise directed by the Board of Directors, and all contracts and instruments when authorized by the Directors, and generally shall perform all duties usually incumbent upon such officer and such as may be required of him by the Board of Directors. He shall make annual reports of the condition of the corporation, and submit the same to the stockholders at their annual meeting.

The Vice President shall perform all the duties of the President in his absence, and such other duties as may be required of him by the Board of Directors.

Section 4

Treasurer.—The Treasurer shall receive and have the custody of all monies and securities of the corporation, shall do and perform all such duties as may be required of him by the Board of Directors, and such other duties as usually devolve upon such officers.

The Directors may require the Treasurer to give such security for the faithful performance of his duties as they shall from time to time determine.

Section 5

Secretary.—The Secretary shall have the care and custody of the records of this corporation, give the necessary notices of all meetings of the stockholders and Board of Directors, and keep and return the proceedings of all such meetings.

He shall have the custody of the seal of the corporation and shall affix the same to all instruments requiring the seal.

He shall keep such other books and records, and perform all such other duties as may be assigned to him by the Board of Directors, or the President.

ARTICLE IX—SEAL

Section 1

The common seal of the corporation shall be in the following form:

ARTICLE X—BY LAWS

These By Laws may be altered or amended only upon the affirmative vote of the holders of two-thirds of the stock of the corporation, at any regular meeting, or at any special meeting, provided that there shall be no amendment of these By Laws unless notice of intention so to amend be included in the call of any special or annual meeting of the stockholders. The Declaration of Covenants and Restrictions shall, in any case of conflict herewith, be controlling.

Adopted as the By Laws of "Little Cumberland Island Homes Association, Inc.", at the meeting of the stockholders, held at Jekyll Island, Georgia, on the 23rd day of April, 1966.

ANDALUSIA, ALA., May 26, 1972.

HON. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
New Senate Office Building,
Washington, D.C.

MY DEAR SENATOR BIBLE: Please support passage of Senate bill 2411 which proposes to establish Cumberland Island National Seashore. I think that this bill should specifically include provisions for maintaining the island in its natural state with a minimum of recreational developments. Particularly undesirable is the building of a causeway or bridge to connect the island with the mainland.

Thank you.

Sincerely yours,

CRAIG W. NORTON.

COLLEGE PARK, GA., May 10, 1972.

HON. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and
Insular Affairs, U.S. Senate, Washington, D.C.

CHAIRMAN BIBLE AND GENTLEMEN OF THE COMMITTEE: An analysis of the total provisions of the Cumberland Island National Seashore bill, as introduced by Senator Talmadge, as applied to the facts of property ownerships on Cumberland Island reveal an indirect and, I am sure, inadvertent, gross discrimination against my clients.

The provisions of the bill also add up to a pretty fair job of discrimination in so far as my own personal property rights and privileges are concerned. I have title or control of a fraction less than one acre of land on the Island; together with easements rights to a docking and service area facility; together with easements in certain roads on the Island and the easement use of 780 feet on seashore.

Basically this discrimination is accomplished by modifying the "Eminent Domain" provision of the bill as it is applied to some folks but not modifying this provision as it is applied to other folks—more particularly me and my clients and a few other property owners similarly situated.

A lot of these other folks who are being favored have not had rights to their property any longer than we have had rights to ours and in many other instances only a year or two longer.

Let's take the application of "Eminent Domain" on the Little Cumberland area of the island. That's where record title to fifty (50) and more two (2) acre tracts are in individual ownerships. These fine people get to build homes in the future and get to use their property for resident non-commercial purposes under the protection of a "Trust Agreement" provision of the bill which, when effecuated, precludes the use of "Eminent Domain" to take their property. There is no such similar provision protecting my clients—or me—or others similarly situated.

Let's take the "Special Contracts of Purchase" that the National Parks Foundation has been entering into and may enter into when purchasing property from some of the large landowners. These "special contracts" protect the sellers use of present and future improvements on portions of properties sold and provisions of these "special contracts" become law and preclude the use of "Eminent Domain" to take away these use rights.

Let me also call your attention to a cut-off date of February 1, 1970 for improvements to have to have been erected—or else through "Eminent Domain" this bill allows the Secretary to take our property without reservation.

My clients acquired their rights as a matter of public record on July 7, 1970. At that time we had never heard of any National Seashore concept. Even a year ago there was talk about part of the Island for park purposes, part of the Island for National Seashore purposes, and part of the Island for private development including commercial operations.

