PROPOSED WILD AND SCENIC CHATTOOGA RIVER AND THE CONVEYANCE OF CERTAIN PUBLIC LANDS

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

S. 2385

A BILL TO DESIGNATE THE CHATTOOGA RIVER IN THE STATES OF NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

S. 184

A BILL TO AUTHORIZE AND DIRECT THE SECRETARY OF THE INTERIOR TO SELL INTERESTS OF THE UNITED STATES IN CERTAIN LANDS LOCATED IN THE STATE OF ALASKA TO THE GOSPEL MISSIONARY UNION

S. 194

A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY TO THE CITY OF ANCHORAGE, ALASKA, INTERESTS OF THE UNITED STATES IN CERTAIN LANDS

S. 1111

A BILL TO QUITCLAIM THE INTEREST OF THE UNITED STATES TO CERTAIN LAND IN BONNER COUNTY, IDAHO

S. 1582

A BILL TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PUBLIC LANDS IN KLAMATH FALLS, OREGON, TO THE OCCUPANTS THEREOF, AND FOR OTHER PURPOSES

S. 2125

A BILL TO AMEND THE ACT ENTITLED "AN ACT GRANTING LAND TO THE CITY OF ALBUQUERQUE FOR PUBLIC PURPOSES", APPROVED JUNE 9, 1906

S. 2253

A BILL RELATING TO LANDS IN THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, NEW MEXICO

S. 2343

A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY, BY QUITCLAIM DEED, ALL RIGHT, TITLE, AND INTEREST OF THE UNITED STATES IN AND TO CERTAIN LANDS IN COEUR D'ALENE, IDAHO, IN ORDER TO ELIMINATE A CLOUD ON THE TITLE TO SUCH LANDS

OCTOBER 10, 1973

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

23-227 O

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

ALAN BIBLE, Nevada
FRANK CHURCH, Idaho
LEE METCALF, Montana
J. BENNETT JOHNSTON, JR., Louisiana
JAMES ABOUREZK, South Dakota
FLOYD K. HASKELL, Colorado
GAYLORD NELSON, Wisconsin

PAUL J. FANNIN, Arizona
CLIFFORD P. HANSEN, Wyoming
MARK O. HATFIELD, Oregon
JAMES L. BUCKLEY, New York
JAMES A. McCLURE, Idaho
DEWEY F. BARTLETT, Oklahoma

JERRY T. VERKLER, *Staff Director*
WILLIAM J. VAN NESS, *Chief Counsel*
STEVEN P. QUARLES, *Special Counsel*
HARRISON LOESCH, *Minority Counsel*

SUBCOMMITTEE ON PUBLIC LANDS

FLOYD K. HASKELL, Colorado, *Chairman*

HENRY M. JACKSON, Washington
FRANK CHURCH, Idaho
JAMES ABOUREZK, South Dakota
GAYLORD NELSON, Wisconsin

JAMES A. McCLURE, Idaho
MARK O. HATFIELD, Oregon
JAMES L. BUCKLEY, New York

CONTENTS

STATEMENTS

COMMUNICATIONS

ADDITIONAL INFORMATION

APPENDIX

PROPOSED WILD AND SCENIC CHATTOOGA RIVER AND THE CONVEYANCE OF CERTAIN PUBLIC LANDS

WEDNESDAY, OCTOBER 10, 1973

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met at 10 a.m., in room 3110, Dirksen Office Building, Hon. Floyd K. Haskell, chairman, presiding.

Present: Senators Haskell [presiding], and McClure.

Also present: Jerry T. Verkler, staff director; Steven P. Quarles, special counsel; and Harrison Loesch, minority counsel.

OPENING STATEMENT OF HON. FLOYD K. HASKELL, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator HASKELL. The hearing of the Subcommittee on Public Lands will commence.

The hearing today is on the several bills to convey title to certain Bureau of Land Management or Bureau of Reclamation lands in Alaska, Idaho, New Mexico, and Oregon and additionally on S. 2385, a bill to designate the Chattooga River in North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic River System.

Before we commence I would ask that all bills and reports thereon be printed in the record at this point.

[The texts of S. 2385, S. 184, S. 194, S. 1111, S. 1582, S. 2125, S. 2253, and S. 2343, together with Department reports follow:]

93D CONGRESS
1ST SESSION

S. 2385

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 1973

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

A BILL

To designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following river and lands adjacent thereto are hereby designated as a component of the National Wild and Scenic Rivers System:

"CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA.—The segment from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles."

SEC. 2. The Chattooga River component of the National Wild and Scenic Rivers System (hereafter referred to as the "scenic river unit") shall be administered by the Secretary of Agriculture as a part of the Chattahoochee, Nantahala, and Sumter National Forests in accordance with and subject to the applicable provisions of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271–1287).

SEC. 3. The scenic river unit shall comprise the lands generally depicted on the boundary map entitled "Chattooga National Wild and Scenic River", numbered and dated . Such map shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, and shall indicate the classification or classifications of the river or of its segments. Within one year after the date of enactment of this Act, the Secretary of Agriculture shall establish detailed boundaries and shall formulate detailed development plans for the river unit which shall be published in the Federal Register and which shall not become effective until ninety days after they have been forwarded to the Speaker of the House of Representatives and the President of the Senate. In formulating such development plans, the Secretary shall take into consideration the fundamental purposes of the river unit, which purposes are to conserve its natural and scenic values and to provide for their use and enjoyment by the

public in perpetuity. Notwithstanding the provision of section 4(b) of the Wild and Scenic Rivers Act relating to sessions of involved State legislatures, the designation of this river unit shall be effective as of the date of enactment of this Act.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this Act, not to exceed, however, $2,000,000 for the acquisition of lands and interests in lands and not to exceed $528,000 for development.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 10 1973

Dear Mr. Chairman:

This responds to the request of your Committee for the views of this Department on S. 2385, a bill "To designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes."

We recommend in favor of enactment either of that bill, if amended as suggested in this report, or of the proposed bill forwarded to the Congress by the Department of Agriculture in October 1973, as an attachment to that Department's "Wild and Scenic River Study Report, Chattooga River".

S. 2385 would designate as a component of the National Wild and Scenic Rivers System a segment of the Chattooga River from 0.8 miles below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles. The area would be administered by the Secretary of Agriculture as a part of the Chattahoochee, Nantahala, and Sumter National Forests, in accordance with and subject to the applicable provisions of the Wild and Scenic Rivers Act (82 Stat. 906). The bill refers to a boundary map, which is to show the general boundaries, as well as the designation of the river segments as wild, scenic, or recreational segments. Within 1 year of enactment, the Secretary of Agriculture is to establish detailed boundaries and formulate detailed development plans for the river unit. The designation of the river unit is to be effective as of the date of enactment, rather than in accordance with the provisions of section 4(b) of the Wild and Scenic Rivers Act. The bill authorizes $2 million for land acquisition and $528,000 for development.

We strongly support the purpose of S. 2385, of establishing a 57-mile segment of the Chattooga River as a component of the Wild and Scenic Rivers System. The Department of Agriculture has prepared a report recommending inclusion of this segment in the system and we have concurred in that report. We believe, however, that the bill could be simplified substantially if it were drafted as an amendment to the Wild and Scenic Rivers Act, rather than as a separate act. The 1972 legislation which added the Lower Saint Croix to the system (P.L. 92-560) took the approach of amending section 3(a) to add an additional river component, as does the Department of Agriculture's proposed bill on the Chattooga River. Adding all new system components as amendments to

section 3(a) of the Wild and Scenic Rivers Act makes reference to them easy, and makes it unnecessary to repeat provisions concerning establishment of boundaries, completion of development plans, and other provisions dealing with establishment of a new component.

We would recommend amending section 1 of S. 2385 to read as follows, deleting sections 2 and 3, and renumbering section 4 as section 2.

> "That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907, 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:
>
> > (10) CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA. -- The segment from 0.8 miles below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles; to be administered by the Secretary of Agriculture: Provided, That the Secretary of Agriculture shall take such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act within one year from the date of enactment of this Act."

Reference made in S. 2385 to the 1-year waiting requirement contained in section 4(b) of the Act has been deleted as unnecessary, since we would construe congressional action in enacting the Chattooga River bill as superseding the provisions of that section.

We would also recommend deleting the ceiling on development costs contained in S. 2385, as there is no such ceiling for the "instant rivers".

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

Sincerely yours,

Secretary of the Interior

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

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

October 16, 1973.

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate

Dear Mr. Chairman:

As you requested, here is our report on S. 2385, a bill "To designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes."

The Department of Agriculture recommends that S. 2385 be enacted with the amendments suggested herein.

S. 2385 would designate the Chattooga River from 0.8 miles below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with the Chattooga River upstream 7.3 miles as a component of the National Wild and Scenic Rivers System to be administered by the Secretary of Agriculture. The river unit would comprise the lands shown on a map on file in the Department of Agriculture. The map would also indicate the classification or classifications of the river or its segments. The bill would authorize to be appropriated such funds as may be necessary not to exceed $2 million for acquisition of lands and interests in lands and $528,000 for development.

The entire Chattooga River was designated for study in the Wild and Scenic Rivers Act of 1968. We have completed our study of the River and our recommendations and proposed draft legislation have been transmitted to the Congress. S. 2385 encompasses these recommendations as they pertain to the segment of river to be designated for addition to the National Wild and Scenic Rivers System.

The Chattooga River is a clean, free-flowing mountain stream located in a relatively undeveloped mountain setting. It is readily accessible to several metropolitan areas and is considered one of the finest white-water streams in the Southeast. We believe this combination of unique natural values is an irreplaceable resource and the river should be designated as a component of the National Wild and Scenic Rivers System.

Our proposed draft legislation, a copy of which is enclosed, has been prepared in the form of an amendment to the Wild and Scenic Rivers Act. This format is consistent with Congressional action designating the Lower St. Croix River as a part of the National Wild and Scenic Rivers System. It would aid codification of this and similar Acts by listing all designated rivers in one place. We suggest that the Committee adopt this form to designate the Chattooga River as a component of the National Wild and Scenic Rivers System in lieu of the present form of S. 2385.

The provision of S. 2385 which provides for a general designation of the river corridor and the designation of the river classification is not included in our proposed draft legislation. Section 3(b) of the Wild and Scenic Rivers Act provided that detailed boundaries, river classification, and development plans for the rivers it designated would be established within one year from the date of the Act. Our proposed draft legislation presupposed a similar procedure would be followed when additional rivers were added to the system. However, the general river corridor and river classification specified in S. 2385 are the same as those suggested in our study of the river. Therefore, should the Committee desire to eliminate the one year waiting period, we would have no objection to these designations as they are shown on the map entitled "Chattooga National Wild and Scenic River" dated October 1973. As provided in S. 2385, the detailed boundaries and detailed development plan for the river unit would be established during the one year period following enactment of the bill.

Estimated costs based on 1970 prices for a 5-year program are $2,000,000 for land acquisition, $528,000 for development, and $520,000 for operation and maintenance. These estimated costs are shown by fiscal year in the attached Man Year and Cost Estimate Table. Land acquisition would be funded through the Land and Water Conservation Fund. A small increase in Federal employment is anticipated which would primarily consist of seasonal workers employed for maintenance and protection of the river area.

S. 2385 in section 4 contains a limitation of $528,000 for development of the river unit. Although our study indicated an anticipated need of $528,000 for development, existing authority provides for the development of the National Forest lands within the river unit and we would prefer that no ceiling be set on such expenditures. Section 2 of our draft bill would set a ceiling on acquisition costs only.

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

J. Phil Campbell
Under Secretary

Enclosures

A B I L L

To designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907, 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:

(10) CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA. --

The segment from 0.8 miles below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles; to be administered by the Secretary of Agriculture: Provided, That the Secretary of Agriculture shall take such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act within one year from the date of enactment of this Act.

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed $2,000,000 for the acquisition of lands and interests in lands.

SUPPLEMENTAL STATEMENT ON CHATTOOGA RIVER

Man Year and Cost Estimate Table

Fiscal Year	1st	2nd	3rd	4th	5th
Man Years	6	7	9	10	12
Costs (Thousands of Dollars)					
Personal Services	64	69	88	98	121
Other Items:					
Operation and Maintenance (Excluding Personal Services)	10	10	17	19	24
Land Acquisition	-	200	1,000	500	300
Development	-	132	132	132	132

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

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

Dear Mr. Chairman:

This is in response to your request of September 25, 1973, for the views of the Office of Management and Budget on S. 2385, a bill "To designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes."

The Office of Management and Budget concurs in the views of the Departments of the Interior and Agriculture in their reports on S. 2385, and accordingly recommends enactment of S, 2385 if amended as suggested by the Departments.

Sincerely,

Wilfred H. Rommel

Wilfred H. Rommel
Assistant Director for
Legislative Reference

93D CONGRESS
1ST SESSION

S. 184

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1973

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

A BILL

To authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall, subject to the provisions of section 2 of this Act, release and convey to the Gospel Missionary Union all right, title, and interest of the United States in and to the following described property:

Lot 14 of Lena Point No. 1, Small Tract Group, in United States Survey 3053, on the southerly side of the Lena Point Highway, approximately 17½ miles northwest of Juneau, Alaska, comprising approximately .22 acre.

SEC. 2. The conveyance authorized by the first section of this Act shall be made upon payment by the Gospel Missionary Union to the Secretary of the Interior of an amount equal to the fair market value of such land (excluding any improvements), as determined by the Secretary after appraisal.

23-227 O - 73 - 2

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 1 0 1973

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 184, a bill "To authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union".

We would have no objection to enactment of the bill.

S. 184 would direct the Secretary of the Interior to convey all right, title and interest of the United States in a .22 acre tract of land to the Gospel Missionary Union upon payment of the fair market value of the land.

Our records indicate that lot 14, the land proposed for conveyance, is adjacent to land on which Minnie Field established a children's home in 1934 or 1935. At that time lot 14 was part of the Tongass National Forest. The Forest Service authorized construction of a road across lot 14 to provide access to land owned by Minnie Field. It also issued a cultivation permit to her for the lot. When she died in 1951, her property was bought by Mr. Peter Nickles, a member of a local religious group which continued to operate the boarding home for children.

In 1954 the owners and operators of the children's home incorporated as the Minfield Children's Home, Inc. A special land use permit for lot 14 was subsequently issued to the Home by the Bureau of Land Management, the lot having been eliminated from the Tongass National Forest in 1952. In 1958 lot 14 was patented to the Minfield Children's Home for $70 pursuant to the provisions of the Recreation and Public Purposes Act, 44 Stat. 741 as amended, 43 U.S.C. §869 to 869-4. The patent provides that for a period of 25 years if the land is transferred or not used "for care and training purposes", title shall revert to the United States.

In 1962 the Minfield Children's Home, Inc. was dissolved. It transferred all of its property to the Gospel Missionary Union, a nonprofit corporation, with the right to use the name Minfield Home. The same persons controlled and operated the land.

In 1967 the Minfield Children's Home closed its boarding home for children and the land was vacated, except for a custodian. The reason given was that the operators could not provide the required staffing and meet building requirements for reissuance of their State license.

On January 1, 1969, the Gospel Missionary Union transferred custodial control of the lands and buildings on both lot 14 and the adjacent property under a contract agreement providing for eventual sale. When the property was being operated as a public service enterprise it was exempt from taxation. It is now being taxed by the Greater Juneau Borough. The Gospel Missionary Union has no method of raising funds with which to pay such taxes and now seeks to dispose of the land and improvements.

These events bring the reverter provision of the patent to the Minfield Children's Home into operation. The reverter provision does not take effect, however, without affirmative action by the Federal Government; thus, the patent is still intact.

The lot which would be sold under this bill is a thin strip of land approximately 36 feet wide and 260 feet long. One end of the land abuts a highway called Point Lena Road and the other end abuts a body of water called Favorite Channel. On the land there is a gravel road which provides access from the main buildings of the children's home to the highway. Also, there is a 12' x 14' wood-frame storage shed of very little value but adequate for its purpose, a considerable parking area, and on the beachfront a three-room wood-frame residence on a concrete sill. The residence, 24' x 36', is furnished and occupied and extends by three feet onto land owned by the Gospel Missionary Union.

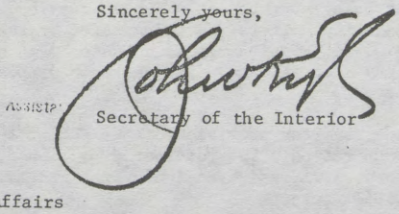
We have not had the lot appraised but, based on sales by the State of Alaska and some appraisal work by the Corps of Engineers, the Bureau of Land Management's State Director for Alaska has estimated the value of the tract to be approximately $1,200. The land is without value for minerals, either metalliferous or nonmetalliferous. It appears that conveyance of lot 14 in fee to the Gospel Missionary Union would significantly enhance the value of the adjacent land it owns.

Lot 14 is isolated from other land in which the United States has an interest. It is not needed for any program administered by this Department, nor do we know of any other Federal need for the land. In view of these

facts and because S. 184 requires payment of fair market value for the lot, excluding improvements, we would have no objection to the conveyance.

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

Sincerely yours,



Assistant Secretary of the Interior

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

93D CONGRESS
1ST SESSION

S. 194

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1973

Mr. STEVENS (for himself and Mr. GRAVEL) 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 convey to the city of Anchorage, Alaska, interests of the United States in certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to transfer by quitclaim deed or other appropriate means, without consideration, to the city of Anchorage, Alaska, all right, title, and interest remaining in the United States in and to block 42 of Anchorage townsite (proper) which was conveyed to the city of Anchorage by patent numbered 873718 (dated July 27, 1922), and patent numbered 1117601 (dated December 8, 1943), block 52 of Anchor-

age townsite (proper) which was so conveyed by patent numbered 873718 (dated July 27, 1922), and lots 2, 3, and 4 of block 81 of Anchorage townsite (proper) which were conveyed by patent numbered 873718 (dated July 27, 1922).

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 10 1973

Dear Mr. Chairman:

This is in response to your request for the views of this Department on S. 194, a bill "To authorize the Secretary of the Interior to convey to the City of Anchorage, Alaska, interests of the United States in certain lands."

We have no objection to enactment of this bill if it is amended as suggested below.

S. 194 would direct the Secretary of the Interior to convey to the City of Anchorage, Alaska, without consideration, all interest remaining in the United States in blocks 42, 52 and lots 2, 3, and 4 of block 81 of the Anchorage townsite.

The subject lands were patented to the City in 1922 except for portion of block 42 which was patented to the City in 1942. The 1922 patent indicates that block 52 was transferred for "school house purposes." However, a change to municipal purposes was authorized in 1961 because the location had lost its utility as a school site due to increased commercial development in the area and immigration of residential occupants. The patent indicates that lots 2, 3, and 4 of block 81 were transferred for "sanitary purposes". A change to municipal purposes was authorized in 1962.

The 1922 patent does not identify the purpose for conveyance of block 42; although, on a plat of survey block 42 is annotated as a municipal reserve, and the 1942 patent to a portion of block 42 specifies that the conveyance is for municipal purposes. Both the 1922 and 1942 patents contain the provision that should the subject lands "cease to be needed or used for the purposes herein specified, the same shall revert to the United States."

Blocks 42 and 52 are 300 feet by 300 feet or 2.066 acres. Block 42 is located between E and F and 4th and 5th streets. It is presently occupied by a metered parking lot, City Hall, a visitor's center ("Anchorage's Log Cabin"), the city public library, and a green strip or park area. The surrounding area is commercial. On the cornering block to the northwest is the Post Office. Cornering to the northeast, commercial development is beginning following the completion of stabilization work after the 1964 earthquake.

Block 52, located southwest of block 42, is surrounded by F and G and 5th and 6th Streets. Presently, the block is occupied by City Hall Annex in the old elementary school, city offices and a gymnasium in the old junior high school, and Sydney Lawrence Auditorium. The surrounding area is commercial and primarily offices.

Lots 2, 3, and 4 of block 81 are located between G and H and 6th and 7th Streets and total a little over 3/4 of an acre. They are currently utilized primarily for off street parking. An electrical substation has been constructed on a portion of lot 4.

It is estimated that the value of blocks 42 and 52 is approximately $1,500,000 each, and that the value of the lots within block 81 totals approximately $1,000,000. However, the value of the reverter interest in the subject lands has not been estimated.

In the last thirty years the City of Anchorage has grown from a population of 3,600 people to over 135,000 today. Understandably, the City has outgrown many of its municipal facilities. The buildings on blocks 42 and 52 are functionally obsolete due to inadequate size, physical deterioration, and insufficient electrical, heating and other mechanical facilities.

As a result of the rapid growth, Anchorage has created a plan for future development of its Central Business District. In furtherance of this plan, the City retained Ellerbe Architects and Associates to study and report on a new municipal government complex. The architect's report recommends that the complex be located on the six blocks between A and C Streets and 6th and 9th Avenues, which is within a few blocks from blocks 42, 52 and 81. The proposed complex would take over the function of the buildings on blocks 42 and 52 and provide in addition a new Civic Convention and Recreation Center. The City presently owns two of the six blocks, located between A and C Streets and 6th and 7th Avenues, on which it plans to continue to maintain the Public Safety Building and a museum.

The architect's report indicates that it is not feasible to acquire additional blocks contiguous to blocks 42 and 52 and then construct the complex on that site. The contiguous properties are improved with valuable buildings and are in the heart of the retail district. Furthermore, acquisition and development of these properties would not serve to centralize all municipal government facilities in a single complex, which is desirable and most economical for the City.

Anchorage would like to be relieved of the reverter provisions on blocks 42, 52, and the lots within block 81 in order to facilitate implementation of its plans. If the provisions are stricken, the City has indicated that it tentatively plans to sell these lands. We understand that block 42 may be retained and developed into a combination park and underground parking lot. However, the City apparently wishes to have the option of selling all of the subject lands in order to use the proceeds of sale to acquire the additional four blocks for the planned six block municipal government complex. The purchase price of the four blocks, estimated at about $4.9 million, is expected to exceed the sale of the subject lands.

