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BIG CYPRESS NATIONAL PRESERVE

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

S. 334

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

S. 783

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

S. 920

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

H.R. 10088

A BILL TO ESTABLISH THE BIG CYPRESS NATIONAL PRESERVE IN THE STATE OF FLORIDA, AND FOR OTHER PURPOSES

MARCH 21 AND 22, 1974

PART 1

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

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BIG CYPRESS NATIONAL PRESERVE

THURSDAY, MARCH 21, 1974

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

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

Present: Senators Bible, Jackson, Johnston, Hansen, and McClure.

Also present: Jerry T. Verkler, staff director; James P. Beirne, special counsel; and Maureen Finnerty, administrative assistant for the minority.

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

Senator BIBLE. The hearing will come to order.

The hearing today will consider four measures dealing with protection for the Everglades-Big Cypress ecology. S. 783, S. 334, S. 920, and H.R. 10088 all address this problem which has been before this committee since the 91st Congress.

The bills involve various methods of acquisition and slightly different acreages.

A vital factor in the Big Cypress ecosystem is the slope of the land. This results in exceedingly slow drainage which extends the wet months beyond the period of actual rainfall.

The underneath flatness makes sheet flows, thus a water level change of only a few inches oftentimes affects thousands of acres. Much of those acres stand under water for as long as 4 months after the rainfall ceases. During the normal dry season about one-tenth of the land remains inundated. This is a natural watershed storage area and supplements the manmade areas.

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

I know from my own mail and various communications I have otherwise received of the intense interest that there is in this particular area of Florida. I know the area reasonably well; I have been there many times.

Due to a previous commitment before the Appropriations Committee, I will be unable to remain for the entire hearing and the distinguished Senator from Louisiana has agreed to conduct these hearings.

I realize that the issues are complex, but I would suggest that, to the greatest extent possible, the witnesses attempt to specify particular problems which they see and propose their alternatives so we can accommodate all the witnesses.

At this point copies of the bills and the departmental reports shall be made a part of the record.

[The bills and departmental reports follow:]

93D CONGRESS
1ST SESSION

S. 334

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1973

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds—

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

(b) the Big Cypress is a fragile area, ecologically interlocked with Everglades National Park and the continued viability of Everglades National Park and certain

of the estuarine fisheries of south Florida are directly dependent upon fresh water of adequate quality and volume from the Big Cypress area; and

(c) appropriate measures must be taken by the United States and the State of Florida to assure the conservation of fresh water from the Big Cypress area.

It is, accordingly, the purpose of this Act to provide for the protection of the Big Cypress area and for appropriate uses thereof through cooperative action by the Federal Government and the State of Florida.

SEC. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Big Cypress National Fresh Water Reserve, Florida", numbered BC–91,001, and dated November 1971, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance with the provisions of

this section: *Provided,* That the boundaries of the area may not encompass more than five hundred and forty-seven thousand acres of privately owned land. Property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsist-

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

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

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

to this Act for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement shall contain provisions which, as applied to the area within the reserve, will limit or control the use of the lands and waters therein for the purposes of motorized access, exploration for an extraction of oil, gas, and other minerals, grazing, draining, or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, new construction of any kind, and such other uses as the Secretary determines must be limited or controlled in order to carry out the purpose of this Act: *Provided, however,* That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation

with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, the Secretary may authorize members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

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

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

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FEB 15 1973

Dear Mr. President:

Enclosed is a draft of a bill "To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes", to which the President refers in his Environment and Natural Resources State of the Union Message transmitted to you today.

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

The bill authorizes the Secretary of the Interior to acquire lands, waters, and interests therein within an area depicted on a map on file with the Department. The area to be acquired, consisting of not to exceed 522,000 acres of private land and approximately 48,000 acres of publicly owned land, is to be known as the Big Cypress National Fresh Water Reserve.

The reserve is to be administered by the Secretary of the Interior in accordance with the laws applicable to the National Park System. However, the bill authorizes the Secretary to enter into an agreement with the State of Florida or a local government, pursuant to which it may manage and administer the lands acquired for the reserve, subject to the provisions and limitations of the bill. The Secretary is directed to permit hunting, fishing, and trapping within the reserve in accordance with applicable State and Federal laws. Section 5 of the bill authorizes the appropriation of such sums as may be necessary, but not to exceed $156 million for the acquisition of lands and interests therein.

Everglades National Park, authorized in 1934, represents one of the most unique ecosystems in the world. The biological values of the park however depend on fresh water supplies, and considerably more than half of the 1,400,533 acres within the authorized boundaries is dependent upon the Big Cypress for its supply of fresh water.

A vital factor in the Big Cypress-Everglades ecosystem is the almost imperceptible slope of the land. This results in exceedingly slow drainage, which extends the "wet months" well beyond the period of actual rainfall. A water level change of only a few inches ofttimes affects thousands of acres, and can seriously disrupt the food chain on which the larger animals in the park depend.

The Big Cypress Watershed serves as a natural water storage area, and supplements the man-made storage areas in conservation areas

one, two, and three, that are considered vital for the protection of an adequate fresh water supply for south Florida.

Aside from its water supply benefits, Big Cypress is a highly significant resource in itself. The Big Cypress is a wilderness of sloughs, tree islands (or hammocks), and bay and cypress heads. Cypress dominates, and gives the area its name. Large portions of Big Cypress have so far experienced little man-made disturbance. Nearly all the wildlife species native to semitropical Florida are contained within the watershed. Big Cypress provides important feeding, nesting, and wintering areas, as well as a resting place for migrating birds. Acquisition of the Big Cypress Swamp would preserve important habitat for at least nine species of wildlife determined by the Secretary of the Interior to be threatened with extinction. To species that have far wider ranges, Big Cypress, along with the adjacent Everglades National Park, serves as a stronghold or retreat.

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

A draft of an environmental impact statement, prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, was forwarded to your Committee during the 92d Congress, by letter dated February 4, 1972.

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

Sincerely yours,

Rogers C.B. Morton
Secretary of the Interior

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

Enclosure

A B I L L

To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, 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 Congress finds--

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

(b) the Big Cypress is a fragile area, ecologically interlocked with Everglades National Park and the continued viability of Everglades National Park and certain of the estuarine fisheries of south Florida are directly dependent upon fresh water of adequate quality and volume from the Big Cypress area; and

(c) appropriate measures must be taken by the United States and the State of Florida to assure the conservation of fresh water from the Big Cypress area.

It is, accordingly, the purpose of this Act to provide for the protection of the Big Cypress area and for appropriate uses thereof through cooperative action by the Federal Government and the State of Florida.

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SEC. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Big Cypress National Fresh Water Reserve, Florida", numbered BC-91-001, and dated November 1971, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance with the provisions of this section: Provided, That the boundaries of the area may not encompass more than 522,000 acres of privately owned land. Property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on

which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

SEC. 4. The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the Big Cypress National Fresh Water Reserve, and it shall be administered by the Secretary in accordance with the laws applicable to the National Park System, and in a manner consistent with the findings and purposes of this Act. The Secretary is authorized to enter into an agreement with the State of Florida, or any political subdivision thereof having jurisdiction over the lands, waters, and interests therein within the reserve, pursuant to which such State or political subdivision may agree to manage and administer any property acquired by the Secretary pursuant to this Act for the purpose of protecting the unique natural environment of the Big Cypress area. Any such agreement shall contain provisions which, as applied to the area within the reserve, will limit or control the use of the lands and waters therein for the purposes of motorized access, exploration for and extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, new construction of any kind, and such other uses as the Secretary determines must be

limited or controlled in order to carry out the purpose of this Act; Provided, however, that the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, the Secretary may authorize members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida to continue their usual and customary use and occupancy

of Federal lands and waters within the reserve, including hunting, fishing and trapping on a subsistence basis and traditional tribal ceremonials.

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

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

93D CONGRESS
1ST SESSION

S. 783

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1973

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect for the benefit, education, and recreational use of present and future generations the unique environment found in the Big Cypress Swamp area of southwestern Florida, in order to preserve Everglades National Park, which is dependent for more than half its surface water supply on water flowing from the Big Cypress Swamp, in order to preserve the fresh water supply and estuarine dependent fisheries of south Florida, and in order to assure the economic well-being and cultural integrity of the Micco-

sukee Tribe of Indians of Florida and Seminole Tribe of Florida, there is hereby established the Everglades-Big Cypress National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be as generally depicted on the map entitled "Everglades-Big Cypress National Recreation Area", numbered NRA–BC–91,000, and dated March 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary from time to time by publication of a revised map or other description in the Federal Register, but the total area within the recreation area shall not exceed five hundred and eighty-five thousand acres.

SEC. 2. (a) Within the boundaries of the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that property owned by the State of Florida or any political subdivision thereof may be acquired only with the consent of the owner. Federal property within the boundaries of the recreation area may, with the concurrence of the head of the agency having jurisdiction thereof, be transferred without reimbursement to the

administrative jurisdiction of the Secretary for the purposes of this Act.

(b) With respect to any property acquired pursuant to subsection (a) which in the Secretary's judgment is not essential for the protection, or administration of the recreation area in accordance with the purposes of this Act, the Secretary may take appropriate action to revest title to such property in the former owner.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for a definite term of not more than forty years or, in lieu thereof, for a term ending at the death of the owner, his spouse, or any of his designated heirs in being, whichever is later. The owner shall elect the term to be reserved; except that the right of use and occupancy of corporately owned property shall terminate at the end of forty years. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner incon-

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

(b) (1) As used in this Act the term "improved property" means a noncommercial residential detached one-family dwelling, construction of which was begun before January 1, 1973, a noncommercial residential campsite upon which improvements were undertaken before January 1, 1973, or a structure used for commercial purposes, construction of which was begun before January 1, 1973, and any such contiguous land which is in the same ownership as the dwelling, campsite, or commercial structure, together with any structures accessory to the dwelling, campsite, or commercial structure, which are situated on such land.

(2) A structure used for commercial purposes, construction of which was begun before January 1, 1973, and any further improvement or activities on "improved property" as definded in paragraph (1) of his subsection, shall be in compliance with regulations established by the Secretary of the Interior.

SEC. 4. Notwithstanding any other provision of law, the Secretary may acquire, by any of the methods set forth in section 2 (a) of this Act, lands, waters, and interests therein

outside the boundaries of the recreation area but within the State of Florida and exchange such property for property of approximately equal value within the boundaries.

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

(b) No additional access roads or canals shall be constructed within or leading to the recreation area, and no facilities for the care and accommodation of visitors shall be constructed or permitted other than on lands which, on the effective date of this Act, have been filled, dredged, built up, or otherwise permanently altered for construction purposes, it being the intention of this subsection that establishment of the recreation area shall in no way further adversely alter the natural ecology of the area.

SEC. 6. The Secretary shall permit hunting, fishing, and

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

SEC. 7. Notwithstanding any other provision of law, the Secretary may enter into cooperative agreements with the recognized tribal governing bodies of the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Flordia, for the construction and operation by such recognized Indian tribes, or their assigns, of revenue-producing facilities and services for visitors to the recreation area; except that the carrying out of such construction, operation, or services shall be subject to such standards, terms, and conditions as the

Secretary may establish, and may be conducted only at locations designated by the Secretary. Such agreements may provide that all or an appropriate portion of the net receipts may be retained by such Indian tribes or their assigns. Before entering into any other contract for the provision of revenue-producing visitor services or facilities for the recreation area, the Secretary shall give the governing bodies of such Indian tribes recognized by the United States ninety days in which to enter into a cooperative agreement pursuant to this section for the provision of such visitor services or facilities.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $ (February 1973 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

93D CONGRESS
1ST SESSION

S. 920

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1973

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds—

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

(b) the Big Cypress is a fragile area, ecologically interlocked with Everglades National Park and the continued viability of Everglades National Park and certain of the estuarine fisheries of south Florida are directly

dependent upon fresh water of adequate quality and volume from the Big Cypress area; and

(c) appropriate measures must be taken by the United States and the State of Florida to assure the conservation of fresh water from the Big Cypress area.

It is, accordingly, the purpose of this Act to provide for the protection of the Big Cypress area and for appropriate uses thereof through cooperative action by the Federal Government and the State of Florida.

SEC. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Big Cypress National Fresh Water Reserve, Florida", numbered BC–91–001, and dated November 1971, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance with the provisions of this section: *Provided,* That the boundaries of the area may

not encompass more than five hundred and twenty-two thousand acres of privately owned land. Property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall

terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

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

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

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the unique natural environment of the Big Cypress area. Any such agreement shall contain provisions which, as applied to the area within the reserve, will limit or control the use of the lands and waters therein for the purposes of motorized access, exploration for and extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter the natural water courses, agriculture, hunting, fishing, and trapping, new construction of any kind, and such other uses as the Secretary determines must be limited or controlled in order to carry out the purpose of this Act: *Provided, however,* That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after

consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, the Secretary may authorize members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

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

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

93D CONGRESS
1ST SESSION

H. R. 10088

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 1973

Read twice and referred to the Committee on Interior and Insular Affairs

AN ACT

To establish the Big Cypress National Preserve in the State of Florida, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof, the Big Cypress National Preserve is hereby established.

(b) The Big Cypress National Preserve (hereafter referred to as the "preserve") shall comprise the area generally depicted on the map entitled "Big Cypress National

Preserve", dated November 1971 and numbered BC–91,001, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Collier, Monroe, and Dade Counties in the State of Florida. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, publish a detailed description of the boundaries of the preserve in the Federal Register which shall include not more than five hundred and seventy thousand acres of land and water.

(c) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided,* That any lands owned or acquired by the State of Florida, or any of its subdivisions, may be acquired by donation only. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds.

SEC. 2. (a) Effective on the date that the State of Florida enters into a contract with the Secretary to expend

$40,000,000 for the acquisition of land within the preserve and to donate the land so acquired to the United States and in addition thereto agrees to donate to the United States all or any portion of the $40,000,000 that is not used by the State for such purpose, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the boundaries designated in section 1 of this Act, except as provided in subsection (c) of this section. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(b) The United States will pay just compensation to the owner of any real property taken by subsection (a) of this section and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States pursuant to the provisions of this Act. Payment shall be made by the Secretary of the Treasury from moneys available and appropriated from the Land and Water Conservation Fund, subject to the appropriation limitation contained in section 8 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6

per centum per annum from the date of taking to the date of payment therefor. Any action against the United States for just compensation for any lands or interests taken pursuant to this subsection shall be brought in the district court of the United States for the district in which such property is situated. In the absence of a negotiated agreement or an action by the owner within one year after the date of enactment of this Act, the Secretary may initiate proceedings seeking a determination of just compensation in the district court of the United States for the district in which the property is situated. In the event that the Secretary determines that fee title to any lands taken pursuant to this provision is not necessary for the purposes of this Act, he may, with the concurrence of the former owner, revest title in such lands to such owner subject to such terms and conditions as he deems appropriate to carry out the purposes of this Act and he may compensate the owner for no more than the fair market value of the rights so reserved: *Provided*, That the Secretary shall not revest title to any lands for which just and full compensation has been paid.

