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ACQUISITION OF CERTAIN FEDERAL LANDS FOR PARK AND RECREATION PURPOSES

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HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

A11600 702893

S. 1638

A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO MAKE CERTAIN FEDERAL LANDS AVAILABLE TO STATE AND LOCAL GOVERNMENTS FOR PARK AND RECREATION PURPOSES

S. 2013

A BILL TO AMEND THE ACT OF JUNE 14, 1926 (43 U.S.C. 869), PERTAINING TO THE SALE OF PUBLIC LANDS TO STATES AND THEIR POLITICAL SUBDIVISIONS

JUNE 26, 1973

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

U.S. GOVERNMENT PRINTING OFFICE
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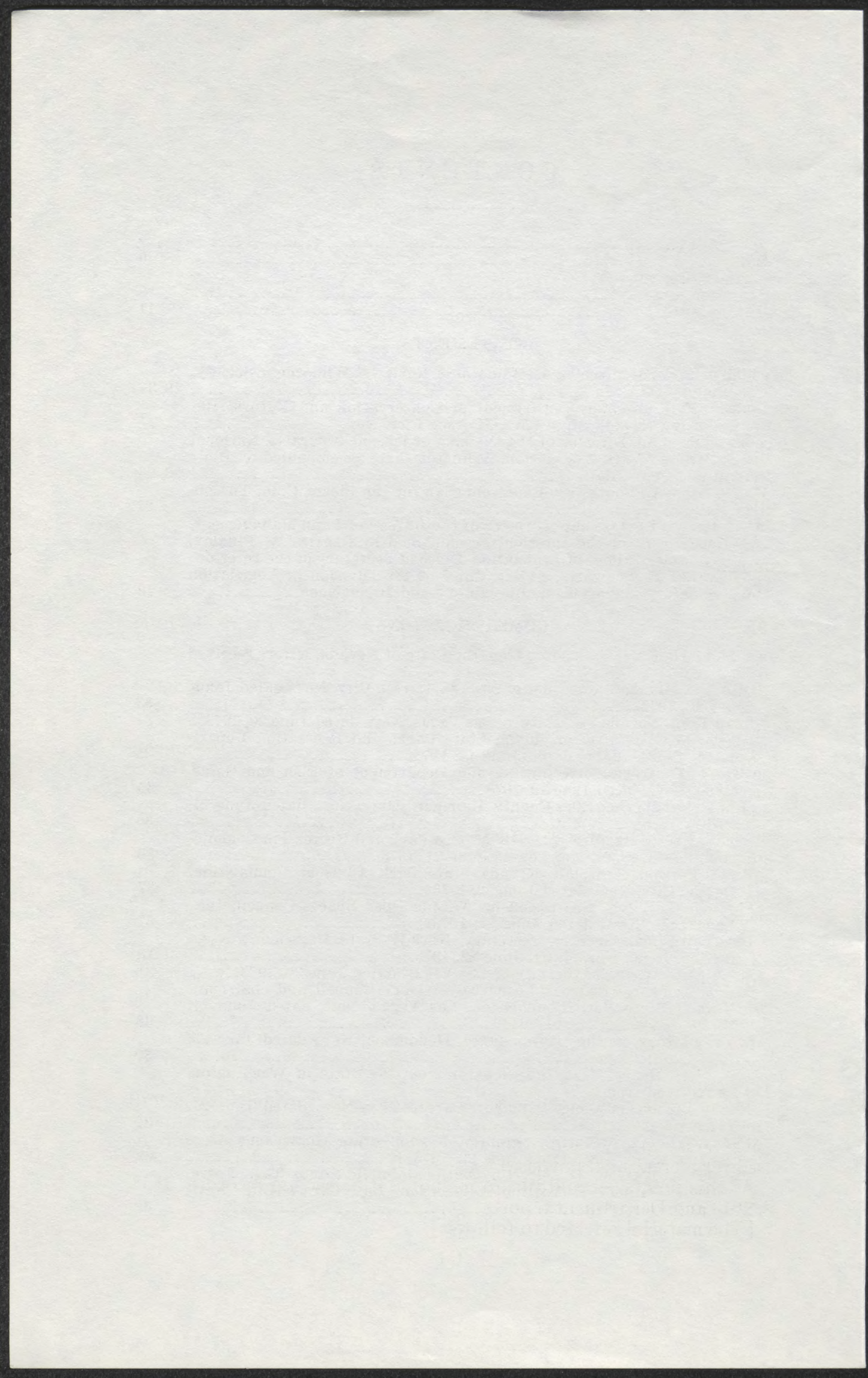

ACQUISITION OF CERTAIN FEDERAL LANDS FOR PARK AND RECREATION PURPOSES

TUESDAY, JUNE 26, 1973

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

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, Dirksen Building, Hon. Alan Bible, chairman, presiding.

Present: Senators Bible, Hansen, and Bartlett.

Also present: Jerry T. Verkler, staff director; and Bernard Hartung, professional staff member.

Senator BIBLE. The hearing will come to order.

OPENING STATEMENT OF HON. ALAN BIBLE, A U.S. SENATOR FROM THE STATE OF NEVADA

This is the time that we set for a hearing on two bills, S. 1638 and S. 2013. The bills are to make certain Federal lands available to the State and local governments for park and recreation purposes.

The purpose of this legislation is to overcome present limitations in the law that restrict the availability of public domain lands for transfer to State and local management for park and recreational purposes.

It is obvious to many that existent Federal programs are not meeting the growing demand for outdoor parks and recreation. On the other hand, the States and local governments find themselves in varying degrees of fiscal crisis and the availability of desirable Federal property enables them to move ahead on their present and future recreation needs. This applies mainly to the States of the West, where large areas of public domain exist.

Under S. 2013 the Interior Department would make available land administered by the Bureau of Land Management, which is suitable for parks and recreation, once it is determined the State in which the land is located needs additional space in order to provide a variety of outdoor recreational opportunities. Also that the State or local government involved has the resources and capability to manage the land for recreational purposes.

All mineral rights and interests in the lands covered by the bill would be reserved to the Federal Government, and provision is made for reversion of the land to the Government in the event it ceases to be used for recreational purposes.

At this point, I would like to include in the hearing record S. 1638, S. 2013 and Department reports.

[The material referred to follows:]

93D CONGRESS
1ST SESSION

S. 1638

IN THE SENATE OF THE UNITED STATES

APRIL 18, 1973

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

A BILL

To authorize the Secretary of the Interior to make certain Federal lands available to State and local governments for park and recreation 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 this Act may be cited as the "Federal Lands for Parks
4 and Recreation Act of 1973".

5 STATEMENT OF FINDINGS AND PURPOSE

6 SEC. 2. (a) The Congress hereby finds that—
7 (1) there is a national need for and a public interest
8 in increased outdoor recreation opportunities;
9 (2) in a period of steeply rising land values, State
10 and local governments are unable to provide additional

1 land sufficient to meet the recreation demands of the
2 public through purchase or condemnation;
3 (3) in certain States where public domain lands
4 constitute a high percentage of the land base, lands
5 suitable for park and recreation purposes not in Federal
6 ownership are sufficiently scarce to frustrate meaningful
7 park and recreation planning and to render impossible
8 the fulfillment of State and local governments' obliga-
9 tions to meet even minimum public recreation demands;
10 (4) in many cases, public domain lands would be
11 better dedicated to recreation purposes than to its present
12 use; and
13 (5) to meet State and local recreation demands,
14 such lands should be made available to State and local
15 governments to be managed by them for park and rec-
16 reation purposes.
17 (b) To promote the general welfare and to insure full
18 and wise application of the resources of the Federal Govern-
19 ment in providing recreation opportunities for the people of
20 the United States, the Congress declares that it is the national
21 policy to make available to State and local governments,
22 under certain conditions, appropriate public domain lands
23 for use for park and recreation purposes.
24 SEC. 3. (a) The Secretary of the Interior is authorized
25 and directed to make available to State and local governments

1 any public domain lands, except lands on the Outer Conti-
2 nental Shelf and lands classified as primitive areas, adminis-
3 tered by the Bureau of Land Management for use for park and
4 recreation purposes pursuant to the requirements of this Act.
5 (b) Prior to approving the transfer of any public lands
6 to State and local governments for park and recreation pur-
7 poses, the Secretary shall determine that—
8 (1) the public domain lands involved possess park
9 or recreation values;
10 (2) there is a need in the State for additional land
11 areas which afford a diversity of well managed recreation
12 opportunity;
13 (3) use of the public domain lands involved for park
14 or recreation purposes is compatible with planned Fed-
15 eral park and recreation programs and the comprehensive
16 statewide outdoor recreation plan submitted pursuant to
17 the Land and Water Conservation Fund Act or any other
18 State or local land use or recreation plans approved by
19 the Secretary of the Interior for the purpose of this Act;
20 and
21 (4) the relevant State or unit of local government
22 has the authority, resources, and capability to manage
23 and operate the public domain lands involved for park
24 and recreation purposes.
25 (c) Any transfer of public domain lands under this Act

1 shall be without cost, except that a reasonable fee may be
2 charged for the administrative costs of the transfer.
3 SEC. 4. The deed of conveyance for any public domain
4 lands transferred to any State or local government pursuant
5 to this Act—
6 (1) shall provide that all such lands shall be used
7 and maintained for park and recreation purposes, and
8 that in the event that such lands cease to be used or
9 maintained for such purpose, all or any portion of such
10 lands shall, at the option of the Secretary of the Interior,
11 revert to the United States;
12 (2) shall reserve to the United States all mineral
13 rights and interests in the lands conveyed; and
14 (3) may contain such additional terms, reserva-
15 tions, restrictions, and conditions as may be determined
16 by the Secretary of the Interior to be necessary to safe-
17 guard the interests of the United States.
18 SEC. 5. The Secretary of the Interior is authorized to
19 promulgate rules and regulations for the administration of
20 this Act.

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93D CONGRESS
1ST SESSION

S. 2013

IN THE SENATE OF THE UNITED STATES

JUNE 18, 1973

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

A BILL

To amend the Act of June 14, 1926 (43 U.S.C. 869), pertaining to the sale of public lands to States and their political subdivisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 1(b) of the Act of June 14, 1926 (43
4 U.S.C. 869), is amended to read as follows:
5 "(b) Conveyances made pursuant to this Act in any
6 calendar year for recreational purposes to any State or the
7 State park agency or any other agency having jurisdiction
8 over the State park system of such State designated by the
9 Governor of that State as its sole representative for accept-

II

1 ance of lands under this provision, to any political subdivi-
2 sion of a State, or to any nonprofit corporation or nonprofit
3 association, shall be made without limitation as to acreage.
4 Conveyances so made in any one calendar year for public
5 purposes other than recreation shall be limited as follows:
6 "(1) To any State or agency or instrumentality
7 thereof, for any one program, six hundred and forty
8 acres.
9 "(2) To any political subdivision of a State, six
10 hundred and forty acres.
11 "(3) To any nonprofit corporation or nonprofit
12 association, six hundred and forty acres."
13 (b) Section 2 (a) of such Act is amended by inserting
14 immediately after "historic-monument purposes" the follow-
15 ing: "or recreational purposes".
16 (c) Section 2 (c) of such Act is amended by inserting
17 immediately after "classified," the following: "and convey-
18 ances of such land for recreational purposes shall be made
19 without monetary consideration, while conveyances for any
20 other purpose shall be made".