As a general rule, we have opposed the removal of reverter clauses because it tends to defeat the purpose of the original grant of the lands, and encourage local governments to look to nearby Federal lands as a source of revenue. Furthermore, we are adverse to relinquishing any Federal interest in land without fair consideration. At the same time, we recognize that changing times and conditions may necessitate changes in appropriate land uses. It may hinder optimum land use to require the subject lands to continue to be used for municipal purposes. Instead, the City's needs for municipal facilities may be best served by allowing the lands to be sold or exchanged in order to enable acquisition of more suitable property elsewhere.

In order to carry out the purpose of the original grant of the lands, preserve Federal interest in land in Anchorage and at the same time help the City achieve its land use goals which appear to be commendable, we would not object to enactment of S. 194 on the condition that the words "and directed" are omitted from line 3 of page 1 of the bill and that the following two sections are added:

> "Section 2. No conveyance may be made under this Act unless the City of Anchorage has shown to the satisfaction of the Secretary (a) that the City of Anchorage will sell blocks 42, 52 and lots 2, 3, and 4 of block 81 in Anchorage townsite (proper) at not less than fair market value; (b) that the proceeds from the sale thereof will be spent to acquire property located between A and C Streets and 7th and 9th Avenues in Anchorage townsite (proper); (c) that any property acquired with such proceeds is of a similar nature as blocks 42, 52 and lots 2, 3, and 4 of block 81; (d) that any property acquired with such proceeds is more suitable for municipal purposes than blocks 42, 52 and lots 2, 3, and 4 of block 81; and (e) that any amount by which the proceeds from the sale of blocks 42, 52 and lots 2, 3, and 4 of block 81 exceeds the purchase price of the property

located between A and C Streets and 7th and 9th Avenues will be paid to the United States.

"Section 3. If the requirements of Section 2 are satisfied, the Secretary of the Interior is authorized to enter into an agreement or agreements with the City of Anchorage, Alaska whereby, in consideration of a quitclaim deed to the City of Anchorage of all right, title and interest remaining in the United States in and to those portions of block 42 and block 52 and lots 2, 3, and 4 of block 81 of Anchorage townsite (proper) which have been conveyed to the City of Anchorage, the City of Anchorage agrees that (1) title to any property acquired with the proceeds of the sale of any portion of either block 42, block 52, or lots 2, 3, and 4 of block 81 as described in Section 1 will vest in the United States if such property ever ceases to be used for municipal purposes, and (2) that the City of Anchorage will, within ninety (90) days after acquiring such lands, execute a deed to this effect and deliver said deed to the Secretary of the Interior."

In order to assure that S. 194 is consistent with our proposed amendments, we also recommend that the words "without consideration" be stricken from line 5 of page 1.

Ordinarily, we would not recommend this transfer of Federal interest in land from one tract to another because each tract of land is unique and in the process of transfer the Government is apt to acquire an interest in a less valuable tract. However, in this instance, since the six block tract and blocks 42, 52 and lots 2, 3, and 4 of block 81 are within a few blocks of each other, we believe that the nature of the land does not vary substantially.

The City has indicated that it may wish to develop the lots within block 81 and lease the land and improvements thereon. We would oppose the release of the reverter to allow this use of the land. The purpose of our amendments is to allow a transfer of the reverter to land more suitable for municipal purposes but not to authorize the use of land to raise revenue for City projects. The bill with our amendments would provide for elimination of the reverter only where the land is conveyed and the proceeds used to acquire property necessary for the planned Municipal Government Complex. If the City chooses to retain

block 42 or the lots in block 81 for any purposes the reverter would continue in effect as to those lands.

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

Sincerely yours,

Secretary of the Interior

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

93D CONGRESS
1ST SESSION

S. 1111

IN THE SENATE OF THE UNITED STATES

MARCH 6, 1973

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

A BILL

To quitclaim the interest of the United States to certain land in Bonner County, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the United States Department of the Interior shall quitclaim all title and interest of the United States in lot numbered 5, section 5, township 57 north, range 3 west, Boise meridian, located in Bonner County, Idaho, to Diamond International Corporation, incorporated in the State of Delaware.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 10 1973

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 1111, a bill "To quitclaim the interest of the United States to certain land in Bonner County, Idaho."

We do not favor enactment of the bill.

S. 1111 would direct the Secretary of the Interior to quitclaim all title and interest of the United States in 40 acres of timber land in Bonner County, Idaho, to Diamond International Corporation.

The United States originally conveyed the subject land in 1899 to a private party. The land was eventually acquired by Mr. A. B. Hammond in February 1900. In May 1900 Mr. and Mrs. Hammond quitclaimed the land to the United States in return for a lieu selection under the Act of June 4, 1897, 30 Stat. 36. Pursuant to the Act Mr. Hammond filed a lieu selection in September 1900 for a tract of land in Montana. However, the selection was eventually cancelled because he failed to show that the tract was free from liability for taxes within the time allowed under the Act. Therefore, Mr. Hammond never received consideration for his quitclaim of the subject land.

In January 1927 Mr. Hammond conveyed the subject land to Mr. C. E. Bolton in spite of the fact that he had quitclaimed the land to the United States in 1900. On the same day, Mr. Bolton conveyd the land to the Diamond Match Co., predecessor to the beneficiary of the bill.

The Act of June 6, 1960, 74 Stat. 334, directed the Secretary of the Interior to certify the claim of any person who conveyed lands to the United States as a basis for a lieu selection under the 1897 Act and who, prior to July 6, 1960, had not received his lieu selection. If the claim was found to be valid, the claimant was to be paid for his land at the rate of $1.25 per acre, plus interest. In order to receive the payment, a written demand must have been made to this Department within one year from the date of the Act.

Mr. Hammond failed to submit the written demand within the given time under the 1960 Act, and we are not aware of any reason why he did not. Since 1960, the State of Idaho has filed a selection application under the Idaho Statehood Act for the subject land.

With the 1960 Act, Congress established a policy for settling all outstanding lieu claims. Reconveyance of the subject land would be contrary to that policy and may invite more private legislation that would reopen claims again. We therefore oppose a quitclaim of the land as proposed by the bill. However, if Congress finds that there are equities to justify relief we would not be opposed to a grant of relief in accordance with the settlement arrangements in the 1960 Act.

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

Sincerely yours,

Secretary of the Interior

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

93D CONGRESS
1ST SESSION

S. 1582

IN THE SENATE OF THE UNITED STATES

APRIL 16, 1973

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

A BILL

To provide for the conveyance of certain public lands in Klamath Falls, Oregon, to the occupants thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey by quitclaim deed to the respective owners of record of those certain lots situated in those subdivisions of Klamath Falls, Oregon, respectively known as Mills Addition, Enterprise Tracts, Mills Gardens, Old Orchard Manor, Sixth Street Addition, and Subdivision Block 803, and as such officially shown on the recorded plats of the city records, all right, title, and interest of the United States, except right,

title, and interest in deposits of oil and gas in the specific tracts of land now owned by the United States which collectively constitute the abandoned Klamath Reclamation Project B Lateral Canal right-of-way, as designated for general location purposes on Bureau of Reclamation drawing numbered 12–208–338, dated March 27, 1970, and filed for reference purposes in both the Klamath County record's office and the corresponding records of the city of Klamath Falls, to the extent that any such tract would constitute a contiguous addition to each of the lots in the above-named subdivisions if the boundaries of each of said lots were to be extended to include the affected portion of above-cited public lands of the United States. Such conveyance shall, in each instance, be made only upon application therefor by the owner of record of one of the affected lots within one year of the date of this Act: *Provided,* That said owner of record shall, to the satisfaction of the Secretary of the Interior, support such application at time of filing same with proof of ownership and an adequate description of the exterior boundaries of the parcel of Government interest land applied for. The Secretary is authorized, as determined appropriate by him, to require payment of not more than $100 per parcel of Government interest land applied for in addition to the costs of such conveyance.

SEC. 2. Acceptance of any conveyance made hereunder by any applicant shall constitute a complete and unconditional waiver and release by said applicant or applicants individually or collectively of any and all claims against the United States arising from or occasioned by use of the land by said applicant or his successors in interest.

23-227 O - 73 - 3

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 9 - 1973

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 1582, a bill "To provide for the conveyance of certain public lands in Klamath Falls, Oregon, to the occupants thereof, and for other purposes."

We recommend that the bill be enacted, if amended as set forth herein.

The bill authorizes and directs the Secretary of the Interior to convey property owned by the United States, the "Klamath Reclamation Project 'B' Lateral Canal right-of-way", to owners of lots in designated subdivisions of Klamath, Oregon, continguous to the right-of-way. The conveyances would be made by quitclaim deed for a consideration not in excess of $100 plus costs of conveyance upon application by record lot owners, supported by adequate proof of ownership and an adequate description of the Federal land applied for. The conveyances would reserve mineral interests to the United States and acceptances thereof would constitute complete releases of claims against the United States resulting from use of the land by the applicant or his successors in interest.

The land to be conveyed is part of a right-of-way acquired by the United States in 1912 by donation or through token payments for location of a canal and drain on the Klamath Project in Oregon. Subsequent changes resulted in the abandonment of plans for the canal and drain. Accordingly, the right-of-way has never been used and there are no forseeable future Federal uses for it. The entire right-of-way extends for a distance of approximately 10,250 feet, varying in width from 30 feet to 17 feet including a total of about 5.4 acres of land (about 3 acres of which would be conveyed under S. 1582). The land to be conveyed traverses areas which have been subdivided and developed during the 60 years since the right-of-way was first acquired. Lots and improvements associated with such subdivisions have, to varying degrees, encroached on the right-of-way.

As a general policy, unneeded Federal land is conveyed to individuals upon payment to the Federal Government of its current fair market value plus the administrative costs of making the conveyance. Conveyance under general Federal property disposal laws would be based on this principle. In accordance with this principle, we do not object to transferring parcels of the right-of-way to contiguous lot owners upon payment of their fair market value plus the cost of conveyance. To accomplish this, we recommend deletion of the last sentence of section 1 of the bill and insertion of the following in lieu thereof:

> The Secretary shall require payment of the current appraised fair market value of each parcel, plus administrative costs of making the conveyance, as determined by the Secretary, within not to exceed one year after notification by the Secretary of the amount due. In determining the fair market value of the land, the Secretary shall not include any value for improvements placed theron by the applicant or his predecessors in interest.

Conveyance of the property is desirable from the Federal standpoint since it would reduce administrative costs associated with responsibility for the land. We would expect the administrative cost of the transfers contemplated by the bill to be relatively modest.

The unique shape and nature of the right-of-way makes it impractical in our judgement for the United States to reserve oil and gas rights (or other mineral or geothermal interests) in conveying the right-of-way and the bill's language beginning with the word "except" in line 10, page 1, through the word "gas" in line 1, page 2, should therefore be deleted.

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

Sincerely yours,

Jack O. Horton

Assistant Secretary of the Interior

Hon. Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D.C. 20515

93D CONGRESS
1ST SESSION

S. 2125

IN THE SENATE OF THE UNITED STATES

JULY 9, 1973

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

A BILL

To amend the Act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906 (34 Stat. 227), as amended (64 Stat. 448–449), is amended by adding at the end thereof the following new section:

"SEC. 3. Within the acreage authorized to be conveyed pursuant to section 2 of this Act, the city of Albuquerque is authorized to convey, without restrictions as to use, any of such acreage so authorized to be conveyed which, on the

effective date of this section, remains unconveyed. All proceeds derived by the city of Albuquerque from any such conveyance pursuant to this section shall be used solely for the purpose of acquiring lands which shall thereafter be used for public park purposes. No conveyance shall be made pursuant to this section unless the city of Albuquerque has first entered into an agreement or other arrangement with the Secretary of the Interior providing assurances, satisfactory to the Secretary, that such proceeds shall be so used and that lands so acquired shall thereafter be used for public park purposes.".

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Dear Mr. Chairman:

This is in response to your request for the views of this Department on S. 2125, a bill "To amend the Act entitled 'An Act granting land to the city of Albuquerque for public purposes', approved June 9, 1906."

We do not favor enactment of the bill.

The Act of June 9, 1906, 34 Stat. 227, authorized the conveyance of approximately 640 acres of land to the city of Albuquerque, New Mexico, for park and other public purposes with a reversionary interest in the United States if the property was used for unauthorized purposes. The Act was amended by the Act of August 16, 1950, 64 Stat. 448, which authorized the city to sell up to 1/2 of the 640 acres upon the condition that the proceeds therefrom be used for the construction of a public auditorium.

S. 2125 would authorize the city of Albuquerque to sell any acreage that was not sold under the authority of the 1950 Act if the proceeds therefrom are used to acquire lands for public park purposes. No such sale could be made, however, until the Secretary of the Interior had been provided satisfactory assurances of compliance with this condition.

Under the 1950 Act, it appears that over a period of time the City conveyed into private ownership a total of about 217 acres, most of which was subdivided for residential use. Public streets, alleys, easements, schools, etc. for the subdivision required the dedication of an additional 120 acres. Thus less than half of the original 640 acre tract remains. The City calculates that a total of about 217 acres have been conveyed under the 1950 Act, but it is unable to convey any of the remaining 103 acres as authorized by the 1950 Act because the Civic Auditorium has been constructed and paid for. It appears that S. 2125 would authorize the sale of the other 103 acres, further diminishing the original 640 acre tract.

We understand that the City presently desires to sell several small parcels totalling about four to six acres which it claims are not suitable for public purposes. It proposes to use the proceeds for public park purposes. The lands which we understand to be proposed for sale are unimproved and are located along a main road system

south of the area which has been subdivided. The parcels are within a park and a golf course. The following are descriptions of these tracts and rough estimates of their value:

1) Located at the southeast corner of Lomas and Wyoming Boulevard. Approximately one acre. $125,000.

2) Area fronting Lomas and next to the City Animal Shelter. Approximately 3.66 acres. Because of its shape, a buyer may not want the narrow west end. About 2 1/2 acres would be of use to a purchaser. $150,000.

3) Located on the west side of Eubank, just north of I-40 Interchange. Approximately 1/2 acre. $100,000.

We recognize that changing times and conditions may lead to changes in appropriate land use. However, the City of Albuquerque has not shown that the three tracts or other lands which may be authorized to be conveyed under S. 2125 are no longer appropriate for public purposes.

The preservation of lands for use as parks and recreation areas, particularly within urban areas, is a basic principle of sound land use planning. While we do not wish to deny the City some measure of flexibility in utilization of the subject lands, we do not favor a change in land use dedication as to lands conveyed under the Recreation and Public Purposes Act, 44 Stat. 741, 43 U.S.C. §869, or under private laws such as the Act of June 9, 1906, unless it is shown that the lands are no longer suitable for public purposes and unless provisions are included to carry out to the greatest degree feasible the general purpose of the legislation under which the grant was made. Without this showing and absent such provisions, we feel that enactment of S. 2125 would be contrary to the intent of the 1906 Act.

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

Sincerely yours,

Secretary of the Interior

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

93D CONGRESS
1ST SESSION

S. 2253

IN THE SENATE OF THE UNITED STATES

JULY 25, 1973

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

A BILL

Relating to lands in the Middle Rio Grande Conservancy District, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon payment of the sum of $5,626.45 to the Secretary of the Interior, all right, title, and interest of the United States in land shown by the Bureau of Land Management as stippled areas on the maps of the Middle Rio Grande Conservancy District, a political subdivision of the State of New Mexico, and which were prepared by the district and signed by the State director, New Mexico Bureau of Land Management, in September 1969, and filed by him in the Land Office of the Bureau of Land Management, Santo Fe,

New Mexico, under serial number NM–10537, such land also being described in lists attached thereto, are, subject to valid existing rights, vested in the Middle Rio Grande Conservancy District, upon condition that the Middle Rio Grande Conservancy District convey all right, title, and interest in said property as provided in section 2 of this Act.

SEC. 2. The Middle Rio Grande Conservancy District shall convey to each person or his successor in interest all right, title, and interest to the lands shown to be claimed by him on the "Property Maps of the Middle Rio Grande Conservancy District, as revised to 1940," on file, and available for inspection in the Land Office at Santa Fe, New Mexico, upon payment to the district of not more than $5 per acre or fraction thereof, and administrative costs of making conveyance.

SEC. 3. Upon receipt of the payment required by section 1 hereof, the Secretary of the Interior may issue a document evidencing transfer of title to the district by this Act.

SEC. 4. The Secretary of the Interior is authorized to accept and act upon applications from the Middle Rio Grande Conservancy District on lands not described in section 1 but which on the date of passage of this Act lie within the boundaries of the Middle Rio Grande Conservancy District or immediately adjacent thereto, on behalf of any person

who is occupying the land and who meets the requirements established in section 2 hereof, and to convey said land at $5 per acre, or fraction thereof, to the Middle Rio Grande Conservancy District. The document of conveyance issued by the Secretary of the Interior shall provide for conveyance of the property in accordance with section 2 hereof.

SEC. 5. Coal and all other minerals contained in any lands conveyed pursuant to this Act are hereby reserved to the United States. Said coal or other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits.

SEC. 6. Proceeds received pursuant to this Act shall be covered in the Treasury of the United States as miscellaneous receipts.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Dear Mr. Chairman:

This is in response to your request for the views of this Department on S. 2253, a bill "Relating to lands in the Middle Rio Grande Conservancy District, New Mexico."

We recommend the enactment of this bill if amended as suggested herein.

S. 2253 authorizes the Secretary of the Interior to convey at a discounted price approximately 2,500 acres of public land to the Middle Rio Grande Conservancy District, a political subdivision of the State. The Conservancy District would in turn convey these lands at a reduced rate to the qualified claimants described in the bill.

S. 2253 is designed to resolve certain long-standing title problems in the Middle Rio Grande Conservancy District. The lands to be conveyed are small tracts of public domain lands completely surrounded by developed private lands. Most of the lands have been occupied for generations, but they have never been conveyed out of Federal ownership. The claims to these Federal lands, for the most part, date back to Spanish or Mexican land grants predating the acquisition of the territory by the United States; however, the occupancies were never validated by the United States. Until recently, these claimants apparently never realized that they did not have good title to the land they occupied, and that all or portions of their lands are in Federal ownership.

The beneficiaries of S. 2253 are the several hundred people or their successors who have occupied and paid taxes on these lands for many years, but who do not have marketable title which thus hinders their ability to convey the land or obtain loans. The economic conditions in the area are chronically depressed. Many of the occupants of these tracts are receiving aid under federally-supported programs, but it is unlikely that any rehabilitation program will ever be completely effective until the land title problems are resolved. We believe that the equities of the situation entitle the claimants to relief from the requirements of existing laws in order to allow them to purchase the designated lands and obtain clear title at a discounted rate.

Present law and regulations would require the resolution of these title problems on a case by case basis and would necessitate cadastral surveys as well as land examinations and appraisals. This method of resolving the problems would be time consuming, burdensome and expensive to both the claimants and the United States. The total cost of disposal would probably exceed the value of the lands involved. By conveying all of the tracts designated in S. 2253 to the Conservancy District and by employing the Conservancy District to reconvey the lands to the claimants, not only would the desired equitable results be achieved but also the United States would be relieved of the responsibility for adjudicating individual claims should they arise and the claimants would avoid the prohibitive costs associated with resolving each claim. The bill would also relieve the United States of administrative responsibility in an area where there is no present or planned land management program.

S. 2253 would convey the lands according to property maps which were prepared by the Conservancy District. These maps delineate areas of occupancy and use and are used to establish a basis for levying taxes on water users. The preparation of these maps was necessary because title transfers in the area are difficult to trace, and many of the records which are available do not precisely identify the land. The four counties within the Conservancy District have accepted the Conservancy maps as the official maps for county taxation and as evidence of legal title. In essence, the District has become the official recorder of land for the area within the District's boundaries. This Department, through extensive research, has indicated as stippled areas on the Conservancy District property maps, all the areas known to fall into the category of public lands which have been occupied by private persons for a long period of time. The stippled areas on the Conservancy District maps are the Federal lands which would be conveyed under the terms of S. 2253.

Section 1 of S. 2253 provides that upon payment of $5,626.45 to the Secretary of the Interior, the lands described in the bill are to be vested, subject to valid existing rights, in the Middle Rio Grande Conservancy District. The conveyance would be made subject to valid existing rights as a safeguard to the claims of any third parties which may exist. In prior informal discussions between this Department, the Conservancy District and members of Congress, the sum of $25,000 was agreed upon as reasonable compensation to the United States for administrative costs if legislation was introduced authorizing the conveyance. This amounted to a payment by the ultimate beneficiaries of not more than $10 an acre for the approximately 2,500 acres of land to be conveyed. We have been unable to ascertain the basis for the

calculations of the sum of $5,626.45 to be paid by the Conservancy District or the $5 per acre to be paid by the ultimate purchasers as provided in S. 2253. Since we do not know the basis for these figures, we recommend that the bill be amended by deleting the figure "$5,626.45" on page 1, line 3, and inserting the sum of "$25,000". In addition, page 2, line 13, and page 3, line 3, should be amended by deleting the figure "$5" and adding the figure "$10".

Section 1 of the bill would allow the Secretary to convey lands within the Conservancy District shown as stippled on the Conservancy District maps referred to in the bill. Section 4 authorizes the Secretary to convey lands within, or immediately adjacent to, the boundaries of the District which meet all the requirements of the bill except that they were not shown as stippled areas on the maps. The purpose of the provision is apparently to cover any public lands not shown as stippled areas but whose occupants have the same equities as required by the bill. This legislation is designed to correct title problems within the Conservancy District and not unidentified areas outside the District's boundaries. The words "immediately adjacent thereto" in section 4 greatly expand the scope of this legislation. It is questionable whether the Conservancy District has legal authority to acquire adjacent lands. Furthermore, the occupants of adjacent lands are unlikely even to qualify to receive land under the provisions of S. 2253, since the land is probably not identified on the maps of the District as required by sections 2 and 4 of the bill. We recommend, therefore, that the words "or immediately adjacent thereto" be deleted from page 2, line 25.