(c) This section shall not apply to any improved property as defined in subsection 3(b) of this Act: *Provided*, That the Secretary may, in his discretion, initiate eminent domain proceedings if, in his judgment, such lands are subject to, or threatened with, uses which are or would be

detrimental to the purposes and objectives of this Act. The district court of the United States for the district in which such property is situated shall have jurisdiction to hear evidence and determine just compensation for any lands taken pursuant to the provisions of this subsection.

SEC. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

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

(c) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101 (6) of such Act.

SEC. 4. (a) The area within the boundaries depicted on the map referred to in section 1 shall be known as the Big Cypress National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

(b) In administering the preserve, the Secretary shall develop and publish in the Federal Register such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to:

(1) motorized vehicles,

(2) exploration for and extraction of oil, gas, and other minerals,

(3) grazing,

(4) draining or constructing of works or structures which alter the natural water courses,

(5) agriculture,

(6) hunting, fishing, and trapping,

(7) new construction of any kind, and

(8) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act: *Provided*, That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the

United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

SEC. 6. Notwithstanding any other provision of law, before entering into any contract for the provision of revenue-producing visitor services, the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972, were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve subject to such terms and conditions as he may deem appropriate.

SEC. 7. Within five years from the date of the enactment of this Act, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $116,000,000 for the acquisition of lands and interests in lands and not to exceed $900,000 for development: *Provided,* That no Federal funds may be appropriated unless the State of Florida and the Secretary conclude and execute the agreement referred to in subsection 2(a) no later than ninety days after the date of enactment of this Act. Any funds donated to the United States pursuant to subsection 2(a) shall be added to the appropriations made pursuant to this section for the acquisition of lands.

Passed the House of Representatives October 3, 1973.

Attest: W. PAT JENNINGS,

Clerk.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAR 21 1974

Dear Mr. Chairman:

Your Committee has requested the views of this Department on S. 334 and S. 920, similar bills "To authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes." You have also requested our views on S. 783, a bill "To establish the Everglades - Big Cypress National Recreation Area in the State of Florida, and for other purposes", and on H.R. 10088, a bill "To establish the Big Cypress National Preserve in the State of Florida, and for other purposes", which passed the House of Representatives on October 3, 1973.

We recommend the enactment of either S. 920, the Administration's bill, which is identical to the proposal which was submitted to the Congress on February 15, 1973, or H.R. 10088, provided it is amended as set forth in the enclosure to this report. We recommend against the enactment of S. 334 and S. 783.

The need for preservation, through the acquisition of property, of the Big Cypress area in South Florida has been set forth in detail by the Administration in its recommendation to the 92d Congress and was reiterated by President Nixon in February of 1973, in his environmental message to the 93d Congress. We believe the preservation objectives can best be carried out under either S. 920 or H.R. 10088. A discussion of the major differences among the bill follows:

1. Area. All of the bills delineate for acquisition an area of approximately 570,000 acres. In addition, S. 783 would authorize a total area, by boundary changes, of not to exceed 585,000 acres. We believe 570,000 acres, which includes 522,000 acres of privately owned lands and 48,000 acres of publicly owned lands, is sufficient to accomplish the preservation purposes in the legislation.

2. Designation. S. 334 and S. 920 would designate the area as the Big Cypress National Fresh Water Reserve, whereas H.R. 10088 would designate the area as the Big Cypress National Preserve, and S. 783 would establish an Everglades - Big Cypress National Recreation Area.

JOHNNY HORIZON '76

Let's Clean Up America For Our 200th Birthday

While we prefer the designation as "national freshwater reserve", because it is more descriptive of the resource, we have no objection to the term "national preserve". We do object, however, to the designation of this area as a national recreational area, because the ecological values sought to be preserved within the Big Cypress area are not subject to the kinds of intensive development and use normally associated with national recreation areas. There will be, of course, recreation use by the public, but not to the extent normally associated with high-intensity public recreational developments.

3. Purposes. S. 334 and S. 920 provide that the purpose of the legislation is to provide for the protection of the Big Cypress area and for appropriate uses thereof through cooperative action by the Federal Government and the State of Florida. H.R. 10088 states as its purpose the assurance of the preservation, conservation, and protection of the national, scenic, hydrologic, floral and fauna, and recreational values of the Big Cypress Watershed and to provide for the enhancement and public enjoyment thereof. S. 783 states as its purposes the protection of the unique environment of the Big Cypress swamp, preservation of Everglades National Park, preservation of the fresh water supply and estuarine dependent fisheries of South Florida, and to assure the economic well being and cultural integrity of the Miccosukee and Seminole Tribes. We believe the congressional findings stated in S. 334 and S. 920 currectly identify the unique values of the Big Cypress and its relationship to Everglades National Park, as well as the estuarine fisheries of South Florida. This relationship is not clearly stated in H.R. 10088. We believe, also, that while the economic well being and cultural integrity of the two Indian tribes may constitute, in part, a result of this legislation, such assurance is not the major purpose that we propose be accomplished in recommending the enactment of legislation to protect the Big Cypress. We therefore prefer the language in S. 334 and S. 920.

4. Acquisition of property. S. 334 and S. 920 authorize the Secretary of the Interior to acquire lands and interests in lands by purchase, donation, or exchange. H.R. 10088 also authorizes such acquisition, as does S. 783. The latter two bills differ, however, from S. 334 and S. 920 in the following respects:

(a) H.R. 10088 provides for a legislative taking of all property within the boundary except improved property, effective on the date that the State of Florida enters into a contract with the Secretary to expend $40 million for the acquisition of land within the reserve and to donate the lands so acquired to the United States and to donate all or any portion of the $40 million that is not used by the State for such purpose.

(b) S. 783 authorizes the acquisition of property in the regular manner but, in addition, would permit the Secretary to revest title to any property to the former owner, and it authorizes the Secretary to acquire any property outside the boundaries but within the State of Florida for use in acquiring lands within the boundaries by exchange. H.R. 10088 would also provide the Secretary with similar revestment authority.

We strongly oppose the legislative taking provision of H.R. 10088. Legislative taking is a form of "backdoor" financing outside of the appropriation acts which results in uncontrollable budgetary obligations, and thus restricts the opportunity for efficient program management. It seriously hampers flexibility to follow an orderly acquisition schedule. It can result in greater acquisition costs due to the obligated interest payments at fixed rates which may exceed the inflation rates in the area during this same period. Further legislative taking reduces the opportunity for the most efficient use of available acquisition funds by requiring payment whenever a final judgment is rendered. Also, by creating instant contract authority, legislative taking would automatically give top priority to this area. However, other authorized funds from the same source are then assigned lesser priority regardless of any extenuating circumstances which may necessitate speedy acquisition to adequately preserve an area.

While a taking may be justified in some instances where an area is in immediate danger of irreparable harm and where funds are not available for purchase of that area, we do not believe these conditions exist in Big Cypress.

We strongly endorse enactment of the regular land acquisition authority as would be provided by S. 920. Under this authority the Secretary, upon enactment, would be authorized if necessary to acquire by eminent domain proceedings any property which is in immediate threat of development in derogation of the ecosystem within the Big Cypress area. Such action, if accompanied by a declaration of taking and the deposit in court of the estimated fair market value of the property taken, would vest title to the property in the United States.

If the Committee feels compelled, however, to impose the legislative taking provision in H.R. 10088, we would urge your consideration of the desirable technical improvements to the legislative taking provision of H.R. 10088, set forth in the enclosure to this report.

As to the revestment authority and acquisition authority outside of the boundaries, the revestment authority is not necessary where no legislative taking occurs, and authority to acquire property outside the boundaries for exchange purposes is too broad. We believe that such broad authority is not justified in this case.

5. Retained rights. S. 334, S. 920, and H.R. 10088 permit the owners of improved property to retain a right of use and occupancy for non-commercial residential purposes for a term of not to exceed 25 years or the life of the owner or his spouse. The term "improved property" is defined in these bills as a detached one-family dwelling construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes together with not to exceed 3 acres of land. S. 783, however, permits owners of improved property to retain such rights of use and occupancy for a term of up to 40 years or the life of the owner. In addition, that bill defines improved property to include (a) a noncommercial dwelling constructed before January 1, 1973, (b) a noncommercial residential campsite on which improvements were undertaken before January 1, 1973, or (c) a commercial structure constructed before January 1, 1973, together with all contiguous land in the same ownership.

The Congress has traditionally extended statutory rights of retained use and occupancy within areas of the National Park System only to the owners of noncommercial single family dwellings. We recommend that this practice be continued, and that the longer term of years and broader uses, which would be permitted in S. 783, not be adopted.

6. Regulations. S. 334 and S. 920 contain no specific direction as to the regulation of uses and properties within the reserve, except that the bills specify that any agreement entered into for administration of the area by the State of Florida must contain provisions which will limit or control the use of lands or waters for the purposes of motorized access, exploration for and extraction of oil, gas, and other minerals, grazing, draining or constructing works to alter natural water courses, agriculture, hunting, fishing, and trapping, and new construction of any kind. H.R. 10088 would direct the Secretary, to issue regulations providing for a limitation on or control of the foregoing uses. S. 783 would provide that the use of commercial property, any further improvement, or activities on improved property shall be subject to Secretarial regulations. In addition, S. 783 prohibits the construction of access roads

or canals within or leading to the National Recreation Area and it prohibits the construction of visitor accommodations on lands not already drained or otherwise altered.

We would adopt the provisions applicable to an agreement with the State under S. 334 and S. 783 as controlling any uses of the area in the regular course of our administration of the reserve. Therefore, we have no objection to the application of these provisions to Secretarial administration of the area as provided in H.R. 10088. We believe, however, that Secretarial regulation of commercial and improved property as authorized under S. 783 is not justified in the absence of the acquisition of an interest in such property. Of course, if an interest in the property were acquired, specific authority to regulate the use of that property would not be necessary. Similarly, the prohibition in S. 783 on access roads or canals "within or leading to" the area would only be effective as to the authority of the Secretary or another Federal agency to construct or permit the construction of such works. We question whether the prohibition would be effective outside the boundaries of the area with respect to private land.

7. Hunting, fishing, and trapping. All of the bills direct the Secretary to permit hunting, fishing, and trapping within the area in accordance with applicable Federal and State laws. Moreover, all of them permit members of the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida, subject to reasonable regulations, to continue their usual customary use and occupancy of Federal lands and waters, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

8. Preferential Indian rights. S. 334, S. 920, and H.R. 10088 generally provide that before entering into any contract for the provision of revenue-producing visitor services the Secretary shall offer those members of the Miccosukee and Seminole Indian tribes who on January 1, 1972, were engaged in the provision of similar services, an opportunity to continue providing such services. S. 783 authorizes the Secretary to enter into agreements with the tribal governing bodies of the two tribes for the construction and operation by such tribes, or their assigns, of revenue-producing visitor services, subject to standards approved by the Secretary and only locations designated by him. It also provides that the tribes may retain all or any portion of the net receipts from such activities, and it requires the Secretary to afford the tribes 90 days to enter into such an agreement before contracting with any other entity for the provision of revenue-producing visitor services or facilities.

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In this regard, we prefer the language of S. 334, S. 920, or H.R. 10088, because it appropriately recognizes existing visitor facilities and services which are provided now by members of the two tribes. We do not foresee the need for additional revenue-producing visitor facilities or services over and above those which are now provided by the tribes. Should the need arise, first consideration for providing such services and facilities would be extended to the tribes, commensurate with their ability to provide such services and facilities and we could enter into concession agreements for this purpose if appropriate.

9. Appropriations. S. 334 and S. 920 authorize not to exceed $156 million for the acquisition of lands and interests therein. H.R. 10088 authorizes not to exceed $116 million for the acquisition of lands and not to exceed $900,000 for development. S. 783 authorizes such sums as are necessary, but not to exceed an amount, to be supplied, for development, which amount may be increased or decreased by reason of ordinary fluctuations in construction cost.

The State of Florida has indicated that it will make available $40 million for land acquisition purposes in the Big Cypress area. We are currently working with the State on the terms of agreement whereby the State will either acquire and donate lands in this amount or donate whatever part of the $40 million which remains unexpended for land acquisition. The estimated cost of acquiring the private land within the proposed Big Cypress Reserve is $156 million which, less the $40 million offered by the State of Florida, can be reduced to $116 million, as provided in H.R. 10088. Because the State has made a firm commitment to provide this amount, we have no objection to the limitation in H.R. 10088 of $116 million for land acquisition. Development costs are estimated at approximately $900,000, which is also in accord with the figures in H.R. 10088.

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 Horton

Assistant Secretary of the Interior

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

Enclosure

AMENDMENTS TO H.R. 10088 - BIG CYPRESS PRESERVE

1. On page 2, line 18, change the period to a colon and insert the following:

> And provided further, That not withstanding the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Secretary (1) may accept donations of property acquired by the State of Florida prior to the effective date of this Act, with respect to which all payments and assistance and assurances have not been provided in accordance with section 210 and 305 of that Act, (2) may pay the State's share of payments and assistance and provide assistance and assurances otherwise required of the State under sections 210 and 305 of that Act, with respect to properties acquired by the State of Florida prior to the effective date of this Act, (3) may evaluate and accept an offer by any landowner without an appraisal, and (4) with respect to any property of 40 acres or less, need not afford the landowner the opportunity to accompany the Secretary's appraisal officer.

2. On page 4, line 21, after "to" insert "the mineral estate in any property, unimproved properties of 40 acres or less in area, or."

There are approximately 35,000 small landowners within the Big Cypress area which would be subject to acquisition under H.R. 10088. In addition to permitting the Secretary to accept property which the State of Florida has acquired prior to the effective date of the Act, the first amendment would relieve the Secretary of certain duties required of him under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Among other things, that Act requires that properties must be appraised, and once the appraisal is reviewed and approved by the acquiring agency, the amount offered as just compensation for the lands being acquired may not be less than their appraised fair market value. In order to expedite the acquisition of the many properties in the Big Cypress area this amendment would permit the Secretary to accept an offer of the sale without the necessity of having the property appraised. The Relocation Act, in addition, requires that the landowners be afforded the opportunity to accompany the Government's appraiser during the appraiser's inspection of the property. Because of the tremendous number of small landowners in the area, many of whom do not reside even within the State of Florida, it would be extremely difficult to comply with this requirement and attempts at compliance could materially delay the completion of the land acquisition program. Accordingly, the first amendment also absolves the Secretary from this requirement with respect to unimproved properties of 40 acres or less. Properties that are improved will generally involve landowners who reside in the area, and accordingly we do not anticipate difficulties with this group.

The second amendment exempts from the legislative taking all unimproved properties of 40 acres or less. The purpose of the legislative taking is to preserve as quickly as possible the existing critical environmental areas within the Big Cypress. Those properties of 40 acres or less in general have already been subdivided, whereas the great need exists to put a halt to subdivision of larger parcels. In addition, this amendment exempts from the taking the mineral estate in any lands within the Big Cypress area. The value of the mineral estate is impossible to determine at this time, and we believe that it is not necessary that the legislation provide for immediate acquisition of the mineral interests in order to preserve the Big Cypress ecosystem.