I'm simply stating that if anybody is going to be allowed to maintain a home or to build any residential improvements on the Island, I want the legislation that's passed by Congress to give my clients and myself the same rights given anybody else and I don't want the use of Foundations, Trusts, or Special Agreements modifying law that says it's okay for you—but not okay for me.

I think you gentlemen will agree and I so make the request of you to see that the rights and privileges of my clients and myself are protected in this respect.

Thank you.

Very truly yours,

HENRY G. CRAWFORD.

STATEMENT OF A. STEPHEN JOHNSON, VICE CHAIRMAN,
CHATTAHOOCHEE CHAPTER, SIERRA CLUB

The Sierra Club Board of Directors, at its quarterly meeting of September 27, 1971, in San Francisco, adopted the following resolution: "The Sierra Club supports the establishment of a National Island Seashore on Cumberland Island in Georgia, and opposes construction of any bridges or causeways to the Island."

The Sierra Club enthusiastically supports S. 2411, with the following comments:

(1) We believe that the bill should contain more specific language directing the National Park Service to emphasize preservation of the island's natural values, rather than emphasizing recreational development. Cumberland Island is a beautiful, fragile, and priceless ecosystem complex, perhaps the largest and most interesting undeveloped ocean frontage in eastern North America. We urge that it be allowed to remain that way. We urge that development of recreation facilities on the island be kept to an absolute minimum, and that this intent be made part of the language of the bill. We would favor changing the designation from "National Seashore" to "National Park" or "National Monument" if this would help accomplish this objective. The necessity of making this point clear in the bill can be illustrated by the recent storm of controversy over the development of recreational facilities and roads on Assateague Island National Seashore, resulting from differing interpretations of the bill which created the Seashore.

(2) We strongly oppose the construction of any bridges or causeways to the island, as has been proposed. Construction of a bridge or causeway, with the consequent intrusion of vehicular traffic and encouragement of commercial development, is totally out of keeping with the aims of the National Seashore concept.

A bridge or causeway to Cumberland is not only potentially destructive to the island's outstanding natural values, but is totally unnecessary and wasteful when one considers the region as a whole. The two islands immediately to the north of Cumberland (Jekyll and St. Simons) are heavily developed recreation areas, both connected to the mainland by causeways, and offering the motorist an adequate variety of modern, highly developed recreational facilities. The two islands to the south (Amelia and Little Talbot in Florida), while retaining some acreage undeveloped in state park areas, are also connected to the mainland by causeways, offering a continuous highway down the entire length of the two islands. Thus, there is sufficient highway access to the beaches of the region to satisfy the present demands. We believe that Cumberland should remain as an island, accessible only by boat or airplane, not only to increase the value of its wilderness experience, but to add to the recreational diversity of the coastal region. It is an accepted ecological principle that diversity increases stability, and we believe that such a diversity of land use will most benefit the economy of the coastal region and of Camden County.

(3) We criticize the establishment of a Cumberland Island National Seashore Advisory Commission in Sec. 7, specifically the phrase in paragraph 7(e) which reads, "... with respect to matters relating to the development of the Seashore ... and (2) the desirability of or necessity for bridges or causeways to Cumberland Island." We believe this adds unnecessary encouragement to the concept of a causeway, and we urge that the language of the bill be changed to direct

the Commission to consider retention of the island's natural values as one of its primary aims.

In conclusion, we would like to include in the record our expression of gratitude to those owners of Cumberland who have so conscientiously preserved the natural beauty of the island in past years. Our club members have enjoyed several highly memorable wilderness experiences on Cumberland as their guests, and we sincerely hope that they will be treated with all fairness and consideration.

SAVE AMERICA'S VITAL ENVIRONMENT,
Atlanta, Ga., May 26, 1972.

SENATOR ALAN BIBLE,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR BIBLE: We wish to add to the statement which SAVE presented at the hearings on establishing Cumberland Island as a National Seashore.

In addition to the remarks which we made at the hearing, we would also like for it to appear in the record that SAVE opposes the funding and building of a federal highway to connect with Interstate 85, unless appropriate safeguards can be taken to insure that such highway and its environs would not have a damaging effect on the environment and unless appropriate safeguards would be taken to insure that such access road would not be commercially developed in a manner not in keeping with the proposed park area on the mainland. We believe that such safeguards should be written into the bill and hope that your committee will give this your consideration.