Finally, since all of the information necessary to make the conveyances authorized in this bill is available from the District maps numbered NM10537, referred to in section 1 of the bill, we recommend that section 2 be amended by deleting from page 2, line 10, the words "'Property Maps of the Middle Rio Grande Conservancy District as revised to 1940,' on file and available for inspection in the Land Office at Santa Fe, New Mexico" and insert the words "Maps coded NM10537".

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,

Secretary of the Interior

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

93D CONGRESS
1ST SESSION

S. 2343

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1973

Mr. MCCLURE 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 convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth paragraph under the heading "SURVEYING THE PUBLIC LANDS" in the first section of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes", approved April 28, 1904 (33 Stat. 485), is amended by deleting ", for the use of said municipality as a public park,

and which shall be used for such purpose exclusively. The title of said land so detached is hereby vested in the town of Coeur d'Alene for the purposes above specified." and insert in lieu thereof a period and the following: "The title of said land so detached is hereby vested in the town of Coeur d'Alene.".

SEC. 2. The Secretary of the Interior is authorized and directed to convey, by quitclaim deed and without consideration, to the city of Coeur d'Alene, Idaho, all right, title, and interest of the United States in and to the following tract of land the title to which was initially vested in the town of Coeur d'Alene by the Act of April 28, 1904 (33 Stat. 485): A triangular shaped tract of land lying in the northeast corner of Government lot 48, section 14, township 50 north, range 4 W.B.M., Kootenai County, State of Idaho, bounded on the west by the Northwest Boulevard, and on the north by Garden Avenue.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 2343, a bill "To authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands."

We would not object to enactment of the bill if it is amended as recommended below.

The Act of April 28, 1904, 33 Stat. 485, donated to the town of Coeur d'Alene, Idaho, about 20 acres of land adjacent to lake Coeur d'Alene "for the use of said municipality as a public park, and which shall be used for such purpose exclusively". Section 1 of S. 2343 would amend the 1904 Act by striking the above restriction on the use of the land and by adding a provision that title to the land vests in the town. Section 2 would direct the Secretary to convey by quitclaim to the town, without consideration, all right, title and interest of the United States in a triangular shaped tract of land which is a small part of the land conveyed by the 1904 Act.

The land conveyed by the 1904 Act has been maintained by the town as a park. However, sometime before World War II a four lane highway was constructed over a portion of the land which cut off the triangular tract described in section 2 of the bill. This triangular tract comprises 7/100 of an acre. We understand that the town found that the tract was not suitable for a park, that it exchanged the tract for land contiguous to the rest of the land conveyed by the 1904 Act and that it has managed the land acquired by exchange as if it were part of the land conveyed by the 1904 Act.

The triangular tract has thus been in private ownership for about 30 years and the present owners have requested that the town help them clear title to it. This small isolated tract is surrounded by the four lane highway and private land, and is not suitable for park purposes. While we do not approve of the exchange of the tract made by the town without an authorization from Congress, we would not object to legislation clearing title to the tract. We feel that the exchange was in accordance with the general intent of the 1904 Act.

However, we oppose section 1 of the bill which would strike the restriction on the use of all the land conveyed by the 1904 Act. We are not aware of any reason why the land may not be suitable to be managed as a park or why the town is seeking to strike the land use restriction. The land is adjacent to lake Coeur d'Alene and appears to be well suited for park use. We therefore recommend that it continue to be subject to the use restriction in the 1904 Act. Accordingly, we suggest that all of section 1 following the enacting clause be deleted and that page 2, lines 7 - 12 be amended to read as follows:

> "That notwithstanding the Act of April 28, 1904, 33 Stat. 485, the Secretary of the Interior is authorized and directed to convey, by quitclaim deed and without consideration, to the city of Coeur d'Alene, Idaho, all right, title and interest of the United States in and to the following tract of land:"

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

Sincerely yours,

Secretary of the Interior

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

Senator HASKELL. I understand that Senator Talmadge is in the room and I would appreciate it, Senator, if you would appear first.

Senator TALMADGE. Thank you very much, Mr. Chairman, and I want to express to you our deep appreciation for the promptness with which you scheduled this hearing. My testimony will be quite brief and then I will introduce two Georgians, when their time comes, who will further testify.

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

Senator TALMADGE. Mr. Chairman, it is indeed a pleasure for me to come before the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs to speak in behalf of S. 2385, a measure which I introduced for myself and Senator Nunn to designate the Chattooga River as a component of the National Wild and Scenic Rivers System.

The Chattooga River is certainly unique in the southeastern part of the United States. The primitive, free flowing river offers unusual natural resources that make the Chattooga River together with its major tributary, the west fork, a worthy inclusion in the Wild and Scenic Rivers System.

The Chattooga River is without question one of the most dramatically beautiful rivers in the entire country. Because of a great deal of publicity in the last 2 years, including a recent popular motion picture, people from all over the Nation have become interested in the future of the river. I believe that most Georgians want to see this valuable natural resource preserved rather than subject to unplanned development.

The preservation of this resource under the Wild and Scenic Act will allow for proper future use of the river. The Chattooga offers a wild and rugged white-water river for those who wish to enjoy its beauty.

The Chattahoochee National Forest in Georgia together with the Nantahala National Forest of North Carolina and Sumter National Forest of South Carolina provide a wide variety of natural resources for the Southeastern United States. The recreational value of Chattahoochee National Forest in particular is widely recognized throughout Georgia.

The inclusion of the Chattooga in the Wild and Scenic Rivers System would be most appropriate in keeping with this use and would insure its preservation.

The National Forests are maintained by the Federal Government to insure that a wide variety of resources are available to the American public. I feel the Chattooga River can continue to provide a most valuable recreational and scenic resource for future generations.

It is my pleasure to have the opportunity to introduce to the committee two Georgians expert in the Chattooga River and in its value to the State. Mr. Joe Tanner, commissioner of natural resources for the State of Georgia, is present to speak in behalf of the State. Dr. Claude Terry, a microbiologist from Emory University, is here to speak in behalf of the Georgia Conservancy and the Georgia Canoe Association. The more than 5,000 members of the Georgia Conservancy

represent individuals and organizations throughout Georgia concerned with conservation and the proper use of the environment.

Unless there are questions, Mr. Chairman, I ask to be excused at this time. I am supposed to be at the Watergate Committee and Finance Committee at the same time, which is par for the course, as you well know.

Senator HASKELL. I understand that. Thank you very much, Senator, for appearing.

Senator TALMADGE. Thank you.

Senator HASKELL. I understand that Senator Domenici is here and is going to testify.

You are not testifying on the Georgia bill?

Senator DOMENICI. No, I am not. I would be glad to but I do not think I would do much good. I do have the attorney for the district involved and I would ask that he sit with me.

This is George Hammett from the city of Albuquerque who is chief legal counsel for the Middle Rio Grande Conservancy District of New Mexico.

STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. I have two matters to testify about and with the chairman's permission I would first talk about the bill that concerns itself with the park problem in the city of Albuquerque. This is a rather simple proposition.

I am very familiar with it in that I was mayor of the city for a number of years and this is sort of a continuing problem. I have a very brief statement. I am pleased to tell the chairman that Mr. Jerry Verkler, chief counsel for the committee, is personally familiar with the situation on the first one. He lived there for years and is completely aware of it.

We have discussed it with him on a number of occasions, our office has; but for the record and for the chairman's knowledge, let me read a very brief statement with reference to S. 2125. This particular bill concerns itself with a land transaction between the Federal Government and the city of Albuquerque.

Since the city is my home and since I served for some years as chairman of its city commission, you can appreciate my interest in the bill.

The essential facts about it are simple. Back in 1906, Congress provided for the issuance of a patent to the city of Albuquerque for 640 acres of Federal land, upon payment of an agreed-upon fee, with the stipulation that the land be used for public purposes only. The patent called for reversion to the United States "whenever it shall not be used for the purposes mentioned."

Many years later, in 1950, Congress agreed by a conveyance that 320 acres of this land could pass to Albuquerque's use without restriction except that proceeds from its sale were required to be used for construction of a public auditorium.

Now, the city comes back to Congress again with a new problem. It has complied with the law, either by using the land strictly for pub-

lic purposes or by applying proceeds from sales to construct a public auditorium.

Some parcels still remain, which the city's land office feels cannot possibly be put to public use. But proceeds from their sale can no longer be applied to a public auditorium, simply because the auditorium is already built and its bonds are already retired. Hence, Albuquerque appears before you now to ask one more emendation to the original agreement, worked out 67 years ago.

In keeping with the spirit of that first patent on the land, it now proposes this: Let us sell these small parcels of land which we judge not to be appropriate for public use, so long as we commit to use these proceeds for public purposes; to wit, to acquire additional parkland for our citizens.

I am sure this committee will see the force of this suggestion, will agree that it fulfills the aim of previous Congresses, and will act to assist Albuquerque in this matter.

Thank you for your kind attention.

Then we ask from the sale we acquire additional parkland for the residents of the city of Albuquerque. We would then dispose of the few remaining tracts; the money we get at public sale we would take and buy another piece of recreation land.

So it seems to me in the spirit of what was originally intended 6 or 7 years years ago, Albuquerque has used most of the 320 acres either for recreation, to obtain money to build the auditorium, what is left they would sell for money to buy additional parkland.

I might say to the distinguished Senator that the city of Albuquerque knows precisely what it will buy, and it will be a park in an extremely poor area of the city where they have been unable to put together a large tract unless they buy it. They are going to buy a parcel in the old portion of the city for the poorer residents.

The staff recommends approval, and I certainly ask that the committee as expeditiously as possible report out this bill. If the Senator is wondering how much money we are talking about, I would give the Senator an estimate of somewhere between $125,000 and $300,000, which is what the tracts of land would bring.

All of it would be applied toward the acquisition of a much-needed park in a poverty area.

Senator HASKELL. It sounds like a very meritorious proposition. I see your bill provides that the city will enter into an agreement satisfactory to the Secretary, and your testimony here indicates to the Secretary what is intended, so I am sure the Secretary will carry it out.

Thank you, Senator. I have no questions. Thank you for appearing.

Senator DOMENICI. We have a second matter, Mr. Chairman, that is the simpler proposition. Let me state this, since the committee has an itinerary for the day and is letting me go ahead because of other business, the attorney for the district involved in Senate bill 2253, which is the matter I will testify about now, will remain here; and if the committee needs his testimony, he has ample evidence regarding the position here.

On this matter I will try to be brief. I think it is also a very meritorious matter, a little bit more complex than the park problem.

This is not a large bill, perhaps to some it will not even seem an important one, and it should not require great amounts of your committee's or of the Senate's time.

But it is a significant bill at least in this, that it demonstrates that we as the elected Representatives of the people are concerned even with problems of smaller scope than many we deal with when those lesser problems concern a principle.

The principle here involved is a man's right to own land and to be sure that he does own what he believes he owns. To understand the situation, which affects only people in my own State of New Mexico, we can look briefly at some history, which others who appear here may wish to discuss in more detail.

In 1966, the Bureau of Land Management office in Socorro, N. Mex., announced that it planned to sell some small tracts of land it owned in the area. The announcement struck a gentleman who lived in Socorro as somewhat strange, because he knew that both the State of New Mexico and the Middle Rio Grande Conservancy District, of which he was a board member, considered some of these lands to be privately owned.

So did the people who occupied the lands, some of them believing themselves to be longtime owners and some more recent purchasers.

The Middle Rio Grande Conservancy District, a political subdivision of the State of New Mexico, which extends through four counties in the Rio Grande Valley, offered to be of service to the people concerned.

Because of its system to map and tract numbers, it is possible to locate all the parcels of land with accuracy without the additional expense of metes and bounds surveys. This is so because at the inception of this district, it being a benefit district, all tracts were numbered by this Middle Rio Grande Conservancy District.

What is proposed, therefore, is a simple process under which the Department of Interior be empowered to sell the land in question to the conservancy district, which in turn will sell it for a stipuated and nominal sum to those who have believed they owned it all along.

The bill would also empower such transfers to be made in the future wherever such circumstances occur under the same conditions.

As I began by saying, the bill is one which rights a wrong, one which arose in every instance out of simply human error.

As I scrutinize the list of names of landowners to be immediately affected, many of whom I know, I can assure you that this is so. The group is various enough to include those with names which date back to the earliest European settlers in New Mexico; those who emigrated there in this century, as my own family did; and others of all classes and kinds, including three Roman Catholic parishes and one board of education.

None of these people intended to claim land which, in fact, belonged to the Nation, yet each of them has been shown to be doing so. To correct that error and clear their titles once and for all is but simple justice.

Hence I urge your members to approve this bill, which will accomplish that in an expeditious and equitable fashion.

Thank you.

I might say the staff recommendation is that we have a meritorious claim, that indeed this is not a large land transaction, that these are small parcels of land that but upon private land up and down this valley, frequently being used for years by the abutting landowner.

However, we had one disagreement in the staff recommendation versus myself and the district representatives. They have recommended that payment be $25,000, which they figure at $10 an acre for approximately 2,500 acres.

Basically we feel that a nominal figure, and in response to the staff's inquiry, that is where we got the $5,000 in our deal, nominal figure is far more appropriate. But even if we were to speak of $10 an acre, there are not 2,500 acres which will be conveyed to private individuals.

To the contrary, much of it will remain in the public entity which is a State agency. The distinguished lawyer for the Middle Rio Grande Conservancy District estimates there will be approximately 1,125 acres that will go to private individuals that have been either using the land or abut upon it or are cut by a small strip owning on both sides. At $10 an acre, that will be some $11,250.

However, I might say that some of this land, if one was buying it outright, might only be worth $50, $75 or maybe $100 an acre, and it seems to us that when we are righting a wrong in saying you probably should have owned it but for the technicalities of title you cannot adversely acquire against the Federal Government and some such long-standing rules, it seems that the charge relating to the acquisition of fee is not appropriate in this instance.

I do urge in addition to approving the claim the $5,000 nominal amount be used as the conveyance price.

Senator HASKELL. If I may interrupt, apparently the claims to these lands date back to the Spanish and Mexican land grants which predated the acquisition by the United States. So I would think you have considerable merit in your position.

Senator DOMENICI. That is correct. I think probably in some instances after long litigation over a piece of land, they might win under that concept, but this would indeed clear their titles without any legal hassle over whether the land grants precede the Federal Government's domain.

I do wonder if the committee members have any other detailed questions and if it would not take too long, if we could perhaps complete it now while the attorney is here. If not, he will be glad to remain for further questioning, as I would at this time.

Senator HASKELL. I think we do have some questions and if they are not too long for the distinguished attorney, we can do that. I think the situation has been outlined adequately by the Senator from New Mexico and also by the Department of Interior and the letter from Assistant Secretary Whittaker and we do have witnesses from the Department who, I assume, can comment on this.

So I have no questions of either Senator Domenici or for the attorney.

Senator MCCLURE. I have no questions.

Senator HASKELL. I notice Senator Stevens has entered the room and I would appreciate it if the Senator would come forward now.

STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator STEVENS. Good morning, Mr. Chairman and Senator McClure. I do appreciate your courtesy in holding hearings on the bills before this committee, S. 184 and S. 194. I note there are reports from the Department of Interior on both bills.

I do have statements to make. They are short. I would be happy to read them or put them in the record at the suggestion of the chairman.

Senator HASKELL. If you would like to put them in the record, Senator, we have a number of bills to cover today.

Senator STEVENS. I would ask to place the statements in the record then at the appropriate place on both of the bills and I point out that the letter from the Department of Interior, as I understand it, concerning S. 184, the bill that pertains to the Gospel Missionary Union land, is an affirmative report and I think sets forth the situation that exists with regard to this land.

I would hope the committee gives that bill its prompt approval.

With regard to the other bill, which is the bill I mentioned to the chairman in a telephone call of recent date, S. 194, I have noted the Department of Interior's report which suggests some alternative provisions for the original provisions in the bill we have introduced.

One of them, I think the key recommendation, is that the difference in the purchase price of the land that the city of Anchorage wishes to purchase to utilize in lieu of the land voted on shall be paid to the Secretary of Interior.

It is my understanding that the alternative land is probably going to be more expensive than the land that the city seeks to sell. In any event, should there be a surplusage in that sale, I would certainly not object to that condition, that the city not profit from the sale of land it has reverted on when it seeks alternative land to carry on the same governmental functions.

That is apparently not the position of the Interior Department. Apparently they feel the city should get more for that land, even without reverter, than it will have to pay for the alternative land.

I just want the committee to know for myself, and I have not discussed this with the city, for myself, I see nothing wrong with the suggestion made because, knowing the land as I do, I cannot see that there is going to be a substantial gain off the sale of the land the city now utilizes as it sells that land and purchases the alternative site for city purposes.

Senator HASKELL. I would call the Senator's attention, I have here in my hands the testimony of Mr. Senzel, the Assistant Director of Legislative Planning, and just to call to the Senator's attention for his comment, the suggestion is not only they be sold at fair market value, but the city be required to use the proceeds to purchase similar land for the municipal complex and then provide a reverter to the United States if it ceases to be used for municipal purposes and to otherwise assure compliance with the original grant.

I do not know whether the Senator has seen this. Perhaps you do not have any comment immediately, but I thought I should call this to your attention.

Senator STEVENS. Thank you very much, Mr. Chairman. I will look at his testimony. I have not seen it. I do not think there is a problem

with regard to existing land that I am not sure the Department of Interior is taking into account, the cost of repossessing some of the existing structures on the old land which I take it would be a cost of the sale and, therefore, there would not be a surplusage in the amount left over after the sale in purchasing new land.

But if the committee would permit me, I will give you my written comment on that as soon as possible.

Senator HASKELL. I think that would be desirable. Then we would have both sides of the story. Fine.

Senator STEVENS. Thank you. I appreciate it very much.

[The prepared statements of Senator Stevens on S. 184 and S. 194 follow:]

PREPARED STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM THE STATE OF ALASKA

S. 184 would authorize and direct the Secretary of the Interior to convey all interests of the United States in approximately one-fifth (.22) of an acre of land located in Alaska to the Gospel Missionary Union upon payment of the fair market value thereof.

One-fifth of an acre may not seem like a large amount of property but it is very important to the Gospel Missionary Union and the people in Juneau. In 1954 or 1955 a children's home was established on the land adjacent to the one-fifth of an acre involved in this bill. The land referred to in S. 184 was patented to the Minfield Children's Home in 1958, however, the patent provides that for a period of 25 years, should the land be transferred or cease to be used "for care and training purposes", title shall revert to the United States.

The home has become uneconomical and is no longer in operation. If the government exercises its right of termination, the Gospel Missionary Union will suffer great hardship as it has invested substantial funds in improvement to the property.

If S. 184 becomes law, the Union could sell the land, thus realizing the money they invested for improvements. The Union is still involved in charitable activities and all the funds from the resale of the property would continue to be used for charitable purposes.

Last year both the Department of the Interior and the Office of Management and Budget indicated they had no objection to enactment of this legislation.

It was not possible for the Juneau Counsel to the Gospel Missionary Union to be here today. However, Mr. James Sharkey, their Washington Counsel, is here today with a statement and to answer questions from the Members of the Committee.

Mr. Chairman, I am deeply grateful to the Subcommittee for scheduling for consideration two bills of extreme importance to two of the largest cities in Alaska. I have introduced both bills in previous Congresses and again in the 93rd Congress. I am glad to see that action is being considered on both of them. I believe that they merit passage and would like to discuss their contents briefly.

The first bill is S. 194, which authorizes and directs the Secretary of the Interior to quitclaim to the City of Anchorage all of the Federal Government's right, title, and interest to certain property consisting of one full city block, approximately three quarters of another city block, and three lots on a third city block.

The property was granted to the City of Anchorage under deeds that included various restrictive covenants. For example, Block 52 was granted "for school house purposes". Block 42 was given "for municipal purposes". The lots on Block 81 were given "for sanitary purposes". Each deed contained a restrictive covenant stating that if the property was not at any future time used for the specific purpose set forth in the deed, it would revert to the United States.

The City of Anchorage, because of past and future expected growth (an increase of approximately 24,000 persons is expected in the near future as a result of the trans-Alaska pipeline construction) has outgrown its present quarters. The Mayor has informed me that they will attempt to combine city and borough offices along with federal offices in a new, larger civic center. The city desires to sell this property and use the proceeds to purchase property in a central location and to construct its portion of the new Civic Center complex.

A similar problem faced the City of Kenai, Alaska several years ago. My predecessor, Senator Bartlett, introduced legislation to remove the reverter clause. This was enacted as Public Law 90–519.

Property such as that contained in these parcels is presently deeded with a restriction that expires at the end of 25 years. All these parcels have been held by the City of Anchorage under these restrictions far in excess of 25 years. Thus, if the property had been acquired at a later date, it would now be free of the restrictions. I believe it is most equitable that this property be freed from these restrictions after this long period of time.

In answer to a specific question posed by the Department of the Interior in January 1972, the City of Anchorage informed me that the acquisition of the new Civic Center will exceed any conceivable sale price of this property. At that time, the acquisition of the four city blocks in the new Civic Center was estimated at approximately 4.9 million dollars and the sale proceeds of the property excluding the three lots was to be no more than 3 million dollars.

The City government is severely cramped in its present quarters. The buildings are antiquated and living conditions are poor. There is an immediate need to upgrade the liveability of these buildings. It is imperative that the city be given the room it needs to service a fast growing metropolitan area in which 40% of the state's population now resides. This is a situation that is unlikely to be duplicated elsewhere. The equities are strong in favor of the City of Anchorage. The precedent is narrow.

Mr. Chairman, I request that I be permitted to insert in the record at this point several items I have received recently. The first is a telegram from the City Mayor, George Sullivan, supporting the bill. The second is a telegram from the City Manager to the same effect. The third is a resolution adopted on September 28 by the City Council and the cover letter from the City Manager. These also support the legislation. Finally, I have a statement on the bill submitted on behalf of the City of Anchorage by the City Manager.

I appreciate your courtesy in considering this legislation.

[Telegram]

ANCHORAGE, ALASKA, *October 1, 1973.*

Senator HASKELL,
Chairman, Public Lands Subcommittee,
Capitol Hill, D.C.