Senator BIBLE. I am happy to recognize as the leadoff witness, the distinguished Senator from Florida, Senator Gurney. Senator Gurney.

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

Senator GURNEY. Thank you, Mr. Chairman and Senator Johnston. I certainly know of the very keen interest and also wide knowledge of the Chairman in this, and I appreciate his going ahead with these hearings at this time.

Mr. Chairman and Senator Johnston, I am pleased and honored to appear before this committee to testify on behalf of S. 334, which would provide for the Federal acquisition of the Big Cypress Watershed.

Mr. Chairman, I first introduced legislation to effectuate this change in the 92d Congress. Since that time, I am pleased to note that this area has gained overwhelming support by the administration, the Department of Interior, and knowledgeable residents and organizations. At this time I would like to recap the importance and benefits of acquiring the Big Cypress Watershed.

The Big Cypress Watershed and the Everglades have remained relatively untouched by the effects of man for many years. It was not until early in the century when rapid development of Florida began, that an imminent danger, particularly to the disturbance of waterflows through the swampland, developed. Congress, long ago recognizing both the fantastic wildland resources that this entire region constituted and the threat to its preservation, authorized in 1934 the establishment of the Everglades National Park. By 1947, sufficient land was purchased to enable the opening of the park, however, portions outside this area, which were originally intended to be included in the park boundaries were not acquired.

Why is the Big Cypress Watershed so important to preserve? This question can simply be answered by one word—life. The Big Cypress Watershed is of vital importance to many forms of life which depend upon its natural resources.

Nearly all the wildlife species native to semi-tropical Florida are contained within the watershed. Animal life is diverse and abundant and some 17 animal species found in this area have been designated as rare or endangered. The large snowy egret, the American alligator, the Florida alligator, the Florida panther, the everglades mink, the Mangrove fox squirrel, the wood stork, and the roseate spoonbill are just a few of the species dependent upon the watershed for their continued existence.

The Big Cypress is also able to offer a wide variety of plant life. Nowhere outside the tropics are epiphytes or "airplants" as they are more commonly known, found in such abundance. These include orchids, different species of ferns, bromeliades and cypress trees. In fact, seven species of orchids are found nowhere else in the world.

But even if we overlook this unique natural phenomenon, we would still have to be concerned with the preservation of this area for an even more important reason—its importance to the existence of the inhabited Florida coastal communities.

As Florida grows and demands more water, the sustained natural existence of Big Cypress is required, simply to ensure that the proper quantity and quality of water is available to the citizens of south Florida.

Realizing the importance of this area remaining unimpaired, President Nixon, in 1971, expressed his keen interest by proposing legislation to acquire and preserve the Big Cypress Watershed. The continuing interest in such legislation, particularly in Florida where people are directly affected, clearly reflects the national significance of Big Cypress. More recently, as the importance of this area became apparent, the administration took a stronger position by pledging funds for acquisition of the Big Cypress in the 1975 budget and by its south Florida water supply. Unfortunately, because Congress has not acted upon enabling legislation which would authorize the acquisition of this area, the administration did not include these funds in the fiscal year 1975 budget. The State of Florida has by allocating $40 million in State funds recently begun acquisition of this area.

This $40 million can only secure a small portion of this area. It is for this reason I appear here today to ask that the committee take favorable and immediate action in passing this legislation so that Federal funds will become available to complete the purchase. As you are aware, there have been estimates that as much as $130 million more will be needed to acquire the 547,000 acres of valuable, precious resources.

Mr. Chairman, I am not here requesting that the Congress of the United States pass legislation authorizing the acquisition of a half a million acres of land which would cost the U.S. Government some several hundreds of millions of dollars in acquiring just real estate. Rather, I am suggesting that it is imperative that the Congress take immediate steps in supplying water to over 4 million Americans who live in the south Florida area. At the same time we protect Big Cypress through purchase, we guarantee millions of Americans the fresh water they need, and we provide for the continued existence of many endangered species and in large measure, we protect our vital offshore fishing industry.

Since we have now entered into a period when Congress has decided to practice fiscal restraint, one might well ask the question—do we really need to spend this type of money now? The only proper answer to such a question—and it is a good question—is that if we don't purchase the Big Cypress today, while it is still possible to preserve and protect it, we may very well find that, at some later date, we will have a mass of land whose ecological value and environmental importance has been destroyed. Such an error in timing would not only be a disaster to nature, but, would also be a disaster to mankind, the effects of which would be felt by generations to come, to millions of people who depend upon this area for one of the basic necessities of this area, water. Certainly, the results of not going ahead would be felt by generations to come.

Mr. Chairman, I would like at this time to discuss a proposal which I feel the committee should take into consideration in reporting our legislation to acquire this area.

I speak of reinbursement to those communities which in enlightened foresight took steps to preserve this area through their own

budgets. The members of the committee might recall that last year I submitted an amendment to the committee which would provide reimbursement to those communities which took leadership in acquiring portions of the Big Cypress for future inclusion into a Federal program for protecting this area. I hope that the committee will seriously consider this amendment.

Mr. Chairman, there are a few suggestions which I have offered in the hopes of dealing with the acquisition of this area as I truly feel that by working together the citizens of Florida and the Federal Government will take the appropriate and timely steps needed to secure this area.

Mr. Chairman, in concluding my testimony before the committee, I wish to emphasize that it is the purpose of S. 334 to secure for the American people of present and future generations, a valuable preserve, not just for the State of Florida, but one which will enhance the preservation of the ecosystem of the Southeastern United States.

The hearings on this proposal have been extensive and have served to underscore the overwhelming desire of residents and organizations to ensure the preservation of this area. All that is needed now is for Congress to pass this enabling legislation. I fully support this proposal and I feel that by acting on this measure immediately we will assure it the highest form of legislative protection.

Thank you, Mr. Chairman, for the courtesy you have extended me.

Senator BIBLE. Thank you, Senator Gurney.

Senator GURNEY. I realize the demands upon the Government for money are much, much more than we can tolerably satisfy at this particular time, but, Mr. Chairman, I think it is awfully important that we take the step in the legislation, in the enabling legislation, and then we can cut the money as we go along to fit our needs. With the whole National Park System. But I think it is absolutely imperative that we get on with the legislation which will acquire this Big Cypress swamp so that we can begin the acquisition within our fiscal means.

Senator BIBLE. Senator Gurney, I have no questions of you.

Senator JOHNSTON.

Senator JOHNSTON. Senator Gurney, what kind of fresh water is this? Is this clear, fresh water in the Big Cypress, or does it carry silt with it, or what.

Senator GURNEY. Well, it is part brackish and clear. Of course, what this is, as the Chairman so well knows, he has probably been there more times than I have. It is a large flow of water that begins really up in the middle part of the State, really up beyond that. As you get down into this area, the Everglades National Park, it flows very slowly until it comes out at the very southern part of Florida. It is brackish on top, but down underneath is a huge aquifer that supplies all of the requirements down there. Dade County, the largest and most populous county of the State, that is populaionwise, as well as the second most populous County in the State, Broward County.

Besides the enormous ecological and national resources, it is a matter of life. Unless we protect this area we are not going to have water for these people.

Senator JOHNSTON. Siltation, is the Everglades silting up or is Big Cypress silting up at all?

Senator GURNEY. Well, no, no, it isn't. But the real problem, of course, is the enormous and fast development of Florida as far as people are concerned. As you know, we are the fastest growing-large State in the Union. We may be outnumbered percentage-wise by the Chairman's State.

Senator BIBLE. I think it is Florida, 1, Arizona, 2, I think it is Nevada 3. That's in percentage, but certainly not in population.

Senator GURNEY. In population, by numbers, Florida is by far the fastest growing State today. In turn the southern part of Florida has always been the largest, most populous area and the protection of this area as far as water is concerned, the key to it lies right there because it is a vast reservoir that soaks up the rains as they come down in that area, and also soaks up the water as they flow down the entire peninsular. Unless we protect it now, we literally are going to run out of water.

Senator JOHNSTON. Thank you very much.

Senator MCCLURE. I have no questions. I would comment that I long ago was sold on the necessity of doing this sort of thing. I am glad to see it before the committee.

Senator GURNEY. Thank you, Senator.

Senator BIBLE. Thank you, Senator Gurney.

Our next witness is Senator Chiles. He is not here yet. I am told he will be coming in shortly, as will Congressman Pepper.

[The statements of Congressmen Chiles and Pepper appear on pages 53 and 67, respectively.]

Senator BIBLE. The next witness will be Mr. Kenneth Woodburn, accompanied by Mr. Ney C. Landrum.

I will turn the gavel over to Senator Johnston.

I see a lot of faces out in the audience. It looks like about the same faces that I saw at the last hearing.

Senator JOHNSTON [presiding]. Mr. Woodburn, I understand you are accompanied by Mr. Landrum.

STATEMENT OF KENNETH WOODBURN, GOVERNORS ASSISTANT; ACCOMPANIED BY NEY C. LANDRUM, DIRECTOR, DIVISION OF RECREATION AND PARKS, FLORIDA DEPARTMENT OF NATURAL RESOURCES, REPRESENTING HON. REUBIN D. ASKEW, GOVERNOR OF FLORIDA

Mr. WOODBURN. Mr. Landrum is director of the Florida Division of Recreation and Parks, the State group with responsibility for implementation of Florida's 1973 Big Cypress Conservation Act and our land acquisition program in the Big Cypress.

Senator JOHNSTON. Let me say, Mr. Woodburn, your entire statement will go into the record verbatim. If you would like to summarize and give it to us in your own words, that would be helpful to the committee, or if you prefer to read your statement into the record, that will be suitable, too, so with that you may proceed.

Mr. WOODBURN. Senator Johnston, since it is Governor Askew's statement, I believe I would prefer to read it into the record. We

tried to make it as concise as possible and put everything into perspective.

Senator JOHNSTON. Very well.

STATEMENT OF HON. REUBEN D. ASKEW, GOVERNOR OF THE STATE OF FLORIDA

On April 20, 1972, I testified before this same Subcommittee on Parks and Recreation.

I urged you at that time to help us conserve a part of Florida and a part of America which is unique and beautiful and rare. "Time and the pressures for development are running against the saving of the Big Cypress," I said then.

That was almost two years ago. Today I find myself once again urging Congressional approval of legislation to save what must be regarded as a monument to life itself. Once again I feel compelled to speak on behalf of the Big Cypress Watershed of South Florida, greatly encouraged by the overwhelming vote of the House of Representatives for a bill authorizing acquisition of this area.

As you know, saving this previous area from the forces of development has become a national environmental issue and for good reason.

This area is essential to the continued viability of The Everglades National Park; essential to the ecological health of adjacent estuarine areas that support productive sport and commercial fisheries; essential as a future fresh water supply for Southwest Florida; popular as a recreation area and valuable as a unique ecosystem that deserves protection in its own right.

The basic question before us today should not be whether to save the Big Cypress, but rather how to save it. Many alternatives have been considered by all levels of government, as well as by private citizens and conservation groups. The consensus, from the President on down, is that public acquisition is necessary to properly protect the area while treating land owners fairly.

The mere obtaining of easements would be insufficient. Easements to be effective would have to prohibit further construction, ditching, draining and timber cutting and restrict access. Such easements could cost almost as much as the outright purchase and the public would not be able to use the land freely.

Accordingly, I believe acquisition subject to the continued use and occupancy rights set forth in the bill is preferable to easements.

The measure, as passed by the House of Representatives, contains an appropriation of $116 million. I recognize the problem this creates for you in maintaining the nation's fiscal priorities, but I hope in reaching your decision you understand that Florida's commitment to this cause is not merely hollow rhetoric.

We mean business. Florida has pledged $40 million to help buy the heart of the Big Cypress under its 1973 Big Cypress Conservation Act.

This state act demonstrates Florida's commitment to provide maximum protection in this area. The Act designated not only the area being considered for acquisition as an area of critical state concern, but also the Okaloacoochee Slough, the Fakahatchee Strand and the Ten Thousand Islands as areas of critical state concern. Since then regulations have been adopted wihch restrict development and drainage in this area.

This $40 million is by far the most the State has ever spent on any single acquisition and is not too far from the total the State has spent in its history for acquiring lands for recreation and parks. I would be most surprised if any other state has ever made this kind of offer to the Federal Government. Just two days ago the Florida Cabinet and I approved a plan of acquisition in the Big Cypress to expedite the State Department of Natural Resources' work in this regard.

The State Act also authorized the land be conveyed to the Federal Government and there are no conditions upon it.

We are hopeful that Federal legislation will pass and that the State and Federal Government will acquire the area together. The state portion can then be conveyed to the Federal Government to ensure uniformity of ownership and management.

Our Attorney General, Robert Shevin, has filed a law suit to prevent drainage in the Gum Slough Area. He supports acquisition of the heart of the Big

Cypress and endorses this statement since he could not appear here today in response to your invitation.

We have reached agreement with the GAC Corporation on acquisition of areas within the Fakahatchee Strand. We will soon be acquiring nearly 25,000 acres at the cost of more than $4 million in the Fakahatchee.

Oil drilling in the Big Cypress has been stringently regulated through an advisory committee of scientists, conservationists and petroleum experts.

Land regulation efforts have helped us slow and delay the assault on the Big Cypress but they have not, will not and cannot stop that assault.

Air strips, motels and travel trailer parks continue to invade the area, and land developers continue to cut up the Big Cypress and sell land at an alarming rate.

Land is a limited commodity, and more and more people are conscious of this. There is a greater and greater demand by urban citizens for second homes. The Big Cypress is feeling this demand and every day we delay, more destruction occurs and land prices increase.

The main reason for preserving the Big Cypress is the protection of the Everglades National Park. The sheet flow of water which drains southward into the west part of the Park is essential to maintaining the natural hydrologic system. Disruption of this system is amply demonstrated by the Faka Union Canal built a number of years ago by a large Florida development company. This canal is draining billions of gallons of fresh water from the Western Big Cypress, lowering water tables and damaging adjacent estuarine resources.

We cannot afford that kind of development and drainage in the heart of The Big Cypress. It would be damaging, if not disastrous, to Everglades National Park and the coastal fisheries.

One point that has been little emphasized and probably never well understood is that the Big Cypress and Everglades National Park is all one ecosystem that should have been acquired and protected at the same time. Now it is apparent Everglades National Park will suffer if the Big Cypress is not protected.

Unfortunately, when the park was established, a decision was made to locate it entirely south of the Tamiami Trail, U.S. 41.

For years the fact that the Big Cypress was not in public ownership was of little concern because there was not extensive development other than the uninhabited Fakahatchee Strand being divided for land sales.

However, with the emergence of the jetport and adjacent development as a threat to the Everglades National Park, the interrelationship of the Everglades National Park and the Big Cypress watershed was dramatized.