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 26 1973

Dear Mr. Chairman:

This is in response to your request for this Department's views on S. 1638, a bill "To authorize the Secretary of the Interior to make certain Federal lands available to State and local governments for park and recreation purposes". We also offer our views on S. 2013, a bill "To amend the Act of June 14, 1926 (43 U.S.C. 869) pertaining to the sale of public lands to States and their political subdivisions".

We recommend against enactment of S. 1638. We would have no objection to enactment of S. 2013 if amended as suggested below; however, we urge enactment of the Administration's proposed "National Resource Lands Management Act of 1973" before further amendments are made to the Recreation and Public Purposes Act.

S. 1638

This bill would authorize the Secretary of the Interior to convey, without consideration, certain lands administered by the Bureau of Land Management to State and local governments for use as parks and recreation areas. Generally, the bill grants authority already granted by the Recreation and Public Purposes Act, 44 Stat. 741 as amended, 43 U.S.C. §869, except that the latter is more comprehensive. For example, it provides for both sale and lease of lands, it authorizes conveyances for other public purposes as well as recreational purposes, and it allows for conveyances to grantees other than State and local governments, such as nonprofit organizations. We feel this Act, which has been administered for many years, is better suited to accomplish the purposes which S. 1638 is intended to accomplish.

Two noteworthy differences between S. 1638 and the Recreation and Public Purposes Act, however, are that the latter contains limitations as to the number of acres which may be conveyed to a grantee per year, and it does not permit conveyances for recreational purposes without consideration. Our position is that S. 1638 is more satisfactory than the Act in those two respects, but we feel that those two shortcomings of the Act are better rectified by a bill such as S. 2013 which would simply amend the Act rather than create a separate conveyance authority.

S. 2013

This bill would amend the Recreation and Public Purposes Act by deleting acreage and site limitations as to lands conveyed for recreational purposes, but would retain the acreage limitations for lands conveyed for other public purposes. It would also allow conveyances for recreational purposes to be made without consideration.

The Secretary's authority to convey land under the Recreation and Public Purposes Act is discretionary and conveyances are made only when the applicant can produce a satisfactory plan for the development of the land and show that there is a public need for such development. Decisions to convey land are based on criteria which, considering values of the lands and other uses and needs, ensure that such lands are suitable for the uses intended and that the sizes of the tracts are appropriate.

The acreage needs of applicants vary considerably and in a number of instances the annual acreage limitations have been a real hindrance to useful development of the land because they prevent applicants from acquiring all the necessary acreage at one time and they give no assurance that all the necessary acreage may be acquired in the future.

In recent years Congress has waived the acreage limitations for conveyances, see the Act of December 24, 1969, 83 Stat. 445, P.L. 91-162 and the Act of October 15, 1970, 84 Stat. 978, P.L. 91-459, and there is at least one proposal similar to these two Acts now pending before this Congress. Since the acreage limitations in some instances only serve to discourage the development of the public lands which the Recreation and Public Purposes Act is intended to encourage, we suggest that S. 2013 be amended to strike the limitation as to conveyances for all public purposes and not just for recreational purposes. This may be done by amending section (a) of the bill starting at page 1, line 3 and ending at page 2, line 12, to read as follows:

> "That (a) section 1(b) of the Act of June 14, 1926, 44 Stat. 741 as amended, 43 U.S.C. §869(b) (1970), is hereby repealed."

S. 2013 would also amend the Recreation and Public Purposes Act to authorize sales for recreational purposes without consideration. We suggest that for the purpose of consistency, this principle be extended to leases as well by adding a new section to read as follows:

"Section 2(b) of such Act is amended by adding the words "except that leases of such lands for recreational purposes shall be made without monetary consideration", after the words "reasonable annual rental".

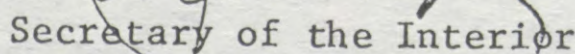
However, we feel that sales or leases without consideration should be limited to State and local governments. There are a wide variety of nonprofit organizations. The Act does not include criteria for identification of either meritorious nonprofit organizations or appropriate purposes for which lands should be conveyed to these organizations. Therefore, we do not believe that authorization for such sales or leases without criteria would be in the public interest. Accordingly, we recommend that section (c) of the bill beginning on page 2, line 16, be deleted. We note that the Act does allow for such sales or leases at a price less than fair market value. The Secretary may determine the price according to how the lands will be used.

On February 27, 1973 the Administration transmitted to Congress its proposed "National Resource Lands Management Act of 1973" (S. 1041) which also contains authority to dispose of public lands. The proposal specifically authorizes disposals to serve "important public objectives" such as development for public purposes. It also provides for an inventory of the public lands and for extensive land use planning. Any disposals would be in accordance with such land use plans.

Although the Administration's proposal is not intended to replace the Recreation and Public Purposes Act, we feel that conveyances under the latter should also be in accordance with extensive land use plans. We therefore urge prompt enactment of S. 1041 before further action is taken on amendments to the Recreation and Public Purposes Act. After enactment of S. 1041, we intend to recommend a revision of the Recreation and Public Purposes Act which would require that all sales and leases comply with land use plans maintained pursuant to S. 1041. The time is long overdue for comprehensive management authority which employs efficient and modern techniques for protecting and controlling use of our public lands.

Time has not permitted securing advice from the Office of Management and Budget as to the relationship of this report to the program of the President.

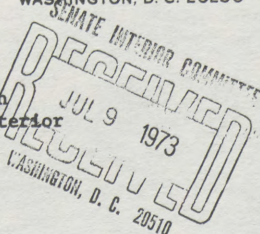
Sincerely yours,



Assistant Secretary of the Interior

Hon. Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D. C. 20510

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250



June 27, 1973.

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
U. S. Senate

Dear Mr. Chairman:

As you asked, here is the report of the Department of Agriculture on S. 1638, a bill "To authorize the Secretary of the Interior to make certain Federal lands available to State and local governments for park and recreation purposes."

This Department defers to the Department of the Interior for a recommendation on S. 1638 since the lands which would be made available to State and local governments under the bill are public domain lands administered by the Bureau of Land Management.

S. 1638 would authorize and direct the Secretary of the Interior to make available to State and local governments for use for park and recreation purposes any public domain lands administered by the Bureau of Land Management except lands on the Outer Continental Shelf and lands classified as primitive areas. Prior to approving the transfer of such lands the Secretary of the Interior shall determine the need, compatibility with State or local land use or recreation plans, and capability of State or local government to manage the lands proposed for transfer. Transfer of lands would be without cost, except a reasonable fee may be charged for administrative costs of the transfer. The deed of conveyance would provide for reversion of the lands to the United States if no longer used for park and recreation purposes, reservation to the United States of all mineral rights, and other additional terms as determined by the Secretary of the Interior.

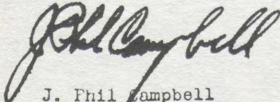
S. 1638 would only be applicable to public domain lands administered by the Bureau of Land Management and would not be applicable to lands reserved from the public domain for National Forest purposes. We therefore defer to the Department of the Interior regarding a recommendation on S. 1638.

We do, however, strongly support the Administration's legislative proposal to give lands administered by the Bureau of Land Management permanent status as would be provided in the "National Resource Lands Management Act of 1973." This proposal would also provide authority to the Department of the Interior to accomplish the objectives of S. 1638.

We suggest that the disposal criteria and other provisions of the proposed "National Resource Lands Management Act of 1973" be fully considered in developing any independent authority to dispose of lands to State and local governments for park and recreation purposes.

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

Sincerely,



J. Phil Campbell
Under Secretary

Senator BIBLE. Our first witness this morning is George L. Turcott, of the Bureau of Land Management.

Mr. Turcott, we are very happy to hear from you right now. Please identify those with you at the witness table.

STATEMENT OF GEORGE L. TURCOTT, ASSOCIATE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY CHARLES W. FINDLAY, ATTORNEY-ADVISER, OFFICE OF LEGISLATION, OFFICE OF SECRETARY OF THE INTERIOR; AND ELEANOR R. SCHWARTZ, ACTING CHIEF OF THE DIVISION OF LEGISLATION AND REGULATORY MANAGEMENT, BUREAU OF LAND MANAGEMENT

Mr. TURCOTT. Thank you, Mr. Chairman.

On my right, as associate today, is Mr. Charles W. Findlay. He is attorney-adviser in the Office of Legislation in the Office of the Secretary of Interior. On my right is Miss Eleanor R. Schwartz, the Acting Chief of the Division of Legislation and Regulatory Management of the Bureau of Land Management.

Senator BIBLE. We are very happy to have you with us.

Mr. TURCOTT. S. 1638 and S. 2013 are alternate proposals relating to the conveyance of public lands to State and local governments for use as parks and recreation areas without acreage limitation and without charge. S. 1638 would give this authority to the Secretary of the Interior without mention of his authority under the Recreation and Public Purposes Act. S. 2013 would amend the Recreation and Public Purposes Act, and would apply, in addition, to nonprofit groups.

We recommend against enactment of S. 1638. We would have no objection to enactment of S. 2013 if it is amended as suggested in the Department's report. However, we urge enactment of the National Resource Land Management Act, S. 1041, before action is taken to amend the Recreation and Public Purposes Act.

Generally, S. 1638 grants authority already granted by the Recreation and Public Purposes Act, except that the latter is more comprehensive. For example, it provides for both sale and lease of lands, it authorizes conveyances for other public purposes as well as recreational purposes, and it allows for conveyances to grantees other than State and local governments, such as nonprofit organizations. We feel that the Recreation and Public Purposes Act, which has been administered for many years, is better suited to accomplish the purposes which S. 1638 is intended to accomplish.

Two major differences between S. 1638 and the present law are that the Recreation and Public Purposes Act contains limitations as to the number of acres which may be conveyed to a grantee per year, and it does not permit conveyances for recreational purposes without consideration. We feel that these shortcomings of the Recreation and Public Purposes Act are better rectified by a bill such as S. 2013 which would simply amend that act rather than create a separate conveyance authority as S. 1638 would do.

S. 2013 would amend the Recreation and Public Purposes Act by deleting acreage limitations as to lands conveyed for recreational purposes, but would retain the acreage limitations for lands conveyed for

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other public purposes. It would also allow conveyances for recreational purposes to be made without consideration.

The Secretary's authority to convey land under the Recreation and Public Purposes Act is discretionary and conveyances are made only when the applicant can produce a satisfactory plan for the development of the land and show that there is a public need for such development.

Conveyances are made pursuant to criteria established by the Secretary, including identification and classification of the land as suitable for the purposes for which it is sought, consideration of multiple-use concepts, other values and uses for the lands, protection of the environment, and public participation. The acreage needs of applicants vary considerably. In a number of instances the annual acreage limitations have been a hindrance to useful development of the land because they prevent applicants from acquiring all the necessary acreage at one time and they give no assurance that all the necessary acreage may be acquired in the future.

In recent years Congress has waived the acreage limitations in two acts, the act of December 24, 1969, Public Law 91–162, and the act of October 15, 1970, Public Law 91–459, and there is at least one proposal similar to these two acts now pending before this Congress. Because the acreage limitation in some instances only serves to discourage the development of the public lands which the Recreation and Public Purposes Act is intended to encourage, we suggest that S. 2013 be amended to strike the acreage limitation as to conveyances for all public purposes and not just for recreational purposes.