I have been informed S194 will be scheduled in your subcommittee if time allows on October 10th. We urge the subcommittee to pass favorably on the bill. S914 would remove restrictive convenants on two blocks and three lots which were patented by U.S. to the city in 1922. The land is presently used for municipal purposes however falls within the proposed retail commercial section of the central business district of Anchorage. The city government is attempting to relocate its offices in a government center in conjunction with the Federal and State governments for the convenience of all persons. The ability to utilize the patented land for commercial and retail purposes will enhance greatly the possibility of success and revitalization of the central business district. Under separate cover is more detailed description of the need with a preliminary copy of the central business district plan. We strongly urge passage of S194 at an early date.

GEORGE M. SULLIVAN,
Mayor, City of Anchorage, Alaska.

[Nightletter]

ANCHORAGE, ALASKA, *October 1, 1973.*

Hon. FLOYD K. HASKELL,
Chairman, Public Lands Subcommittee,
U.S. Senate, Washington, D.C.

Urge your subcommittee consider S. 194, the bill to remove restrictive covenants from Anchorage city hall deed, at earliest practical date. Use of this property as a part of Central Business District Development Plan requires this legislation.

ROBERT E. SHARP, *City Manager.*

ANCHORAGE, ALASKA, *October 4, 1973.*

Hon. TED STEVENS,
U.S. Senator,
Washington, D.C.

DEAR TED: For your information, I am enclosing a copy of Resolution No. 65–R–73 of the City of Anchorage, Alaska.

We respectfully request that you support the passage of S. 194.

Sincerely yours,

ROBERT E. SHARP, *City Manager.*

Attachment.

CITY OF ANCHORAGE, ALASKA

RESOLUTION NO. 65–R–73

A resolution urging the Senate Public Lands Subcommittee to pass favorably on S. 194 removing restrictions in the patent to the city of Anchorage involving blocks 42 and 52 and lots 2, 3, and 4, block 81 in the original townsite, Anchorage, Alaska.

WHEREAS, the United States of America patented certain lands to the City of Anchorage in June of 1922, said patent being No. 873 718, and

WHEREAS, the patent contains restrictions which require various public uses and a reversionary clause to the United States government in the event those uses were not complied with, and

WHEREAS, the City of Anchorage has grown to be the major metropolis area of the State of Alaska with those inherent problems of a downtown core, and

WHEREAS, realizing the necessity of a strong central business district is vital to the long-term survival of any city, and

WHEREAS, because of the realities of the necessity of a strong central business district, certain studies were made which reveal that Blocks 42 and 52 and Lots 2, 3 and 4 of Block 81 of the original townsite have become the focal points of the retail and commercial core of the central business district, and

WHEREAS, the federal, state and local governments have determined that a government office complex would be in the best interests of the citizens and that the government complex should not be located within the retail and commercial core of the central business district, and

WHEREAS, in order to provide sufficient land availability to implement the central business district plan for retail and commercial businesses, the above-described land is vital, and

WHEREAS, to insure the success of the government center complex the city government should be relocated, and

WHEREAS, certain restrictions preclude the use of the above-described parcels patented to the City of Anchorage for other than municipal purposes,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANCHORAGE RESOLVES:

1. That S. 194 which would remove the restrictions set out in patent 873 718 be passed so that such land can be utilized for the purpose proposed by the City of Anchorage.

2. That copies of this resolution be forwarded to the following members of the Public Lands Subcommittee—Hon. Floyd Haskell, Hon. Henry Jackson, Hon. Frank Church, Hon. James Abourezk, Hon. Gaylord Nelson, Hon. James McClure, Hon. Mark Hatfield, Hon. James Buckley and also to the Hon. Ted Stevens and Hon. Mike Gravel, Senators from Alaska, and Hon. Don Young, Representative from Alaska.

Publication of this resolution shall be made by posting a copy thereof on the City Hall Bulletin Board for a period of ten days following its passage and approval.

Passed and approved by the City Council of the City of Anchorage, Alaska, this 28th day of September, 1973.

GEORGE SULLIVAN, *Mayor.*
BEATRICE PRICE, *City Clerk.*

CITY OF ANCHORAGE

STATEMENT FOR PRESENTATION TO SENATE PUBLIC LANDS SUBCOMMITTEE IN SUPPORT OF THE PASSAGE OF S. 194 ON OCTOBER 10, 1973

The City Council of the City of Anchorage, by passage of resolution No. 65–R–73 on September 28, 1973, again urged the passage of S. 194 to remove the

restrictions on the title to certain municipal property. A copy of this resolution was transmitted on October 4, 1973, to all members of this subcommittee, and we ask that it be entered into the hearing record.

The City of Anchorage is experiencing rapid growth particularly in the Central Business District, and it needs the flexibility to manage this growth and the municipal property under its ownership. The Central Business District Development Plan calls for use of part of the municipally owned property to be used as part of a major mall-type retail complex. The City of Anchorage desires in the future to relocate adjacent to or in a government center complex including federal, state, borough and city administration offices.

The City's Charter and Code have adequate provision to protect the public interest in the disposition of real property owned by the city. No transaction may be final until the resolution authorizing it has been on file in the City Clerk's office for 30 days, and the charter provides that a referendum may be had on any act of the Council.

On behalf of the City of Anchorage, we appreciate the Subcommittee's consideration of this important matter, and we urge favorable action on S. 194.

ROBERT E. SHARP, *City Manager.*

Senator HASKELL. The next witness is Chief McGuire of the Forest Service.

Chief McGuire, we are glad to have you here.

Mr. MCGUIRE. Thank you, Mr. Chairman.

STATEMENT OF JOHN R. McGUIRE, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. MCGUIRE. It gives me a great deal of pleasure to testify today in support of legislation to designate the Chattooga River as a component of the National Wild and Scenic Rivers System. We recommend enactment of S. 2385 with the amendments outlined in our report on the bill.

The Chattooga River is one of the 27 rivers designated for study by the Wild and Scenic Rivers Act. In accordance with that act, the Forest Service initiated a detailed study of the river to determine whether it should be included in the national system.

The results of this study are contained in the "Chattooga River—Wild and Scenic River Study Report," which will soon be transmitted to the Congress. I will not go into all the details of that report but I would like to summarize our recommendations and briefly describe the Chattooga River.

As a result of the study, we recommend that the Chattooga River from Tugaloo Lake upstream 49.6 miles to a point near Cashiers, N.C., and 7.3 miles of the west fork of the Chattooga, be designated as a unit of the National Wild and Scenic Rivers System. This recommendation is encompassed in S. 2385.

As shown on the map before you, the river begins in North Carolina, then flows along the Georgia-South Carolina State boundary to Tugaloo Lake with the west fork flowing east through Georgia to join the main river.

We believe that Chattooga River and adjacent lands fully meet the criteria for inclusion in the National Wild and Scenic Rivers System. It is one of the longest and largest free-flowing mountain streams in the southeast, with major portions remaining in a relatively undeveloped condition. The river and adjacent lands possess outstanding scenic and recreational values.

The river begins as a sparkling mountain stream in the heavily forested Blue Ridge Mountains and continues through the deeply entrenched Chattooga River Gorge. The river then drops out of the Gorge and flows quietly by fields and farms. The west fork joins the river along this section.

The river continues on with the lower 22 miles containing some of the most isolated and rugged sections of the river. These sections are characterized by beautiful rapids, broad stretches winding around islands, and narrow swift sections running over cascades and ledges.

The river flows through a mixture of private and national forest lands. The area encompassed within the proposed river corridor is predominantly national forest land and we recommend that the Secretary of Agriculture be assigned administrative responsibility for the river.

The Wild and Scenic Rivers Act provides that river segments are to be classified and administered as wild, scenic or recreational depending on the amount and type of public access and the degree of development along the shorelines.

Our proposed recommendations for the classification of the river segments are included as part of the study report and are shown on the map referred to in S. 2385.

A task force with interagency and State representation reviewed the work of the Forest Service study team and early drafts of the study report. Two public meetings were held to allow interested citizens to express their views concerning the future of the Chattooga River. The study report and recommendations were reviewed by State and Federal agencies and their comments are appended to the report.

The hearing record from public meetings indicated nearly unanimous support for the wild and scenic river designation. The legislatures of the three States have passed resolutions endorsing the report recommendations.

With the exception of the Federal Power Commission, reviewers support our recommendation that the Chattooga River should be added to the National Wild and Scenic Rivers System. The Federal Power Commission recommended that the river be given further study because of its substantial hydroelectric power potential and the possibility of developing power in part of the river and preserving the remainder in a free-flowing state.

Although we recognize that the river has hydroelectric power potential, in our judgment preservation of its free-flowing condition and associated wild and scenic values outweigh the value associated with development of its power potentials.

A dam or dams, whether located upstream or downstream on the river, would seriously detract from or destroy the natural values of the Chattooga River as a component of the Wild and Scenic Rivers System.

In conclusion, as a result of our detailed study of the river, we recommend that this beautiful, free-flowing river be designated as a component of the National Wild and Scenic Rivers System.

This concludes my formal testimony. I will be happy to answer questions you may have.

Senator HASKELL. I have no questions of you, Chief McGuire. I note we have your study before us—the staff just showed it to me—which we will examine and your testimony is very clear.

Senator McClure.

Senator MCCLURE. I have no questions, thank you.

Senator HASKELL. Thank you very much.

I understand Senator Nunn is here.

Senator NUNN. Yes.

Senator HASKELL. We are very glad to have you here, Senator, and your statement will be included in the hearing record following your remarks.

STATEMENT OF HON. SAM NUNN, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator NUNN. That will be fine. I will not take any of the committee's time. I am glad to have a chance to appear. My written statement will appear in the record so I will not repeat that.

I would like to express my appreciation to Joe Tanner, who is head of the Department of Natural Resources for the State of Georgia, and he is speaking for the Governor and the State of Georgia in support of the legislation. He is here personally this morning.

I would also like to express my appreciation to Dr. Terry, who is with the Georgia Conservancy, I think a respected group of people who are interested in this piece of legislation. I understand he is also representing the Canoe Association.

I know of his reputation and he has an excellent one, so I would hope the committee will pay careful heed to his statement. He is a microbiologist.

I will not take any more of the committee's time. I was in a very important meeting concerning recent deveolpments in the Middle East and I could not get here on time. I apologize and I do appreciate the committee's indulgence.

Senator HASKELL. We appreciate your appearance and the hearing record will stay open for 2 weeks so if you get the testimony in within 2 weeks, it will be fine.

Senator NUNN. Thank you.

[The prepared statement of Senator Nunn follows:]

PREPARED STATEMENT OF HON. SAM NUNN, A U.S. SENATOR FROM THE STATE OF GEORGIA

The Chattooga River flows through three southern states, North Carolina, South Carolina, and Georgia. It is unique in that it offers a variety of recreational opportunities within a short driving distance from many major metropolitan areas. Fishing along the river for the native trout and species stocked from the fish hatchery located on its tributary is superb. The rugged mountain terrain with high cliffs and scenic countryside makes the Chattooga a hiker's paradise. The Chattooga is a mecca for white water enthusiasts. Many come from as far away as Wisconsin and New England. The river is unique in that the first canoeable section is for the beginner with no real hazards for the canoeist. The next section is for the intermediate and advanced and the last section of the river is for the advanced. There are waterfalls and other hazards on the intermediate and advanced sections. None are marked. Camping areas are primitive with no sanitary facilities. Access points are becoming crowded and the integrity of the river is being destroyed. There is a need for control and development of the proper

facilities. Ownership of a great percentage of the land is held by the forest service and public utilities. Both are anxious for wild and scenic designations. Forest services' study indicates the river is clean and meets their criteria for wild and scenic status. There is unanimity among the three states and government agencies favoring the forest service recommendations.

I strongly support this bill and urge the committee to give it a favorable recommendation.

Senator HASKELL. Our next witness is Mr. Edwin F. Sullivan, Acting Commissioner, Bureau of Reclamation, Department of Interior. Mr. Sullivan.

STATEMENT OF EDWIN F. SULLIVAN, ACTING COMMISSIONER, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Mr. SULLIVAN. Mr. Chairman, I am pleased to be here. I am Assistant Commissioner of Reclamation. Mr. Stamm is not in town and he asked me to come over here and act in his behalf.

I have a brief statement to present on behalf of the Senate bill 1582, copies of which have been furnished to your staff members.

Mr. Chairman and members of the subcommittee, it is a pleasure to appear before you today to provide our views and comments in support of S. 1582, a bill to "provide for the conveyance of certain public lands in Klamath Falls, Oreg., to the occupants thereof, and for other purposes."

There is little I can add to the information provided in the Departments' report on this bill. The lands involved consist of a narrow strip of abandoned irrigation lateral and drain right-of-way extending for a distance of approximately 10,250 feet in a generally southerly direction from the Klamath project main canal.

The width of the strip varies from 30 feet at the point of divergence from the main canal to 17 feet at the extreme lower end. In aggregate total, the strip encompasses approximately 5.4 acres, about 3 acres of which would be subject to conveyance under S. 1582.

To fully comprehend the background which led up to the need for S. 1582, it is necessary to consider briefly the early years of the Klamath project. That project, one of the oldest in reclamation's history, was authorized in 1905, and construction of the main canal was initiated in 1906 to serve irrigable lands lying to the east and southeast of the area that then constituted the city of Klamath Falls, Oreg.

As project facilities were extended during the period of 1906 to 1912, consideration was given to the need for a lateral extending in a southerly direction from the main canal for possible service to lands which have since become associated with the developed easterly portion of the city of Klamath Falls. Accordingly, the right-of-way under consideration today was acquired in 1912 through both donation and token payment.

With continued expansion of irrigation development along the subsequently extended portion of the main canal project plans were modified and the lateral and drain earlier considered for construction on the afore-discussed right-of-way were abandoned.

During the ensuing 50 to 60 years, with the project expanding to serve lands further and further away from the city itself, the abandoned right-of-way being here considered merited virtually no attention.

In fact, it was not until early 1970 that a proposed street improvement project to widen Washburn Way, undertaken jointly by the city and the county of Klamath Falls, brought to light the existence of that old abandoned right-of-way.

In order to facilitate the orderly progress of the road improvement project, the Bureau of Reclamation conveyed the requisite portion of the right-of-way for public purposes to the county of Klamath Falls by quitclaim and agreement of relinquishment.

There then remained for consideration the equitable disposition of the balance of the abandoned right-of-way. In this latter situation, extensions of subdivision in that part of the expanding city of Klamath Falls, had during the years between World Wars I and II, led to the development of modest homes in much of the area traversed by the right-of-way.

With no physical on the ground evidence to establish the existence of that right-of-way, the lot lines in the subdivided areas generally extended either to the street or the adjacent lot to the rear. In such circumstances, inadvertent encroachment developed and has continued to exist ever since.

Our support of S. 1582 is based on our desire to equitably dispose of this small unneeded strip of land, thus eliminating administrative responsibilities that would otherwise evolve upon the Bureau now that its existence has been recognized.

Furthermore, by the actions contemplated under S. 1582, the various lot owners will be able to establish clear title to all the land which for years they have assumed to be theirs. Finally, and this is especially important to the city and/or the county, as the case may be, in those situations where the narrow right-of-way runs down the front of such lots, clarification and establishment of fee title in the owner of the contiguous lot will enable those public agencies to properly identify the true beneficiary of street improvements and similar public service actions associated with local governmental assessment processes.

In the foregoing circumstances and in accordance with the considerations set forth in the Departments report on S. 1582, we urge its enactment.

Senator HASKELL. Thank you, Mr. Sullivan. Are you aware of Mr. Hartman's letter on this bill in which he recommends that there be an amendment that fair market value be paid plus administrative costs? Are you aware of that?

Mr. SULLIVAN. Yes; I am, sir.

Senator HASKELL. Obviously you concur. Well, I have no questions. Thank you very much indeed.

I would like the record to show that Senator Hatfield has a statement which I would like to have appear in the record at this time, which he would have given personally did he not have a date with the dentist. But having a date with the dentist, he could not be here. Thank you very much.

[The prepared statement of Senator Hatfield follows:]

PREPARED STATEMENT OF HON. MARK HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Mr. Chairman, I appreciate the opportunity to support S. 1582, which I introduced earlier this year and which would convey title of a strip of land along

Washburn Way in Klamath Falls, Oregon, from the Bureau of Reclamation to private landowners in Klamath Falls.

In 1909 the United States obtained title to these lands for irrigation and drainage purposes as a part of the Klamath Project. However, they have not been used by the Bureau for forty years. A portion of these lands has already been transferred to Klamath County for improvement of a portion of Washburn Way.

Now, the City of Klamath Falls, on behalf of the adjoining property owners, has agreed to attempt to clear title to the remaining strip on Washburn Way as part of the improvement of a 60 foot street. The City has offered to assist these property owners in obtaining the transfer and the owners will pay for the street improvement through assessments.

My legislation is supported strongly by the City of Klamath Falls, as indicated in the letter I am submitting for the record from Mayor Robert Veatch. I am also providing the Committee with some additional background material for the Committee file. The House of Representatives has conducted hearings on similar legislation and I am hopeful that our Committee will approve S. 1582 as soon as possible.

KLAMATH FALLS, OREG.,
October 5, 1973.

Re Bill for Conveyance of Certain Public Lands in Klamath Falls, Oreg.

Hon. MARK O. HATFIELD,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR: In 1909 the United States obtained a fee to a strip of land 25 feet in width for irrigation and drainage purposes within the Klamath Project, Oregon. A part of the strip was along or in the street known as Washburn Way. For a period of approximately forty years the Bureau of Reclamation has not used the strip of land.

The Bureau of Reclamation has transferred a portion of the strip to Klamath County for improvement of a portion of Washburn Way for an 85 foot street.

As to the remaining strip on Washburn Way and as part of the improvement of a 60 foot street, the City of Klamath Falls on behalf of the adjoining property owners agreed to attempt to clear title to the remaining 25 feet, since

1. There is a question as to the location of the strip of land which was conveyed in 1909, which was described as along the Southerly fence line of Old County Road;

2. The 1941 plat of Lots 1–15 showed no 25 foot interest of the United States, although it did provide for a 25 foot setback, however reservation was made in the Surveyor's Certificate;

3. Property owners have made improvements on the questionable strip of land.

It is my understanding that this Bill has the support of the Bureau of Reclamation and the Department of Interior as well as the City of Klamath Falls and the adjoining property owners.

Respectfully submitted.

ROBERT E. VEATCH, *Mayor.*

Senator HASKELL. Our next witness is Mr. Irving Senzel, Assistant Director for Legislation, Bureau of Land Management, Department of Interior.

STATEMENT OF IRVING SENZEL, ASSISTANT DIRECTOR FOR LEGISLATION, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. SENZEL. Thank you.

I am here to testify for the Department on six different bills. If you would like, I will proceed from bill to bill.

Senator HASKELL. That is satisfactory.

Mr. SENZEL. The first bill is S. 184. I have a statement here that I can submit for the record and just highlight it, since Senator Stevens has already discussed the bill this morning.

Senator HASKELL. That would be fine.

Mr. SENZEL. The bill involves about one-fifth of an acre of land. We recommend that the bill be enacted and the history of the tract is that for many years it was used for public purposes. They are no longer able to use it for such purposes and the present owners would like to sell this particular tract in connection with other lands it owns adjacent to it.

We know of no Federal need for the property. It is a small strip of land. The bill provides that the Government will be paid fair market value for it and we recommend its approval.

Senator HASKELL. Now, I would like to ask you about S. 184, Mr. Senzel. You and Senator Stevens apparently have a litte different view of what should happen to the land there in Anchorage.

Mr. SENZEL. Senator Stevens unfortunately only had a few moments to read over our report and there may not be any substantial difference between us. We do not anticipate that there will be any excess revenues if the bill is enacted.

The land that the city wishes to acquire appears to be of higher value than those which it will sell. The provision is in there merely in case there should be an excess, then we do not believe that the city should use granted lands for revenue-raising purposes.

But, as I say, we do not anticipate that will occur.

Senator HASKELL. You recommend an amendment of the bill, do you not?

Mr. SENZEL. That is right.

Senator HASKELL. Would you mind talking to Senator Stevens and perhaps submitting for the record, if you and he come to an agreement, let us know what the agreement is and if you do not, just submit your position for the record again.

Mr. SENZEL. We will be glad to do so; yes.

Senator HASKELL. Fine. Thank you very much, Mr. Senzel. Do you have statements on other bills?

Mr. SENZEL. Yes; I have it on four other bills. Do you want me to proceed?

Senator HASKELL. I think you might as well proceed. Summarize them and submit them for the record. Let me know particularly if you have any objections to any of these bills.

Mr. SENZEL. All right. We do have an objection to S. 1111. This would direct the Secretary of Interior to quitclaim to a private corporation 40 acres of land in Idaho. This is one of the cases upon the Congress legislated in 1960, not the cases but the situations about which the Congress legislated in 1960.

These lands were conveyed to the Government. Over the years the Congress has enacted legislation to permit the people to convey the lands to the Government to acquire other property or other rights.

In 1960, the Congress provided a final means for the persons who did convey to the Government and received no compensation thereof, they provided a formula for compensation.

Senator HASKELL. I think what I will ask you to do * * * This bill was introduced by Senator McClure. He is not in the room and I think if you have any objections to any other bill, please state them. Otherwise, would you mind, Mr. Senzel, coming back in just a few minutes

when he gets back and talking about this because I would like to have him hear your remarks. He probably has some questions on it.

Mr. SENZEL. Not at all.

Senator HASKELL. You have no objections to any of these other bills?

Mr. SENZEL. We do have an objection to S. 2125, that is, the city of Albuquerque bill that Senator Domenici mentioned this morning.

Senator HASKELL. What is your objection?

Mr. SENZEL. We object to the enactment of the bill as it now states, we have alternative recommendation. The lands were granted to the city for municipal purposes. They were given permission, in 1950, to dispose of 320 acres or half the tract so they could use the funds for construction of a civic auditorium.

That auditorium has been constructed, as the Senator indicated, the bonds have been retired. Under the terms of the 1950 act, the city had a right to sell one-half of the acreage. The city did have the northern portion of the tract subdivided and sold.