The jetport dispute resulted in the Department of Interior's report that recommended various alternatives for protecting the Big Cypress Watershed. Of these, acquisition was preferred by local and State officials as being the most suitable and fairest method of protecting this area.

So just as decades ago the State of Florida took the initiative in protecting the Everglades by donating 1,000,000 acres and $2 million for the Everglades National Park, we now want to assure that the great South Florida ecosystem is preserved once and for all. The "for all" includes resident Indians who should be given the opportunity to participate in management of the proposed national preserve.

Florida is trying to do its share to protect the national and state investments in Everglades National Park. We ask the United States Congress to help do what we cannot do alone, even with our $40 million pledge.

Senator JOHNSTON. Thank you very much, Mr. Woodburn.

Mr. Woodburn, have you seen this witness list? I am wondering who would be the appropriate witness there who is, what you might call the environmental scientist. I have got a number of questions about the ecosystem and how it works and I don't want to repeat them with all the witnesses. I would like to ask them of the most appropriate witness. Are you an environmental scientist?

Mr. WOODBURN. The U.S. Department of Interior is here today. I believe Mr. Franklin, a hydrologist, and other members of the

Department of the Interior, upon whose report so much of this report is based, and the recommendations, I think they would be the appropriate ones to answer any questions you might have.

Senator JOHNSTON. We are talking about $116 million at a minimum. The whole thing is premised on the basic statement that this is a wonderful ecosystem and that the life of the ecosystem is inconsistent with development and that you must have fee title instead of just an easement and that all of those questions ultimately depend on the environmental assessment of that premise. So I will withhold those questions for the next witness.

Senator McClure.

Senator MCCLURE. I have no questions.

Senator JOHNSTON. Thank you very much, Mr. Woodburn and convey our good wishes to the Governor.

Senator Lawton Chiles is here and I am glad to hear his assessment of Big Cypress.

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

Senator CHILES. Mr. Chairman, I appreciate this opportunity to appear before this august body and express my feelings in regard to the Big Cypress.

It was back in 1970, during my campaign for the Senate, that I first began to get involved with protection of the Big Cypress. People I talked to all through Florida told me of their concern over the protection of the multiple uses connected with this unique area. I found that it was essential in supplying ground water to the Everglades National Park as well as for hunting, recreation, and water conservation purposes. I learned that it would preserve the watershed which serves the Everglades and would also maintain a freshwater storage and recharge area which is invaluable for the protection of the freshwater supplies in south and southwest Florida. It is also, as you know, a unique home for endangered plant and animal species and has a tremendous recreational potential in its own right.

When I came to the Senate in 1971, I soon got in touch with the Department of Interior and, in fact, met with Secretary Morton to express my interest in the Federal Government's direct acquisition of the Big Cypress area, urging the Secretary to get the department behind these same efforts. After carefully studying various alternatives of protection, I had come to the conclusion that direct acquisition of the land was the straightforward and most fair approach, the complete way of protecting this key link to the survival of the Everglades National Park. On August 6, 1971, Senator Jackson and I introduced S. 2465, which would authorize the Federal acquisition of the key part of the swamp, and later that year, in November, a field hearing was held in Miami on this bill. On November 23 the President announced he was going to submit to Congress his suggested plan for the area and on February 7, 1972, he did so. I was glad to join with other Senators in also cosponsoring this legislation, S. 3139.

It is heartening to note that more and more people are in agreement with complete acquisition of this area, and I am pleased that

progress is being made toward its protection. The citizens of Collier County——

Senator JOHNSTON. Is it located entirely in Collier County?

Senator CHILES. Virtually, yes. It is all in Collier County. Part of it, through, I guess would go into part of Dade County, and into Monroe County. Monroe comes up from Key West up that section where part of the park is located. The vast majority of the land would be located in Collier County. At the same time our Florida State Legislature appropriated $40 million to help the Federal Government to begin acquiring the land. The State also declared an additional 285,000 acres around the proposed Federal purchase as an area of critical concern, the development of which will be closely regulated to protect the waters flowing into Everglades National Park and the 10,000 islands.

My guess is the testimony earlier this morning brought out, and I learned yesterday, the Florida Cabinet has instructed the State government to begin with the initial acquisition of 65,000 acres of the Big Cypress. This will cost the State an estimated $15 to $20 million. A positive sign of the State's good faith with the Federal Government toward preserving and protecting this valuable resource.

The momentum has obviously been established on this issue. It is time for the Senate to act.

My testimony this morning, Mr. Chairman, will confine itself to two major points: (1) strong suport for early Senate action on the Big Cypress legislation; and (2) suggestions for several specific provisions in the Senate bill.

I am convinced, Mr. Chairman, that quick action is needed. The Big Cypress is in serious danger. It is jeopardized by the pressure for commercial development. It is threatened by increased concentrations of contaminants that can detrimentally affect the quality of the water supplies in the acquifer. And today the fate of this broad, flat, very gently sloping watershed in southwest Florida hangs in precarious balance.

I know I don't need to go again into detail about the unusual diversity and wealth of this area's natural resources, the far-reaching effects of the uses to which it is put by man, and its profound vulnerability to unwise uses. I think I can put it best in saying the Big Cypress has the potential for becoming a textbook example of ecological ruin unless the Congress acts wisely now.

Back in 1971, I came to the conclusion that I remain committed to today—that direct acquisition of this area is the most comprehensive and reasonable way to protect the Big Cypress and to protect as well the rights of property owners in the area and sportsmen, hunters, fishermen.

The method of direct acquisition in my bill, S. 783, is called normal condemnation-administrative taking, by which the Secretary of Interior would be, upon enactment of the bill, authorized to acquire the Big Cypress by purchase, condemnation, or exchange. The method of direct acquisition in the House-passed version of this proposal, H.R. 10088, is legislative taking, wherein title to the land would vest in the United States at the time of Presidential signature to the act.

Both methods, naturally, provide for just compensation for the property and for entitlement to a jury trial in a Federal district court should the property owner not agree on the matter of compensation. But since the legislative taking method would result in the immediate freezing of development and title vestment in the United States, I am inclined to support this approach.

I recommend to the committee that the bill ultimately reported provide for the legislative taking method with the added provisions that the Interior Secretary would be able to deed back privately owned property subject to life estate, provided that suitable restrictions be placed on the land so that no nonconforming use could interfere with the congressional intent of protection.

I now suggest that a congressional finding of paramount national interest in the Everglades-Big Cypress complex be made in order to preserve the wildlife and ecological balance. By designating this area as one of paramount national interest the Congress will give the Environmental Protection Agency a solid foundation for denying permits to dump sewage in adjacent areas to the Big Cypress, as well as other activities requiring Federal permits such as flood control projects and dredging.

Finally, I want to stress to the committee that the natural cycles of the Big Cypress' waterflow and the life cycles of the living things dependent on that flow are integral and vital parts of the lives of the Miccosukee and Seminole Indians residing on and near the watershed. I would suggest the same procedure regarding their request for a reservation as was followed in the Grand Canyon bill. In that bill a 1-year study was authorized for the possible expansion of a reservation. I believe that while the acquisition of the Big Cypress lands is taking place, a study regarding the Indians' request should also be undertaken. And, in that same regard, I would recommend that language be added to the bill to give the Indians the first opportunity to establish and staff concessions within the Big Cypress.

I have for insertion into the record suggested language regarding revenue producing visitor services given to me by the Council for the Miccosukees.

Mr. Chairman, the Big Cypress is a veritable mosaic of marsh and lowland forest—a wilderness of sloughs, tree islands of hammocks and bay and cypress heads. Its natural assets should continue to provide an unending procession of rewarding human experiences and great scientific benefit. But it is attractive not only to nature-lovers, huntsmen and sportsmen, but also to developers who, while sometimes well-intentioned, can easily destroy this distinctive community of highly diverse plant and animal life if the Congress fails to act now. The question is, Mr. Chairman, whether the Big Cypress Watershed will remain a viable natural resource or will be carelessly exploited.

Your committee has the opportunity to prevent that disaster and provide instead legislation to freeze development, and protect the unique environment found in the Big Cypress Swamp area for the benefit, education, and recreational use of present and future generations. I am hopeful the committee will report out a bill at the earliest possible time.

Senator JOHNSTON. Thank you very much, Senator Chiles. Would you show us on the map, please, where the Big Cypress area is? I think we can see it, but I want to make sure.

Senator CHILES. It is the part marked in gray that you see on your map here.

Senator JOHNSTON. Of course, the Everglades is that marked in green?

Senator CHILES. That's right, it would be the part marked in green.

Senator JOHNSTON. How many square miles in the Everglades, roughly? What are the dimensions of it?

Senator CHILES. 2200 square miles, land and water. Again, Mr. Chairman, as you understand, we are not talking about this being a park area. The difference and one of the big differences for the people is that while in the Everglades, it is a National Park and there can be access by boats and some fishing and there are some ramps that people can go see, they don't have a multiple use of that land there in the Big Cypress, there is going to be a multiple use concept and it is going to be available for camping and for hunting and fishing, so there can be a much more people-use of this area.

Senator JOHNSTON. Why is that?

Senator CHILES. One, because it is certainly compatible with the park. One of the main reasons, in addition to the tremendous veritable paradise that you have here of plant and animal life and future recreational use, is the necessity of trying to preserve this watershed area and it is sort of natural content for the park. The park gets about 90 percent of water from rainfall in the park. The other 10 percent of the water comes from water flow and at least 5 percent of that is coming across here. Five percent doesn't sound like too much but it just happens to be enough that if you shut it off, the park is going to die.

Senator JOHNSTON. You mean the Everglades National Park?

Senator CHILES. That's right. This is a part and parcel of the life cycle of the park because of the way the water flows. It is called a swamp, the Big Cypress swamp. It is not actually a swamp the way you and I would think of going out and wading in a swamp. It is a tilting area. There are some sluices in it. A lot of it is dry ground the principal part of the year, but when the rains come it has a slow ground movement across and that, of course, is adding to the life cycle of the park. Somebody says you just could put a canal through there and get the same amount of water. Yes, you can get the same amount of water but you can't get it the way nature brings it across here, so everything that tunes into this life cycle, the way eggs hatch and the way plants come about in their environment and the way everything to do with the fish cycle, the shrimp and everything else, is tuned in with the way that nature has worked across this and where it is endangered now is it is now available for development.

Senator JOHNSTON. Is it heavily timbered?

Senator CHILES. There is timber on it in places. There is considerable pine timber in some areas. A lot of it is not. There are areas—other areas in which you would have in effect more open or pasture lands.

Senator JOHNSTON. Basically not streams or gullies, but water comes in sheets, slightly tilted, flat pine woods area with a lot of sluices in between.

Senator CHILES. But what is happening now, of course, is that people move in and as the development pressure moves in, everybody decides they want their property to be dry all year round, so they start ditching, they start diking, they start draining, and that is what is destroing nature's balance there. Part of the time there will be a sheet flow and there will be water standing on a lot of the area during rainy time. That is very necessary for the water recharge of the area. To go into the aquifer. You need to have water stand in the cypress heads, in the sluice and in other places and that is how the water goes down into the acquifer. Again, if you fix it so you drain all that water off and that is what a developer wants to do or that's what a guy who is just beginning to develop pasture or something, the first thing he wants to do is drain so that water will not stand, then you run your water off quickly but you won't have a recharge. You also have sheet flow.

Senator JOHNSTON. In the other areas around Everglades, do they not also drain into Everglades?

Senator CHILES. Well, on this side where you have conservation areas, you have—we have already gone in and done a lot of draining, diking, made water impoundment areas. Most of this is all—there are some valuable farming lands up here and then Miami, the populated area being down here, for flood control purposes all kind of draining and diking has all gone in here already. So most of the land here, the water here, won't come in any kind of sheet flow. We have provisions that were done by this committee some years ago to provide that they had to give a certain amount of water into the park so that the park would get a certain flow of water through these dikes, but that is a different thing when you open up the spigot and just allow the water to flow into the park and we are finding even that is not the same as the life cycle of the park where you just pour water on in a period of time. This has always been, the Fakahatchee Strand over here which again we are trying to protect through State acquisition and all, this area has been where your sheet flow came through, the water just in a very gradual basis, based on certain times of the year, would come into the Park area.

Senator JOHNSTON. Would you repeat what you were saying earlier about Big Cypress's being capable of being used as an all purpose park whereas Everglades is not?

Senator CHILES. Well, Everglades, by virtue of being a national park has certain restrictions. We don't allow hunting in a national park, by virtue of the way the park is set up, boats can come in and fishing is allowed, but it is not easily accessible in many areas. As people come in to see the park, by virtue of the fact that in many instances it is everglades, it is saw grass, it is under water a lot of periods of time. There are ramps that are put out there, walkways into certain areas, but one of the viable complaints, I think, is that you have this vast acreage of land that does not have multiple uses and people say why in the world are you buying a bunch of other

acreage, but I think it should be made clear that this land is going to be open to multiple uses.

Senator JOHNSTON. What other uses would be helpful in Big Cypress.

Senator CHILES. Hunting, camping, fishing. Right now, there are people that live in this area that love to live out there and if I had a home out there I would love to live out there, too, and if there was some way you could completely freeze it the way it is today, maybe they could exist and that is why we want to have in the bill the provision that the Secretary of Interior can deed back life estates to the people that are out there now, because most of them, what they are doing is not that adverse, but now if you look, you see this land has been sold by some developers in some instances out of all kinds of sales in these little magazines, "Buy a lot in Florida". So in addition to that you had developments that are planning to come there. The people pressure is tremendous, coming from the date area and from the influx of people that are coming into Florida.

Senator JOHNSTON. What kind of fishing do you have in there, is it lake or river or what?

Senator CHILES. Lakes in here, and you have got some creeks in there, too. You have got some sluices that you could fish in, but primarily—let's see, the Fakahatchee is over there so it would be mostly your ponds and lakes and stands.

Senator JOHNSTON. Can they camp in there now?

Senator CHILES. Oh, yes, it is a tremendous area for camping. It has every kind of plant in the world in there, especially airplants and orchids.

Senator JOHNSTON. What is the airplant?

Senator CHILES. They grow up in trees.

Senator HANSEN. Even on telephone wires.

Senator CHILES. That's right, even in Louisiana.

Senator HANSEN. They are hardy.

Senator JOHNSTON. What kind of uses are inconsistent with the ecosystem? I am wondering if you have to acquire the fee to all of that or whether some kind of zoning or some kind of partial condemnation would be possible?

Senator CHILES. Part of the problem with that, Mr. Chairman, is that I really think when we get in as Government in telling people we are going to keep you from using your land for all of these kind of things, but we are not going to compensate you for that, that is why I come down that a taking is better and pay the man for his land if you are going to prevent him from using it and then if he wants to take back a life estate and agree to certain restrictions, then do that.

Senator JOHNSTON. I think you could acquire by condemnation and pay him for certain kinds of easements without paying the whole bill. Let him farm, if that is consistent with the ecosystem.