S. 2013 would also amend the Recreation and Public Purposes Act to authorize sales for recreational purposes without consideration to nonprofit groups as well as to State and local government entities.

We feel that authorization to sell or lease without consideration should be limited to State and local governments. There are a wide variety of nonprofit organizations. The act does not include criteria for identification of either meritorious nonprofit organizations or appropriate purposes for which lands should be conveyed to these organizations. The Secretary presently has authority to set a price for lands conveyed to nonprofit groups at less than fair market value taking into consideration the use to which the lands are to be put. We feel that requiring such sales or leases be made without charge in the absence of additional congressional criteria would not be in the public interest. Our report therefore suggests an amendment which would exclude nonprofit groups from receiving land without consideration.

On February 27, 1973, the administration transmitted to Congress its proposed "National Resources Lands Management Act of 1973"—S. 1041—which also contains authority to dispose of public lands. The bill also provides for an inventory of the public lands and for extensive land use planning. Any disposals would be in accordance with such land use plans.

Although the administration's proposal is not intended to replace the Recreation and Public Purposes Act, we feel conveyances under the latter should also be in accordance with extensive land use plans. We again urge prompt enactment of S. 1041 before further action is taken on the Recreation and Public Purposes Act so that all sales and leases may be evaluated in the light of and comply with land use plans main-

tained pursuant to S. 1041. The time is long overdue for comprehensive management authority which employs efficient and modern techniques for protecting and controlling use of our public lands.

Thank you for this opportunity to testify before the subcommittee on these proposals.

Senator BIBLE. How about the land use planning bill that just passed the Senate last week? Doesn't that largely do the same thing as the National Resources Land Management Act of 1973?

Mr. TURCOTT. There is a strong corollary in the land use management legislation that is being processed through the Congress.

Senator BIBLE. It has passed the Senate and I don't know what the status of it is on the House side, but it has passed the Senate.

Mr. TURCOTT. There is a strong tie-in with that legislation.

Senator BIBLE. Doesn't that give you the added protection that you say is necessary in the management of our national resources and the development of our land policy? Doesn't that pretty well give you the land planning that you are addressing yourself to in S. 1041? What does S. 1041 do that was not done by the act that we just passed in the Senate last week, the land use planning bill?

Mr. TURCOTT. Sir, I have not read the committee report on the land use planning bill.

Miss SCHWARTZ. S. 1041 relates to a mission statement, guidelines, criteria and authority for administration of the public lands, and S. 268, the act that was passed last week, relates principally to land use planning for private lands, not public lands.

Senator BIBLE. That is the only distinction between the two? The land use planning bill is a broader act, then, is that right?

Mr. TURCOTT. There is a provision in the land use bill that, as I understand it, calls for correlation and compatability by the Federal Land Management agencies with State land use planning. I would assume, sir, in a contemporary vein, that any land use planning which is done under the land use planning legislation that passed the Senate; and that which is called for in S. 1041; and that which we practice now to the extent we can as authorized by law, is on a full professional basis. That means public needs, inventories, equities, values, public participation, protection of significant environmental values, are all brought into play. I don't think I can stress enough, sir, in terms of the general position we have taken on S. 2013, that irrespective of any legislation that may pass that deals with land use planning on the public lands or in cooperation with planning on other lands, that a full professional approach must be taken.

In fact, that is the basis for our recommendation in general support of S. 2013 for the lifting of the acreage limitation.

Senator BIBLE. Yes, I understood your point on that very, very clearly, and then you believe that it would be wrong to make public domain land available to nonprofit organizations on the same basis as you made them available to the State and local subdivisions, is that correct?

Mr. TURCOTT. Yes, sir. Maybe I can give you an example.

Senator BIBLE. Why don't you give me an example on it?

Mr. TURCOTT. We might have an application—that is from a nonprofit golf club, which is open to the public but has a high-membership fee—in a situation where there may be public lands sought for

addition, expansion, or upgrading of the golf course. This golf course is not organized on a profit basis, but in effect it is not open to all the public because of the high-membership fee.

We might very well set a higher price for lands leased or patented for this golf course as a nonprofit organization than for kiddies' parks, sponsored by civic organizations for children in depressed areas where there are no other outdoor recreation areas available for children. In the latter case we might take a very lenient pricing policy. It is an area that requires discretion in decisionmaking for the Secretary.

Until such criteria are spelled out in the law and/or developed by regulations for land use planning legislation, we don't feel we should go that route.

Senator BIBLE. You have no objection to S. 2013 if you amend out the nonprofit organizations? Do I understand you clearly?

Mr. TURCOTT. We will agree to unrestricted acreage for dispositions. We will go along with eliminating the acreage restrictions for a nonprofit organization and association. We do feel that we should have some discretion in pricing for the nonprofit organizations.

Senator BIBLE. Yes, I think you made your position clear. I have before me your official report and without objection the official report will be made a part of the record at this point.

[The Department's official report appears on p. 8.]

Senator BIBLE. You indicate it does not have OMB clearance, but we very seldom get any clearance from OMB on anything anymore so without objection this report will be incorporated in full in the record and it will be governed in accordance with the fact that you do not have OMB clearance on it.

I don't think I have any further questions of you. The thrust and purpose of this bill is when you have vast public domain land, particularly in the West, that is where the bulk of them are, I don't know what States do have public domain lands any more. How many have them? How many public domain States do we have?

Mr. TURCOTT. There are the 11 Western States.

Senator BIBLE. In addition to the 11 Western States? Is that the only area of the United States that has public domain lands?

Mr. TURCOTT. Any of the limited acreages in the States of Florida, Arkansas, Mississippi usually have reservations of some kind so they are not unappropriated public domain.

Senator BIBLE. They all have certain limitations, restrictions on them?

Mr. TURCOTT. The Recreation and Public Purposes Act has been applied to situations where there is a reservation or withdrawal on public lands but the regulations call for always securing the concurrence and restraints of the Agency for which the withdrawal was made. We have made them after a waiver from the Power Commission.

Senator BIBLE. I appreciate your viewpoint and I think you are probably right that S. 2013 is the preferable law. I introduced both acts but I think the second act, insofar as I am personally concerned, is a more workable bill and easier to administer. Consequently, I am perfectly willing to work for S. 2013 rather than S. 1638.

Do any of the people with you have any additional comments on how this law will work or any suggestion to make?

Senator Hansen.

Senator HANSEN. I don't think I have any questions, Mr. Chairman.

Senator BIBLE. Thank you very much, George. I have no further questions of you.

Our next witness on the witness list will be Mr. Eric Cronkhite, the part administrator of the Neveda State Park System.

Mr. Cronkhite.

STATEMENT OF ERIC CRONKHITE, DIRECTOR, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES OF THE NEVADA STATE PARKS, CARSON CITY, NEV.

Mr. CRONKHITE. Thank you, Mr. Chairman.

I first would like to preface my remarks by saying that this material was written before I was aware of the bill, S. 2013. I was aware that a bill was being introduced but I did not have a copy of it at the time.

Senator BIBLE. We will furnish you a copy of it if you don't have it yet.

Mr. CRONKHITE. I do have a copy now but I would like to say now knowing this bill was just introduced at the time I was writing my statement, we made a statement here that our main concern is the mechanics, that we accomplish an easier route to acquire land and what the number of the bill is really doesn't make that much difference.

Senator BIBLE. You may proceed.

Mr. CRONKHITE. My name is Eric Cronkhite, administrator of the Nevada State Park System. I am here to testify in support of Senate bill 1638, os as I have just noted, S. 2013, and urge the Senate to pass this bill or companion legislation which will make more readily available Federal lands for public park and recreation purposes.

We believe the language of the bill, in section 2, under "Statement of Findings and Purposes," very well describes the need for this type of legislation. As for the State of Nevada, with vast Federal ownerships comprising approximately 85 percent of the land area, the laws relating to public agency purchase of Federal lands should be updated and liberalized to more adequately allow areas of outstanding park and recreation character to be transferred to the States or its political subdivisions.

Over the years, the Nevada State Park System has either acquired, or applications are pending, on more than 50,000 acres of public domain for park and recreation purposes. The bulk of this acreage encompasses the spectacular Valley of Fire State Park in southern Nevada.

Senator BIBLE. How many acres are there in the Valley of Fire State Park?

Mr. CRONKHITE. 58,000 acres. As you recall, in 1969 you had some specific legislation, which authorized us to acquire that land as a waiver of the Recreation and Public Purposes Act, and we either acquired it or the applications are pending, as there happen to be some mining claims there, whether they are valid or not is being determined, and it is taking some time.

The acquisition of public lands under the Recreation and Public Purposes Act has been extremely beneficial and has provided us with

excellent parklands.] [In recent years, the Nevada State Park System, under the direction of Governor O'Callaghan, the Nevada Legislature, and the vote of the people for a bond issue, has provided for greatly expanded State park programs. Land acquisition has been the key in this expansion. During the past year, in addition to public land acquisitions, we have purchased over 4,000 acres of private lands at a cost of approximately $2.9 million.]

I make this point, Senator, in that we are not just in a position of trying to acquire every land of public domain. We are trying to acquire parkland and in some cases this happens to be private lands that we have had to purchase at fair market value.

[We are presently working on a program to acquire approximately 58,000 public land acres on 14 sites involving both new parks and additions to existing parks. Under the present regulations and laws, simple mathematics would show that to acquire these sites would take in excess of 9 years under the 6,500-acre limitations of the Recreation and Public Purposes Act.]

Our theory is when the legislature, the people of the State of Nevada are ready to go on a park program, we should be ready too, and by enacting new legislation we can acquire these lands in the immediate future, not take the 9 years it would otherwise take.

Though the State park program only recently moved forward into rapid expansion, we take pride in noting that the legislature has continued to back up its authorization and initial fundings for acquisition and capital improvements with continued operational moneys and funds for continued development. We are confident the States and their political subdivisions will perform their responsibilities to adequately develop and maintain the properties acquired from the Federal domain.

We find in the language of Senate bill 1638, very adequate safeguards for the United States and perhaps to a certain extent, this bill may leave too much opportunity for interpretation by the Bureau of Land Management to determine if lands should be held for BLM programs rather than transferring them to State recreation management.

If Senate bill 1638 is enacted, Western States with large public land ownerships would be in an excellent position to acquire needed lands for recreation without reference to annual acreage or site number requirements or cost.

It is our understanding that a second bill, S. 2013, to amend the Recreation and Public Purposes Act has been introduced within this past week.

Senator BIBLE. Does that paragraph refer to S. 2013?

Mr. CRONKHITE. Yes.

We have not seen this bill and cannot comment specifically on it. Our main concern is to support the need for more adequate legislation to allow States and their political subdivisions to acquire the lands necessary for rounding out a balanced program of scenic parklands, historic sites, and recreation areas.

We urge your consideration and passage of S. 1638, or its equivalent, which would provide the means for State and local government public land acquisition programs of the 1970's.

Mr. Chairman, that concludes my statement.

Senator BIBLE. That is a very fine statement. There are several problems that do bother me as to the actual mechanics and working of S. 2013, and that is that if this land is made available to you and, let's take the Red Rock lands on which there is some controversy as to whether this can more properly be managed by BLM or as a part of the park system. Assuming we make those available for acquisition by the State park system of the State of Nevada, what assurances do we have that the State of Nevada will develop these as a recreation area?