The city people calculate that conveyance amounted to only 217 acres. They exclude from the conveyance the lands that are dedicated for streets and roads, for school sites, and certain other public purposes.

The net result of the transaction, however, is that the remaining area south of the main highway there is considerably less than 320 acres and that, if this bill is passed and the city sells the difference between what they calculate, 217, and 320, the area now devoted to park and other public purposes would be considerably less than 320. The only showing we have is that the interest of the city at the present time is to sell three small lots. The value is probably $300,000 or $400,000.

The bill itself as written, however, would authorize conveyance of much larger acreage. There has been no showing to the Secretary that the present use of the land is not properly for public purposes as indicated.

Until there is some better indication of the proper land use, that they should be removed from public use, we have objections to the bill.

Senator HASKELL. In other words, you have objections to the bill in its entirety?

Mr. SENZEL. Yes; we have no recommendations for the land.

In connection with S. 2253, which is the Middle Rio Grande Conservancy District, we have a recommendation for an amendment, that is, the $25,000, and then there is a technical amendment also which should cause no problem.

Senator HASKELL. All right, sir, do you have objection to any other of these bills?

Mr. SENZEL. In connection with S. 2343, which is the Coeur d'Alene bill, we have a recommendation for an amendment. The purpose of the amendment is to remove title of seven one-hundredths of an acre for which we have no objection whatsoever. We think it is consistent with the original draft to have this done because the city actually exchanged this small, isolated tract for some lands along the lake for public use.

However, the bill does contain a provision which would remove the requirement to use both the remaining tracts for park purposes. We

see no reason to remove that. Our recommendation is to clear the title to this small triangle of land but to keep the congressional direction for use of the remaining area for public park purposes.

Senator HASKELL. I see. And the bill as drafted would eliminate the direction of the use of the balance of the acreage, is that correct?

Mr. SENZEL. As we read the bill, yes, sir.

Senator HASKELL. All right, thank you.

Senator McClure has now returned and would you mind addressing yourself to S. 1111.

Senator MCCLURE. Before we leave S. 2343, I think as an author of the bill I make no objection to the change. I think the legislative council in drafting it is seeking to remove the cloud, just inserted language that was broader than necessary to accomplish it.

I appreciate your comment. I have no objection to the change.

Senator HASKELL. Senator McClure, Mr. Senzel at one point was speaking about S. 1111 and I asked that he defer until you returned. Would you address yourself to that now.

Mr. SENZEL. I have a short statement on this; if you do not mind I will read it in its entirety.

Senator HASKELL. Fine.

Mr. SENZEL. S. 1111 would direct the Secretary of the Interior to quitclaim all title and interest of the United States in 40 acres of land in Bonner County, Idaho, to Diamond International Corp.

The United States originally conveyed the subject land in 1899 to the Northern Pacific Railroad. The land was acquired by Mr. A. B. Hammond in February 1900. In May 1900 it was quitclaimed by Hammond and his wife to the United States as the basis for a lieu selection under the act of June 4, 1897.

Pursuant to the act, Mr. Hammond filed a lieu selection in September 1900 for a tract of land in Montana. However, the selection was eventually canceled because Hammond failed to show that the tract was free from liability for taxes within the time allowed under the act.

Therefore, Mr. Hammond never received consideration for his quitclaim of the subject land, but the land was never reconveyed to him.

In January 1927, Mr. Hammond conveyed the subject land to Mr. C. E. Bolton in spite of the fact that he had quitclaimed the land to the United States in 1900. On the same day, Mr. Bolton conveyed the land to the Diamond Match Co., predecessor to the beneficiary of the bill.

Senator HASKELL. Three conveyances of the same land by three different people?

Mr. SENZEL. Two conveyances by Hammond and subsequent conveyances by each.

Over the year Congress has enacted several acts designed to resolve situations similar to this. We find no record that the Hammonds or others applied for relief under these laws.

The most recent one, the Act of June 6, 1960, terminated all previous relief legislation and directed the Secretary of the Interior to certify the claim of any person who conveyed lands to the United States as a basis for a lieu selection under the 1897 act and who, prior to July 6, 1960, had not received his lieu selection.

If the claim was found to be valid, the claimant was to be paid for his land at the rate of $1.25 per acre, plus interest. In order to receive the payment, a written demand had to have been made to this Department within 1 year from the date of the act. The right to apply for relief under this act has expired.

Neither Mr. Hammond nor his transferees submitted a written demand or attempted to avail themselves of the provisions of the 1960 act. We are not aware of any reason why they did not. If Congress finds that there are equities to justify relief, we would not be opposed to a grant of relief in accordance with the relief granted by the 1960 act. However, we oppose a quitclaim of the land as proposed by the bill. We note also that in 1960 the State of Idaho filed a selection application under the Idaho Statehood Act for the subject land.

Senator HASKELL. What if the proposed Congress did find equity justified relief? What would be the consideration going to the Government under the 1960 act?

Mr. SENZEL. It would be $1.25 per acre plus 4 percent interest and I believe the interest would be calculated from the 1900 transaction.

Senator HASKELL. Do you know what the total consideration would be?

Mr. SENZEL. I understand that the interest rate is simple interest unless otherwise provided by law. If it is simple interest, it would be less than $5 per acre.

Senator HASKELL. We are talking about how many acres?

Mr. SENZEL. Forty acres.

Senator MCCLURE. Mr. Chairman, the witness has referred to the fact that the State of Idaho filed a selection application in 1960 under the Idaho Statehood Act. I wonder if there was any reason to eliminate from the statement or fail to include in the statement the fact that the Federal Government rejected that by the State of Idaho on the basis that the Federal Government did not own the lot.

Mr. SENZEL. I am not aware of that fact, Senator. My information is that the application was still pending on the land.

Senator MCCLURE. Well, I have in my file a letter of reaction from the Bureau of Land Management to the State of Idaho, stating that it appears further that the selection from 198 filed by Hammond for the then-unsurveyed section in Montana, in lieu of lot 5 of aforesaid section 5, township 57, north range 3, west, in Idaho, was by office letter R, dated February 11, 1904, rejected and canceled of record for the reason that said evidence that said lot 5 was free from liability for taxes was not furnished within the time allowed by this office.

The letter goes on to say the United States therefore has no title to said lot 5 and the State's selection of the same in its indemnity list is accordingly held for cancellation.

Why would the Federal Government say to the State of Idaho, we cannot allow you to select it because we do not own it but state to the person who claim ownership that you cannot have it because we do own it?

Mr. SENZEL. I understand you are reading from a letter that applies to the State's selection that was filed previously to the one that is presently pending. Any finding that the land was not Federal land was an error.

The land has been conveyed to the United States and it was still Federal land.

Senator McCLURE. Is the Federal Government aware that the property owners, the people who claim ownership of the property, have been paying taxes to the county and it has been on the county list in their name for years?

Mr. SENZEL. We assumed that. I have not checked it. We have an abstract of title, a recent one, which still shows ownership in the Federal Government. I assume what you say is correct, however, Senator.

There is this double conveyance in there, one to the United States and one later to Bolton and finally Diamond Match.

Senator McCLURE. I recognize the long history of a lot of similar problems, but as a matter of fact, in the selection of lieu, in making lieu selections, the person who sought to make the selection was required by regulations then in effect to convey his original locations to the United States and that that must be cleared prior to the time that he could make any other selections, is that not correct?

Mr. SENZEL. That is correct.

Senator McCLURE. As an ordinary matter of law, if there is a failure of consideration, the transaction is voided, is that not correct?

Mr. SENZEL. I am not a lawyer, sir. I cannot answer that.

Senator McCLURE. It seems a little anomalous to me that the Federal Government in any situation, aside from law, can take some land in exchange for some other, keep the land that they took, but never give the fellow the land that it was to be exchanged for.

Mr. SENZEL. As I indicated in my statement, there was a whole series of legislation in which the Congress provided means for correction of the situation. The latest one is in 1960. This question was explored by the committee in 1960. They looked into that.

What I am speaking about is what the law is without——

Senator McCLURE. Without attempting to justify it?

Mr. SENZEL. Right, sir.

Senator McCLURE. That would be a lot more comfortable to me, too.

Senator HASKELL. It seems that everybody was conveying this land back and forth, and everybody, including the U.S. Government, made a mistake, so we will have to sort it out accordingly.

Now, do you have any objections to any other bill?

Mr. SENZEL. No, sir.

Senator HASKELL. Thank you very much. We appreciate your appearing.

Senator McCLURE. I have no further questions. I do request that the record be left open on this matter.

Senator HASKELL. Yes, the entire record will be left open for 2 weeks.

[The prepared statement of Mr. Senzel follows:]

PREPARED STATEMENT OF IRVING SENZEL, ASSISTANT DIRECTOR, LEGISLATION AND PLANS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

S. 1111 would direct the Secretary of the Interior to quitclaim all title and interest of the United States in 40 acres of land in Bonner County, Idaho, to Diamond International Corporation.

The United States originally conveyed the subject land in 1899 to the Northern Pacific Railroad. The land was acquired by Mr. A. B. Hammond in February 1900. In May 1900 it was quitclaimed by Hammond and his wife to the

United States as the basis for a lieu selection under the Act of June 4, 1897. Pursuant to the Act Mr. Hammond filed a lieu selection in September 1900 for a tract of land in Montana. However, the selection was eventually cancelled because Hammond failed to show that the tract was free from liability for taxes within the time allowed under the Act. Therefore, Mr. Hammond never received consideration for his quitclaim of the subject land, but the land was never reconveyed to him.

In January 1927, Mr. Hammond conveyed the subject land to Mr. C. E. Bolton in spite of the fact that he had quitclaimed the land to the United States in 1900. On the same day, Mr. Bolton conveyed the land to the Diamond Match Company, predecessor to the beneficiary of the bill.

Over the years Congress has enacted several Acts designed to resolve situations similar to this. We find no record that the Hammonds or others applied for relief under these laws. The most recent one, the Act of June 6, 1960, terminated all previous relief legislation and directed the Secretary of the Interior to certify the claim of any person who conveyed lands to the United States as a basis for a lieu selection under the 1897 Act and who, prior to July 6, 1960, had not received his lieu selection. If the claim was found to be valid, the claimant was to be paid for his land at the rate of $1.25 per acre, plus interest. In order to receive the payment, a written demand had to have been made to this Department within one year from the date of the Act. The right to apply for relief under this Act has expired.

Neither Mr. Hammond nor his transferees submitted a written demand or attempted to avail themselves of the provisions of the 1960 Act. We are not aware of any reason why they did not. If Congress finds that there are equities to justify relief, we would not be opposed to a grant of relief in accordance with the relief granted by the 1960 Act. However, we oppose a quitclaim of the land as proposed by the bill. We note also that in 1960 the State of Idaho filed a selection application under the Idaho Statehood Act for the subject land.

S. 194 would direct the Secretary of the Interior to convey to the City of Anchorage, Alaska, without consideration, all interest of the United States in blocks 42, 52 and lots 2, 3, and 4 of block 81 of the Anchorage townsite.

The subject lands were patented to the City in 1922 except for a portion of block 42 which was patented to the City in 1942. Although the patents originally specified specific uses for the lands, at present all of the subject lands are subject to reverter to the United States if they cease to be needed or used for "municipal purposes."

Blocks 42 and 52 are 300 feet x 300 feet or 2.066 acres each. Lots 2, 3 and 4 of block 81 total about three-quarters of an acre.

We estimate the value of blocks 42 and 52 is approximately $1,5000,000, each and that the value of the lots within block 81 totals approximately $1,000,000. However, the value of the reverter interest in the subject lands has not been estimated.

In the last thirty years the City of Anchorage has grown from a population of 3,600 people to over 135,000 today. The buildings on blocks 42 and 52, including City Hall, the public library, a school, and other city offices, are functionally obsolete due to inadequate size, physical deterioration, and insufficient electrical, heating and other mechanical facilities.

Anchorage has created a plan for future development of its Central Business District. In furtherance of this plan, the City retained an architectural firm to study and report on a new municipal government complex. The architect's report recommends that the complex be located on six blocks in the general vicinity of blocks 42, 52 and 81. The proposed complex would take over the function of the buildings on blocks 42 and 52 and provide in addition a new Civic Convention and Recreation Center.

The architect's report indicates that the blocks contiguous to blocks 42 and 52 have valuable improvements on them so that it is not feasible to acquire them in order to construct the complex around blocks 42 and 52.

Lots 2, 3 and 4 of block 81 are currently utilized primarily for off street parking. However, we understand that this area is not sufficient to meet future parking needs in this area.

The City of Anchorage would like to be relieved of the reverter provisions on blocks 42 and 52 and the lots within block 81 in order to facilitate implementation of its plans. We understand that block 42 may be retained and developed

into a combination park and underground parking lot. However, the City apparently wishes to have the option of selling all of the subject lands in order to use the proceeds of the sale to acquire an additional four blocks for the planned six block municipal government complex. The purchase price of the four blocks, estimated at about $4.9 million, is expected to exceed the price received from sale of the subject lands.

It may hinder proper land use to require the subject lands to continue to be used for municipal purposes. Instead, the City's needs for municipal facilities may be best served by allowing the lands to be sold or exchanged in order to enable acquisition of more suitable property elsewhere.

We would not object to S. 194 if amended to include provisions to assure that the subject lands are sold for no less than fair market value, to require the City to use the proceeds to purchase similar lands to be used for the planned municipal complex, to provide that the newly acquired property will revert to the United States if it ceases to be used for municipal purposes, and to otherwise insure compliance with the intent of the original grants. To accomplish this we have recommended language of amendment in our report on this bill. If the City chooses to retain block 42, the amendments we propose would prevent the Secretary from conveying the reverter as to that block until these requirements are met.

The City has indicated that it may wish to develop the lots within block 81, lease the land and improvements thereon, and use the proceeds for the proposed municipal government complex. We would oppose a release of the reverter to allow this use of the land. The purpose of this legislation with our amendments is to allow a transfer of the reverter to land more suitable for municipal purposes but not to authorize the use of land conveyed for municipal purposes to be used for other purposes in order to raise revenue for City projects.

The Act of April 28, 1904, 33 Stat. 485, donated to the town of Coeur d'Alene, Idaho, about 20 acres of land adjacent to Lake Coeur d'Alene "for the use of said municipality as a public park, and which shall be used for such purpose exclusively." Section 1 of S. 2343 would amend the 1904 Act by striking this restriction on the use of the land and by adding a provision that title to the land vests in the town. Section 2 would direct the Secretary to convey by quitclaim to the town, without consideration, all right, title and interest of the United States in a triangular shaped tract of land which is a small part of the land conveyed by the 1904 Act.

The land conveyed by the 1904 Act has been maintained by the town as a park. However, sometime before World War II a four lane highway was constructed over a portion of the land which cut off the triangular tract described in section 2 of the bill. This triangular tract comprises 7/100 of an acre. We understand that the town found that the tract was not suitable for a park, that years ago it exchanged the tract for land contiguous to the rest of the land conveyed by the 1904 Act and that it has managed the land acquired by exchange as if it were part of the land conveyed by the 1904 Act.

The triangular tract has thus been in private ownership for about 30 years. The present owners have requested that the town help them clear title to it. This small isolated tract is surrounded by the four lane highway and private land, and is not suitable for park purposes. While we do not approve of the exchange of the tract made by the town without an authorization from Congress, we would not object to legislation clearing title to the tract. We feel that the exchange was in accordance with the general intent of the 1904 Act.

However, we oppose section 1 of the bill which would strike the restriction on the use of all the land conveyed by the 1904 Act. We are not aware of any reason why the land may not be suitable to be managed as a park or why the town is seeking to strike the land use restriction. The land is adjacent to lake Coeur d'Alene and appears to be well suited for park use. We therefore recommend that it continue to be subject to the use restrictions in the 1904 Act. Accordingly, in our report we have suggested language of amendment which would convey all United States interest in the triangular tract of land but would not in any other way amend the 1904 Act.

If S. 2343 is amended as suggested we would have no objection to its enactment.

S. 184 directs the Secretary of the Interior to convey the interests of the United States in .22 acres of land known as lot 14 to the Gospel Missionary Union upon payment of the fair market value of the land.

We recommend the bill be enacted.

The land in question is adjacent to, and was occupied in connection with a private boarding home, the Minfield Children's Home, under various permits from about 1935 until 1958, at which time it was patented to the Home for $70 under the Recreation and Public Purposes Act. The patent provides that if for a period of 25 years, the land is transferred or is not used "for care and training purposes" the title shall revert to the United States. Three-fifths of that period has elapsed.

In 1962 the Minfield Children's Home, Inc., was dissolved. It transferred all of its property to the Gospel Missionary Union, a nonprofit corporation, with the right to use the name Minfield Home. In 1967 the Home was closed and the land vacated, except for a custodian. The reason given was that they could not meet the staffing and building standards required for reissuance of the State license to operate.

In 1969, the Gospel Missionary Union transferred custodial control of the lands and improvements on the subject land and the adjacent property under a contract providing for eventual sale. These properties, which were tax exempt while used for operation of the Home, are now subject to taxation, and the Union has no way to raise funds to pay the taxes.

The lot which would be sold under this bill is a thin strip of land about 36 feet wide and 260 feet long. Located on the land are a residence occupied by the custodian, a shed and a gravel road which provides access to the highway from buildings on the adjacent lot owned by the Union. The residence extends by three feet onto the Union's adjacent lot.

We estimate the value of the land to be about $1,200. The land is isolated from other Federal land and has no value for minerals. In view of these facts and because S. 184 requires payment of fair market value for the lot, excluding improvements, we would have no objection to the conveyance.

Senator HASKELL. Mr. Heaton Underhill, Assistant Director, Bureau of Outdoor Recreation, Department of the Interior.

STATEMENT OF A. HEATON UNDERHILL, ASSISTANT DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

Mr. UNDERHILL. Mr. Chairman, I have a short statement here which I will submit for the record. There is less confusion on this bill than on some of the others you are considering today, sir.

It is a pleasure for me to support this legislation and the earlier testimony.

Senator HASKELL. This legislation being S. 2385?

Mr. UNDERHILL. Yes, to add the Chattooga River to the Wild and Scenic Rivers System.

The Department of the Interior participated in the study with the Forest Service, and we heartily concur in the recommendations of that study. If there are any questions, I will be happy to try to answer them, sir.

Senator HASKELL. I think it is adequate; your statement will be printed in full in the record. Thank you very much.

[The prepared statement of Mr. Underhill follows:]

PREPARED STATEMENT OF A. HEATON UNDERHILL, ASSISTANT DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, I appear before you today to testify on S. 2385 which would designate a segment of the Chattooga River in

North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System.

The Chattooga River was one of the 27 study rivers designated for study as a potential addition to the system in section 5(a) of the 1968 Wild and Scenic Rivers Act. Under the agreement between the Department of Agriculture and our Department, the study of the Chattooga was under the leadership of the Department of Agriculture because of the National Forest lands involved. The study report recommended that the river segment described in S. 2385 be included in the system under the administration of the Secretary of Agriculture, and the Interior Department concurred in this recommendation.

The proposed Chattooga River segment is a clear, free-flowing stream in a relatively undeveloped mountain setting. It has outstanding recreational, natural and other values and is accessible to several metropolitan areas. The segment comprises some 15,000 acres of which about 84 percent is National Forest land. We therefore support the enactment of legislation to designate the segment as a component of the national wild and scenic rivers system for administration by the Secretary of Agriculture.

We believe, however, for the reasons given in the Department's report on S. 2385, that the bill should be an amendment to section 3(a) of the Wild and Scenic Rivers Act rather than a separate Act. This is the manner in which the 92nd Congress added the Lower Saint Croix River in Minnesota and Wisconsin to the national system (see Public Law 92-560). This is also the approach taken in the Department of Agriculture's proposed bill which would add the Chattooga River to the Wild and Scenic Rivers System.

This concludes my formal statement. I shall be happy to respond to any questions you wish to ask.

Senator HASKELL. Mr. W. G. Painter, acting director of the American Rivers Council, Environmental Policy Center.

Mr. Painter, are you from here in town?

Mr. PAINTER. Yes.

Senator HASKELL. Then I think I really should call Mr. Tanner now who is from out of town—obviously, I am sorry—so that he can give his testimony and be off.

Mr. Tanner, it is a pleasure to have you here.

STATEMENT OF JOSEPH TANNER, COMMISSIONER OF NATURAL RESOURCES, STATE OF GEORGIA

Mr. TANNER. For the record, I am Joe D. Tanner. I am commissioner of the Georgia Department of Natural Resources, and I have with me one of my staff members, Glen Davis, also with the department of natural resources.

For the record, I would like to submit my written testimony.

Senator HASKELL. It will be received and printed in full.

Mr. TANNER. I would like to request one correction be made in that the Senate bill referred to in that testimony is S. 2385. I would also like to submit for the record a resolution by the senate of the State of Georgia and by the house of the State of Georgia in support of this river being declared as part of the National Wild and Scenic Rivers System.

Senator HASKELL. It will be received and printed in full.

Mr. TANNER. I want to express my appreciation and that of the State of Georgia to you, Mr. Chairman, for seeing fit to hold public hearings on this important piece of legislation, as well as to Senator Talmadge for introducing the bill. I would also like to advise you that the Department of Natural Resources in Georgia is responsible for all of the parks and historical sites in the State of Georgia.

We are responsible for all the game and fish matters in the State of Georgia, all of the urban water and geologic matters in the State of Georgia, all of the environmental protection matters in the State of Georgia, as well as land use planning, and so forth.

So we have looked at this particular piece of legislation from all of those angles.

I would also like for your personal views to submit to you both the testimony as well as the set of pictures recently taken last year on the Chattooga River.

I would like, Mr. Chairman, if you would, to take a quick look at one or two of these pictures, since Governor Carter of the State of Georgia is in the pictures. That first picture you are looking at is Governor Carter and Dr. Terry, who will be testifying later, going through bulrush. To our knowledge, that is the first successful time that two men in an open canoe have ever successfully made that.