Senator CHILES. I think that a lot of study did go into that. Is that an alternate? I think the Secretary of Interior looked at that as being a possibility and I think most of the people after their study then came down on the proposition that legally and morally the best method would be to go ahead and take the land and to give the man

his day in court in the Federal District Court with a jury, if they can't agree as to what is right should be and then if he wants to negotiate the life estate, allow him to do that.

Senator JOHNSTON. Let me interrupt at that point. You don't have a jury trial in most condemnation cases to my recollection. I know in the Federal Court Claims Act you don't have a jury. Do you have one in Federal condemnation? My recollection is in my State we don't have juries, the idea being that when it is just Big Uncle in there with billions of dollars, the locals will come to the aid of their friends and neighbors.

Senator CHILES. Our people like to trust their peers on a jury.

Senator JOHNSTON. Senator Hansen.

Senator HANSEN. I suppose one of the issues in sharp controversy here, as we contemplate the creation of Big Cypress, is whether there should be a legislative taking or purchase?

Senator CHILES. Yes, sir. I think one of the biggest problems that we have had in the Everglades National Park is what we call the hole in the doughnut. The fact that we have left a number of property owners out there, in effect we have taken their land but we never paid them for it, and I think that is one of the problems and when Government really comes into disrepute with the citizens when you have what amounts to a taking, but you haven't paid them for it. We have about 12,000 acres left in the park now to be acquired.

Senator HANSEN. Inholdings?

Senator CHILES. Inholdings. But it has just dragged on for years and years and years. So I think when we go into these new years that we are going to take, I just think there is a better way, to have a swifter taking of that.

Senator HANSEN. Am I right that there are some 522,000 acres of privately owned land within the area proposed to be included?

Senator CHILES. Yes, approximately that in the House bill.

Senator HANSEN. That would seem to me to be a rather sizable amount of real estate and I am just concerned about the commitment that that would seem to imply insofar as Treasury obligation, if there is a legislative table. On a very much smaller scale, in Grand Teton National Park, there are some inholdings there and I think the position of the Park Service, one with which I happen to agree, is that as long as those private landowners in there do not engage in operations that are amenable to park purposes generally they will be permitted to live there. If they should branch out or take off on a tangent or do something which clearly would be not in the best interests of the park. then the park, I think, has demonstrated by past action that it will move in and exercise the right of eminent domain and take over. I recognize, however, as we all must, that over a period of year, if we continue to have inflation, and I have seen little reason to fine encouragement that we won't have, obviously these values will go higher. But the thing that disturbs me about a legislative taking with that amount of real estate in there and with the obligation that the Park Service already has to acquire inholdings, there is a great backlog of commitment or responsibility that would seem to me to be pushed even further back. There are parks all over the country, maybe some without any inholdings, but there

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are inholdings, on the other hand, in many areas and I am wondering about the ability of the Government to provide the money to acquire these inholdings if we were to compound that responsibility by enacting a legislative taking as was contemplated in the House bill.

Senator CHILES. I think, certainly, the Department can testify better as to what their plans for the acquisition would be and their situation as they see it. Again, I don't think, even with the legislative taking that we are contemplating that this land would all be capable of being purchased the first year. I think it would still have to be a schedule upon which it would be purchased.

But the difference would be in the legislative taking, as I understand it—now staff can correct me on this—if the legislative taking you do two things: One, you immediately freeze the uses of the land and title, in effect, vests in the Federal Government. If you do delay it over this period of time, then the homeowner does have the right, or the property owner, to have interest from the time you have immediately frozen the land and its usage, and that, to me, seems to give some advantages. I think it is fair even though you are going to purchase this land in a schedule some 3 years from now, 4 years from now, to maybe schedule it out. He is going to be entitled to get an interest on his lands but at the same time to protect that land you have the immediate freeze on and, again, this is my way of thinking, it is not completely fair to in effect in some way try to tell the property owner you can't use your land for anything now but 10 or 15 years from now we may get around to taking it from you.

Senator HANSEN. Parenthetically I appreciate that statement, Senator Chiles, because that is one of the issues in the land use bill that certainly concerns me, precisely what you have just said. Not, to get back to this bill, as I read the staff report on the House bill, H.R. 10088, I understand that within 1 year after enactment the owner of property may bring an action in the local U.S. district court. After 1 year the Secretary may cause an action to be brought to determine what amount constitutes just compensation.

With respect to the payment of interest following legislative taking, it would be my contention that this really isn't a very adequate compensation for a property owner. There are those who contend that the rate of inflation has indeed eroded the value of the dollar in an amount greater than what might be paid in interest payments by the Government. So that I sure would hate to sell some land today and have ownership pass into the public domain and know that all I might get for the next 10 or 15 years was interest on my money. I might get pretty lucky. Would you comment on that?

Senator CHILES. I just think that it is better than the provision that you are talking about or that we have had in many instances of inholdings, wherein we just went around people or had some schedule and took it when we got around to it but at the same time we tried to prevent them from using it for anything.

Senator HANSEN. I should make this point clear. I don't think, based upon my very limited observations in Wyoming, I don't think there has been any diminution of property rights by the Park Service and I would hope that maybe Secretary Reed might comment on that later. These people have every right to do everything they had

before the creation of the park. If the park wants to restrict or diminish their activities in any way on their own property, the only way they can do that is go in and exercise the right of eminent domain, but without that step being taken, there isn't any diminishment at all in the right of an owner to the exercise of the things that they have been doing in the past that would be legal, of course.

Senator CHILES. That again, I don't think, is too viable an option here because if you don't do something about the ability to drain and canal and ditch here, you really won't be accomplishing anything. The immediate thing now is to try to freeze the land in the present state and not let there be any further damage to it or it is going to really lose its viability.

Senator HANSEN. I surely don't argue with what you have just said and, of course, if it is the contention of the Park Service that they must exercise control to that degree, then I would say that either through a legislative taking, with which I don't agree, or through exercise of the right of eminent domain, the Government should move in. I happen to think that the second alternative has the advantage in letting the taking process be a little more orderly and more conforming to the requirements of the budgetary process than might otherwise be the case. I don't think I have any further questions unless you would like to comment on that.

Senator CHILES. It struck me that it would really be fairer if you were going to completely freeze everything and if your needed to do that to go ahead and start allowing the person to acquire interest from the time, rather than not do that and that is why I came down to the legislative taking.

Senator HANSEN. I might conclude, Mr. Chairman, by saying that if that is the problem, if you want to freeze it, why, then, I can see the point now. My experience in Wyoming has been that the Park Service, as long as they have not owned any property, it has not tried in any way to restrict the lawful acts of a landowner and that would be the qualification I would prefer as my observations were.

Thank you very much, Mr. Chairman.

Senator JOHNSTON. Senator McClure, if you would indulge me just a minute. Our distinguished chairman wants to put a statement in.

STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator JACKSON. I merely would like to observe what I observed previously on occasions when we had a hearing in Florida, Miami, I believe, in 1972, the unique nature of Big Cypress. I think it is a part of the larger effort that has been underway since, actually since 1934 when Everglades National Park was authorized, and it is a part of an effort to preserve the unique nature of south Florida. And the environment here is one which is constantly threatened by the largest influx of people into any one area, I think, in the United States. This is why it is so important that we act and act decisively and I want to commend Senator Chiles for his persistence and his ongoing effort in behalf of this project.

I want to pay, and I think we all do, special tribute to Governor Reubin Askew who led the fight in the Legislature which is most encouraging, when we recognize that $40 million, I think, is the total amount appropriated, some $12 million that has been expended. This kind of good faith effort makes a lot of difference to me and I think to members of the committee, which indicates the very strong commitment that the State of Florida has made for this project.

Our West we have the public lands and when we establish a part we are not confronted with a high capital investment in terms of acquiring land, except for a few inholdings in an area. But we are dealing here with an area, Mr. Chairman, where the land is extremely expensive and acting now will save money in the long run, and I want to commend the Governor and the Legislature.

I am delighted to see that Claude Pepper is here who has taken a keen interest in this whole area ever since he was also U.S. Senator from Florida. And I commend him and the other members of the delegation and our colleagues in the Senate for this effort, and not to take the time of the committee, I would ask unanimous consent that my prepared statement may be included in the record.

Senator JOHNSTON. Without objection, it will be so included.

[The prepared statement of Senator Jackson follows:]

PREPARED STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

The Senate Interior and Insular Affairs Committee has long been active in the struggle to preserve south Florida's unique environment. In 1934, Congress authorized the establishment of the Everglades National Park. During the 91st Congress, this Committee reported and the Congress passed legislation sponsored by that great friend of the Everglades, the late Senator Holland, which increased appropriations and authorized acquisition of additional land for the park. Again, in 1968, the Committee approved legislation to create the Biscayne National Monument. In 1969, I chaired the first congressional hearings on the environmental impact of the Florida jet port. These hearings helped generate the national presure which led to a halt in the jet port's construction and to a guarantee of a proper flow of water to the Everglades National Park from the conservation area.

The guiding concept in the Committee's work has been that the unique environment of south Florida should be saved—but saved for, not from, the people.

This same concept is embodied in the legislation which we consider today. A Big Cypress National Recreation Area would indeed protect the region's physical environment, but it would also serve to meet the requirements of south Florida's economic and social environments.

As one of the two principal watersheds for the Florida Everglades, Big Cypress provides a great proportion of the surface water which supports the life systems of the national park.

This water is of crucial importance, as well, to the Florida economy. Among the life systems protected by Big Cypress' water are the shrimp, shellfish, and other sea life so essential to the region's sport and commercial fishery enterprises. In turn, these enterprises are important to the retail, service, and tourist industries of southwest Florida and the Florida Keys.

Furthermore, in its natural state, Big Cypress could be the key to effective water management for the growing southwest coastal communities. Big Cypress serves as a natural water conservation area. Further development in the watershed may endanger the region's future water supply and foreclose the much greater opportunities for development along the coast.

The environment of the Big Cypress watershed is truly unique. Sheltered and supported among the great stands of cypress, wet prairies, and islands of pine

is a fascinating diversity of plant and animal life, including 17 endangered wildlife species and numerous rare and endangered species of flora.

Of even greater importance, this same environment provides unmatched recreational opportunities within a few hours' drive of most population centers of south and central Florida. Big Cypress attracts hunters and fishermen, hikers and photographers, birdwatchers and botanists, and those who wish merely to experience the solitude of the area. Such an environment will become an even more valuable resource as Florida's population continues to grow.

Finally, Big Cypress is the ancestral home of the American Indians who have inhabited the region for thousands of years. Yet, today, many Miccosukee and Seminoles who live along the Tamiami Trail are without land of their own. The establishment of a recreation area would preserve an environment which plays an integral and vital part in the lives and culture of these citizens.

Land use has been one of the major concerns of this Committee and of the Congress, and the Everglades-Big Cypress represents a striking example of how ill-advised, single-purpose projects and uncontrolled development can threaten not only the unique ecological resources and balance of an area, but also the economy and water supply for the area's population.

Senator JACKSON. I just want to assure our friends from Florida that as we promised we will move expeditiously. I think that the question of legislative taking raises some problems, and we have had a certain experience, I see Assistant Secretary Reed, he will recognize the headaches we have had with the legislative taking of the Redwoods. I think it was, on balance, probably a good idea in terms of what that timber would have cost had we acquired it much later. The price skyrocketed but we also got stuck with interest and maybe the Secretary can explain whether we are ahead or behind as a result of that move in authorizing, I think for the first time a legislative taking instead of the usual proceedings through the district court and getting an order of taking. This is a matter that is not major and I think one that can be resolved.

Senator CHILES. I certainly agree, Mr. Chairman. I just wanted to give my kind of feelings on it, and I want to at this time say how much your work has been in this. I think we have been uniquely fortunate in Florida that you did spend the time and attention to make an onsite visit to where we held the hearings and also by virtue of the fact that you are acquainted with Florida and the fact that you were spending some time in the State. I think you had an opportunity to learn something about the Big Cypress area and your continued interest and attention has certainly been very, very valuable and certainly your long support for the Everglades Park that Senator Holland was so interested in and other members of the Florida delegation, and certainly Senator Pepper, I think it uniquely qualified you to have some understanding of what we are talking about here.

Senator JACKSON. The Everglades controversy when we had the water problem, the Senator will recall a few years ago, we used this as the model for the introduction of the National Environmental Policy Act, the genesis of the National Environmental Policy Act. It grew out of the controversy that existed between the Corps of Engineers on the one hand and the Everglades management on the other. It pointed up the need to have some kind of balance.

Senator CHILES. The right hand did not know what the left hand was doing and there was no kind of cooperation there at all.

Senator JACKSON. That is correct, and I think we are going down the right road here and I want to commend you and members of

the delegation for the unity of support, and the Governor and members of the Leligslature. I realize we have some land problems. We talked and listened to the landowners, but we wouldn't have a park without problems with landowners. This we understand. We want to be fair and just, and I think we can end up with a good result.

Senator CHILES. Florida has also been very fortunate that Congressman Haley has taken the interest that he has in the park and——

Senator JACKSON. I am glad you mentioned that because Jim Haley has been bugging me, too.

Senator JOHNSTON. Senator McClure.

Senator MCCLURE. Do you know how many people actually reside in the area, present residents that would be disturbed?

Senator CHILES. Approximately 500 people actually reside there. If you start talking about the number of ownerships, the figure goes as high as 35,000. But about 500 or so people actually reside in the area. For a long time it was really deserted or virtually no one lived there. Now there are other people now that are wanting a place out there or buying some acreage out there or putting a shack or putting a place but about 500 people actually reside there. That is why these people today, they are not the problem. The problem is the developers and that the people that are going to be there.

Senator MCCLURE. I don't question that. I am wondering what we do about the people who actually reside there. Do you know how long they have lived there? Have any of them lived there a substantial period of time or are they relatively newcomers to the area?

Senator CHILES. I think you would say they are relatively newcomers. Some of them would have been there a period of time but again that number, even of the 500, I would say 400 of those haven't been there 5 years. I may be wrong there, because I am not sure, but they are relative newcomers because they are just starting to go in there. Some of them are families that lived in Dade County and decided it got too crowded for them and wanted to move up there. Some of them commute, the working head of the household.

Senator MCCLURE. It is suggested in the departmental report that is on file that we suspend certain of the protective provisions of the Relocation Assistance Act and I was wondering if you were willing that those legislative provisions which are designed to protect the resident property owners should be suspended and if so if they should be suspended for all or just those who are nonresident?

Senator CHILES. It certainly should be suspended for those who are nonresident. I don't know that maybe there shouldn't be some protection for the ones that are residents. This is a completely different kind of area from where you are relocating a highway in that kind of situation.

Senator MCCLURE. One of the provisions of the Relocation Assistance Act requires that in the event of appraisal, the property owner be afforded the opportunity to accompany the appraiser. That provision was added to the statute because many people thought the appraiser had not been very honest in his appraisal and some questioned whether he had ever been on the land.

Senator CHILES. I would like to see that right stay in there.

Senator MCCLURE. Would you make any distinction on that point as far as the residents or nonresidents?

Senator CHILES. For the resident owners that right should be there. Not for the nonresidents. Again, a lot of the nonresident owners reside in foreign countries even. They have been sold this land by mail.