Mr. CRONKHITE. The assurance is we have one test performance of land acquired by the State from the Federal domain as I mentioned in my statement, the legislation has backed up its previous authorizations. We see no reason why it would not back up its future authorizations and, of course, Red Rock is one of the authorizations just passed.

Senator BIBLE. Why don't you spell that out for the record? You know about it, but I don't think the record knows about it, or Senator Hansen. What did the State legislature do?

Mr. CRONKHITE. The State has passed a regulation, H.R. A. 89, memorializing the contract to transfer the recreation lands to the State for redevelopment and management. In addition to this they back up their resolution with a dollar appropriation, approximately $725,000 in total authorized, for State acquisition of other private lands in the Red Rock Canyon area, and this will be matched by land and water conservation funds.

In addition to that they have also appropriated $420,000 for development which this, in turn, will be matched by land and water conservation fund areas.

Senator BIBLE. All for the Red Rock area?

Mr. CRONKHITE. For the Red Rock area. In addition to that they have authorized staffing. At this point in time we have 4½ permanent people and several seasonal people that will be working in the area, plus an operational budget. I think their intent, their initial appropriation, their initial intent for the area certainly shows that they do not plan to pull out in the next session.

Senator BIBLE. It is your philosophy that the State park system of Nevada is better geared up to operate the Red Rock area which is a beautiful region, and I think should be preserved. The only problem is, who would direct it? Why do you think the State park is in a better position to manage it than BLM?

Mr. CRONKHITE. I cannot speak for the BLM nationwide, but I would say in the State of Nevada I think our experience, operating larger recreation areas such as Lake Tahoe, shows that we have had the experience to operate this kind of facility. A large area where you have a lot of people. The recreation programs of the Bureau of Land Management have not expanded to that point where in the State of Nevada we have seen this kind of operation. As I say, it is not a question of downgrading the BLM, but I think we have had more experience in Nevada than the BLM has at this particular point in time. This park is very differently oriented and perhaps we could be more responsible to the people of southern Nevada in operating a State park facility which is only 20 minutes to half hour from downtown

Las Vegas, and whose population or visitation is those of the Las Vegas area primarily.

Senator BIBLE. I have had considerable complaints about the development and management under the responsibility of the BLM and I have spoken about this to Mr. Turcott on other occasions. I don't know. It is a recreation area that should be preserved. I think the general philosophy of the Bureau of Outdoor Recreation is to recommend that the States and counties take over more and more of the recreation areas and facilities and part of that is due, I am sure, to the fact that the Federal Government has such a tremendous load to carry, as Senator Hansen very well knows. He has been an extremely valuable member of this Parks Subcommittee and we have authorized various areas for acquisition. If we had $250 million right in our hands today I don't believe we would have enough money to acquire all of the parks we have authorized, and this is troublesome, a very troublesome problem.

In addition to that I think I am correct it would take better than $2 billion to properly develop all of the parks which are authorized and even those for which land has not been completely acquired, so I am perfectly willing to see certain areas turned back to the States and the local municipalities.

I think there is one caveat that should be made and that is, we better receive from OMB and from the administration a restoration of the original philosophy of the land and water conservation fund because if they are going to cut that $300 million down for joint, Federal and State and local acquisition as they did this year to some $50 million, then you are going to be in desperate shape on a State level. We will be meeting that problem in a few short weeks in the Appropriations Committee, and it is very, very difficult because we have a ceiling on us for the appropriations of the Interior Committee and it is going to be pretty hard to add $250 million in there and make it come within the ceiling. We are going to do the best we can. We may not be able to keep within that ceiling. We made some promises to the States and land and water conservation fund. I think the committee will keep those promises within the restraints we have.

I appreciate your sentiment on it. I favor this legislation. I think it should move forward and it is pretty much in accord with the Bureau of Outdoor Recreation.

Didn't the State of Nevada also bond itself for a certain amount of dollars for park purposes?

Mr. CRONKHITE. Yes.

Senator BIBLE. Didn't they put it on the ballot and didn't the people approve it?

Mr. CRONKHITE. The people of the State voted for a $5 million bond issue for land acquisition and this money has been used to purchase private lands such as Washoe Lake, Eagle Valley.

Senator BIBLE. That went to the vote of the people and was passed?

Mr. CRONKHITE. Passed by about 80 percent of those voting approving the bond issue.

Senator BIBLE. I think that is a good indication of the strong support that you receive on a State level insofar as park and recreation areas are concerned. I have no further questions, Mr. Cronkhite. I wish you would examine S. 2013 and supply whatever additional comments you might have as to your thoughts on 2013 rather than the earlier introduced bill, S. 1638.

Mr. CRONKHITE. Thank you, Senator Bible.

Senator BIBLE. Senator Hansen may have a couple of questions.

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

Mr. Cronkhite, do you charge user fees for patrons of your State park system in Nevada?

Mr. CRONKHITE. Yes, we do, Senator.

Senator HANSEN. And you have annual appropriations by the legislature as well?

Mr. CRONKHITE. Yes.

Senator HANSEN. In addition today I think you have testified that the State of Nevada authorized the issuance of $5 million worth of bonds for acquisition of land for the State park system?

Mr. CRONKHITE. Yes, this has been over a period of several years.

Senator HANSEN. Maybe you said how much money you are operating on. What size of a budget do you have in the State of Nevada?

Mr. CRONKHITE. Beginning with the fiscal year we are about to begin our operating budget for operations of parks only is just a little over $1 million, about $1,030,000, something like that. Our capital improvement budget is about $1.7 million; $1 million plus the land and water conservation. Our land acquisition is $1.8 plus land and water conservation. Then we have other things such as a marine fuel tax money which is about $350,000 per year.

Senator HANSEN. How much money do you get from users' fees, roughly?

Mr. CRONKHITE. Approximately $150,000.

Senator HANSEN. Have you been able to—have you found the land and water conservation fund available or that part of it available to the State of Nevada equal to match the State moneys you have had available for the purchase of land as well as outdoor recreation?

Mr. CRONKHITE. Counting our local political subdivisions and State projects, the land and water has not been adequate. It has certainly done a super job as far as that is concerned. Land and water conservation funds have been really responsible in my judgment for the State parks program getting started back in the sixties and it has been extremely invaluable.

Senator HANSEN. I have no further questions, Mr. Chairman. Thank you very much.

Senator BIBLE. Thank you very much.

Our next witness is Mr. John McComb, Southwest representative, Sierra Club, Tucson, Ariz.

STATEMENT OF JOHN A. McCOMB, SOUTHWEST REPRESENTATIVE FOR THE SIERRA CLUB, TUCSON, ARIZ.

Mr. McCOMB. Mr. Chairman, I am pleased to appear here today to express the Sierra Club's general endorsement of S. 1630 which would facilitate the transfer of certain Federal land to State and local governments for park and recreation purposes. Like some of the previous witnesses I have not had a chance to review S. 2013, but I believe my general remarks are applicable.

Senator BIBLE. If you find they are not then you make any additional comments you want on S. 2013. We probably called this hearing a little too quickly in order to get a completion investigation on S. 2013, but they are both pointed in the same direction, I think. Gen-

erally comments on whatever position a person takes on one are fairly applicable to the other. You may have 10 days to make whatever additional comments you want on S. 2013.

Mr. McComb. Thank you.

Nearly everyone knows that the demand for parks and other outdoor recreational facilities is growing at an alarming rate. In much of the western part of this country, State and local governments have relied almost solely upon the Federal Government to meet this demand. It is only proper that these State and local government entities bear a greater share of the responsibility and burden of meeting the outdoor recreational needs of the residents of their areas. This legislation would encourage them to assume that responsibility.

Section 3(a) of S. 1638 would authorize and direct the Secretary of the Interior to make available to State and local governments any public domain lands with two exceptions. These exceptions affect only a miniscule portion of the 450 million acres of public domain. Thus the broad authority and direction contained in this legislation could, if abused, result in the transfer out of Federal ownership of some public lands which should be retained by the Federal Government. To protect against such abuse and to insure that any transfer is in the public interest, we suggest the following safeguards be incorporated in this proposed legislation:

1. Provision for full public participation, including mandatory public hearings, on any proposed transfer;

2. A limitation of transfers to 640 acres annually for any one park or recreation area. Larger areas should be transferred only with congressional approval. The retention by Congress of the authority to review any large transfers proposed under this legislation is essential; and

3. A requirement that the Secretary of the Interior make a determination that the lands to be transferred do not contain values with greater than local or statewide significance. Areas of regional or nationwide importance should not be transferred to State or local governments who may not be responsive to the broader constituency having a legitimate interest in the management of these lands.

With these additional safeguards, the Sierra Club supports the enactment of S. 1638.

S. 1638 already contains one essential provision which we agree with. This is a provision under which land transferred would revert to the Federal Government if they are not used for the proper recreation purposes.

As I indicated earlier, these comments were drafted before I was aware of the production of S. 2013.

Senator Bible. They would largely go to the other bill as well because you object to transferring over 640 acres without congressional approval.

Mr. McComb. I have that particular number in my written remarks. I don't have any magic figure. At some point I think there should be limitation on the acreage to be transferred.

Senator Bible. Without congressional approval, you are saying. It might be well to use one of the techniques that we frequently use and that is to have acreages, whatever the limitation might be, be submitted to the respective congressional committees and then if they

didn't pose any objection over a certain period of time, then it would automatically go forward. That would give it congressional review. Something like that could be cranked into a bill of this kind if we find that it is necessary. We will examine that.

I have no further questions.

Senator Hansen.

Senator HANSEN. With respect to your point No. 3 on page 2, Mr. McComb, you say a requirement that the Secretary of the Interior make a determination that the lands to be transferred do not contain values with greater than local or statewide significance. I suppose this statement applies, that determination of what is local, what are values greater than local significance, would be made not by the State Land Use Planning Board, as is provided for in the land use planning bill we have just recently passed in the Senate, but rather that determination would be made by the Secretary. Is that what you mean to imply in your point No. 3, here?

Mr. McCOMB. I think the Secretary should have a very strong voice in making that determination because there may be times when the legitimate interests of the local government may be in conflict with a greater national interest.

Senator HANSEN. And your thought is that the Secretary should make the determination as to values of greater than local significance?

Mr. McCOMB. I believe so.

Senator HANSEN. Thank you. I have no further questions.

Senator BIBLE. Thank you very much. I appreciate your views on these two bills and the record is going to be kept open for 10 days for such additional comments as you may care to make.

Our next witness is John Lagomarcino, director, division of special programs of the National Recreation and Park Association.

STATEMENT OF JOHN LAGOMARCINO, DIRECTOR OF THE DIVISION OF SPECIAL PROGRAMS, NATIONAL RECREATION AND PARK ASSOCIATION, ARLINGTON, VA.; ACCOMPANIED BY BLAIR TINDALL AND JOHN BLAIR

Mr. LAGOMARCINO. Thank you, Mr. Chairman. I am accompanied today by Mr. Blair Tindall, senior associate with our division, and Mr. John Blair, who is the executive secretary of the National Conference on State Parks.

We appreciate the opportunity to appear this morning and testify on these two bills and we applaud the chairman for taking the initiative to bring this issue forward.

The National Recreation and Park Association is the Nation's principal public interest organization representing citizen and professional leadership in the recreation and park movement in the United States. The National Recreation and Park Association's membership of some 18,000 includes professionals working in public park and recreation agencies, members of policymaking boards and commissions, educators, leaders in the private recreation and leisure industry, and concerned lay citizens. The association is dedicated to expanding and improving parks, recreation and leisure activities.