If you will note very carefully, and I would like to put this in the record, the Governor did not make any contribution to that, he was holding on and his paddle was out of the water.

Mr. TANNER. I am not going to read my statement, and I will try not to repeat the data given to you by the Forest Service representative.

I am simply here to say to you that the State of Georgia, both the Governor, the department of natural resources, the house, and the senate, strongly recommend that the Chattooga River be included in the Wild and Scenic Rivers System. We support Senate bill 2385.

I have been down each section of the Chattooga River on two occasions and, in my opinion, and I have been in 33 States, it is one of the most beautiful, if not the most beautiful, wild river still remaining in this Nation.

It is a tremendous resource, and the need to preserve that resource is now. It is rich in history. You can still see where the Cherokee Indians were there back in the 1700's. It is rich from the standpoint of game and fish, recreational possibilities, and so forth.

We have several basic concerns about the need to move on this piece of legislation. No. 1, while a great deal of the land is owned now by the Forest Service, this is all the more reason, I think, that we can include it at a nominal cost to the taxpayers of the Nation.

There is still some private holding of land in that area. The mountains of North Georgia are now subject to very heavy development pressures, and we feel those private lands may be developed and would endanger this river in the very near future.

We are also concerned that since the movie "Deliverence" and since all of the publicity concerning this beautiful and magnificent river, there has been a great deal of use. This use is currently going on with absolutely no public access or public facility.

So consequently, the very fragile area of that river with thin falls and steep slopes and the flat plain areas are being trampled down and littered and point up the need to go ahead and give the Forest Service the resources it needs, as well as its mandate to include this in the National Scenic and Wild Rivers System.

We are also concerned about the safety of the people who visit that river at the present time. We had seven drownings this year, not one of those drownings did the individual have either a helmet or a life preserver on.

In the last 2 years, we have had more drownings on the Chattooga River than we have had in the last 20 years, and we look for the safety problem to be increased drastically next year and the next year.

The need is to give the Forest Service the resources it needs to go in to require the proper safety equipment, to warn the people of what is ahead, so that we do not have this tragic loss of life.

There are basically three alternatives, as you well know. The first alternative is that we can leave the river in its status quo. I have outlined those problems. The problem of private development on private lands that would endanger the river, the problem of safety, and the problem of overuse with no public facilities on a fragile area.

One of the other alternatives is hydroelectricity. You have heard today the Georgia Power Co. supporting this river being placed in the National Wild and Scenic Rivers System.

The hydroelectric potential of the river would be very limited and would do little to offset the Nation's energy crisis, and would, of course, completely destroy this great resource.

In closing, in addition to expressing our support, I would also like to express the concern of the State of Georgia that the act be passed by your subcommittee and by the full committee and by the Senate as soon as possible, and that funding be provided for land acquisition and development as soon as possible.

We have observed the national seizure of Cumberland Island in our State since that law was enacted establishing Cumberland Island as a part of our national park system. The prices of property on that island in private ownership has escalated greatly.

So we feel there is a real need, in addition to passing the legislation, to provide adequate funding at a very, very early time.

Senator HASKELL. Mr. Tanner, if I may ask a question, you are undoubtedly aware that there is a limitation in the Wild and Scenic Rivers Act itself on acquisition by the Federal Government.

I think my understanding is that once it has acquired something like 50 percent of the area, then it cannot go any further. This means that the State of Georgia, if we are going to get the job done, will have to step in and help.

Is the State willing to be of help along those lines?

Mr. TANNER. Yes, it would be; and also, I believe the Federal law provides that scenic easements, for example, can be obtained, and I think this would be a good alternative to the purchase of some of the private lands that do not endanger the area.

I believe somewhere in excess of 80 percent of the land is now owned by the Federal Government. I can say, though, that the State of Georgia has funds available to purchase endangered lands.

While these funds are limited and while the resource of the Federal Government is greater, we would certainly step in and work with the Forest Service on any endangered tract of land in this area.

Senator HASKELL. Good. All right, sir. Thank you very much, Mr. Tanner.

Everybody seems to be behind this, and there seems to be some urgency, so I am sure I and other members of the committee who could not be here will give this early consideration.

I have no questions of you, and I am interested in hearing from Dr. Terry who, I assume, will address himself to the same bill.

Mr. TANNER. Yes. Thank you. It is honor to appear before the committee.

Senator HASKELL. Thank you.

[The prepared statement of Mr. Tanner follows:]

PREPARED STATEMENT OF JOSEPH D. TANNER, COMMISSIONER OF NATURAL RESOURCES, STATE OF GEORGIA

Gentlemen, I appreciate this opportunity to come before you today both as the Commissioner of the Georgia Department of Natural Resources and as a representative of the State of Georgia to express the concern that the State has for the Chattooga Wild and Scenic River proposal. The Chattooga River is one of the most important aspects of the Southern Highlands Region, a region which was included in Federal legislation as early as the 1911 Weeks Act.

The Chattooga River, along with the Blue Ridge Crest and the Cohuttas, has been identified in recent years as one of those relatively small areas within the Highlands Region which must be managed with high sensitivity if we are to nsure the long-run character of the region.

The State of Georgia wishes to strongly recommend that the Chattooga be included in the Wild and Scenic Rivers System for several important reasons.

The Chattooga River flows for 50 miles through a highly scenic, very rugged gorge eroded into the Blue Ridge Escarpment by millions of years of stream action. Vertical slopes of exposed rock 200 to 400 feet high are seen along the river. The gorge is characterized by steep slopes, thin soils, and an average rainfall of 68 inches per year. Over its length, the river descends an average of 49 feet per mile, creating a rugged whitewater stream challenging the best canoeists in the Nation, as well as providing a sizable cold water trout fishery.

The gorge is the haven for several rare plants, including the mountain camellia and the Shortia. In addition, the area harbors many species of wild orchid, fern, lily, trillium, and violets. The northern slopes are dominated by the majestic eastern white pine.

The areas is also rich in history. It is the site of several large Indian settlements prior to the coming of European settlers in the area. The trails of Indians who inhabited the area prior to 1700 can still be seen.

Another justification for the designation of the Chattooga River as a wild and scenic river is the ease with which it can be acquired. At present, almost the entire river corridor is the property of the U.S. Forest Service.

Many of the same features which qualify the Chattooga for inclusion in the system also threaten its continued existence as a wild and scenic river. Although some portions of the river corridor are suited for fairly intensive recreation development, many portions are not. The steep slopes, thin soils, and high rainfall characteristics of most of the gorge severely limits the human carrying capacity of the area. This combination of factors causes extremely rapid runoff of rainwater which, unless hampered by plant growth and absorbent soils, causes rapid and severe siltation of the river and tributaries. This siltation leads to degradation of water quality and decreased ability to sustain cold water fish such as trout.

This process is irreversible and worsens in time. In other words, the more soil and plant cover that is washed away during one rainstorm, the less absorption will occur in the next. Therefore, even more soil and cover will be washed away. The process begins when indiscriminate use leads to the trampling of underbush and vital plant cover. Use must be restricted primarily to trails planned and managed to minimize erosion.

The past several years, however, have seen an astounding increase in the use of the river and the surrounding gorge. This is, in large part, due to the publicity received by the Chattooga as a result of the movie, "Deliverance." With that publicity as an initial boost, word of the river, its beauty, and its ruggedness, has "spread like wildfire," and continues to spread.

This invasion of the Chattooga has brought hordes of floaters, hikers, campers, fishermen, picnickers, and sightseers. With them have come the problems of litter, sanitation, safety, and damage to the delicate ecological system. Some respect the fragile nature of the area; many do not. Severe pressure is now being felt at key access points. This pressure is spreading to other areas, as the adventurous try to escape the growing crowds at popular areas.

Moreover, many adventurous, but unknowledgeable people attempt to brave the fierce rapids of the Chattooga in all types of floating craft, including inner tubes, posing a severe safety problem. The past season has seen the deaths of seven people on the Chattooga; in the past two years, more have died than in the previous twenty. In almost every case, the victim was without the basic safety equipment of a lifejacket and helmet. At present, the Forest Service lacks adequate manpower or a mandate to manage the area in a manner to protect the safety or recreational users.

The reasons for the protection of the Chattooga are clear. We understand that at this time, the United States Forest Service could administratively manage the Chattooga corridor in substantially the same manner as under Wild and Scenic River legislation. We realize also, that the Forest Service, because of policy and budgetary constraints, does not find this possible. I therefore urge your speedy enactment of Senate Bill 2385, thus providing the Forest Service with a clear mandate and authorization of the funds necessary for careful management.

At present, the proposal authorizes the expenditures of two million dollars for acquisition and five-hundred thousand for administration of the Chattooga corridor. It is imperative that when the time arises, such funds be appropriated.

The appropriation of the two million dollars for acquisition is important in order to avoid price escalation and development of private inholdings, which is exactly what happened to the Park Service on Cumberland Island. However, the appropriation of at least a portion of the five-hundred thousand dollars to provide for careful management of the area prior to the spring influx of canoeists may be most critical.

March 4 1971

The Committee of the Senate on
Rules
recommends that this Resolution
do pass
Frank E. Moss
Chairman.

S.R. No. 89

A RESOLUTION

Endorsing the proposal to designate the Chattooga River as a component of the National Wild and Scenic Rivers System; and for other purposes.

IN SENATE

Read 1st Time Feb 25 1971
Read 2nd Time Mar 3, 1971
Read 3rd Time March 8 1971
and Adopted
Ayes 70 Nays 0

Secretary of the Senate.

By LONDON of the 50th

Referred to Committee on
Rules

LC 7 0244

SENATE RESOLUTION 89 LC 7 0244

By: Senators London of the 50th and Walling of the 42nd

A RESOLUTION

Endorsing the proposal to designate the Chattooga River as a component of the National Wild and Scenic Rivers System; and for other purposes.

WHEREAS, the Chattooga River of the Savannah drainage is a water supply source of major importance to Lakes Hartwell and Clark Hill and to the Cities of Augusta and Savannah; and

WHEREAS, the Chattooga Riverway is largely composed of lands owned and managed by the United States National Forest Service; and

WHEREAS, the multiple use management purposes of this forest are to protect water supplies, conserve prime fish and wildlife habitat; provide compatibly related outdoor recreation activities in natural and primitive forms; manage timber supplies, and conserve environmental aesthetics; and

WHEREAS, both the National and State Scenic Rivers Acts required that the Chattooga River be studied for possible inclusion in the National Scenic Rivers System; and

WHEREAS, there was excellent participation and general agreement in the findings and recommendations of the Chattooga River Report by planners of the States of Georgia, North Carolina and South Carolina; and

LC 7 0244

WHEREAS, the Chattooga River is recognized by many outdoor recreation resource planners; and by fishermen, white water canoeists, primitive campers and other outdoor recreation user groups as the single most significant cold water, white water river of its kind and wild river class in the ten Southeastern States; and

WHEREAS, public meetings were held at Highlands, North Carolina and Clayton, Georgia, at which the great majority of those present concurred with the recommendation to include the Chattooga River in the National Wild and Scenic Rivers System; and

WHEREAS, management of the Chattooga River as a national wild and scenic river will generate economic benefits to Dillard, Clayton and Tallulah Falls, Georgia, and to other communities in the Southern Highlands.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the State of Georgia strongly endorses the proposal to designate the Chattooga River as a component of the National Wild and Scenic Rivers System.

BE IT FURTHER RESOLVED that the General Assembly does hereby request members of the Georgia delegation to the United States Congress and the President of the United States to take prompt action to protect this outstanding resource through enactment of legislation establishing the Chattooga National Wild and Scenic River.

LC 7 0244

BE IT FURTHER RESOLVED that the Secretary of the Senate is hereby authorized and directed to transmit an appropriate copy of this Resolution to Honorable Richard M. Nixon, President of the United States, and each member of the Georgia delegation to the United States Congress.

D' Scott

H. R. No. 289

A RESOLUTION

H.F. 1110

Urging the designation of the Chattooga River as a national wild and scenic river; and for other purposes.

March 4 19 71

The Committee of the House on Int. Affairs & Public Lands

recommends that this Resolution do Pass

J. Vic Chandler
Chairman.

IN HOUSE

Read 1st Time March 2 19 71

Read 2nd Time Mar 5 19 71

Read 3rd Time 19

and Adopted

Ayes Nays

Clerk of the House.

By GUNTER of the 6th

Referred to the Committee on State Institutions & Property

A RESOLUTION

Urging the designation of the Chattooga River as a national wild and scenic river; and for other purposes.

WHEREAS, the Chattooga River of the Savannah drainage is a water supply source of major importance to Lakes Hartwell and Clark Hill and to the Cities of Augusta and Savannah; and

WHEREAS, the Chattooga Riverway is largely composed of lands owned and managed by the U. S. National Forest Service; and

WHEREAS, the multiple use management purposes of this forest are to protect water supplies, conserve prime fish and wildlife habitat; provide compatibly related outdoor recreation activities in natural and primitive forms; manage timber supplies; and conserve environmental aesthetics; and

WHEREAS, both the National and State Scenic Rivers Acts required that the Chattooga River be studied for possible inclusion in the National Scenic Rivers System; and

WHEREAS, there was excellent participation and general agreement in the findings and recommendations of the Chattooga River Report by planners of the States of Georgia, North Carolina and South Carolina; and

WHEREAS, the Chattooga River is recognized by many outdoor recreation resource planners; and by fishermen,

whitewater canoeists, primitive campers and other outdoor recreation user groups as the single most significant cold water, white water river of its kind and wild river class in the ten Southeastern States; and

WHEREAS, public meetings were held at Highlands, North Carolina, and Clayton, Georgia, at which the great majority of those present concurred with the recommendation to include the Chattooga in the National Wild and Scenic Rivers System; and

WHEREAS, management of the Chattooga River as a national wild and scenic river will generate economic benefits to Dillard, Clayton, and Tallulah Falls, Georgia, and to other communities in the Southern Highlands.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that it strongly endorses the proposal to designate the Chattooga River as a component of the National Wild and Scenic Rivers System.

BE IT FURTHER RESOLVED that the General Assembly does hereby request members of the Georgia Congressional Delegation and the President of the United States to take prompt action to protect this outstanding resource through enactment of legislation establishing the Chattooga National Wild and Scenic River.

BE IT FURTHER RESOLVED that the Clerk of the House transmit a copy of this Resolution to each member of the Georgia Congressional Delegation and to the President of the United States.

Senator HASKELL. Dr. Terry.

STATEMENT OF DR. CLAUDE TERRY, REPRESENTING THE GEORGIA CONSERVANCY

Dr. TERRY. Mr. Chairman, I would like to introduce Cleve Tedford to you, who will give the statement for the Georgia Canoe Association.

Now, as Joe told you, we have been involved in this river for some period of time. We would like to strongly support the Forest Service proposal of the Chattooga as an addition to the Wild and Scenic Rivers Act.

The southern highlands are old, well-watered mountains, with relatively gentle, heavily vegetated slopes. They lie in a region that is temperate to subtropical. The coincidence of 80 inches of rainfall per year and the terrain has produced some of the most beautiful rivers, and river names, in the world.

The Nantahala, Oconaluftee, Coosawatee, Whitewater, Keowee, and Toxaway come to mind. I mention all of these names, and yet really all of these rivers are gone, buried in impoundments and silt for the future.

Of the magnificient southern higland rivers, only a vestige remains. By far the best of these remaining rivers is the Chattooga, which has been called the crown jewel of Southern rivers.

Entrapped in granite and furred with hemlock, laurel, and rhododendron, the Chattooga engraved a tortuous, foamy pat down out of the mountains toward the Gulf of Mexico along the Brevard fault, then switched allegiances and turned eastward to drain into the Atlantic. Along its course are the best whitewater trails in the East.

Using a river for power production, building industries or homes along its bank or in its flood plains, and diverting its water for irrigation are all consumptive uses which damage or destroy the stream itself.

Also, these uses cannot continue forever, since dams silt up et cetera. The Chattooga fortunately has not been used consumptively in the past. Canoeing, rafting, kayaking, hiking, and camping are not consumptive uses, and fishing and hunting are nonconsumptive of the prime resource. These uses have prevailed in the past, and most recommendations seem to be that these uses be primary ones in the future.

The high rainfall insures recreational uses in the summer and fall when Northern and Western rivers are dry. The mild Southern climate allows the area to be used the year around when Northern rivers are frozen over or too cold for use.

The Chattooga corridor is one of the few true wilderness river experiences left in this area. Wilderness is rare in the entire East, and yet most of the population demand is here.

The great demand, coupled with vanishing resources, will soon create, and in fact are now creating, pressures which threaten these wilderness values. Second home developments swarm toward Whitesides Mountain at the headwaters, endangering the clarity and purity of the water itself.

Recreational users crowd to the available access sites and leave site damage and litter. This is due to inadequate management. The inadequate management is due to the total lack of funds for river manage-

ment purposes. The area Forest Service personnel is competent and cares about the resource, but they need funds and a legal basis to permit their management.

The recreational users often go down the river in high water with inadequate gear and with little knowledge of the hazards ahead. The consequences are often tragic and predictable.

A series of deaths this year point to the need for control which the Forest Service cannot now legally exert. I am a member of the American Canoe Association Safety Committee, and I have been repeatedly contacted about means to prevent the "deliverance syndrome" from claiming more lives.

To bring the Chattooga under the Wild Rivers Act protection will not be expensive. The Forest Service has estimated that $2 million will be needed to acquire the inholdings of about 5 percent of the corridor.

The Service already administers 95 percent of the area. Administration costs and improvements would drop to about $150,000 by the fifth year.

We have a wilderness experience here; ospreys sit and watch for fish atop Raven Rock, a 400-foot cliff. Beaver slap their tails when you round a bend, trout feed in eddies in the current, and deer swim the shoals ahead of your canoe.

All of the elements of the wilderness experience are here. But only here, only on this river out of the total highlands rivers. The impending alterations are also clear and the choice cannot be long delayed.

We ask you to implement the Chattooga as a wild river, with all possible haste.

I have an appendix which I filed with my statement and I ask that be added to the record.

Senator HASKELL. Yes, that will be added to the record.

Thank you very much. You have been there yourself and you have added a great deal to the testimony here. I appreciate it.

Dr. TERRY. I have about five or six slides that I would like to show you, if you have the time.

Senator HASKELL. I think I have a picture of the river from the pictures Mr. Tanner gave me. I think I can envisage what it is like. Maybe we will miss the slides and go directly to Mr. Tedford.

[The prepared statement of Dr. Claude Terry follows:]

NOTE OF INTRODUCTION

Dr. Claude E. Terry is a member of the Board of Trustees of The Georgia Conservancy, Inc., and is Chairman of the Rivers and Streams Committee. In addition, he is widely experienced in canoeing and kayaking many of the wild rivers in the country, including several in the previous bill.

UNITING GEORGIA'S CONSERVATIONISTS

THE GEORGIA CONSERVANCY, INC.

3376 PEACHTREE ROAD, N.E., SUITE 402
ATLANTA, GEORGIA 30326
404/262—1967

STATEMENT BY CLAUDE TERRY

FOR THE GEORGIA CONSERVANCY

Re: S-2385

The Southern Highlands are old, well-watered mountains, with relatively gentle, heavily vegetated slopes. They lie in a region that is temperate to subtropical. The coincidence of 80 inches of rainfall per year and the terrain has produced some of the most beautiful rivers (and river names) in the world.

The Nantahala, Oconaluftee, Coosawattee, Whitewater, Keowee and Toxaway come to mind. I mention all of these names, and yet, really, all of these rivers are gone, buried in impoundments and silt for the future. Of the magnificent Southern highland rivers, only a vestige remains. By far the best of these remaining rivers is the Chattooga, which has been called "the crown jewel of southern rivers". Entrapped in granite and furred with hemlock, laurel and rhododendron, the Chattooga engraved a torturous, foamy path down out of the mountains toward the Gulf of Mexico along the Brevard fault, then switched allegiances and turned eastward to drain into the Atlantic. Along its course are the best whitewater trails in the East.

Using a river for power production, building industries or homes along its bank or in its flood plains and diverting its water for irrigation are all consumptive uses which damage or destroy the stream itself. Also, these uses cannot continue forever, since dams silt up, etc. The Chattooga fortunately has not been used consumptively in the past. Canoeing, rafting, kayaking, hiking and camping are not consumptive uses, and fishing and hunting are non-consumptive of the prime resource. These uses have prevailed in the past, and most recommendations seem to be that these uses be primary ones in the future.

The high rain fall ensures recreational uses in the summer and fall when northeastern and western rivers are dry. The mild southern climate allows the area to be used the year around, when northern rivers are frozen over or too cold for use.

The Chattooga corridor is one of the few true wilderness river experiences left in this area. Wilderness is rare in the entire east, and yet most of the population demand is here. The great demand coupled with vanishing resources will soon create, and in fact are now creating pressures which threaten these wilderness values. Second home developments swarm toward Whitesides Mountain at the headwaters, endangering the clarity and purity of the water itself. Recreational users crowd to the available access sites and leave site damage and litter. This is due to inadequte management. The inadequate management is due to the total lack of funds for river management purposes. The Area Forest Service personnel is competent and cares about the resource, but they need funds and a legal basis to permit their management.

The recreational users often go down the river in high water with inadequate gear and with little knowledge of the hazards ahead. The consequences are often tragic and predictable. A series of deaths this year point to the need for control which the Forest Service cannot now legally exert. I am a member of the American Canoe Association Safety Committee, and I have been repeatedly contacted about means to prevent the "Deliverance syndrome" from claiming more lives.

To bring the Chattooga under the Wild Rivers Act protection will not be expensive. The Forest Service has estimated that two million dollars will be needed to acquire the inholdings of about 5% of the corridor. The Service already administers 95% of the area. Administration costs and improvements would drop to about $150,000 by the fifth year.

We have a wilderness experience here; ospreys sit and watch for fish atop Raven Rock, a 400 foot cliff. Beaver slap their tails when you round a bend, trout feed in eddies in the current, and deer swim the shoals ahead of your canoe. All of the elements of the wilderness experience are here. But only here, only on this river out of the total highlands rivers. The impending alterations are also clear and the choice cannot be long delayed. We ask you to implement the Chattooga as a wild river, with all possible haste.