Senator MCCLURE. They didn't even accompany the seller?

Senator CHILES. That's right, in many instances they didn't.

Senator MCCLURE. I understand that distinction, but I wanted your feeling on the record before we get to the point of discussing that with the Secretary in some of the specific proposals.

What has been the hunting and fishing within this area? I understand there is some fishing and some substantial hunting in the area?

Senator CHILES. That's right.

Senator MCCLURE. That, I assume, is controlled by the State of Florida at the present time, is that correct?

Senator CHILES. That is correct.

Senator MCCLURE. In the event that the Federal Government ends up being the owner of all of this land, would you want the State of Florida to continue controlling or——

Senator CHILES. I think something could be worked out on that. In fact, the State has offered that in the testimony that the Governor made before this committee in an earlier appearance, he has evidenced a desire to see the State and that the State would take over and control that. And I think the State is perhaps better qualified to do that in this instance than the Federal Government in that we have game management areas that we now control through permit and through other areas where this is a little bit different from much of your Federal areas. The Federal Government could do it, but I think it might be a very good thing that you allow the State to do this.

Senator MCCLURE. We generally made a distinction between park areas and other Federal areas. In park areas hunting is prohibited. Fishing is continued under control of the Federal Government but in other nonpark areas controlled by the Federal Government, the Federal Government controls the habitat and the State controls the fish and game regulations. I think it is an important distinction. It is for me in my State. It is for most of us who live in the public lands State of the West. I wonder if that is a concern that the people of Florida have expressed or that you would express?

Senator CHILES. I don't know that the people have expressed that concern, but the State has offered, has said they have a willingness that they would police and control the land and I think that would be a very viable thing for them to do.

Senator MCCLURE. We not only express the willingness, we insist upon it.

Senator CHILES. I would like to see the State control it. I think it would be better handled.

Senator MCCLURE. The second phase of that lies with respect to the rights of the Indians. It has been suggested that the Miccosukee and the Seminole should be permitted to have hunting and fishing rights. I further understand, and correct me if I am wrong, that they do not now have these hunting and fishing rights on these private lands. Is that correct, or do you know?

Senator CHILES. This land has been in most instances kind of open, so I would say they could have enjoyed them like everyone else could. Most of the land has not been fenced or closed. Much of it has been open and accessible.

Senator MCCLURE. Is it to be a right enjoyed in common with other citizens, or should they have a preferential right?

Senator CHILES. I was proposing, and I think the bill might set forth, a study to determine—the Miccosukee are talking about the need for—well, they don't have a reservation. They have some land bordering on the park which they are now leasing from the—they have on lease from the Department of Interior and they built some homes along that land. They are now saying that is not enough land. They need an expansion of that land and they are also saying they have no reservation at all. It seems to me, and they are talking about seeking additional land, and recently they came to see me so I am sure they have been to the Department of Interior, they are talking about additional land in the park. I think they are going to have problems with that and especially to get any amount of land. But right across the road, of course, from where they are now, is where the Big Cypress starts and it seems to me a study might show that this would be an area in which some land could be set aside for them in which it could be kind of a reservation, it could be classified as an Indian land, and they would have some rights that would be their rights.

Senator MCCLURE. I don't blame them for wanting some land and I am like most Americans, of mixed ancestry, but since we are very close to St. Patrick's Day I will put on my Irish hat and say how about buying some land and putting it aside for us poor landless Irish.

Senator CHILES. We didn't take the land away from the Irish when we came over here.

Senator MCCLURE. That is subject to argument. I could point to a few places and a a few people that treated us wrongly. I am sure I could do that. It would take a little research, maybe, in Florida, but I think there is some evidence of it in other places in our country. And I don't say that with complete certainty that that argument is applicable here, but I think we have to be a little careful about the seeming attitude on our part that if the Indians ask for some land we have to give it to them. I know that in our part of the country the hunting and fishing rights which are guaranteed by treaty to the Indians have caused some substantial conflicts between the management of the resources and the rights of the Indian tribes. I would hate to see us create a problem where none exists just because we fail to address ourselves to the problem at this time.

Senator CHILES. Again, as I say, what I was proposing is that we do have the Department of Interior study this and we provide that that study be done and give them a year's period of time in which to make the study and a recommendation.

Senator MCCLURE. I think the expansion of these rights may create some problems, and I think we must recognize that it might do so.

Thank you very much. I have no further questions at this time.

Senator JOHNSTON. What kind of hunting do they have in there?

Senator CHILES. You can hunt deer. I am sure there would be turkey in there along the strands that you could hunt. Some quail hunting in there. There are some ducks in the ponds and strands.

Senator MCCLURE. If you have any duck hunting in there, I hope you will join me on the bill that says the Federal Government isn't going to outlaw lead shot.

Senator JOHNSTON. Thank you very much, Senator Chiles. We are very pleased to have your testimony.

[Subsequent to the hearing Senator Chiles submitted the following information:]

U.S. SENATE,
April 2, 1974.

HON. HENRY JACKSON,
Chairman, Senate Commitee on the Interior,
Washington, D.C.

DEAR MR. CHAIRMAN: On March 21, 1974, I testified before the Senate Interior Subcommittee on Parks and Recreation on the acquisition of Florida's Big Cypress by the Federal Government.

In my statement I recommended that language be added to the bill to give the Indians the first opportunity to establish and staff concessions within the Big Cypress. I have enclosed a copy of suggested language to accomplish that purpose, supplied by the counsel for the Miccosukee Tribe, Mr. Bobo Dean.

Most sincerely,

LAWTON CHILES.

TRIBAL FIRST REFUSAL RIGHTS ON BIG CYPRESS

Notwithstanding any other provision of law, before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both Tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary shall allow the Tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide visitor services. If the Tribes have not entered into an inter-Tribal cooperative agreement by the end of the ninety day period which satisfies the terms and conditions established by the Secretary, then the Secretary shall enter into a contract with the Tribe whose proposal best satisfies, in the judgment of the Secretary, the terms and conditions established by the Secretary. No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

Senator JOHNSTON. We are very glad to have the distinguished Congressman Claude Pepper.

STATEMENT OF HON. CLAUDE PEPPER, A U.S. REPRESENTATIVE FROM THE STATE OF FLORIDA

Mr. PEPPER. Thank you very much for the privilege of appearing here before the committee in support of this important measure. I am very grateful, as I am sure the rest of our delegation is for the kind words that the distinguished chairman of your committee said with respect to the efforts of all of us in support of this measure.

Mr. Chairman, I was not privileged way back at the beginning of the century to participate in the effort to establish the Everglades National Park. But beginning with my turn in the Senate from 1937 to 1951, I was active in the effort to establish the Everglades Na-

tional Park and with my then distinguished colleague, Senator Holland, was present with President Truman and some members of the Cabinet when the Everglades National Park was dedicated in 1947.

In respect to this measure in 1971, August 4, I introduced H.R. 10401, I believe it was the first bill introduced to authorize the Federal acquisition of the Big Cypress lands obtained in this watershed. Later, in 1972, February, I joined with Chairman Haley of the Florida delegation in introducing H.R. 13115, and then in the 93d Congress I joined with Congressman Haley and the other members of the Florida delegation in introducing H.R. 10088 which was the bill that just passed the House of Representatives.

Mr. Chairman, the establishment of a new park is never a guarantee that all the problems have been solved as the members of this distinguished committee well know. With Everglades National Park the problems seem at times to have multiplied more quickly than the rabbit. The pressure of increasing population and the associated need for housing and farm land have threatened the fringe of the Everglades Park over the past 15 years.

More recently, the high price of progress and technological improvements nearly had to be paid in the park when construction of a mammoth jetport was undertaken along one border, when the available supply of water was inadequate to meet the needs of wildlife and land and the droughts and fires took a terrible toll.

We are now presented with the opportunity to prevent a worsening of the long term water supply status of Everglades National Park.

Water is the very life blood of the entire Everglades ecosystem. The pollution, diversion, and threatened elimination of water flowing to the park have been recognized as having the potential for destroying everything that we have been able to preserve in the Everglades.

At the time of the jetport controversy, the discussion on ways to prevent such destruction became quite serious. Clearly, we were at a now or never crossroads inasmuch as the integrity of Everglades was concerned.

The importance of the Big Cypress Swamp in supplying water to the park was carefully studied and it was found that nearly 56 percent of the water entering the park flowed from the swamp. Any significant reduction or degradation of this flow would have quick and detrimental effects. Thus, some means had to be found by which the water resources of the Big Cypress Swamp could be made permanently available to continue nourishing the life systems of the park.

The most straightforward means of assuring the protection of the Big Cypress Swamp is through public acquisition. Such acquisition is what I have proposed through legislation I have offered in the past, and it is what I support today.

It is important, I believe, to point out that this effort to protect the Everglades National Park is not a Federal effort alone. The State of Florida has already acted decisively. Last year Florida enacted legislation, the intent of which was to:

> Provide the means to accomplish an agreement between the State of Florida and the Government of the United States, whereby the State will contribute towards the cost of a program of acquisition of land and water areas and

related rights and interest within the area proposed as the Federal Big Cypress National Fresh Water Reserve, Florida. It is the intent of the legislature that the Governor and the Cabinet begin immediately an acquisition program within the area proposed as the Federal Big Cypress National Fresh Water Reserve, Florida, on behalf of the State pending action by the Government of the United States in the Big Cypress area.

That acquisition program has already been begun by the State, and is scheduled to continue until the State has provided lands or funds equivalent to $40 million. I believe some $12 million has already been expended.

The total cost of the legislation before us is high. Even higher, however, is the cost of not acting. For, if we fail to act, we stand to lose much of the investment we have made establishing the Everglades National Park and, more importantly, we stand to lose the values we have sought to preserve.

The remarks of Senator Jackson, the distinguished chairman of the full committee, when he opened the June 1969 hearings on the Everglades National Park are still applicable. He said then:

Finding a satisfactory resolution to the problems faced by the Everglades National Park is important because the many unique recreational, scenic, wildlife, and scientific values found in the park are not found anywhere else on earth. We cannot allow these values to be destroyed. Congress decided to protect them in 1934, when the park was authorized, and we must see that they are preserved for the enjoyment of present and future generations.

The last figure I have heard and I would like to ask Mr. Reed to correct me, was about a million people a year visit the Everglades National Park.

Mr. REED. That is correct, sir.

Mr. PEPPER. A million Americans, these are people from all over the world, of course, come to visit the one tropical park that we have in the United States.

The satisfactory resolution of one Everglades problem is the prompt passage of legislation to authorize Federal acquisition of Big Cypress Swamp. I hope that this committee and the Senate will join with the House which has voted its approval of this essential acquisition.

Now, Mr. Chairman, and members of the committee, there are three matters that I would like to mention. The first is there are about 570,000 acres involved in this area which is the subject of this legislation. About 1,640,000 acres in the Everglades National Park. There is some difference of opinion with the local people as to whether it is necessary to take this Big Cypress swamp area. I have been out there, Senator Chiles and I were out there on one occasion, meeting some of the local people, some of whom are here today, looking over the Big Cypress area. Some of them exhibited maps and charts to indicate that they thought the essential water flow necessary for the preservation of the Everglades National Park came east of this Big Cypress swamp area. However, of course, you know we are not experts in this area, we have to reply upon knowledgeable people. Mr. Reed was just telling me that prior to my coming here this morning, representatives of the State of Florida had already testified who are technically knowledgeable and who have studied the problem and whose judgment is that acquisition of this 570,000 acres in the

appropriate way with appropriate qualifications and limitations is essential to preserving an insured water supply for the all important Everglades National Park.

First I would like to say as far as I am personally concerned, I don't want to see one acres of land taken from private people that is not necessary to accomplish the objective that we are seeking to achieve, the preservation of an essential water supply for the Everglades National Park. And if anyone can show that the technical decision predicated upon which or in this legislation is in error and some of the landowners are here today, I know you will give them a fair hearing.

Mr. Reed tells me that the Federal representatives are also going to testify, I believe, in substantial accord with the testimony given by the State, but, there again, if there is any error in their findings or their facts, I am sure that you want to give attention to those who would be able to point out such error.

Senator JOHNSTON. Congressman, do you represent Collier County?

Mr. PEPPER. No; but I do represent a considerable area that goes out—I don't go that far to the west. That is in Collier Country. I go to the western boundary of Dade County and this is in Collier County. This would be in Congressman Hayley's district over on the west side of Florida.

Senator JOHNSTON. Congressman Jim Haley's district?

Mr. PEPPER. Yes, that is Mr. Haley's district, I go out from the Tamiami Trail to the western boundary of Dade County, some 20 or 30 miles, and I go also up to the border of Browder and Dade County, so I have a considerable area in the Everglades out there that is just east of the west border of Dade County, but we have a lot of people involved and there is a great deal of public interest because people generally come through Miami or come down directly to Homestead to go into the Everglades National Park and all of us in the State of Florida are very deeply interested in our Everglades National Park. because many of us had something to do with establishing it.

I don't want any land taken that is not essential to the purpose we seek to achieve.

The second thing is, and I think a very important one, is that those people whose lands are taken ought to be paid by the Government of the United States within 1 or 2 years, it seems to me, of the time of taking. Now, the House bill provides that when we have a legislative taking if anybody's lands are committed to the public interest and they are thereafter not permitted to sell them with an immunity of being brought into the Federal program or to change the nature of them so as to interfere with the program's purposes, why they are being in all essence deprived of their property. The bill provides they be paid 6-percent interest from the time of taking of their lands.

Now, the total cost, and I verified this figure with Mr. Reed a while ago, it verified my recollection, the total cost of the total acquisition that would be involved, the maximum acquisition, so Mr. Reed advised me, and I am informed to the same effect otherwise, is only $156 million. That is not an excessive amount for the Govern-

ment of the United States to pay to these landowners, but it is not right and fair for the Government of the United States to take a man's land, exclude him from the use of it in the normal way and say, well, we don't know when we are going to pay you. It depends on when there will be money enough appropriated and the funds from which the appropriation will be made to pay you the capital cost of this land and we are going to pay you 6 percent interest.

In the first place 6-percent interest is lower than any interest rate I know of that anybody can get today. So we left that open in the House bill. You will notice here in the House bill on page 3, beginning with line 14:

> The United States will pay just compensation to the owner of any real property taken by subsection (a) of this section and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States pursuant to the provisions of his act. Payment shall be made by the Secretary of the Treasury from moneys available and appropriated from the Land and Water Conservation Fund subject to the appropriation limitations contained in section 8 of this act upon certification to him by the Secretary of the agreed negotiated value of such property or the valuation of the property awarded by judgment, including interest at the rate of 6 percent per annum from the date of the taking to the date of payment therefor.

We are promising these people we will pay them sometime or another but I don't think the Government of the United States ought to take a man's land away from him and not pay it within a reasonable time, and it would seem to me a year or two is a reasonable period of time to pay a man for the land the Government of the United States takes away from him, and I don't think that is a figure that is too staggering for the United States of America.