I should note that most of the individuals and agencies which would stand to benefit in one way or another in the legislative initiatives that you brought forward at this time are either affiliated with or actually members of NRPA.

Mr. Chairman, in reviewing these two legislative proposals we did two tracts. We first of all examined the legislative initiatives and tried to find, the best we could, what impact they would have on the various park systems most affected, and then we tried to poll those State park officials in the Western States most directly affected by this legislation. In other words, the States with the largest amount of public domain lands within their State confines, and we have indicated on page 2 of our statement, Mr. Chairman, the results of that survey.

I should add at this point, however, that the survey conducted by Mr. Blair was based, or the questions were based, on the language in S. 1638. We did not have at that time S. 2013. So the answers were based on the language of S. 1638. The results, as noted, were based—were primarily directed at the question of eliminating the ceiling, 640 acres ceiling, or limitation of $2.50 per acre sale rate or the lease rate or both. The results are indicated on page 2.

The States generally were aware of your legislative proposal. The States indicated that for the most part the land that would be acquired would be used to round out present State park acquisition programs and rather encouraging to us, they indicated for the most part that they would not accept conveyance if they lacked funds to maintain the lands in a proper fashion.

The main interest, needless to say, was found in the Rocky Mountain States, the west coast States, although they possess large acreages of public lands, with some less concerned and less interested in the legislative proposals. Four States specifically favor lifting the 640-acre ceiling. They consider that to be a bar to the kind of expansion and development that they think necessary and appropriate for their States. Two States did indicate that the availability of free public land might very well change their acquisition and development practices and patterns. The moneys that might be made available to land and water, if some lands were acquired, some of those funds might have to be used for operational and maintenance purposes.

Senator BIBLE. I think that would undoubtedly be true, but I think that would be a determination for the State because if they acquire the land it certainly would have to have a development program if they were going to make any meaningful use of the land.

How many States did you poll?

Mr. LAGOMARCINO. Eight States, Mr. Chairman. This was a telephone poll. We had to do it rather hurriedly but we were able to reach either the State park director or a senior official on State park systems.

Senator BIBLE. How many States would really be directly involved in this legislation, in States beyond the public domain States?

Mr. LAGOMARCINO. Frankly, our determination was based on the BLM listing of the acreage in each State and I think the figure is 11 States with rather substantial public land holdings within the States, and then the percentage of the figure drops off rather noticely thereafter. There probably are, the BLM witness indicated, I think, three or four States in his testimony.

Senator BIBLE. He said in those other States, and he mentioned Florida as one of them, the lands that might closely resemble public domain lands are under so many restrictions that they really couldn't be considered in the same category as some of our public domain lands. The Federal Government couldn't do very much about the public domain land so-called in Florida if they wanted to. That is a correct statement, Mr. Turcott?

Mr. TURCOTT. Yes, sir.

Senator BIBLE. Really, what we are speaking about here is a very limited bill that applies only to about 11 States.

Mr. LAGOMARCINO. That is our understanding, Mr. Chairman.

Senator BIBLE. You may proceed.

Mr. LAGOMARCINO. In examining the legislative initiatives, Mr. Chairman, we concluded, after taking the poll and examining the result of that poll somewhat superficially, that it may be, that there is not an outstanding demand for the immediate availability of all public lands to be transferred to the State system, there is a strong desire on the part of many State systems to eliminate or to alter in some way the current 640-acre ceiling which exists in the present law, and it is in that regard, Mr. Chairman, that we strongly urge the subcommittee to consider an alternative or an amendment which would, in fact, be an amendment which could be included in S. 2013, which would allow the Secretary of the Interior to waive the current 640-acre limitations and we suggest that certain criteria should be contained in such an application which would, we think, work to the benefit of the, not only the State system but the country as a whole. Those criteria we list on page 3 and with your permission I would like to read them.

We believe the criteria should include: (a) evidence that the land is to be used for an established or definitely proposed park and recreation project and that the amount of land requested does not exceed the area reasonably necessary; (b) evidence that the proposed use is compatible with the State comprehensive outdoor recreation plan and Federal, State, or local land use plans; and (c) evidence that the grantee possesses the authority, resources, and capability to manage and operate the lands requested. This represents a modification and extension of the criteria contained in S. 1638, but lacking in the existing law. We also advocate the application of current Federal environmental protection of current Federal environmental protection laws to these significant Federal actions.

This represents, as we have noted, Mr. Chairman, a modification and extension of the criteria contained in S. 1638, but lacking in the existing law.

We believe the reversion provisions of the law, particularly S. 1638, should be spelled out a bit more specifically, but what we are principally concerned about is what we see to be an inability at this time on the part of BLM to adequately monitor the transfer of the use of the land to which it is put after it is transferred, and I should say this is not meant to criticize BLM. I am not saying that. I am simply saying they don't have the resources to do the job that they need to do and we would hope they would be given adequate resources to undertake an adequate monitoring program.

Another area of considerable concern is the leasing or subleasing of land once title is transferred to a State. We advocate private com-

mercial recreation interests and believe that they will play a continuing growing role in the area filling the recreation and leisure needs of this country. But there is no sure definition of recreation in this day when the public demand for recreation facilities is so great, many marginal operations may see this as an opportunity to move in on a good thing.

One way to assure that such commercial actions are truly in the public interest is to require that any commercial undertaking on transferred land also conform to the State's comprehensive outdoor recreation plan and any existing or proposed State land use plan.

If our earlier suggestion that special exemptions to the 640-acre limit be allowed for individual projects, the State's application should make the Secretary aware of the commercial interest and the Secretary then must determine if it fits within the scope of the State's needs. This also argues again for application of all Federal environmental protection statutes on projects planned for the transferred land.

We believe this legislation is very much on the right track. We have suggested an alternative method by which many of the needs can currently be met and the National Recreation and Park Association wishes to assist you and aid you in any way to bring about the kind of changes that you feel necessary.

Senator BIBLE. I aprpeciate your statement. All that I was trying to do in the introduction of these two bills was to simplify the method that we could make public domain and public lands available to the States and political subdivisions, for recreation and park uses. It is that simple and we may not have accomplished that in this bill.

The more I puzzle over this bill the more I think it does not need tightening up. I think it is headed in the right direction, but whether it is on the main track where it should be, that is something we can consider when we get to markup time.

[The prepared statement of John Lagomarcino follows:]

PREPARED STATEMENT OF JOHN LAGOMARCINO, DIRECTOR, DIVISION OF SPECIAL PROGRAMS, NATIONAL RECREATION AND PARK ASSOCIATION, ARLINGTON, VA.

The National Recreation and Park Association appreciates the opportunity to appear before the Subcommittee today to present our views on S. 1628 and S. 2013.

I am John Lagomarcino, Director, Division of Special Programs. We would like to note at the outset that most of the individuals or agencies which would be responsible for planning and managing the state and local park and recreation systems in those states primarily affected by these two proposals are members of or affiliated with NRPA. NRPA is the nation's principal public interest organization representing citizen and professional leadership in the recreation and park movement in the United States. The National Recreation and Park Association's membership of some 18,000 includes professionals working in public park and recreation agencies, members of policy making boards and commissions, educators, leaders in the private recreation and leisure industry, and concerned lay citizens. The Association is dedicated to expanding and improving parks, recreation and leisure activities.

In reviewing these proposals we attempted to determine, to the greatest extent possible, the net effect they might have on the respective states. The states in question, of course, are those which possess within their borders the greatest percentage of remaining public lands in this country, that is, the Rocky Mountains and west coast states. In order to make such a determination, we contacted a senior member of the state park agencies in nine states and asked a series of questions designed to clarify the situation in each state. We were most interested in determining state reactions if legislation were passed which either eliminated the ceiling of 6,400 acres per year presently authorized to be conveyed to public park and recreation agencies or eliminated the $2.50 per acre sale rate and the $.25 per acre annual lease rate, or both.

Our survey results are as follows:

1. Seven of the states favor the intent of the proposed legislation. Two states felt the legislation would have little or no impact on their state's outdoor recreation program.

2. All states contacted said they would use any land acquired to "round out" present state park acquisition programs.

3. Most states said they would not accept conveyance if they lacked funds to maintain the lands.

4. The main interest in the legislation was found among those states in the Rocky Mountain area with smaller populations and somewhat less developed state park systems.

5. Four state specifically favor lifting the current 6,400 acre ceiling on the amount of public lands a state can obtain annually for park and recreation purposes.

6. Two states indicated the availability of "free" public land could also have an effect on their present acquisition and development patterns and practices. That is, there would be a "drop this, go for something else" reaction.

These results clearly indicate support for changes in the present situation, and the bills under consideration would move in the direction sought by most Western state park and recreation officials. However, a number of issues arise as careful scrutiny is given to both bills, issues which we feel must be dealt with before the potentially dramatic changes these proposals could bring about take place. It is in that context that we wish to discuss these two bills today, rather than make a definitive statement of support or opposition.

It should be repeated that although there are certain individual needs for sizable transfers of public lands to meet certain state park and recreation needs, there is no uniform or widespread clamor indicating a great demand for immediate transfer of public lands to state or local park systems. Indeed, there are reports that BLM is at least in some instances, being asked by local authorities to take back previously transferred land. From this perspective, we question whether these proposed legislative solutions are commensurate with the determinable need and demand. We suggest that the Subcommittee give strong consideration to an alternative approach that would meet the needs of selected state park systems short of encouraging transfer of all public lands to state park and recreation systems without an adequate examination of the consequences. This flexibility could be accomplished by amending the Recreation and Public Purposes Act to include criteria for transfer and a provision allowing the Secretary of the Interior to waive the acreage limitation for park and recreation uses.

The criteria for the transfer should include: a) evidence that the land is to be used for an established or definitely proposed park and recreation project and that the amount of land requested does not exceed the area reasonably necessary; b) evidence that the proposed use is compatible with the State Comprehensive Outdoor Recreation Plan and Federal, state or local land use plans; and c) evidence that the grantee possesses the authority, resources and capability to manage and operate the lands requested. This represents a modification and extension of the criteria contained in S. 1638 but lacking in the existing law. We also advocate the application of current Federal environmental protection laws to these significant Federal actions.

Relating to transfer, the provisions for reversion in the bills under consideration should be more clearly articulated. At the present time BLM reportedly does not have sufficient staff to monitor transfers of lands, so it is not hard to foresee even greater difficulties if increased amounts of public land are made available for transfer. If reversionary provisions are to mean anything at all, there must be continued monitoring of land use and other transfer requirements.

We see so little demand for over 6,400 acres per state per year that we recommend that the Secretary of the Interior be given authority to waive the acreage limitation. However, we favor retention of the current sale and lease charges.

Another area of considerable concern to us is the question of leasing or subleasing of land once title is transferred to a state. Private commercial interests may see this as a golden opportunity to move into areas once denied them. This is not to say that these arrangements are all inherently bad. Quite the contrary. In many cases commercial recreation development would greatly expand the resources and services available to the public. But there is no sure definition of "recreation," and in this day when the public demand for recreation facilities is so great, many marginal operations may see this as an opportunity to move in on a good thing.