APPENDIX A

We wish to make recommendations as to changes or additions to those proposed by the Forest Service. In particular, we wish to suggest some actions which are needed immediately to prevent serious resource damage:

a. The Forest Service should immediately institute and enforce safety regulations. These could be drawn up with the cooperation of the ACA and the AWA.

b. The Earl's Ford area should be closed immediately, with camping, etc. provided several hundred yards back from the river. The road should be reduced to an improved path to the river.

c. The U.S. 76 bridge area parallel road should be closed, and all but a stringently limited amount of primitive camping moved to a site back from the river. No extensive recreational development should be done at this site.

d. The Woodall Shoals road should be closed immediately, with an improved path leading in for limited primitive camping.

e. Jeep and motorcycle roads should be closed immediately well back from the corridor, and maintained as foot trails.

f. Most important of all, all possible steps should be taken to urge North Carolina to do land use plan for the Chattooga watershed, and particular concern should be given to erosion-siltation and to changes in runoff patterns.

LONG RANGE RECOMMENDATIONS

a. The corridor should be wider than the minimum one-fourth mile, particularly at scenic or vulnerable sites. The land is already federally owned, so it does not entail any additional expense.

b. The tributary streams should be extended the same corridor protection where they lie on Forest Service land.

c. The West fork watershed above Three Forks is a significant natural area, and should be managed as a wild area and for watershed protection.

d. Trails beside the river should be avoided, with any parallel trails back on the ridges, or even better would be to have day use trails approach the river along the old roads.

e. The section from Russell bridge to Tugalo Lake is extensively used. Use should be permitted to develop only within bounds which prevent resource damage.

f. If commercial rafting is permitted, it should be strictly regulated as to number of persons per day rafting, and as to safety precautions.

g. Tugalo Lake should be managed in cooperation with Georgia Power Company since much of the currently hazardous traffic on the lake road is boaters of a type not originally planned for by Georgia Power. The road access at Tugalo definitely needs improvement, as it is currently hazardous and impassable with a small rain. The lake should be managed as a trolling motor (electric) and hand powered craft-only lake.

STATEMENT OF CLEVE TEDFORD, REPRESENTING THE GEORGIA CANOE ASSOCIATION

Mr. TEDFORD. After all that has been said in support of this bill, rather than read my entire statement I would like to submit it for the record.

Senator HASKELL. It will be received.

Mr. TEDFORD. Thank you.

I would like to say that the Georgia Canoeing Association wholeheartedly supports S. 2385 to include the Chattooga River in North Carolina, South Carolina, and Georgia. We agree fully with the Forest Service when they say the river does meet the criteria of the Wild and Scenic Rivers Act and should be preserved for the enjoyment of the public.

Again, I thank you for allowing us to be here.

Senator HASKELL. Well, thank you very much.

[The prepared statement of Mr. Tedford follows:]

GEORGIA CANOEING ASSOCIATION 

A STATEMENT PREPARED FOR OCTOBER 10, 1973 HEARINGS ON S.B. 2385

The Georgia Canoeing Association wholeheartedly supports S.B. 2385 to include the Chattooga River in North Carolina, South Carolina, and Georgia in the National Wild and Scenic River System. We agree with the Forest Service study that the river meets the criteria of the Act and should be preserved for the enjoyment of the public.

The river is unique to our area. It is the wildest river remaining which is suitable for whitewater sports year-round. It is the only river which offers the advanced paddler a challenge which changes with every fluctuation in water level. It is the only place where we can still see the osprey, fish in its claws, rise from the water to the top of a 400 foot cliff.

We hope to see the Chattooga saved from development, whether in the corridor, or in the headwaters and tributary streams which reach out in a net to lands outside the wild and scenic river boundary. Currently there are intense pressures for second-home development in the Southern Appalachian Mountains. If the watershed of the Chattooga is not protected, then many of the values for which the wild and scenic river is cherished will vanish even though the stream bed and banks are preserved.

For these reasons, we believe this bill should encourage the Forest Service to place a very high priority on acquiring inholdings in the Chattooga River watershed within the proclamation boundaries, particularly along major tributary streams.

We are concerned, not only with the acquisition of the river corridor, which must remain the #1 priority, but also with the need for adequate funds for management. In the past few years we have seen the Forest Service strapped to maintain its existing facilities. We have seen some lovely and popular river access and camping areas gated and chained for lack of management funds. This must not happen on the Chattooga.

The Chattooga has in the last few years become one of the most eagerly sought out areas in the entire Southeast for canoeing, rafting, and tubing. Much of the interest can be attributed to the "Deliverance syndrome," that usually destructive man-versus-nature myth which leads many people to their first encounter with the outdoors, and has lead many to their deaths on the Chattooga.

Whatever their motives, people from all over the Southeast are discovering this wild river. Most of those who encounter it come away a little wiser, about nature and about themselves. They should continue to have their chance to explore the river and th[illegible].

They can continue to have this experience without damaging the river if adequate manpower, effort, and money are at hand for management. It is not necessary to "lock up" the river to preserve it. It is possible also to enjoy it if management is done according to protective principles.

1. Encourage non-consumptive use.

   Canoeing, rafting, tubing, etc. do not use up the resource and do not leave many traces on the corridor as long as access points are carefully designed and managed and overnight stops are not necessary. Therefore, currently popular day-use access at highway 28, Earls Ford, highway 76, Woodall Shoals, and Tugaloo Lake should be retained. Ease of day use will reduce the impact of river campsites with their increased fire, litter, and sanitary problems.

All access, picnicking, parking, sanitary facilities should be removed from the river bank far enough for a buffer of trees to screen them from view. Trails only should lead to the water. Major facilities such as campgrounds should be further removed.

A potential access problem exists at the end of the river corridor at Tugaloo Lake. Currently access is possible at only two points on the reservoir--one in South Carolina several miles down the lake from the river and the other in Georgia at the Georgia Power Company dam. At present much of the use of the South Carolina access site is by people who have come to the area solely for the experience of the wild river. It is not in keeping with this experience for them to be required to cross a substantial portion of a reservoir in order to have access or egress from the wild river. Nor is it reasonable to expect the Power Company alone to provide facilities for a recreation public attracted by a resource entirely different in character from the reservoir. Arrangements should be made between the Forest Service and the Georgia Power Company to share the responsibilities of maintaining this currently used river egress point or to provide another at the end of the river corridor, possibly by acquiring a small portion of the upper arm of the reservoir and adding it to the river proposal in the recreational classification.

2. Do not weaken the experiences offered by the character of the resource itself.

The river is divided by its own character into segments suited for various purposes, family canoeing, whitewater rafting, kayaking, bank fishing, float fishing, nature walks, and rough hiking. No provisions should be made to make it easier. No launching ramps should be built, nor are they necessary for hand craft. No rapids should be altered nor artificial portages built.

Senator HASKELL. I have just received a note, Mr. Tedford, of a staff member whom I am going to send to the river to see it firsthand.

Mr. Painter.

STATEMENT OF W. G. PAINTER, ACTING DIRECTOR OF THE AMERICAN RIVERS COUNCIL, ENVIRONMENTAL POLICY CENTER

Mr. PAINTER. Thank you for the opportunity to testify, Mr. Chairman.

On behalf of the American Rivers Conservation Council, I would like to commend you and the subcommittee for the interest you have shown in this river and the wild and scenic rivers program in general.

I think there are a number of rivers like the Chattooga in which the situation is becoming critical and your interest is of great help.

I will keep my comments as brief as possible. I have read the Forest Service study and concur with the recommendations. Having seen the river in "Deliverance" and having floated on a number of the rivers in the scenic rivers system, I agree this certainly compares favorably with any of the rivers now in the system and the rivers under study.

Therefore, I urge you to act favorably. As was said, we need action now. This would be a very low expense to the Federal Government and it seems to be an ideal thing to move on. In closing, I would like to make a comment. Dr. Terry mentioned this in passing. Coosawatee is in Georgia and I would just like to make note of the fact that this river will probably not be available to Americans in the future. It is being dammed by the Army Corps of Engineers.

It is a little known fact that this was actually the river which James Dickey was writing about in the movie, "Deliverance." There really is a dam being built on the river. It is doubtful that the dam can be stopped.

I would just like to express my deep regrets that this subcommittee will probably not have the opportunity to save both of America's "Deliverance" rivers.

Again, thank you for the opportunity to speak in support of S. 2385.

Senator HASKELL. Thank you, Mr. Painter. I appreciate your appearing.

[The prepared statement of Mr. Painter follows:]

PREPARED STATEMENT OF BILL PAINTER, AMERICAN RIVERS CONSERVATION COUNCIL

Mr. Chairman, I would like to thank you, on behalf of the American Rivers Conservation Council, for the opportunity to appear before you on the matter of the addition of the Chatooga River to the Wild and Rivers System, as proposed by S. 2385, introduced by Senator Talmadge and Senator Nunn. Our organization commends the Senate Public Lands Subcommittee for the interest it has shown in this river, and in the Wild and Scenic Rivers Program in general.

As I have yet to have the opportunity to float the Chattooga, I will make my comments brief, while referring you to the testimony of Dr. Claude Terry, who is intimately familiar with this magnificent river, and who is on the Steering Committee of our organization.

I have read the Forest Service Wild and Scenic River Study Report on the Chattooga, and concur with their recommendation that this is a river which definitely deserves to be added to the System. I might add that I did see the film "Deliverance," which was, as you know, filmed on the Chatooga, and from what I could see of the river in the film, it certainly compares favorably with those rivers in the Wild and Scenic River System, and with rivers in the study category which I have experienced first hand.

Therefore, I urge you to act on S. 2385, thereby hastening the day when this exceptional river receives the protection it deserves. Such action will assure that the Chatooga will remain as exciting and beautiful as it is now, for the enjoyment and enrichment of generations to come.

In closing, I would like to mention another river which will not be available in the future. I speak of the Coosawattee River of Georgia, which is dammed by the Corps of Engineers. This is the river about which James Dickey was actually writing in his book "Deliverance." (The Chattooga was the site of the filming.) In just a short time, the Coosawattee will be drowned by its own waters, backed up behind a huge earthen dam. It is doubtful that the dam can be stopped, although some valiant people are fighting it. I deeply regret that this esteemed Subcommittee will probably not have the opportunity to save both of America's "Deliverance" rivers.

Again, thank you for the opportunity to speak to you in support of S. 2385.

Senator HASKELL. Mr. James Sharkey of Washington, D.C.

STATEMENT OF JAMES SHARKEY, ATTORNEY, WASHINGTON, D.C.

Mr. SHARKEY. I appreciate very much the opportunity to address the committee and testify on behalf of Senate 184. In view of the statements submitted by Senator Stevens and the U.S. Department of Interior that they have no objections to the enactment of the bill, I would just like to have placed in the record my statement in support of the bill.

Senator HASKELL. Your statement will be received and printed.

Mr. SHARKEY. I would like to make a correction on page 3 of the statement where the word "satisfactory" should be corrected to read "unsatisfactory."

Other than that, Mr. Chairman, I am available for questions.

I would state this to the committee, that the Gospel Missionary Union does continue its charitable purposes, even though the Minfield Home for Children has been closed down. This would include youth camps for children in the area; these camps are free; they have various activities for the elderly. So that any money they might receive from the resale of the home they own on this particular land would be going for charitable purposes of this type.

Senator HASKELL. I understand that you stated that Senator Stevens is the sponsor of the bill and the Department of Interior has no objections to this particular bill. It would sound to me as if—I have not heard anybody oppose it so far, so I see no reason why the committee should not act on it favorably.

Mr. SHARKEY. I thank you very much, Mr. Chairman.

Senator HASKELL. Thank you.

[The prepared statement of Mr. Sharkey follows:]

23-227 O - 73 - 7

STATEMENT OF JAMES T. SHARKEY, ESQUIRE ON BEHALF OF THE GOSPEL MISSIONARY UNION BEFORE THE SENATE PUBLIC LANDS SUB-COMMITTEE OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS CONCERNING S.184, A BILL TO AUTHORIZE AND DIRECT THE SECRETARY OF THE INTERIOR TO SELL INTERESTS OF THE UNITED STATES IN CERTAIN LANDS LOCATED IN THE STATE OF ALASKA TO THE GOSPEL MISSIONARY UNION.

Gentlemen:

I am a partner in the law firm of Davidson, Sharkey and Cummings with offices at 1700 K Street, Northwest, District of Columbia. Our law firm is associated with the firm of Davidson, Engstrom & Evans in Juneau, Alaska. In early 1969, our firms were retained to assist the Gospel Missionary Union in resolving its plight resulting from the 1958 deed by the United States of .22 acres of land to the Minfield Children's Home, Inc.

By way of background, I understand that in 1934 or 1935, Minnie Field established a children's home on a tract of land on which she had established a homesite. This land was adjacent to Lot 14, the tract involved in S. 184. An access road to her lot was built through Lot 14, U. S. Survey No. 3053, which was then under the jurisdiction of the Forest Service as part of the Tongass National Forest. Forest Service also issued a cultivation permit to Minnie Field for Lot 14. When Minnie Field died in 1951 her property was bought by Peter Nickles, of a local religious group, which continued to operate the boarding home for children. A Forest Service cultivation permit for Lot 14 was issued to Mr. Nickles. In 1954 the owners and operators of the children's home incorporated as the Minfield Children's Home, Inc. A special

land use permit for Lot 14 was issued to the Home by Bureau of Land Management (the tract having been eliminated from the Tongass National Forest in 1952). In 1958 the .22 acres involved in this bill were patented to the Minfield Children's Home, pursuant to the provisions of the Recreation and Public Purposes Act (43 U.S.C. 869-869-4) for $70. The patent provides that for a period of 25 years, should the land be transferred or cease to be used "for care and training purposes", title shall revert to the United States.

In 1962 the Minfield Children's Home, Inc. was dissolved. It transferred all of its property to the Gospel Missionary Union, a nonprofit corporation, with the right to use the name Minfield Home. The same person controlled and operated the land.

In 1968 the Minfield Children's Home closed its boarding home for children and the land was vacated, except for a custodian. The reason given was that the operators could not provide the required staffing and meet building requirements for re-issuance of their State license.

On January 1, 1969, the Gospel Missionary Union transferred custodial control of the lands and buildings on both Lot 14 and the adjacent property under a contract agreement providing for eventual sale. When the property was being operated as a public service enterprise it was exempt from taxation. It is now being taxed by the Greater Juneau Borough. The Gospel Missionary Union has no method of raising funds with which to pay such taxes and now seeks to dispose of the land and improvements. The change of use brings the reverter provision of the patent to the Minfield Children's Home, Inc. into operation. The reverter provision does not take effect, however,without affirmative

action by the Federal Government; thus, the patent is still intact.

Starting in 1969, we determined that there were two routes opened to the Gospel Missionary Union. One was a special enactment of Congress (a Private Bill). The other method was to deal with the Department of Interior itself which proved wholly unsatisfactory and our client determined that a Private Bill was the only solution. S.184 is a result of that decision.

The Gospel Missionary Union has now transferred title to all land at the Minfield Home with the exception of the .22 acres covered by this Bill. The Gospel Missionary Union is presently a functioning charitable organization with ongoing charitable projects. The proceeds from the completed sale are being used by the Union for charitable purposes. If S.184 is enacted into law, the Union will convey the .22 acres and since Section 2 of the Bill requires the Union to pay to the Secretary of Interior an amount equal to the fair market value of the land, it is not expected that any significant funds will be retained by the Union. To the extent any proceeds of the land sale are retained by the Union, they also will be used for charitable purposes.

As pointed out above, the land on which the Home is located, constituted a tax liability and financial drain to the Union after the Home was closed. The Union had no choice but to sell the land which is owned in fee simple. Moreover, the Union believes that it is morally committed to seek a release of the reverter provision in the 1958 deed and convey good title to the purchasers. During the several

years we have worked on this problem, Senator Stevens has taken the time to become personally familiar with the plight of the Gospel Missionary Union and it is through his efforts that the Bill now reaches your Committee for its consideration.

On behalf of the Gospel Missionary Union, I respectfully urge this Committee to report favorably on it.

James T. Sharkey

Senator HASKELL. The committee is adjourned but the hearing record will stay open for 2 weeks.

[Thereupon, at 11:30 a.m., the hearing was adjourned.]

APPENDIX

[Under authority previously granted, the following statements and communications were ordered printed:]

MILLER & KNUDSON,
ATTORNEYS AT LAW,
Coeur d'Alene, Idaho, October 4, 1973.

Re S. 2343.

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

GENTLEMEN: My correspondence to you has to do with your consideration of Senate Bill No. 2343, which I understand will be presented for Committee hearings commencing on or about October 10.

This Bill has to do with authorizing the Secretary of the Interior to convey by quitclaim deed certain property to the City of Coeur d'Alene, Kootenai County, State of Idaho.

The purpose of such a conveyance is to eliminate a restriction on this land (which was included in the conveyance to the City of Coeur d'Alene in 1904), restricting its use to that of a public park exclusively.

A summary of the relevant facts for your consideration is as follows:

(1) The land in question was acquired by the City of Coeur d'Alene in April, 1904, by Act of Congress, which restricted its use to that of a public park.

(2) Subsequently, and in July, 1940, and because the particular land in question was not suited by reason of its location to public park usage by the City, the City was able to utilize it in a property exchange with the Spokane, Coeur d'Alene and Palouse Railway Company to obtain land owned by the Railway Company much more suitable for park purposes.

(3) As part of the consideration for this exchange, the City of Coeur d'Alene became obligated to the Railway Company to secure, if possible, an Act of Congress deleting the park restrictive use and confirming an unrestricted title to be passed to the Railway Company by the city.

(4) The interests of the Railway Company have been succeeded to by the Burlington Northern, and, to this date, the clearing of the title by the City of Coeur d'Alene has not been accomplished.

(5) The city has authorized me to pursue its obligation in obtaining the necessary Act of Congress.

As and for confirmation of the foregoing statements, I submit herewith copies of the following:

1. Title Report of the Panhandle Title Company No. 61757;
2. Act of Congress of April 28, 1904;
3. Deed of the City of Coeur d'Alene to the Railway Company;
4. Resolution of the City of Coeur d'Alene of July 15, 1940;
5. Publication of the Resolution in the Coeur d'Alene Press on June 19, 26 and July 3, 1940.

Because this exchange of property enabled the City of Coeur d'Alene to obtain a much more desirable park property directly fronting Lake Coeur d'Alene, the purpose of the Act of Congress of 1904 has most certainly been accomplished.

In order that the city may fulfill its bargain in making the exchange, it is respectfully requested that the Committee act favorably on the subject bill and recommend its passage.

Your consideration is most sincerely appreciated and if there might be further information or documentation required please advise and I will do my utmost to obtain the same.

Respectfully,

J. T. KNUDSON.

PANHANDLE TITLE CO.,
Coeur d'Alene, Idaho.

K.B.C. REALTY:

We are prepared to issue Title Insurance (The Title Insurance Company) in the standard coverage ALTA Single Form Policy form insuring the title to the land hereinafter described.

Dated as of April 7, 1972 at 9 a.m.

CUSSELL E. MCCOLLUM, *Title Officer.*

Vestee: Burlington Northern Inc., a Delaware Corporation.

Description: A triangular shaped tract of land lying in the NE corner of Government Lot 48, Section 14, Township 50 North, Range 4 W.B.M., Kootenai County, State of Idaho, bounded on the West by the Northwest Boulevard, and on the North by Garden Avenue.

Subject to:

1. Rights or claims of persons in possession or claiming to be in possession, easements, liens or encumbrances including material or labor liens, which are not shown by the public records; reservations in patents or state grants; or in acts authorizing the issuance thereof; mineral rights, water rights, claims or title to minerals or water.

2. Questions of location, boundary and areas; overlaps and encroachments by improvements belonging to these or adjoining premises; all dependent upon actual survey for determination.

3. Assessments which are not shown as existing liens by the public records; taxes not yet payable; pending proceedings for vacating, opening or changing streets or highways preceding entry of the final ordinance or order therefor.

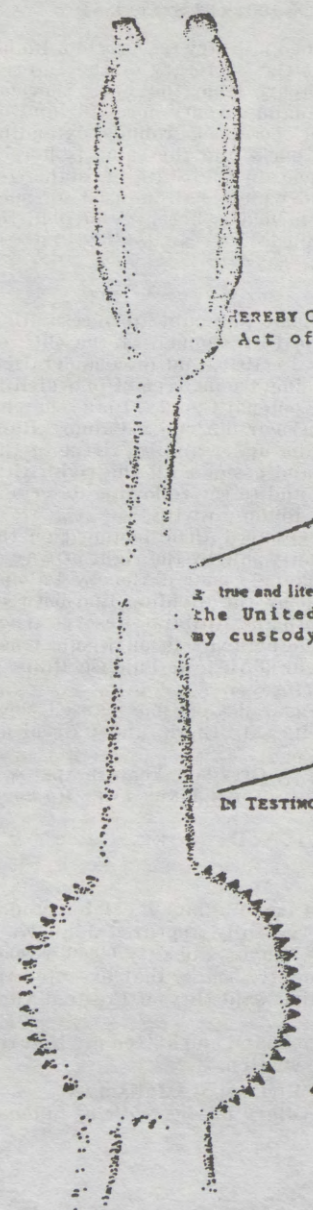
4. General taxes for the year 1972, which are a lien, payable on or before December 20 of said year.

5. The effect of the following as contained in the Act of Congress of April 28, 1904 (33 Stat. 485), a certified copy of which was recorded October 26, 1970 as Instrument No. 571518, records of Kootenai County, Idaho, which recites: "is hereby granted and donated to the town of Coeur d'Alene, in the State of Idaho, for the use of said municipality as a public park, and which shall be used for such purpose exclusively. The title of said land so detached is hereby vested in the town of Coeur d'Alene for the purposes above specified."