The third thing is, I hope you will take account of a provision on page 4 of the House bill which says in the event the Secretary determines—that is, suppose we legislatively take a certain number of acres of land and:

> In the event the Secretary determines that fee title to any land taken pursuant to this provision is not necessary for the purposes of this Act, he may, with the concurrence of the former owner, revest title in such lands to such owner subject to such terms and conditions as he deems appropriate to carry out the purposes of this Act and he may compensate the owner for no more than the fair market value of the rights so reserved: Provided, that the Secretary shall not revest title to any lands for which just and full compensation has been paid.

It is contemplated in the House bill that the people that live out there, and I understand there are about 500 people that Senator Chiles said are living out there, some 3,500 people make up the owners of the land all together, and some of those people I am informed have lived out there as long as 23 years. One of the distinguished members of the committee asked a question, how long the people had lived there. I am informed by some of the people here that some of them have lived out there as long as 25 years, so this provision makes the law flexible enough so that if the Secretary finds it is not necessary to take some of the land that we legislatively acquire, he may revest the title in the owner, reserving that owner shall not so change the ecology of the area as to interfere with the privileges, the objectives that we are seeking by this legislation.

As I think Senator Chiles made clear, this legislation provides that the Indians shall be protected under the game and fishing laws of the

State of Florida, subject to conformity to the gaming and fishing laws of the State of Florida in the use of this privilege and the law contemplates there can be use of this land for hunting an fishing and that sort of thing. I think it contemplates every sort of purpose that does not interfere with the flow of water over it essential to the preservation of the Everglades National Forest, so these are some considerations that I think simple justice require that we in Congress take into account when enacting this legislation.

I thank you very much, Mr. Chairman, for the privilege of being with you.

Senator JOHNSTON. Thank you very much, Congressman Pepper for your testimony and also we want to congratulate you for your long leadership in this movement. When and if the Big Cypress is acquired by the Federal Government you will deserve a star in your crown for having worked hard in that effort.

Senator McClure.

Senator MCCLURE. I have no questions, thank you, Mr. Chairman.

Senator JOHNSTON. Secretary Morton is unable to appear, in his stead we have the very able Assistant Secretary.

I understand you are accompanied by a bevy of experts from Florida. I would very much like to hear answers to those questions we have been talking about ecosystems of land which would be taken and those questions which are so essential to this issue.

Of course, your full written statement will be put into the record, so you may proceed as you wish, but I hope you will summarize.

STATEMENT OF HON. NATHANIEL P. REED, ASSISTANT SECRETARY OF THE INTERIOR FOR FISH AND WILDLIFE AND PARKS; ACCOMPANIED BY DR. RICHARD C. CURRY, ASSOCIATE DIRECTOR, LEGISLATION; MIKE LAMBE, CHIEF, DIVISION OF LEGISLATION; ROBERT B. KASPAREK, DIVISION OF LEGISLATION; WAVERLY J. WHEELER, DIVISION OF LAND ACQUISITION; WILLIS P. KRIZ, CHIEF, DIVISION OF LAND ACQUISITON; HARDNG SMTH, APPRASER; DR. WILLIAM H. HENDRICKSON, SPECIAL ASSISTANT TO THE REGIONAL DIRECTOR; JACK H. STARK, SUPERINTENDENT, EVERGLADES NATIONAL PARK; AND DR. WILLIAM B. ROBERTSON, JR., RESEARCH BIOLOGIST, EVERGLADES NATIONAL PARK

Mr. REED. Thank you, Mr. Chairman. Recognizing the time constraints we have an ongoing problem, I am due at the Appropriations Committee this afternoon in front of the distinguished Chairwoman Mrs. Hansen, and it is only by like promise this morning that I am here and not over there under subpena practically, so I am very, very pressed for time. May I accept your advice and enter my full statement into the record? The statement is important because it answers, I think, in part many of the questions that you have asked this morning, very properly raised this morning.

I would like to point out several things before we go to what is desperately needed, a briefing on the subject, and we have with us today, Frank Nix, the hydrologist. With him is Dr. William Robert-

son, research biologist, Everglades National Park, who is an internationally renowned ornithologist, an expert on the birdlife which is one of the great reasons for Everglades National Park being established, also very knowledgeable on the fisheries.

Also with us is Jack E. Stark, superintendent of the Everglades National Park.

Also with us is the technical staff of the Park Service who can answer questions concerning lands and inholdings, prices, financing, et cetera.

I would like to point out before we go right into that briefing, that there was a great deal of time spent by the administration in studying various alternatives to the acquisition.

I want to assure you and the members of the committee that all approaches were looked at and looked at most seriously before the decision on fee taking was decided upon.

The history in Florida flowage easements which I was involved in over 4 years in the Governor's office in Florida, is that we ended up paying in the high 80 to 90 percentile for flowage easements and we changed our procedure to buy fee because we were spending so much of the taxpayers' money on easements.

Senator JOHNSTON. Eighty to 90 percent?

Mr. REED. Of the market value for just the easement.

Senator JOHNSTON. Why was that, jury trial?

Mr. REED. Yes, sir.

Senator JOHNSTON. What would you have spent for the jury trial, 200 percent?

Mr. REED. No, I don't think so. We went back and began to buy easements in the upper St. Johns and elsewhere at 100 percent and values which we had appraised held in a court of law.

Senator JOHNSTON. Before a jury?

Mr. REED. Yes, sir.

Senator JOHNSON. When you get in flowage easements, what does it prevent you from doing?

Mr. REED. It prevents any interference with the flow of water. Digging, building, any kind of ditching, any kind of construction on it that would impede the flow of water. Any activity that would diminish the quality or quantity of water.

Senator JOHNSTON. Farming?

Mr. REED. Yes, sir.

Senator JOHNSTON. In effect, though, the flowage easement as you describe——

Mr. REED. Was very restrictive.

Senator JOHNSTON. It would effectively prohibit the use of the land?

Mr. REED. Yes, and the court felt about the same, so we ended up acquiring it for the State of Florida. The State has testified at detail this morning on their $40 million offer, passage of it by the legislature is an epic event. The State is right, there is no other precedent in the Nation's history for that. However, it is not the first time the State of Florida has come to the rescue in this part of the world. We will brief that as well.

I do want to get on to the subject of surface rights versus mineral rights, which is a very important differentiation which we take

exception to in the House bill. There is the possibility of continuing oil exploration in this area which the House bill interferes with by not clearly delineating surface rights from mineral rights and that differentiation, if you go to the root of legislative taking, should be clarified.

Senator JOHNSON. Do they think there is a good chance of there being oil in that area?

Mr. REED. To the north of it they have been working for 20 years and have a pipeline right across the Everglades to the refinery in Fort Lauderdale and the holding tanks there. There is a possibility that there is room for continued exploration in the northern part. A great deal went on in the late forties and fifties in the northern part of the Everglades National Park and the southern streams of the Big Cypress. That did not bear fruit.

Senator JOHNSTON. You say there is a distinction in the House bill. Do you think we ought to acquire the mineral rights?

Mr. REED. No, sir, I think you ought not to acquire the mineral rights, but I do think you ought to acquire the surface rights and the Federal owners and the owners of the mineral rights can work together cooperatively to allow drilling to continue at the same time, allowing it in a most environmentally sensitive way. We have done it before, at Padre Island National Seashore, and have propped it for the Big Thicket.

Senator JOHNSTON. And the House bill fuzzes up that question?

Mr. REED. Yes, sir, and we want to point that out to you. In case of taking, sir, I would like to point out that we do not support legislative taking, but if the committee goes ahead with the taking provision we believe the subsurface mineral rights should be excluded from that taking; specifically the oil and gas mineral rights. We also believe there should be two exceptions from the Uniform Relocation Act requirements added to all bills being considered by this committee. The Uniform Relocation Act requires, among other things, that the owner of any property acquired be permitted to accompany the Government's appraiser. This question was raised earlier. It also provides the Government cannot accept an offer of sale unless a formal appraisal has been done. Because of the tremendous number—approximately 35,000—of small land inholdings within the Big Cypress area, we believe any legislation to authorize acquisition of this area would expedite the acquisition program tremendously if these two requirements of the Relocation Act were suspended with regard to parcels of 40 acres or less. We have suggested appropriate language in the departmental report.

Another exception to the Relocation Act should be provided so as to enable the Government to accept donations of property acquired prior to enactment by the State of Florida whether or not the State has provided all payments and assistance in accordance with sections 210 and 305 of the Act. In the alternative, our amendment would authorize the Secretary to pay the State's share of such costs in the event the State chooses not to meet those costs.

I think, probably, Mr. Chairman, if I may suggest that I ask Mr. Nix to give us a brief rundown of the entire ecosystem using one of the most sophisticated maps that has come out of the NASA space program.

Senator JOHNSTON. Must he leave as well?

Mr. REED. No, sir.

Senator MCCLURE. I wonder if it might be productive to be able to direct questions at the Secretary in the policy area?

Senator JOHNSTON. That is what I was going to suggest. Let me ask a couple and then we will turn it over to you.

Senator JOHNSTON. You support what method of acquisition, the legislative acquisition or eminent domain?

Mr. REED. No, sir, we support the usual procedures of acquisition through negotiation and sale over a 10-year period. We have laid out a program with the Office of Management and Budget and the White House of a 10-year acquisition schedule which we think is feasible and proper. It gives us considerable latitude in negotiating with the numerous property owners, so many of which do not live in the United States. They have been sold property by land salesmen in Central America, Mexico, and South America. We will exercise prompt reaction using our funding per year to lands that become threatened by imminent development. We have clearly spelled out in my statement, however, that if you choose legislative taking we have a very urgent request to the committee as to how to proceed.

Senator JOHNSTON. Is it your judgment that jury trials are required in eminent domain matters?

Mr. REED. Yes, sir, it is.

Senator JOHNSTON. That is on account of the West Virginia case?

Mr. KRIZ. This is the usual procedure in the Federal district court.

Senator JOHNSTON. You don't do it in the Federal Tort Claim Act. You don't do it in my State when you acquire a property for interstate highways.

Mr. KRIZ. Those are State acquisitions. This is a Federal acquisition and if it went to condemnation it would be in all likelihood before a jury.

Senator JOHNSTON. I personally don't share a great deal of enthusiasm for jury trial in eminent domain cases, first because I think sometimes the awards are unreasonably high depending on the skill of the lawyers, and second, because of the time it takes if you are going to have a jury trial every time you have one of these 30,000 landowners, 10 years won't be enough time. It seems to me we ought to look into the possibility of giving full and fair compensation but not requiring that it be decided by a jury. That is just my own personal observation.

Senator McClure.

Senator MCCLURE. Mr. Secretary, I appreciate the fact that you are on a tight schedule and I will not hold you any longer than necessary for three or four policy area questions.

You have indicated in the departmental report which was signed by Assistant Secretary Horton, but I am assuming that you are very familiar with that report?

Mr. REED. Yes, sir.

Senator MCCLURE. That this land is not suitable for intensive development for recration as might be implied by the designation as a national recreation area?

Mr. REED. That is correct, sir.

Senator McCLURE. What is intensive development for recreation in the context of that statement?

Mr. REED. That extensive camp grounds would be built or extensive trail roads would be built throughout the whole watershed. The watershed when the rains begin in June, hopefully will begin this year in June because we are awfully dry right now, this land will be heavily watered from June, July, August, September and October.

Senator McCLURE. What is the rain——

Senator JOHNSTON. What is the rainfull in the area?

Mr. REED. 60 inches a year, sir. It is scattered, however, very heavily in the three key summer months.

Senator JOHNSTON. What is the average in the summer months?

Mr. REED. The average would be, correct me if I am wrong, Frank, about 70 percent through the summer months. If my memory serves me correctly, July is a 9 inch month.

Senator McCLURE. My concern is what is the reason for getting it and what will the use be? As I understand it, the reason for the acquisition is primarily to protect the water.

Mr. REED. To protect the watershed, yes.

Senator McCLURE. The water that will flow through it from the Everglades?

Mr. REED. Correct.

Senator McCLURE. And is it not primarily being obtained for the use of the land or the resources within the area but to preserve it so it will flow naturally?

Mr. REED. That is the primary purpose of acquisition. To protect the watershed, and for recreation and other such uses.

Senator McCLURE. And it is not your intention to buy this—you indicate that there will be no recreation permitted in the area?

Mr. REED. Not at all, sir. It has a sizable deer herd and a great deal of sport hunting enjoyed by thousands of people during the hunting season. It has an enormous amount of weekend use, camping, walking during the winter months when the land is relatively dry.

Senator McCLURE. It is your intention to continue that?

Mr. REED. That is correct.

Senator McCLURE. It is not your intention by the language in the report that says it is not subject to recreation to reduce the amount of recreation in there now?

Mr. REED. No, sir.

Senator McCLURE. You indicate on page 3 of the departmental report that you strongly oppose legislative taking provision and in the next to the last paragraph, and I will read that paragraph:

> While a taking may be justified in some instances where an area is in immediate danger of irreparable harm and where funds are not available for purchase of that area, we do not believe these conditions exist in the Big Cypress.

Are you trying to tell us there is no danger of irreparable harm?

Mr. REED. No, sir, the differentiation being between the Redwoods case and this case is that there are small areas within the Big Cypress right now that are indeed threatened by all too rapid development and ill thought out development which principally revolves around deep ditching. It immediately drops the table of the water sur-

rounding the area. Thousands of acres of the Big Cypress are uninhabited and have no threat to them at this time with absentee ownership. We believe the authority in the national park bill gives us the right to achieve among the land on a priority schedule—on a legitimate schedule.

Senator McCLURE. You don't think that pressures for change would simply move from one piece of property to another?

Mr. REED. It is possible. That is the strong argument on the other side. The argument, I will be honest with you, has been fought up and down our office and through the Office of Management and Budget. The Secretary's position is that he wanted our report read to you today and to clearly designate that if you proceed with legislative taking the things that he would like clarified in the House bill.

Senator McCLURE. What is the backlog of acquisitions authorized and funded for parks, a quarter of a billion?

Mr. REED. Yes, sir. The figure is $250 million, which is broken down, $105 million in pre-1960 inholdings, $145 million in new areas. In the 1974 schedule we will have spent on July 1, approximately $36 million this year, and in fiscal 1975 our budgetary request is for $7.5 million.

Senator McCLURE. For acquisitions?

Mr. REED. Yes, sir.

Senator McCLURE. What is the backlog for development funds authorized for parks?

Mr. REED. We testified to that yesterday by delivering a report to Madam Chairman Hansen of $2.32 billion for development. This project has very little development. That is the whole point of acquiring it.

Senator McCLURE. But the money that is channeled into acquisition here will not be available for development?

Mr. REED. No, sir, they are different accounts. The account for acquisition comes from the Land and Water Conservation Fund which is principally the receipts for offshore sales made by the Department, which were around $1 billion at the time the fund was established and will probably approach close to $7 billion this year.

Senator McCLURE. The Land and Water Conservation Fund's total is $3 million per annum ad that is divided with the States on a formula basis?