One way to assure that such commercial actions are truly in the public interest is to require that any commercial undertaking on transferred land also conform to the state's comprehensive outdoor recreation plan and any existing or proposed state land use plan. If our earlier suggestion that special exemptions to the 6,000 acre limit be allowed for individual projects, the state's application should make the Secretary aware of the commercial interest and the Secretary then must determine if it fits within the scope of the state's needs. This also argues again for application of all Federal environmental protection statutes on projects planned for the transferred land.

In conclusion, the proposals are intriguing and have merit. But considerable safeguards must be added to guarantee that the kind of land transfer program envisioned in this legislation would be for the public good.

Senator BIBLE. Senator Hansen.

Senator HANSEN. I have no questions.

Senator BIBLE. Thank you very much.

Our next witness is Mr. Harry Crandell, director of wilderness reviews, the Wilderness Society.

STATEMENT OF HARRY B. CRANDELL, DIRECTOR OF WILDERNESS REVIEWS, WILDERNESS SOCIETY, WASHINGTON, D.C.

Mr. CRANDELL. I would like to preface my statement with this observation. That my background is—familiarity with this problem in Western Colorado and in Wyoming, and the statement is structured, based on this background more than a broad statewide kind of thing.

In this particular area of the country the need is for much smaller tracts of land for fishing access, for day use facilities, adjacent to rivers and that kind of thing, where as the national forest and national parks in Wyoming and Colorado largely accommodate the recreational desires of the people.

With that, Mr. Chairman, I would just like to submit this for the record, because I largely agree with the statements that John McComb from the Sierra Club submitted a few minutes ago.

Senator BIBLE. In other words, what the thrust of what you are saying is, is that you think the taking off of the acreage limitation gives too broad a grant of authority to the Secretary. That is the thrust of what you are saying?

Mr. CRANDELL. Yes, sir.

Senator BIBLE. And it should be hedged in by more restrictive language?

Mr. CRANDELL. We think there should be some common acreage limitation. In excess of that limitation the Secretary should transmit his recommendation to the Congress for review.

Senator BIBLE. That is very much what Mr. McComb said and, of course, I made an additional suggestion that we might use one of the techniques available to us and used frequently and that is that we submit it to the two respective committees that have jurisdiction over public domain lands, that would be the two Interior Committees of the Congress, Senate and House Interior Committees, and if they took no adverse action it could automatically be made. We were trying to facilitate this and I don't know how much demand there is for the acquisition of this public domain. There may not be as much as I thought there was. And if there isn't a great demand for the transfer of public domain into the States and park uses, maybe it is better handled on a case-by-case basis.

I am going to reexamine that. I think what you say is very helpful.

I have no further questions.

Senator Hansen.

Senator HANSEN. Mr. Crandell, I appreciate your background and I think it makes you aware to a greater degree than is generally the case the need of small communities. Because of your background, I must say that you do understand and know the situation in the West, in the Rocky Mountain States, particularly, and in Wyoming. I have thought about a number of our cities, Rawlings is an example, where the lands around that town are for the most part publicly owned and there is need for a recognition of specific language which would facilitate and accomplish an orderly transfer of lands to political subdivision in the State. I think that in most instances the amount of acreage that should and might be transferred isn't large. Wouldn't you agree with that?

Mr. CRANDELL. That is correct.

Senator HANSEN. A 640-acre limitation would pose no problem at all that I would imagine. Ordinarily I would imagine there is much less than that and it could do a very fine job.

Mr. CRANDELL. Yes, sir. I think in the case of Rawlings or Rock Springs that people are looking for the use of an outdoor place to go and they have difficulty in developing it or identifying it without it being under their control.

Senator HANSEN. I haven't gotten to read all of your statement. I just scanned it. I notice on page 2 you say, "We also feel an acreage limitation must be placed on any single land transaction. We suggest this be limited to not in excess of 640 acres for any one single recreational land transfer."

I would agree that a section ought to go a long way in accomplishing the purposes of most of our cities in Wyoming. Would that be your opinion, too?

Mr. CRANDELL. Yes, sir.

Senator HANSEN. There might be exceptions, but generally I would think that would provide a pretty good opportunity for a town to maximize recreational opportunities for its citizens.

Mr. CRANDELL. Yes, sir. It has been my view, my personal opinion, that in most communities that are hemmed in by public domain that they are really seeking minor tracts. You have an exception like Casper, which is much larger, but there shouldn't be any problem in the Secretary of Interior transferring a recommendation to Congress to review the areas of that size.

Senator HANSEN. I have no further questions.

Senator BIBLE. Senator Bartlett.

Senator BARTLETT. Mr. Chairman, I wasn't familiar with this bill. I certainly think it is great. I would like to ask Mr. Crandell, I am not familiar with the bill, do you feel that the Secretary should make findings of what development would take place before making the transfer?

Mr. CRANDELL. Yes, sir, our previous witnesses have stated that or have suggested that it ought to be in accordance with a State plan, Federal-State planning area, and we would support that. We agree on the kinds of uses and developments that should take place in that particular area.

Senator Bartlett, I would like to repeat that what we were thinking of mainly was not so much the mass recreation kind of area with the picnic tables and campers. We were thinking mainly of the access for fishing purposes of small areas adjacent to cities where they have an opportunity to develop a city park and this kind of thing, so the statement's thrust is in that way.

Senator BARTLETT. The way the bill is written, does this apply to any Federal lands?

Mr. CRANDELL. The way we read it, yes, sir. Any public domain lands, not any Federal lands.

Senator BARTLETT. Mr. Chairman, thank you.

Senator HANSEN. I do have one further question prompted by one of Senator Bartlett's queries.

Are there instances, Mr. Crandell, wherein cities and political subdivisions, the people living within these areas, do not now have access to fishing streams and so forth because of lands in the public domain? To your knowledge, has there been any exclusion to or restriction of the public imposed by the administrators of public domain?

Mr. CRANDELL. No, sir.

Senator HANSEN. Then I am not sure that I understand exactly what you meant by saying that this could be a means, if I understood you, whereby the public would be assured of access to fishing streams if this land in the public domain could be transferred to a State or political subdivision.

Mr. CRANDELL. I can probably give you a couple of examples. One is on the Laramie River. The other is the North Platte River. Where public lands are located adjacent to the river and the access is private. There is a problem getting access to the public lands. It seems to me if the State and local community had control of that land they would have a better opportunity of negotiating access to it.

Senator HANSEN. The reason I was pursuing this question is, we have had, because as Mr. Crandell knows, with the checkerboard pattern of land ownership in the West and certainly this is true in Wyoming, oftentimes the question of access has arisen where two corners of a checkerboard coming together theoretically, you cannot go from one publicly owned section to another because at that precise corner there is no withdrawal in public ownership.

I was under the impression generally in what I understand to be the policy of the BLM that they had encouraged public access on all of the public domain lands and I would ask Mr. Trucott if this is not the situation as you understand it?

Mr. TURCOTT. Yes, sir. It most certainly is, and actually it is a portion of the Taylor Grazing Act that there will be free access for hunting and fishing, recreation purposes on the public lands. The problem arises with the checkerboard or the intermingled private lands that block access. And in some cases, sir, a new economic endeavor has started in the West where public lands are intermingled with private lands and private ranching operations are converted to hunting and fishing, dude ranch or safari-type affairs. Of course, such private usage cannot apply to the public lands. It would be against the law otherwise, but they do control the access. So, in effect, in some isolated places we do have a lockup of public lands. I believe that is what the gentleman was talking about—that if in certain cases public

lands come under State, county and municipal jurisdiction for park and recreation purposes, that they could negotiate access to them easier than we can. We have the easement route, we have condemnation and we have cooperative agreements as the three avenues.

Senator HANSEN. Really what Mr. Turcott says reflects your thinking, Mr. Crandell. I suspect what you are implying is that transferring some public domain acreage to a State or to a political subdivision within the State might enhance the bargaining power that the political subdivision would have in dealing with private land owners in securing access to fishing streams and other attractions that otherwise would be denied to the public generally. Is that what you meant to imply?

Mr. CRANDELL. That is correct.

Senator HANSEN. No further questions.

Senator BIBLE. Thank you very much. I appreciate your appearing here today. I have no further questions.

[The prepared statement of Harry B. Crandell follows:]

PREPARED STATEMENT OF HARRY B. CRANDELL, DIRECTOR OF WILDERNESS REVIEWS

Mr. Chairman: I am Harry Crandell, Director of Wilderness Reviews, The Wilderness Society, 729 Fifteenth St., Washington, D.C. It is with a great deal of pleasure that I appear today to present the views of the Society and its members on S. 1638.

While The Wilderness Society supports the general objectives of this bill, we do have a few suggestions which would, in our view, strengthen the bill and protect the national interest in the public domain lands under consideration.

Most of us recognize that many communities in some of the western states often are bordered and, in some cases, hemmed in by adjoining federal lands. Thus, there may be a need to provide the means by which such cities and towns can acquire public domain lands for recreational purposes. However, we do not believe that the provisions of S. 1638 are specific enough to provide for an orderly method of transferring recreational lands to these jurisdictions. For example, Section 3(a) states that the Secretary of the Interior is authorized and directed to make available to State and local governments any public domain lands (except lands on the outer continental shelf and lands classified as primitive areas) administered by the Bureau of Land Management for use for park and recreation purposes pursuant to the requirements of this Act. In our view this direction to the Secretary is too broad particularly when the word "any" is used to describe the lands which might be available or selected for the purposes of the bill.

The public domain lands under the jurisdiction of the Bureau of Land Management constitute some of the most scenic and remote of all the public lands in the United States. We suggest that criteria be included in the bill which would clearly require the Secretary of the Interior to make a determination that retention of the lands for national purposes would be required in those cases where the Secretary determines that the national interest would best be served by retaining the property in federal ownership. Certainly no lands of value as potential wilderness, archeological sites, scenic areas and similar potentially national values should be transferred from Federal ownership. Again, the use of the words "any public domain lands" in Section 3(a) is, in our opinion, much too broad.

We also feel that an acreage limitation must be placed on any single land transaction. We suggest that this acreage limitation be limited to not in excess of *640 acres* for any one single recreational land transfer. We further suggest that if the acreage exceeds 640 acres that the Secretary of the Interior be required to submit his recommendations to the Congress for appropriate review and approval.

Further, since these lands are public lands at the present time and could be transferred to Stat or local jurisdictions, there needs to be a provision that the public be informed and invited to participate in formal public hearings prior to any final decision or recommendation by the Secretary of the Interior or the Congress.

Thank you very much for the opportunity to appear here today.

Senator BIBLE. Mr. Turcott, why don't you come up here to the table? I have a couple more questions I want to ask you.

Before I do that, I would like to place in the record a series of letters which I and Senator Jackson have received commenting on the present legislation.

[The letters referred to follow:]

CARSON CITY, NEV., *June 21, 1973.*

Hon. HENRY M. JACKSON,
U.S. Senator,
Dirksen Senate Office Building, Washington, D.C.

DEAR SIR: Our attention has been called to the referenced bill which is scheduled for public hearings on June 26. The Board of Supervisors of Carson City wishes to urge that this Bill be adopted as its effect will be extremely beneficial to plans of Carson City to construct a regional recreational complex on Bureau of Land Management lands located approximately three miles east of the center of our City. The local citizens have authorized the issuance of $1,500,000 of general obligation bonds for the purpose of beginning construction on this site. We feel that adoption of S. 1638 will speed up the normal processes of acquiring the land which has been classified for only Recreation and Public Purpose Acquisitions and in addition we would not have to pay for the land, thus making additional funds available for park improvements.