Sincerely yours,

JANE YARN, *President.*

ATLANTA, GA., *May 23, 1972.*

SENATOR ALAN BIBLE,
*Chairman,
Senate Committee for Interior and Insular Affairs,
Washington, D.C.*

DEAR SENATOR BIBLE: I was unable to attend the Committee for Interior and Insular Affairs' hearings on the proposed Cumberland Island National Seashore, and could not be on Cumberland for the Committee's visit. However, I do wish to express my views to you in this letter, and request that you circulate this statement to the other Committee members in the proper manner.

Since you and your Committee have studied the area and seen it for yourself, I need not elaborate on its qualifications as national parkland. As a landowner and member of the Johnston family, we sold our southern and northern tracts on Cumberland Island to the National Park Foundation in 1971. I am a fourth-generation member of a family who has spent many memorable years on the island. I can see no better way of insuring that my children and your children will be able to experience this wild and unique piece of America than to see it under the protection of our national park system.

Cumberland Island is extremely fragile. Its total acreage is small when compared to other national parklands, and many of its most spectacular areas—the dunes, the marshlands, the sloughs—can bear little alteration without devastating what we want to preserve. Therefore, it would seem that the following two points would be a real concern to your Committee:

(1) A causeway, or *any* public auto traffic on the island, would be the quickest way to destroy Cumberland. Cars demand roads, more cars require more roads with more lanes on the roads, and more filling stations, and more and more parking areas. What's left?

(2) It must be made very clear, at this point, that the Cumberland Island National Seashore will eventually include *all* of the land on Cumberland Island. Cumberland will not hold up any better under land speculation and private development (sometimes referred to as "private preservation") than it will under public use. With the prospect of a national park as one's backyard, speculation will flourish. Furthermore, excluding certain tracts from public ownership would certainly alter and obstruct any master planning by the National Park Service.

Cumberland Island is unique: it's one of the few islands left where man has not groomed and transformed nature, robbing it of all fascination and adventure. It would indeed be a tragedy if we, as a country, cannot preserve such a unique wild area in its entirety for all future generations of Americans.

I would like to thank you and your Committee for their efforts and time spent on the consideration of S 2411. Please do not hesitate to call on me if I can be of help to your Committee in its further consideration of this bill.

Cordially,

NANCY J. BUTLER.

MORRIS, REDFERN & BUTLER,
ATTORNEYS AT LAW,
Atlanta, Ga., May 26, 1972.

Re S. 2411, Cumberland Island National Seashore.

Senator ALAN BIBLE,

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

DEAR SENATOR BIBLE: I am writing to you on behalf of Mrs. Lucy R. Ferguson, a resident of Cumberland Island, Georgia, whom you met along with Mr. Putnam B. McDowell and me at the hearings held on the Cumberland Island National Seashore legislation on May 11, 1972. I want to reiterate to you Mrs. Ferguson's opposition to the legislation as it is presently prepared and as we understand it.

As you will recall, Mrs. Ferguson's Cumberland Island real estate is held by Greyfield Land Corporation, a closely held family corporation, owned by Mrs. Ferguson and her heirs. Mrs. Ferguson feels that a shareholder in a small family corporation should be treated the same, so far as retention rights are concerned, as is a natural person or person owning such real estate. Mrs. Ferguson also feels quite strongly that land which is being used in a manner compatible with the long-term interest of the National Park Service should not be subject to acquisition. She also supports the forty year and the agricultural exception provisions as they are presently contained in the Bill.

Mrs. Ferguson who has been a lifelong resident of the Island, has been the only landowner who has consistently lived upon and utilized Cumberland Island. It has only been because the members of Mrs. Ferguson's family have always stressed good stewardship of Cumberland that there is now a possibility that a National Park may become a reality. To discriminate against her because her land is owned by her corporation and not in her individual capacity is a distinction which, in my opinion, is not worthwhile.

Mrs. Ferguson's position is not inconsistent with the provisions of the Cape Cod National Seashore legislation (16 U.S.C.A.—§ 459(b)). The language in the Cape Cod legislation, along with the interpretation and application of such language, as I am led to understand by the National Park Service, is that a "beneficial owner" is considered to include shareholders of a corporation. Under the Park Service's application of this provision, as I have been told, a corporate shareholder is entitled to the same rights as a natural person owning realty, but the retention is not by the corporation itself but rather by such shareholder.

The Ferguson family is not the only group which has the ownership of its Cumberland Island realty vested in a family corporation. There are at least two other family groups, one of which has sold to the National Park Foundation, who are also similarly situated.