6. Lease dated February 20, 1940, by and between the City of Coeur d'Alene, a municipal corporation, to Jim Thornton, lessee, from the 20th day of February 1940 to the 20th day of February 1950, as recorded June 3, 1940 in Book F of Leases, page 181, records of Kootenai County, Idaho. The successor in interest to Jim Thornton is Margaret Johnson.

7. Trust deeds or mortgages heretofore executed by Burlington Northern, Inc., and of record in the office of the Recorder of said county, the lien of which may have attached to said land on acquisition thereof by the insured under provision of such trust deeds or mortgages concerning after acquired property.

8. We find no patent of record covering this property. This report is issued and accepted upon the assumption that a patent has been issued and when recorded will complete the chain of title and subject to any reservations therein.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO LAND OFFICE
ROOM 334, FEDERAL BLDG.
550 W. FORT ST.
BOISE, IDAHO 83702

October 22, 1970

I HEREBY CERTIFY That the annexed copy of a portion
Act of Congress of April 28, 1904 (33 Stat.

is a true and literal exemplification of page 485 of Volume 33
the United States Statutes-at-Large, which is
my custody in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and
caused the seal of this Office to be affixed,
at Boise, Idaho
on the day and year above written.

(Certifying Officer)
Orval G. Hadley

GPO 668-167

EXCERPT FROM ACT OF CONGRESS OF APRIL 28, 1904 (33 STAT. 485)

For pay of a custodian of Fort Sherman abandoned military reservation, Idaho, four hundred and eighty dollars: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to set apart from the Fort Sherman abandoned military reservation in the State of Idaho, twenty acres of land on the southeast corner thereof, immediately west of the depot grounds, extending forty rods along the lake front and eighty rods back, and the same is hereby granted and donated to the town of Coeur d'Alene, in the State of Idaho, for the use of said municipality as a public park, and which shall be used for such purpose exclusively. The title of said land so detached is hereby vested in the town of Coeur d'Alene for the purposes above specified.

DEED

KNOW ALL MEN BY THESE PRESENTS, That pursuant to a resolution unanimously adopted at a regular meeting of the City Council of the City of Coeur d'Alene, Kootenai County, Idaho, held July 15, 1940, and in consideration of the sum of One Dollar and other valuable considerations, receipt of which is hereby acknowledged, the City of Coeur d'Alene, Kootenai County, Idaho, hereby releases and forever quit claims to the Spokane, Coeur d'Alene & Palouse Railway Company, a corporation organized and existing under and by virtue of the laws of the State of Washington, its successors and assigns, all the right, title and interest of the said City of Coeur d'Alene, in and to the following described lands and premises situated in Kootenai County, Idaho, to wit:

That triangular tract in the said City of Coeur d'Alene bounded on the northerly end by Garden Avenue, on the westerly side by the right of way of the electric railroad (now owned by the Spokane, Coeur d'Alene & Palouse Railway Company) and on the easterly side by the dividing line between Government Lots 48 and 49 of Fort Sherman Military Reserve (now abandoned) excepting the right of way for the highway through said tract.

To have and to hold to the said Spokane, Coeur d'Alene & Palouse Railway Company, a corporation, its successors and assigns forever.

IN WITNESS WHEREOF the said City of Coeur d'Alene has caused these presents to be signed by its Mayor, attested by its City Clerk, and its seal affixed, this ____ day of _____, 1940.

CITY OF COEUR D'ALENE,
By JOHN KNOX COE, *Mayor.*

Attest:

P. N. PANABAKER, *City Clerk.*

STATE OF IDAHO,
County of Kootenai, ss:

On this ____ day of _____, 1940, before me, William B. McFarland, a Notary Public in and for the State of Idaho, personally appeared John Knox Coe and P. N. Panabaker, known to me to be the Mayor and City Clerk respectively of the City of Coeur d'Alene, Kootenai County, Idaho, that executed the foregoing instrument, and acknowledged to me that said City of Coeur d'Alene executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

[SEAL]

WILLIAM B. MCFARLAND,
Notary Public, State of Idaho.

My Commission expires July 29, 1942.

RESOLUTION

WHEREAS, there was included in the grant by Congress to the City of Coeur d'Alene, of a part of Lot 48 of Fort Sherman Military Reserve (now abandoned), an isolated triangular tract in the City of Coeur d'Alene bounded on the northerly end by Garden Avenue, on the westerly side by the right of way of the electric railroad (now owned by the Spokane, Coeur d'Alene & Palouse Railway Company) and on the easterly side by the boundary line between government Lots 48 and 49 of said Military Reserve, and

WHEREAS, the said tract is now intersected by the relocated highway known as the Gibbs By-pass, so as to leave a small triangular tract easterly of the said

highway, and a narrow, irregular shaped tract westerly thereof, each situated between the highway and the ownership of the Spokane, Coeur d'Alene & Palouse Railway Company, and

WHEREAS, the said land has not been used for park purposes and is incapable of any municipal use, and

WHEREAS, the said Railway Company has rights in the lake shore fronting on the City Park in said Government Lot 49, which the City of Coeur d'Alene desires to acquire, and

WHEREAS, an exchange of the said properties is deemed advantageous to the City of Coeur d'Alene, and

WHEREAS, the City Council of the City of Coeur d'Alene duly, regularly and unanimously adopted a resolution of intention to make such exchange of property with the said Railway Company at a meeting of the City Council held on June 11, 1940, and such ____ and ____ thereof was duly and regularly published in the official newspaper of said city, the Coeur d'Alene Press, in the manner and for the time provided by law, and this being the time and place designated in said notice at which anyone interested may appear and be heard, and there having been no objections made or filed herein protesting or objecting to such exchange.

NOW BE IT RESOLVED that the City of Coeur d'Alene exchange all its rights in the above described tracts of land for the rights of the said Railway Company in said lake frontage, and pay to the said Railway Company in addition, the sum of $250.00; and that the Mayor and City Clerk of the City of Coeur d'Alene be and they are hereby authorized on behalf of the City to execute the necessary conveyance.

The property which the Spokane, Coeur d'Alene & Palouse Railway Company is to acquire by such exchange is all the right, title and interest of the City of Coeur d'Alene in and to that triangular tract in the City of Coeur d'Alene bounded on the northely end by Garden Avenue, on the westerly side by the right of way of the electric railroad (now owned by the Spokane, Coeur d'Alene & Palouse Railway Company) and on the easterly side by the dividing line between Government Lots 48 and 49 of Fort Sherman Military Reserve (now abandoned), excepting the right of way for the highway through the said tract.

The property which the City of Coeur d'Alene is to acquire is all the interest of the Spokane, Coeur d'Alene & Palouse Railway Company in that part of Government Lot 49 of the Fort Sherman Military Reserve (now abandoned) in the City of Coeur d'Alene, Idaho, situated southerly of the land heretofore relinquished by the Spokane, Coeur d'Alene & Palouse Railway Company to the City of Coeur d'Alene, which relinquishment is recorded in Book 96, page 2, of Deeds, in the office of the County Recorder of Kootenai County, Idaho, and situated westerly of a line parallel to and 310 feet east of the west boundary of said Government Lot 49, with the right to construct and maintain a fill between the said easterly boundary and the spur track of the said Railway Company situated approximately twenty feet to the east thereof, said fill not to exceed the sub grade track elevation and to be provided by the City of Coeur d'Alene with an adequate drainage to the Lake, and

BE IT FURTHER RESOLVED that the City of Coeur d'Alene do all in its power to secure an act of Congress confirming the title of the Railway Company to the land to be relinquished to the Railway Company as aforesaid.

Unanimously passed the City Council this 15th day of July, 1940.

[SEAL] JOHN KNOX COE, *Mayor.*

Attest:

P. N. PANABAKER, *City Clerk.*

CERTIFICATE

STATE OF IDAHO,
County of Kootenai, ss:

I, the undersigned duly elected, qualified and acting City Clerk of the City of Coeur d'Alene, Kootenai County, Idaho, do hereby certify that the annexed is a true and correct copy of the resolution unanimously adopted by the City Council of the City of Coeur d'Alene at a regular meeting held on July 15, 1940.

P. N. PANABAKER, *City Clerk.*

RESOLUTION OF INTENTION TO EXCHANGE PROPERTY BY THE CITY OF COEUR D'ALENE WITH THE SPOKANE, COEUR D'ALENE & PALOUSE RAILWAY CO.

WHEREAS, there was included in the grant by Congress to the City of Coeur d'Alene of a part of lot 48 of Fort Sherman Military Reserve (now abandoned) an isolated triangular tract, in the City of Coeur d'Alene, bounded on the northerly end by Garden Avenue, on the westerly side by the right of way of the electric railroad (now owned by the Spokane, Coeur d'Alene & Palouse Railway Company), and on the easterly side by the boundary line between Government lots 48 and 49 of said Military Reserve, and,

WHEREAS, the said tract is now intersected by the relocated highway, known as the Gibbs By-Pass, so as to leave a small triangular tract easterly of the said highway and a narrow irregular shaped tract westerly thereof, each situated between the highway and the ownership of the Spokane, Coeur d'Alene & Palouse Railway Company, and,

WHEREAS, the said land has not been used for park purposes and is incapable of any municipal use, and

WHEREAS, the said Railway Company has rights in the lake shore fronting on the City Park in said Government lot 49, which the City of Coeur d'Alene desires to acquire, and,

WHEREAS, an exchange of the said properties, on the basis hereinafter named, is deemed advantageous to the City of Coeur d'Alene.

NOW, THEREFORE, it is resolved by the Council of the City of Coeur d'Alene that is the intention of the City Council to exchange all rights of the City of Coeur d'Alene in and to the tracts hereinabove and hereinafter described for the rights of the Spokane, Coeur d'Alene & Palouse Railway Company in said lake frontage, the City of Coeur d'Alene to pay to the said Railway Company, in addition two hundred and fifty ($250.00) dollars.

The property which the Spokane, Coeur d'Alene & Palouse Railway company is to acquire by the said exchange is all the right, title and interest of the City of Coeur d'Alene in and to that triangular tract in the City of Coeur d'Alene, bounded on the northerly end by Garden Avenue, on the westerly side by the right of way of the electric railroad (now owned by the Spokane, Coeur d'Alene & Palouse Railway Company) and on the easterly side by the dividing line between Government losts 48 and 49, of Fort Sherman Military Reserve now abandoned), excepting the right of way for the highway through the said tract.

The property which the City of Coeur d'Alene is to acquire is all interest of the Spokane, Coeur d'Alene & Palouse Railway Company in that part of Government lot 49 of the Fort Sherman Military Reserve (now abandoned), in the City of Coeur d'Alene, Idaho, situated southerly of the land heretofore relinquished by the Spokeane, Coeur d'Alene & Palouse Railway Company to the City of Coeur d'Alene, which relinquishment is recorded in Book 96, Page 2 of Deeds, in the office of the Recorder of Kootenai County, Idaho, and situated westerly of a line parallel to and 310 feet east of the west boundary of said Government lot 49, with the right to construct and maintain a fill between the said easterly boundary and the spur track of the said Railway Company situated approximately 20 feet to the east thereof, such fill not to exceed the subgrade track elevation and to be provided with adequate drainage to the Lake.

In addition to the consideration above named, the City of Coeur d'Alene will agree with the said Railway Company to make diligent effort to secure an Act of Congress confirming the title of the Railway Company to the land to be relinquished to the Railway Company as aforesaid.

The 15th day of July, 1940, at 7:30 p.m., at the Council Chambers, at the City Hall, Coeur d'Alene, Idaho, is hereby fixed as the time and place for hearing upon this resolution and the exchange of properties hereby proposed, at which time and place anyone interested may appear and will be heard.

The Clerk of the City of Coeur d'Alene is hereby directed to give notice of this resolution and of the said hearing by publishing a copy hereof in the Coeur d'Alene Press once each week for at least two successive weeks prior to the raid hearing.

Unanimously passed the City Council this 11th day of June, 1940.

JOHN KNOX COE, *Mayor.*

Attest:

P. N. PANABAKER, *City Clerk.*

DIAMOND INTERNATIONAL CORP.,
Coeur d'Alene, Idaho, October 8, 1973.

Senator FLOYD HASKELL,
Chairman, Subcommittee on Public Lands.
c/o Senator JAMES MCCLURE,
Dirksen Building,
Washington, D.C.

DEAR SENATOR HASKELL: It is our understanding your committee will soon hold a hearing on land disputes with private and public agencies.

We have a problem on a parcel of land, we purchased in 1926, and is also claimed by the Bureau of Land Management. We have paid property taxes on this parcel since that date. We have attempted to clear title since 1964, having exhausted all available means. Idaho Senator James McClure has been most helpful and has a complete file on this matter.

Any assistance your committee might be able to provide in this matter would be greatly appreciated.

Sincerely,

FRANK J. FAVOR,
Timber and Lands Manager.

DIAMOND INTERNATIONAL CORP.,
Coeur d'Alene, Idaho, October 19, 1973.

Senator FLOYD HASKELL,
Chairman, Subcommittee on Public Lands, Senate Interior and Insular Affairs Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR HASKELL: Please refer to my letter of October 8th on the matter of our land dispute, with the Bureau of Land Management, which is before your subcommittee. My letter failed to explain the more important details of the case.

The Bureau of Land Management case rests on two points:

(1) That the land was offered to them May 16, 1900, even though they never followed up by providing Mr. Hammond with in lieu or resettlement land; a directive by the U.S. Land Office September 22, 1919 (copy attached) rejects and canceled the selection. I am also including a copy of our letter to Senator Jordan which details the chain of events.

(2) Diamond could have applied for relief under the July 6, 1960 (74 Stat. 344). Diamond purchased the land in question December 23, 1926, and filed the deed and a copy of the U.S. Land Office 1919 letter on January 4, 1927. Diamond has kept the taxes current since that date and therefore did not have reason to seek relief through this law.

We believe this matter is a brazen attempt by the Bureau of Land Management to confiscate private property through a loophole. It seems ironic that this problem could not develop between two private citizens. However, since one of the parties is an agency of the U.S. Government the picture is intensely changed.

Accept my apology for not covering this more thoroughly in my previous letter. Again thank you in advance for any help or assistance in the matter.

Sincerely,

FRANK J. FAVOR,
Timber and Lands Manager.

DIAMOND INTERNATIONAL CORP.,
Coeur d'Alene, Idaho, February 1, 1972.

Senator LEN JORDAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: For the past several years Diamond International Corporation has been involved in a dispute with the Bureau of Land Management over ownership of a parcel of timberland in Bonner County that was purchased by the predecessor of Diamond International, the Diamond Match Company, in 1926.

So far we have been able to accomplish very little other than a large file of correspondence. Now, in spite of a memorandum issued by the Acting Director of the BLM in March of 1970 at the request of Congressman James McClure, which suspended further timber sales until the problem could be resolved, the BLM

has advertised the timber again. It is to be sold at public auction February 17, 1972 (see attached copy of Timber Sale Notice).

According to information available to me, a bill now in Congress, S–216, would provide relief for private citizens having such claims against the government. In view of this it would seem inappropriate to me that the BLM would be so anxious to sell the timber at this time. Once the timber has been removed the problem of a just settlement is going to be compounded.

Congressman James McClure has been working for some time in an effort to provide an equitable solution to this problem and it is my understanding that he is considering introducing a private bill in our behalf.

Any assistance or advice that you might be able to provide would be appreciated. We have also written Senator Frank Church regarding this property.

Attached is a very brief history of the property to help you see the situation. I just received a call from Congressman McClure's office requesting more background data which I should be able to provide by the end of the week. There are several things that took place in the history of this property that have gone unexplained but due to the passage of time there is no one left to provide the answers. We do feel however, that after purchasing the property and paying taxes on it for thirty years, we do have some valid claim to it.

Please let me know if you need more information.

Very sincerely yours,

JAMES E. BLAINE,
Northwest Timber and Lands.

Enclosures.

Legal description: Lot 5, Section 5, Township 57N, Range 3W B.M., Bonner County, Idaho—Originally conveyed by the U.S. to the Northern Pacific Railway Co.

February 27, 1900—N.P. RR conveyed to A. B. Hammond.

May 16, 1900—A. B. & Florence Hammond quit claimed to the U.S. in connection with a lien selection (No. 4198) pursuant to Act of June 4, 1897.

January 29, 1904—Tender of relinquishment not accepted, selection rejected and canceled of record by the U.S.

December 20, 1926—A. B. Hammond conveyed to C. E. Moulton.

December 23, 1926—C. E. Moulton conveyed to The Diamond Match Co.

Taxes paid:

1926–1951, Diamond Match Co.

1952–1966, State of Idaho (no one has been able to explain this).

1966—present Diamond International Corp.

October 1964: Opinion requested of U.S. Land office in Boise of possible U.S. interest.

Since that time there has been a great deal of correspondence between our attorney and the U.S. with the only result being that Diamond was charged $1,098.90 for timber removed from a road the company built across the property (which was paid under protest after notice of possible "further action" by the State office of the BLM) and the presently advertised timber sale which threatens to remove an estimated $6,870.15 worth of timber from the property and effectively reduce the resultant value of the property to nil.

We would be happy to furnish you with a copy of our complete file on the property if desired.

DIAMOND INTERNATIONAL CORP.,
JAMES E. BLAINE,
Northwest Timber and Lands.

FEDERATION OF FLY FISHERMEN,
Davis, Calif., October 16, 1973.

A Joint Letter to:
Senators HERMAN E. TALMADGE,
SAM NUNN, Georgia, and
Congressmen ROY A. TAYLOR, North Carolina,
PHIL M. LANDRUM, Georgia,
WILLIAM JENNINGS BRYAN DORN, and
JAMES R. MANN, South Carolina,
Congress of the United States,
Washington, D.C.

HONORABLE SIRS: The Federation of Fly Fishermen, an international confederation of fly fishing clubs and similar organizations as well as individual members in several categories, supports the enactment into law of S. 2385, Talmadge/Nunn, and H.R. 9492, Taylor/Landrum/Dorn/Mann, companion bills introduced in the 93d Congress, 1st Session, to designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes.

The assault of our modern civilization's technological demands on the environment threatens to overrun man's opportunities for healthful recreational enjoyment of its outdoor resources in their natural state. Such resources once destroyed or otherwise irreparably altered are no longer available and so man's outdoor recreational opportunities are diminished.

There is great need in the populous Eastern United States to preserve such environmental heritage for man today and for his future generations to come. The inclusion of the Chattooga River in the National Wild and Scenic Rivers System although relatively small in comparison to other inclusions elsewhere will nevertheless be a most valuable addition.

We compliment the national legislators from the states directly affected for their wise forethought in introducing these companion bills and urge their enactment into law by the 93d Congress. A copy of this letter is being sent to the Committee on Insular and Interior Affairs of both houses of Congress urging affirmation by all of the members thereof.

Sincerely,

RAY W. FISHER,
Conservation Chairman.

GEORGIA POWER CO.,
Atlanta, Ga., October 19, 1973.

Mr. JOEL FELDMAN,
Dirksen Building,
Washington, D.C.

DEAR JOEL: My only excuse is having been involved day and night with rate matters before the Georgia Public Service Commission, but I am finally enclosing a statement on behalf of the Company addressed to the Interior Committee relating to the Chattooga River.

Many thanks for your help.

Sincerely,

HAROLD C. MCKENZIE, JR.

STATEMENT OF HAROLD C. MCKENZIE, JR., VICE PRESIDENT, GEORGIA POWER CO., ATLANTA, GA.

Your present consideration of the inclusion of the Chattooga River in the Wild and Scenic Rivers Program is of great importance to the Georgia Power

Company. For a number of years this Company owned most of the land along the Chattooga River, both in South Carolina and Georgia, from the North Carolina line to Tugaloo Lake. A number of hydro-electric sites were identified along that river and its tributaries by the Southeast River Basin Commission, but the Company determined that the rugged and absolute beauty of this area was a very valid factor in determining whether or not those sites should be developed.

A number of years ago we concluded that, taking all relevant factors into account, that the hydro-electric sites should not be developed, and some four years ago we began discussions with the U.S. Forest Service with the hope of working out an arrangement whereby all of the Company's land on the Chattooga could be made available to the Federal government with the expressed desire that this would make possible the designation of the Chattooga as a wild and scenic river. We cooperated with and assisted the Forest Service in the preparation of its study of this stretch of the river while engaging in negotiations for an exchange of land owned by the government in other areas. As you know, these negotiations were successfully concluded over the past two years and resulted in a combination of an exchange and a sale of one tract.

By this brief recital of the history of our involvement with the Chattooga, we would like to make clear that it has been a longstanding corporate goal to contribute in every way possible to the preservation of the Chattooga River and its designation as a wild and scenic river. Having personally seen most of this stretch of the river from a raft or a canoe, or inadvertently from the water, I must add my personal feeling that there are few places in the world that rival this river for majestic grandeur, violent waters and tranquil beauty.

There is one strong note of caution which we would like to add to our wholehearted endorsement. This river is quite dangerous and is no place for a novice either on foot or on water. It is absolutely essential that a way be provided at the earliest opportunity to control access to the river by persons either not equipped or not educated to handle its danger. In addition, controls need to be imposed on the volume of use to avoid damage to the natural beauty of the area. We have voiced these concerns to the Forest Service at every opportunity and could not let this opportunity pass to renew them.

We respectfully request that this statement be made a part of the record in the Committee's hearings and given serious consideration. Again we enthusiastically support and request the designation of the Chattooga River as a Wild and Scenic River.

GREENVILLE COUNTY PLANNING COMMISSION,
Greenville, S.C., October 15, 1973.

SENATE INTERIOR COMMITTEE,
Subcommittee on Public Lands, U.S. Senate,
Washington, D.C.

GENTLEMEN: This letter is in support of Senate Bill #2385 calling for the addition of the Chattooga River to the National Wild and Scenic Rivers System. As a professional planner I know full well the future demand for wilderness areas in rapidly urbanizing regions. As an outdoorsman and white water canoeist I know the Chattooga River well and personally feel very strongly that its wild and beautiful character must be preserved by its addition to the National Wild and Scenic Rivers System. I strongly urge affirmative action by your committee and by the Senate on this urgent matter.

Please make this letter a part of the official hearing record.

Sincerely,

BERT A. WINTERBOTTOM.

○