Your earnest consideration of our support would certainly be appreciated.

HENRY ETCHEMENDY, *City Manager.*

NEVADA STATE HORSEMEN'S ASSOCIATION,
Reno, Nev., June 22, 1973.

Hon. HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: Nevada State Horsemen's Association is in favor of passage of Senate bill 1638.

We will hope that it will become the law as this will help to retain federal lands for recreational use of the people, and may help to deter the reclassification of federal lands to other uses since they will be owned by state and local governmental agencies.

Cordially,

PENNY WHALEN, *Executive Secretary.*

NATIONAL PUBLIC LANDS TASK FORCE,
NEVADA OUTDOOR RECREATION ASSOCIATION, INC.,
Carson City, Nev., May 4, 1973.

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

DEAR SENATOR JACKSON: On April 18, I wrote you concerning a bill, not then introduced by the Nevada Congressional delegation, which would provide for the transferral of Bureau of Land Management public lands to the State of Nevada. At that time, we ascertained this bill would attempt to implement a state legislative resolution, memorializing Congress to transfer the Red Rock Canyon BLM Recreation Lands (near Las Vegas), and which sought inject the provisions of a 1961 Nevada legislative resolution (see enclosed copy of SJR#6) which memorialized Congress not to establish wilderness or primitive areas on Nevada public lands.

We have since learned that Nevada governor Mike O'Callaghan ordered the 1961 SJR #6 read to Nevada state department heads (such as State Fish & Game, State Parks, State Lands) . . . and has lead to the introduction of S. 1638 in the Senate by Senator Alan Bible. After learning via the Congressional Record of its provisions and discussing it with BLM officials here—we must conclude S. 1638 is an attempt to seriously undermine BLM outdoor recreation programs on the public lands, especially in regard to the establishment of BLM primitive areas and natural areas. Indeed, we believe it is also designed to force the trans-

ferral of the exceptionally scenic and unique-natural Red Rock Canyon Recreation Lands (in the latter case, to forestall BLM planning which is designed to implement badly needed restrictions on off-road vehicle access and towards preservation and management of the area's unique-natural, rare flora and endangered fauna occurrences).

While we favor such programs as the Recreation & Public Purposes Act which are designed to make public lands available to states for parks and recreation areas, we must vigorously oppose those proposals and schemes that are designed to harass, emasculate and scuttle the Bureau of Land Management's own programs and efforts to protect, preserve and manage such remarkable areas as southern Nevada's Red Rock Canyon. Further, we must object to S. 1638 since it does not provide for full disclosure of sites and areas to be selected nor detailed environmental analyses and impact statements as provided in the National Environmental Policy Act of 1969.

We are convinced S. 1638 has, as its real underlying purpose, provisos that would create avenues of mischief for those dedicated to destroying any effort to protect unique-natural and wilderness environments on the public lands. Indeed, we shall, as we have in the past, favor the reasonable transferral of public lands that might better be suitable for mass-use and campground development—which has been a distinct trend within the Nevada State Park System in recent years. Provided, such lands are clearly shown—through detailed environmental analyses and impact statement—that such transferral would not have a debilitating effect on vitally needed BLM programs and planning for the public lands.

Lastly, this letter is an expression of our individual members and should not be construed as an organizational attempt to influence legislation.

Cordially,

CHARLES S. WATSON, Jr., *Director.*

THE STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, Nev., January 12, 1973.

Hon. ALAN BIBLE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BIBLE: During the 1973–75 biennium, I am planning to continue the State Park Land Acquisition program. We will utilize both State and Land and Water Conservation funding.

Much of our Planned Acquisitions are federal lands to be acquired under the Recreation and Public Purposes Act. As you know by current regulations, the State can acquire only 6400 acres per year. More recently we have found another regulation exists, where regardless of acreage only three sites annually can be acquired by a State Agency.

If we continue to work within the current regulations of the Bureau of Land Management, it would take many years to acquire the sites presently authorized by the Legislature and those which I am asking the 1973 session to approve. A number of these sites are in Clark County.

In 1969 you sponsored a bill in the Congress which was passed to waive the 6400 acre limitation at Valley of Fire State Park. Had this bill not been passed, we would have had to confine our public land acquisition program to Valley of Fire only for at least an additional five or six years. In appreciation of your effort, I'm happy to say we have been able to apply for land in other areas besides Valley of Fire.

I am asking your help in sponsoring a bill in Congress to waive the 6400 acre limitation and three sites per year regulation for the list of sites and acreage on the attachment to this letter. The list includes 18 new sites, 11 of those being in Clark County and additions to ten existing State Parks. The total acreage to be acquired is 116,385 acres.

I will follow up this letter with a more detailed explanation of the proposed areas and land discriptions. If there is additional information which would be helpful, please let me know so we can get it to you.

I'd appreciate your assistance in helping us to acquire these sites for Nevada's State Park System.

Sincerely,

MIKE O'CALLAGHAN,
Governor of Nevada.

Enclosures.

New areas

	Acres
Churchill County:	
Grimes Point (US 50 east of Fallon)	720
Sand Mountain (US 50 east of Fallon)	4,000
Total	4,720
Clark County:	
Arrow Canyon (NEV 7, north of Glendale)	10,000
Bitter Ridge-Whitney Pockets (south of Mesquite)	18,480
Buffington Pockets (east of I 15, near Valley of Fire)	6,400
Red Rock Canyon (west of Las Vegas)	16,460
Gregory Arch (NEV 60, northwest of Nelson)	720
Keyhole Canyon (east of US 95 near Nelson)	2,880
Knob Hill (NEV 60, southwest of Nelson)	2,040
Rainbow Gardens (east of Las Vegas)	4,880
Spring Mountains (several sites north of Pahrump highway)	17,440
Virgin Mountains (south of Mesquite)	1,120
Potosi-Yellow Plug (north of Goodsprings)	320
Total	80,740
Lander County: Cold Springs (US 50 north of East Gate)	120
Total	120
Lincoln County:	
Gleason Canyon (northeast of Panaca)	13,680
Bristol Wells (west of US 93 and northwest of Pioche)	240
Total	13,920
Nye County: Belmont (NEV 82)	760
Total	760
White Pine County: Fort Schellborne (east of US 93, 60 miles north of Ely)	440
Total	440
Total new park acres	100,700

Expansion of existing parks

	Acres
Beaver Dam SP (Lincoln County)	10,160
Berlin-Ichthyosaur SP (Nye County)	800
Cathedral Gorge SP (Lincoln County)	540
Echo Canyon SRA (Lincoln County)	160
Eagle Valley SRA (Lincoln County)	590
Fort Churchill HSM (Lyon County)	480
Kenshaw Ryan SP (Lincoln County)	1,560
Lahontan Reservoir SRA (Churchill-Lyon County)	600
Rye Patch Reservoir SRA (Pershing County)	600
Ward Charcoal Ovens HSM (White Pine County)	195
Total	15,685
Total existing park expansion	15,685
Total acres	116,385

NEVADA LEGISLATURE,
Las Vegas, Nev., June 20, 1973.

Hon. ALAN BIBLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: I recently learned that you plan to have a hearing on S. 1638 soon and wanted to make a few comments in relation to this bill.

The purpose is very commendable and its passage would fill a great need for additional avenues whereby States can acquire public lands for park and recreation purposes. However, leaving the decision up to the Secretary of the Interior in each instance poses some real problems, I believe.

I think you could logically expect the State to be interested in acquiring those public lands classified during the inventory process of the 1960's as high priority for public recreation because of their outstanding scenic qualities, etc. In many instances, it is these same lands that the Bureau of Land Management is most anxious to retain and receive funding to develop and manage in their own system of "recreation areas." So I forsee, under this bill, the battle lines being drawn between the BLM and the States, and the Secretary of Interior in a difficult position for making the final determination.

Certainly this points, more than ever, to the need for a BLM Organic Act to be passed or at least for the Congress to give a clear legislative intent as to the BLM's future role in the recreation business.

Sec. 3(a) of the bill is confusing in its present wording which could be interpreted that lands presently administered by the BLM for park and recreation purposes would be exempt from consideration. If that interpretation is correct, then the bill would prevent the possibility of the Nevada State Park System acquiring Red Rock Canyon. If this was not the intent, then a cleaner wording would be to move the phrases around to read: "The Secretary of the Interior is authorized and directed to make available to State and local government, for use of park and recreation purposes pursuant to the requirements of this Act, any public domain lands administered by the BLM except lands on the Outer Continental Shelf and lands classified as primitive areas." I have added no new words, just reararnged them.

I also feel that the criteria in Sec. 3(b) do not include a look at whether or not the State is in a *better* position to properly manage a particular area than the BLM. Again, I'm looking ahead to the distinct possibility that the BLM will object to the States acquiring certain areas. What criteria will the Secretary use in judging between the two? The bill does not appear to consider this problem.

On the plus side, I am most pleased to see no acreage limitation, the provision that the transfer of lands be without cost except for a reasonable administrative fee, and the requirement that the lands cannot be later transferred to another purpose.

Basically, I support the passage of S. 1638 but hope you will consider some of the points I have raised for possible amendment.

At the same time this is under consideration, it would also be appropriate to consider amending the Recreation & Public Purposes Act to remove the acreage limitation for state parks or raise it substantially so the states could have the option of going that route if they chose. This was a recommendation of the PLLRC report, I believe. Is something being done in this regard?

I will be interested in learning of the results of your hearings next week.

Sincerely,

JEAN FORD.

IDAHO STATE PARKS AND RECREATION DEPARTMENT,
Boise, Idaho, June 13, 1973.

Re Senate Bill 1638, "Federal Lands for Parks and Recreation Act of 1973."

Hon. ALAN BIBLE,
Chairman, Interior Affairs Subcommittee on Parks, U.S. Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: Senate Bill 1638 was recently introduced (April 18, 1973) to the U.S. Senate and referred to the Committee on Interior and Insular Affairs for study. This Bill, entitled "Federal Lands for Park and Recreation Act of 1973" would provide a great assistance to Idaho and other western states in fulfilling the requirements of providing quality recreation lands for residents and visitors. This Bill, in essence, would amend the existing Recreation and Public Purposes Act that requires a $2.50 per acre charge for recreation lands. This Bill greatly improves the role of the Bureau of Land Management in assisting states in providing much needed recreation opportunities that exist. Of all outdoor recreation land in Idaho, the federal government owns 97% of it, state agencies own 2%, and private sectors and local government own 1%.

We urge you to consider the merits of the Bill and to support its enactment when it comes to the floor of the Senate. There are many areas presently under administrative control of the Bureau of Land Management that could offer a diversity of recreation opportunities if they were developed. Much of these needs have been identified in Idaho's Statewide Comprehensive Outdoor Recreation Plan. We feel that this Bill is an improvement to the old Recreation and Public Purposes Act.

Sincerely,

STEVEN W. BLY, *Director.*

STATE OF NEVADA,
DEPARTMENT OF FISH AND GAME,
Reno, Nev., June 19, 1973.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR ALAN: The Nevada Department of Fish and Game would like to be recognized in the formal record as approving the passage of Senate Bill 1638 which authorizes the Secretary of Interior to make certain federal lands available to state and local governments for park and recreation purposes.

This modification of the Recreation and Public Purposes Act is necessary so state and local entities can better establish long-term programs of acquisition and development of recreational lands suitable to their needs.