The provisions which I am suggesting are attached hereto and in my opinion will make more clear the Congressional intention not to discriminate against Mrs. Ferguson simply because of her form of land ownership. I hope that you will be able to utilize this suggested language, and I will at any time be at your or any of your staff's disposal to consider other language which might effect the same end.

With best wishes,

THORNTON W. MORRIS.

Enclosure.

1. Sec. 4(a) The paragraph should be amended so as to provide for "any beneficial owner or owners of improved property", so that the paragraph would read as follows:

"With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any beneficial owner or owners

of improved property on the date of its acquisition by the Secretary may, . . ."

2. Sec. 4(c) should be changed to become Sec. 4(c)(1), together with any other appropriate numerical changes.

3. A new paragraph to be known as Sec. 4(c)(2) should be included to read as follows:

"Sec. 4(c)(2) The term "beneficial owner" as used in this act shall mean any person, trust, partnership, joint tenancy, or stockholder of a corporation who, or which, shall own an interest in any real estate within the area of the seashore. Any stockholder so defined as a beneficial owner may, at the election of the corporation owning the real estate acquired, receive a distribution of any retained interests in real estate and improvements thereon from the corporate owner and shall not be required to maintain such ownership of retained rights in such corporation."

ATLANTA, GA., June 26, 1972.

Senator ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, New Senate Office Building,
Washington, D.C.

(Attention Mr. Bernard Hartung).

DEAR SENATOR BIBLE: It is with a great sense of hope and urgency that I respectfully ask your support of the Bill now before the Senate which would preserve Cumberland Island in its wilderness state. It would be an irreplaceable loss to my generation and to future generations of both the State of Georgia and this country if we fail to preserve those few remaining wilderness areas on what has become a polluted and over developed coast of these United States. Cumberland Island and the marshes that surround it provide not only a haven for wildlife and for the people who visit there, but it is the entire life support system for most of the creatures of the sea.

From Florida to Maine we have developed and destroyed our salt marshes which support over 75 species of ocean life not to mention the other forms of animal life and bird life which depend on the marshes for their existence. I remember duck hunting off the coast of North Carolina, my native state, in my undergraduate and law school days before ecology became a household word wondering when man would ever realize that all his dredging and filling was destroying not a "wasteland" but a vital link in man's very own life support system. The June, 1972 issue of National Geographic has an excellent article by Mr. Hitchcock and Mr. Kirt Singer entitled "Fragile Nurseries of the Sea—Can We Save Our Salt Marshes" which describes the impending crisis faced by what is left of our once vast estuarine system. I know your time is precious, Sir, but it is well worth reading.

Senator Bible, I thank you for your interest in Cumberland Island and I urgently ask your support for the pending legislation to preserve Cumberland Island as a National Seashore without any development of connections to the mainland.

Very truly yours,

JOHN C. STOUT, JR.

ATLANTA, GA., May 3, 1972.

Re: S. 2411.

Sen. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Room 3106, New Senate Office
Building, Washington, D.C.

DEAR SIR: I would request that this letter be made part of the official transcript of the hearings on the subject bill.

Cumberland Island needs protection, so let us not make Cumberland Island into another neon light, wide open, mass public recreational island. Heed the words of the Georgia Commissioner of the Department of Natural Resources and "ban the bridges and causeways." My personal visit to the island proved to me the need for the National Seashore status *without bridges* or other automobile access.

Sincerely,

SHERMAN LANDAU.

SUPREME COURT CHAMBERS,
Buffalo, N.Y., May 4, 1972.

Re Cumberland National Seashore Park.

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

DEAR SENATOR BIBLE: I am advised that your subcommittee plans to hold hearings on the Cumberland National Seashore Park legislation in the latter part of May and I am writing to direct the attention of the subcommittee to one phase of the proposed legislation which is highly inequitable and would create a most dangerous precedent.

Although I do not have at hand the text of the proposed legislation, I am advised that it contains a provision which would exclude payment to the owner of the fair market value of any improvement on property condemned in the event such improvement was undertaken subsequent to February 1, 1970. As of that date the Congress, in which the sovereign power of eminent domain is vested, had not acted to exercise that power with respect to the property affected by the proposed legislation. No branch of the Federal Government to which the power might be deemed to have been delegated had declared officially or otherwise that the property was or should be dedicated to the public use. Despite these circumstances the enactment and enforcement of any such provision would result in a de facto partial taking of privately owned property, over two years in advance of Congressional consideration respecting the wisdom of exercising its power of eminent domain, because the owner would be effectively denied any use of the property.