With the insatiable demand for quality recreational lands the present Recreation and Public Purposes Act is outmoded and obsolete and no longer serves the best interests of the general public.

Your personal interest and professional skill in obtaining passage of S.B. 1638 will be appreciated for the added recreational opportunities it will afford for the people of Nevada and the Nation.

Sincerely yours,

FRANK W. GROVES, *Director.*

ELKO COUNTY COMMISSIONERS,
OFFICE OF COUNTY MANAGER,
Elko, Nev., June 21, 1973.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: The Elko County Board of County Commisisoners strongly urges passage of Senate Bill 1638 which provides that public lands be made more readily available to State and local governments. Concurrently with this bill, we would like to see provisions whereby land for high-priority recreational developments could be obtained prior to finalization of unit management framework plan, currently being prepared by the Bureau. Elko County has serious need for additional facilities, i.e., picnic and camping areas, sports camper parks and sanitary facilities at several high use sites and currently land cannot be released because of the aforementioned planning program.

Sincerely,

JIM POLKINGHORNE,
Elko County Manager.

STATE OF NEW MEXICO,
STATE PARK AND RECREATION COMMISSION,
Santa Fe, N. Mex., June 21, 1973.

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

DEAR SENATOR BIBLE: We have been informed that if Senate Bill 1638 is enacted, the Secretary of the Interior will be able to make public domain lands more readily available to state governments for park and recreation services.

We are particularly encouraged about the aspect of acquiring needed lands for state recreation areas without references to acreage requirements or cost. We wholeheartedly urge your support in the passage of this Act as we feel that this will be a major step in the provision of lands for park and recreation purposes.

We sincerely thank you for your interest and concern in the park and recreation movement.

Sincerely,

RICHARD W. MUTZ, *Director.*

NEVADA STATE PARK ADVISORY COMMISSION,
Carson City, Nev., June 22, 1973.

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

DEAR SENATOR BIBLE: Senate Bill 1638 introduced by you, Senator Cannon and Senator Jackson represents a much needed change in the acquisition of federal lands in the State of Nevada. I applaud your efforts.

It is my most sincere hope that this bill will receive full endorsement for passage. Its effect for our state and especially for the Nevada State Park System will be most beneficial. Please know that you have my fullest support on this legislative proposal.

Sincerely,

R. O. FORSON, *Chairman.*

NEVADA OPEN SPACES COUNCIL, INC.,
Las Vegas, Nev., June 22, 1973.

Hon. ALAN BIBLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: The Nevada Open Spaces Council is happy for the opportunity to comment on the Bill, S. 1638, which you have introduced with Senators Cannon and Jackson. We would appreciate having our comments made a part of the hearing record for the June 26 hearing on the bill.

The Council feels that the legislation introduced is a significant step in alleviating the current problems which are so well stated in Sec. 2 of the "Federal Lands for Parks and Recreation Act of 1973." We do feel, however, that the Act should be strengthened in Sections 3 and 5 to assure adequate citizen and other agency input into the reservoir of material upon which a decision is based. In effect, the input from such sources would provide the basis for environmental and economic assessments of each proposed action.

In some cases where both the federal and state agencies plan similar programs for the land in question, the decision reached may be critical in determining the best plan and management that is feasible. Red Rocks Canyon is a case in point. Both the BLM and the Nevada State Parks System would manage the area with similar objectives in mind. The question is which agency can best meet those objectives. Citizens in southern Nevada have felt that the position of the park very close to major population center make its management as a state park preferred over BLM management, and that the State Parks System is more receptive to the needs of the park and its citizens, particularly in its response to the critical problem of controlling the area's rapid environmental deterioration through uncontrolled visitor impact. State management of the lands is quite in conformity with and compliments its current program for the acquisition of significant inholdings such as Pine Creek and Spring Mt. Ranch.

In this case citizens have made an evaluation of the alternate management capabilities. Yet Section 3 of the Act leaves it to the Secretary of the Interior to make a decision as to whether the transfer " . . . is compatible with planned Federal Park and recreation programs." There is no assured formal mechanism by which citizen input can influence a decision which otherwise must be based on BLM staff reports. In the case of Red Rocks, where the BLM has a traditional interest, such staff reports could well be biased against alternative State Parks management.

Other cases are quite likely indicated. In some cases there may be significant public viewpoint supporting a BLM position on maintaining a parcel of land in federal control.

The Council feels, therefore, that the Act should make specific provision for public comment on proposed land transfers, and for public hearings wherever significant public concern is indicated. We feel that it should not be left to the

Secretary of Interior's judgment as to whether or not the rules and regulations necessary for the administration of the Act (Sec. 5) include such provisions. Neglect of a specific provision for citizen input would leave the spectre of future litigation for Environmental Impact Statements under the provisions of the National Environmental Policy Act. On the other hand, specific provision for citizen input at an early date in the planning for land transfers assures a final decision in which the interests of citizens of the local community, the state and the nation are best met.

Thus strengthened, the Council feels that S. 1638 will become an important act of legislation for all western states.

Sincerely yours,

HOWARD G. BOOTH, *Vice President.*

NEVADA STATE HORSEMEN'S ASSOCIATION,
Reno, Nev., June 22, 1973.

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

DEAR SENATOR BIBLE: We heartly approve of the passage of Senate Bill 1638 which you in conjunction with Senators Cannon and Jackson introduced.

Nevada with its large parcels of Federal land would benefit particularly from passage of this bill.

With our growing numbers of persons interested in outdoor recreation this land will be needed by the states for parks, as well as other local governmental bodies.

We use outdoor facilities and areas to a great degree, we are therefore very interested in attaining them for use by all people who enjoy them.

Cordially,

PENNY WHALEN, *Executive Secretary.*

CITY OF LAS VEGAS,
June 30, 1973.

Hon. ALAN BIBLE,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: This is to advise you that the Mayor and Commissioners of the City of Las Vegas strongly support S. 1638 and urge its adoption. The City of Las Vegas has made use of public domain lands within the parameters contained within the present legislation; however, we believe that greater utilization would be afforded to both local and state governments if the requirements are debilitated. I don't know whether the proposed legislation addresses itself to the point of time factor wherein under the present Recreation and Public Purposes Act the federal government demands that property acquired must be developed within a relatively short period of time.

Under good planning practices it is advisable to acquire land for recreation and public purposes long in advance of when the development will actually be needed, and therefore it is unrealistic in most cases to have to stipulate that development will take place within a year or two after acquisition when, in fact, the development of land will not be necessary for several years but the reservation of the land is immediately needed.

Therefore, I would strongly urge that language be contained within the proposed Bill that would allow a much greater time flexibility than presently allowed.

Sincerely,

ORAN K. GRAGSON, *Mayor.*

LAS VEGAS, NEV., *June 21, 1973.*

Hon. ALAN BIBLE,
Senate Building,
Washington, D.C.

The Redrock Advisory Council, composed of a cross section of people from the community, represents many organizations and citizens, and is advisory to Nevada State Park Commission, hereby supports bill S. 1638. Nevada has long been known for its many wide open spaces. However, we can all see the day is fast arriving when the open spaces are disappearing and being privately de-

veloped. As population rises these surrounding States are looking to Nevada for new frontiers. The entire Nation as well as Nevada at this time needs to look at what lands are available for parks. Nevada industry is based upon recreation and tourism, therefore we must immediately become concerned and reassess our land use by carefully protecting what is left. Presently there are available lands but the legal authority to set aside large areas as well as provide funding for same is never sufficient to satisfy the demands of the public and posterity. Protection of the open spaces and natural park areas, while they are available, is a mandate of the public that needs the recreation areas. Your foresight in authorizing the Secretary of the Interior to make certain Federal lands available to State and local governments for parks and recreation purposes is commendable.

In appreciation,

THALIA DONDERO,
Member of Redrock Resource Advisory Council,
Chairman and Member Nevada State Park Commission.

HENDERSON, NEV., *June 25, 1973.*

Hon. ALAN BIBLE,
Capitol Hill,
District of Columbia.

City Henderson, Nevada, today received a copy of Senate Bill 1638 and information that a public hearing on the bill is to be held on June 26, 1973. It is my feeling that passage of this bill could be of great benefit and comfort to the citizens of Henderson and southern Nevada in that it would permit the State of Nevada and the local entities of southern Nevada to develop regional recreational areas on some of the vast acreages of suitable lands now under Federal control. You are well aware of the many attractions of southern Nevada which bring millions of tourists to the state each year. There are a few national parks in the area which are available during much of the year only on a reservation or a first come first served basis, with hundreds turned away. This makes use of the areas by the local citizens impossible or very difficult. There is a great need for additional recreational areas in southern Nevada and the areas outside the federal lands are either unsuitable or greatly overpriced, or both. Time has not permitted getting an expression of the opinion of the city council of Henderson in regard to this bill but from past council discussions I am forced to believe that the council would urge passage of Senate Bill 1638. The council will be informed of this matter and you will be informed of its action.

R. I. WHITNEY, *Acting City Manager.*

Senator BIBLE. Tell me exactly what you do today if you are a city in any one of these public domain States and you are hedged in by public domain property and you want to add land to your city and there is no way you can do it except coming to the Federal Government? How does that work? I am not talking about recreation purposes. Is there any basic law today on the books to permit you to acquire land for necessary growth for your city?

Mr. TURCOTT. The only one I know is the Recreation and Public Purposes Act.

Senator BIBLE. Why don't you detail exactly how that would work?

Mr. TURCOTT. There may be some other opportunities and I will have some legal research done on it in terms of the old townsite law, even the public sale law.

Senator BIBLE. Would you like to comment, Miss Schwartz, on this. If I come from city X and State Y and I am hedged in by public domain lands, how do I get some additional land to meet the growing needs of my city?

Miss SCHWARTZ. Presently you would either have to come in under the Recreation and Public Purposes Act or get a special act, as was accomplished, for instance, for the city of Henderson.

Senator BIBLE. We use the special acts but is there any way I can get it without a special act under the Public Purposes Act?

Miss SCHWARTZ. Not at the present time. This is what S. 1041 of our National Resources Management Act would accomplish. It would give the Secretary the authority to convey lands if they were needed for that kind of purpose.

Senator BIBLE. I am not talking about recreation purposes. Maybe you want to grow so you can have a subdivision so you can put more houses on it to take care of the additional need of people that come into your city. There is no legislation that permits you to do that.

Miss SCHWARTZ. Unless it were an isolated tract.

Senator BIBLE. I remember the Henderson Act and I assume the Public Purposes Act hasn't been changed in the intervening years to change the law in that respect.

Miss SCHWARTZ. This is correct.

Senator BIBLE. Because there are communities in the West that are growing and that do need land and the only way they can get it, if I understand you correctly, is to come to the Congress and get a special act.

Mr. TURCOTT. I can only reemphasize, that that is one of the most significant provisions of the proposed S. 1041.

Senator BIBLE. Of course, this present legislation would provide that, too, with limitations of 640 acres.

Mr. TURCOTT. For recreation and parks and other public purposes, but not in terms of going for subdivision development.

Senator BIBLE. That wouldn't apply there because that would not be for public purposes. All right, I just wanted to clear the record for that.

Thank you very much.

We will keep the record open for 2 weeks.

We stand in recess subject to call.

[Whereupon, at 11:10 a.m., the hearing was recessed, subject to the call of the Chair.]