As you are well aware, retroactive legislation is a "sticky wicket" at best, and where the power of eminent domain is involved constitutional questions abound. More importantly, there inheres in this type of legislation a very real threat to the orderly but delicate balance between private and governmental interests. At any given time there are under consideration literally thousands of federal and state projects which would, if executed, require the condemnation of private property. It is safe to say that many of those projects will be abandoned and a great many more will be deferred for periods of years. Should Congress adopt the principle that no utilization can be made of any property under consideration for dedication to a public use, without the threat of forfeiture, this balance would be violently disturbed. Moreover, the effect of such a policy would be to vest the power to condemn in countless federal, state and municipal employees who have no governmental responsibility beyond future planning and the conduct of feasibility studies. The bare circumstance that they were considering a project, however unreal or remote, would result in an immediate de facto taking, temporary or permanent. I am unaware of any statutory or judicial precedents for this type of legislation.

Prior to becoming a member of the judiciary, I was engaged extensively in the trial of condemnation cases and as a state court judge and Federal Commissioner of Appraisal, I have presided over and determined many cases involving eminent domain. Therefore, I am acutely aware of the problems encountered by the condemning governmental agency involving the erstwhile profiteer who would seek to enhance the value of this property and build up his damages solely for the purpose of the condemnation case. There is also the familiar situation of the condemnee who seeks to escalate the value of his property by virtue of the public purpose for which it is taken. The courts have traditionally been alert to guard against these evils and are well equipped to deal with them by the application of established rules of law governing the valuation of property in eminent domain proceedings. Indeed, I know of no reported case where any such windfall has been judicially sanctioned. Hence I respectfully suggest there is no need for enacting this highly dubious and dangerous provision.

I hasten to add that I have a personal stake in this matter and my involvement illustrates the inequity of this part of the proposed legislation. In December of 1970 my wife and I had occasion to visit a classmate who owned a house on Little Cumberland Island, and we were impressed with the beauty of the island and the conservation practices enforced by the Little Cumberland Island Association.

Early in 1971, I was afforded the opportunity of acquiring a membership in the Association and a lot which had been purchased for the Nature Conservancy. At

that time, I was aware of Congressman Stuckey's interest in creating a Cumberland National Seashore Park on the main island and since that time I have from time to time been informed of the conversations had between officers of our Association and representatives of the Department of Interior respecting the long range plans for the eventual inclusion of Little Cumberland Island into the park area. During this period, to my knowledge, no governmental action, official or unofficial, has ever been taken to inhibit any use of my land, permitted by the Association's stringent and conservation-oriented charter provisions.

In December of 1971 at a time when passage of the enabling legislation was in some doubt we started the construction of a modest two bedroom house on our lot. Obviously, it is neither my right nor my intention to seek any windfall from the government in the event the time should come when my property is required for a public use, but I see no logical or rational reason why I should be deprived of the constitutional right to be reimbursed at that time for the fair market value of my modest investment.

In closing, I would but add my personal endorsement of the overall concept of the proposed Cumberland National Seashore Park. The views of the Little Cumberland Island Association will be presented by its officers at the hearings. In the meantime I would appreciate receiving a copy of the proposed legislation together with any comments or precedents the draftsman of the bill may have on the retroactive provision to which I have voiced objection.

Respectfully,

JAMES O. MOORE.

CARL J. BRUECHERT,
Atlanta, Ga., May 4, 1972.

HON. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: I am writing about the May 11, hearing on the Cumberland Park Bills S-2411.

I am a member of Little Cumberland Island Home Owners Association, a group of conservation oriented people who love and value the beauty of the (as yet) unspoiled Georgia Coast, and we are doing an excellent job of preserving these values. In addition we have been sponsoring a Loggerhead Turtle study and propagation program through the Audubon Society.

I would like to urge your support of our Individual property rights. As good citizens and good neighbors we are doing more to preserve this heritage than Nationalization will accomplish. Why should those of us who have held these esthetic values in such esteem now be required to put our homes "on tour" to the public. The touring public to a large extent will visit us because, 1. "we are new", 2. "curiosity", 3. "something to do", and with very little concern about the pollution and vandalism they inherently bring.

It seems important that we "re-think" and "re-define" our goals in such matters. Nationalization is certainly no panacea.

[There are probably not many more of these areas remaining where we will have the privilege of making sound and far reaching decisions.

I hope that you will give this matter your most thoughtful consideration.

Sincerely,

CARL J. BRUECHERT.

433RD TAC FTR SQ.,
Box 6438, APO 96304, April 11, 1972.

HON. HERMAN E. TALMADGE,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TALMADGE: I wish to express a positive opinion on the Senate hearings scheduled for 11 May on legislation to establish the Cumberland Island National Seashore.

I have visited Cumberland Island and was delighted by the presence of nature with its pine and oak forest, beaches and dunes. It should be saved for future generations.

Certainly we want to make the island accessible. I support the Interior Department's plan for administration and service facilities on the mainland and access to the island by ferry.

I also wish to express my gratitude for your efforts in improving the living standards of all Americans, particularly the farmer. In that same thought, we need to continue to work through the Executive Branch to secure a release for our POW/MIA's.

Respectfully,

EDWARD T. BOSWELL,
Captain, USAF.

THOMAS M. C. JOHNSTON,
New York, N.Y., May 30, 1972.

Senator ALAN BIBLE,
*U.S. Senate Office Building,
Washington, D.C.*

DEAR SENATOR BIBLE: I am writing you with regard to legislation currently being considered by the Parks & Recreation Sub-Committee of the Interior and Insular Affairs Committee which would create a National Seashore on Cumberland Island, Georgia. I would like to ask you to submit this letter as part of the record in the Committee's hearings on this legislation.

I am a great-grandson of Thomas Carnegie, whose family has owned most of Cumberland Island since the late 19th Century. The Island has been very much a part of my own life. I stayed there often as a child for periods of up to a year in length and have returned frequently since.

When the National Park Foundation offered to acquire land on Cumberland Island, it did so at a point at which the Island was about to become part of a private development—and it was clear that were it not to move decisively the qualities which make the Island unique on the Eastern seacoast would be lost forever.

I and the majority of other members of our family worked out an arrangement with the National Park Service whereby we transferred our land to them at the current market value of that land reserving a house and surrounding acreage on a life tenancy basis.

In accepting the offer of the National Park Foundation for our land, it was obvious that in straight financial terms we were not making the best deal. That would have been to hold onto our piece of land, let the National Park Foundation buy up land surrounding it and then at some later date either force the Park Service to condemn us at a higher price than it offered initially or make an arrangement with a developer at a high price per acre to build apartments, lodges and other facilities in the midst of the park. From an individual point of view, this would have been the wisest course, but it was apparent that if I and all of my cousins, uncles and aunts took this approach there would be no chance of the National Park Service acquiring and saving the land.

Looking at this matter from the point of view of the legislation which you are considering, it seems to me that the Committee should not have any hesitation to do whatever is necessary to assure that all of Cumberland Island will become part of the Cumberland Island National Seashore. It has been suggested that if this is done certain private rights will be compromised. However, it is clear that if each of us had been unwilling to make some compromise as regards the pure exercise of his private rights in this matter there would be no National Park at all, and the land would be on its way to being developed in a way that none of my cousins, including the remaining owners, would find acceptable.

The argument has been made that the remaining owners who refuse to negotiate an arrangement with the Park Service on any terms save their own should be allowed to keep their land and do with it what they want because they have conserved and enjoyed the land in the past and want to go on keeping it and enjoying it that way in the future. The fact is that the arrangement offered the current landowners by the National Park Service assures conservation of the land. It also permits members of this generation and the next to have their own residences and full access to the rest of the land in a manner which is, with few exceptions, consistent with the way in which they have used the land in the past.

Since this is the case, the only logic in retaining land at this point is financial. There will clearly be a very substantial increase due to the presence of the National Park in the value of the land which is retained at this point. This appreciation will far exceed the value the land would have had if the entire Island

had remained in private hands. That some of those who wish to retain their land have neither financial motives nor needs at present in no way alters the fact that such an arrangement could be exploited by other for their financial advantage at any point in the future.

All of the arguments in favor of keeping the remaining land as a private enclave within the National Park could have been applied with equal force to every acre of the land which has already been transferred to the National Park Service. If those who have already transferred their land to the National Park Foundation had chosen to apply these arguments there would of course be no possibility of creating a National Park on Cumberland Island.

I urge the Committee to recommend legislation which is effective in assuring that all of Cumberland Island is made a National Park. I would hope that this legislation will be equitable as well in making sure that there is no financial advantage awarded those owners who have done the least to make the National Park a possibility.

Sincerely,

T. M. C. JOHNSTON.