Mr. REED. That is correct, sir.

Senator McCLURE. Not all of that is available for Federal Government acquisition programs. And there is a quarter of a billion dollars backlog already. We add another $100 million here, $115 million whatever the figure may be, we will have something on the order of $365 million to $370 million, and you say you have programed a budget of $71 million?

Mr. REED. $71.5 million, yes, sir.

Senator McCLURE. So that would indicate that without any further additions, without any escalation at the present time it takes over 5 years, approaching 6 years?

Mr. REED. Yes, we have programed the Big Cypress in a 10-year period. We feel from a land division standpoint and I will let them

answer that question directly, if you wish, but because of the multiplicity of ownership we can only handle approximately $11 million a year of acquisition power. There is no use giving us $30 or $40 million a year. The multiplicity of ownership will simply——

Senator McClure. We have Big Thicket pending which has administration approval. It passed the House. That is another $68 million?

Mr. Reed. $68 million.

Senator McClure. That is another year to the acquisition schedule.

Mr. Reed. That is true, sir. However, in reviewing this with the Apropriations Committee it would appear that besides Big Thicket and Big Cypress there is little other major legislation pending besides the Alaska withdrawal. If you have 5 years on Alaska, I am sure a great deal of time will be spent by this distinguished committee and the House committee on that which will not involve public funding.

Senator McClure. With regard to the pace at which you can do this and the tremendous volume of work that would be necessary because of the 35,000 separate private ownerships, you have suggested that certain provisions of the Relocation Assistance Act be suspended. Would you have an objection to suspending it only for the non-resident property owners of unimproved properties?

Mr. Reed. I will let Mr. Kriz, who is an expert on this and is our Chief of Land Acquisition, speak to this.

Mr. Kriz. Our proposal is that parcels that are less than 40 acres in size would be exempted from this provision and also this means parcels that are unimproved. Improved properties of any size, there would be no waiver of this particular right. All owners of improved property would have the right to accompany the appraiser. What we are primarily directing our attention to is the small parcel, less than 40 acres, whose owners are probably out of State, who we would not have accompanying us.

Senator Johnston. Can you constitutionally discriminate between in-State and out-of-State property owners?

Mr. Kriz. I don't think there is any discrimination between in and out of State. This has to do with the size of the parcel.

Senator Johnston. Size of the parcel, yet, but I mean residents or nonresidents.

Mr. Kriz. There is no distinction made.

Senator Johnston. The question was can you eliminate the right to the resident property owners and my question is can you constitutionally discriminate between residents and nonresidents?

Mr. Reed. I can ask for an opinion on that, Mr. Chairman if you would like that.

Senator Johnston. I wouldn't think you could.

Mr. Reed. I would be delighted to furnish you with a Solicitor's opinion, if you would like it. I am sure your capable counsel, however, can research that.

Senator McClure. The term in which I was using "resident" meant resident upon the property, not resident within the State. That was the context within which I asked the question.

Second, I will make a comment and see if you would like to reply in any fashion, that the appraisal provision has two purposes. One

was to make certain that the taxpayer and the owner of the property was treated fairly and at the same time make certain that the taxpayer was treated fairly and the price of the property was to avoid either an unfair statement offered to the owner of the property but certainly it was also intended to avoid any possibility of fraud on the part of the Government or collusion between the Government and the property owners, and waiver of the appraisal provision would fly in the face of both of these reasons for the original statute.

Mr. REED. The problem is accompanying people who are physically not in this country.

Senator MCCLURE. I am not speaking of the accompanying provision but the appraisal requirement. Is there a reason why these properties should not be appraised other than the fact that it is burdensome on the Government to do it?

Mr. KRIZ. No, sir; the reason for this is that we propose to appraise the properties in a systematic and orderly fashion and yet we suspect that we will be receiving many offers of immediate sales in areas where we are not working at that time.

Senator MCCLURE. How can you know whether you should accept the offer, then?

Mr. KRIZ. We expect that we will establish a per acre value in all of the areas on which we could evaluate these offers, the objective is to allow us to entertain offers anywhere within the area at any time, even though we are not actively working in a particular segment of the project.

Senator MCCLURE. I don't know how you could make a determination of whether or not to accept the offer if you have never appraised the property.

Mr. REED. An awful lot of the land is very similar in character. There are vast areas in the Big Cypress that bear striking resemblance to each other.

Senator MCCLURE. That would seem to me to minimize the difficulty of appraisal rather than simply stated the appraisal should not take place.

Mr. REED. That point is well taken, too, Senator.

Senator MCCLURE. I think it is a policy question which we must resolve and I have some doubts about the wisdom of waiving the appraisal, and I just wanted to give you an opportunity to express why you think it should be done.

Could you make a comparison between the legislative taking approach, which was applied in the Redwoods and the legislative taking approach which has been suggested here?

Mr. REED. Dr. Curry, on my right, sir, is a great expert and has been working on that case for 2 years. We are under litigation and to testify extensively on this matter because of the court order involved in discussing the case while claims are still applied to the Federal Government and the Federal Government is still looking over its obligations and the counter offering of various corporate approaches, but I think Dr. Curry can be careful in answering the question without getting the Federal Government in a problem on land values in Redwood Creek.

Dr. CURRY. There are basically two points with respect to the Redwood legislative taking that give us difficulty. The first being that there was no authority for the U.S. Government to go to court; and second, there was no right of the Secretary of the Interior to revest property if he deemed it was not vital for the stated purpose of the establishment. Those two items have been corrected in H.R. 10088, the House legislation.

Senator MCCLURE. The legislative taking approach in the Redwoods, however, had Government approval, as I recall, and administration approval, and the legislative taking approach here is being opposed by the administration. Why the contrast in the administration's position between those two?

Dr. CURRY. In the case of Redwoods, you had ongoing timbering practices and on a day-to-day basis the threat was extremely imminent, and also in fairness to the existing operators who have to plan their logging seasons and so forth this worked rather an extensive hardship on them as well from an operations standpoint. In this instance, again, we are not stating the threat is not significant here, but that there are isolated circumstances that we could address ourselves to immediately and resort to declarations of taking which, of course require us to come to the committee in each instance. Those are basically the distinctions.

Senator MCCLURE. Disparity in the numbers of property owners had something to do with it? Weren't there four major property owners in the Redwoods affected?

Dr. CURRY. There were were four principal major property owners, that is correct.

Mr. REED. I think it was the threat of ongoing timber operations and the construction of roads in the Redwoods area, the tremendous polarization between the companies and the Federal Government on the taking of lands in the Redwood Creek that led the committee and the administration at that time to pursue the legislative taking. I think everybody in the country probably felt it was the right course of action, but in our opinion, after trying to manage this act there were great defects in that legislation that have prevented the Federal Government from exercising some of the opportunities it should have in acquiring that land in fee and paying for it. We are still paying interest and we are expecting a court ruling which unquestionably, however, will be appealed.

Dr. CURRY. Just one example. One of the timber companies still has until October of this year to elect whether or not to file against the United States. So that gives you an idea of the time frame that that first provision provides, where there is no authority for the U.S. Government to go into court. I do want to restate, however, that problem has been taken care of.

Senator MCCLURE. Assuming legislative taking is not granted in this instance and that you move against selective targets or selective problems, will that not then lead to some attempt to shift those operations from one property to another and in so doing greatly increase the price of those properties in the ultimate purchase by the Government?

Mr. REED. It will diminish our ability to stay with a certain parcel of land within the Big Cypress which we are going to. If we have

to jump from one area to another area to the other area wherever a threat appears, certainly it will diminish our ability in the local office to acquire on a concrete basis, a set out basis on the major land within the watershed. This is part and parcel of our discussions inside the Department on the House bill which we have endlessly talked about, the taking provisions. There are great pros and there are great cons.

Senator McCLURE. As development shifts from one property to another it changes the value of properties to the detriment of the taxpayer in the long run, to the benefit of the property owner.

Mr. REED. That is correct. I think it is noteworthy, Senator, that you have struck upon the same basic problem of philosophy we have had as a Department in the administration with the House bill that has been argued up and down. There are equities on both sides and it is a darn good argument and I can't tell you what is right in the long run. In a 10–year period, my crystal ball doesn't tell me how you come out, what the equity is to the person who owns the land.

Senator McCLURE. One final question. On a police matter, as I think the Department has settled upon the division between responsibility for hunting and fishing in the light that I stated it earlier.

Mr. REED. Yes, no problems with that. That is our standard language. The State of Florida is doing an expert job managing the deer herd and the turkey flock down in this part of the world. It has State wardens down there. We don't have. This is a natural area for the State to continue to manage. The point on the Indians is that the Miccosukee have had standard rights within this watershed as provided for by State law and I would have difficulty expanding those rights. They are not a federally recognized tribe. We think the world of the Miccosukees, they are among our best citizens on the Tamiami Trail, but those hunting and fishing rights they have are standard in the State of Florida and I would not want to involve myself with the State of Florida on giving them additional rights.

Senator McCLURE. Again, briefly stated, the State of Florida would control the hunting and fishing regulations?

Mr. REED. Yes, sir, all the bills direct the Secretary to permit hunting and fishing in the area in accordance with applicable Federal and State laws. Moreover, all of them permit members of the Miccosukee Tribe of Indians in Florida today and the Seminole Indians of Florida, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

Senator McCLURE. This has not been Federal land. It has been State land and private land.

Senator McCLURE. So if they have more rights on public land than on private lands, granting them these rights on this land would be an expansion of their present rights, would it not?

Mr. REED. I would have to consider that. You have got an interesting point. The State law would cover both. I think I would prefer to leave it subject to applicable State regulations, something of that

regard. I really don't want to get into the regulation of that. I would rather leave that to the State of Florida. They have had a long history of working with the Indians and the Indians working with the State of Florida.

Senator McClure. Thank you very much. I have no further questions of Secretary Reed.

Senator Johnston. How important would the use of Big Cypress be as a national park given that you can't put a great many roads in there consistent with hydrology? Is that a big consideration here or is it mainly an ecological consideration?

Mr. Reed. This is a main issues of the watershed of Everglades National Park. It is interesting to note that Congressman Pepper and Senator Chiles both struck on it this morning. In the original bill presented to the Congress of the Everglades National Park much of this land was included. It came out for a variety of reasons. Your distinguished colleague, Senator Spessard L. Holland, was much involved when he was Governor of the State. My statement goes into quite some detail on the original working of that. Senator Holland spoke about the addition of the Big Cypress many, many times during his tenure as a U.S. Senator. It has gotten expensive, there is no question about it. However, there are strong reasons to believe from the expert witnesses that are here that unless action is taken the park, as we know it today, will certainly diminish in value. It has done so in my lifetime.

Senator Johnston. I understand that. But the question is, is it important, let's say that we have experts here that say we need only a third of Big Cypress to protect the hydrology but the rest of it is for park use. Is that park use a really important consideration here or is that just a little icing on the cake?

Mr. Reed. No, sir, it is very important.

Senator McClure. Could I interrupt for just a moment, because I wanted to make one point that I think must be kept in mind. You are referring to it as park use and I think we must make that distinction right now. That it is not proposed for park status and that gets back to the question of the control of hunting and fishing because in a park there is no hunting.

Mr. Reed. We don't expect this to be managed as a national park. We are hoping that this committee will join with the House and pass it out as a national freshwater reserve or whatever title you wish to use, but not as a park.

Senator Johnston. When I say park I mean recreation area. Does that part really add anything to it?

Mr. Reed. Yes, sir, I think it does. With the tremendous population increase on the east coast and now the Naples area, the Big Cypress is a marvelous recreation experience. The majority of the people who are here in this room, who are property owners who have used the area on weekend camps, which are numerous, have a tremendous recreation experience getting away from the urban areas of both the east and west coast.

Senator Johnston. It has a great capacity to increase the amount of use you have on it now?

Mr. Reed. No, sir, I would think the use of the future will be very

similar to what the use is now, light weekend use, walking hunting, fishing, camping.

Senator JOHNSTON. It is at about the optimum use now, then, is that it?

Mr. REED. In the philosophy of use, this is what we would expect. I am sure it would increase in numbers as the State grows. There is no question about that. The usage will grow, but we want to keep the usage, the type of usage, to what it is now.

Senator JOHNSTON. You don't want to build a trailer park?

Mr. REED. No, sir, I don't want to build very much of anything. I don't want the Federal Government going in and building visitors centers or roads or anything else. This is not that kind of a place.

Senator JOHNSTON. Are vehicles allowed in there?

Mr. REED. Yes, sir.

Senator JOHNSTON. You want it in very much a natural state, so that a camper has to go out with his tent and pitch his tent and find his own water?

Mr. REED. Yes, sir.

Senator MCCLURE. Just two questions. One is the fact that you are asking questions which I think are very pertinent to the very fact that this is a unique designation, there is none other like it, so far as I know.

Mr. REED. Correct, sir.

Senator MCCLURE. If it is absolutely unique, what is the management philosophy? It is not a park, not a recreation area, not a national seashore. It is a completely new breed of cat?

Mr. REED. It is a new breed of cat, sir.

Senator MCCLURE. The question comes to the management philosophy. There is also involved in this bill the standard provision for wilderness review?

Mr. REED. That is true. That is probably in all of our legislation. This area is not like a park in which a great deal of the park will remain in wilderness or wilderness type of use. This is not going to be that type of use at all. This is going to be used and used hard, I think.

Senator MCCLURE. If a wilderness designation should be added, it, in all likelihood, would preclude the use of any motorized vehicles, either land or water?

Mr. REED. Yes, sir.

Senator MCCLURE. Which bears upon the question that Senator Johnston asked about vehicles being involved.

Mr. REED. I would be less than honest if I did not say we have to watch carefully and monitor the use and probably may have to regulate the use of swamp buggies in the Big Cypress. They can cut serious rut holes and leave long trails which have in the past disrupted certain sheet flows of water. But we do not anticipate ever deregulating the swamp buggy out. It is almost impossible to get into without the use of a vehicle. So we do want to regulate the use of that.

Senator MCCLURE. It is a regulated use rather than an exclusion?

Mr. REED. Yes, sir.

Senator JOHNSTON. Thank you very much, Mr. Secretary.

Mr. REED. How would you like it to leave the backup team that is here? Would you like them to continue now with a briefing on the system?

Senator JOHNSTON. Yes; we would. If your back up——

Mr. REED. Dr. Curry is here, he is Chief of the Legislative Office, Associate Director, may I leave him in charge with you?

Senator JOHNSTON. Yes.

Mr. REED. Thank you.

[The prepared statement of Assistant Secretary Reed follows:]

STATEMENT OF NATHANIEL P. REED, ASSISTANT SECRETARY OF THE INTERIOR FOR FISH AND WILDLIFE AND PARKS, BEFORE THE SUBCOMMITTEE ON PARKS AND RECREATION, SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, IN SUPPORT OF LEGISLATION TO AUTHORIZE THE BIG CYPRESS NATIONAL FRESH WATER RESERVE IN THE STATE OF FLORIDA.

MARCH 1974

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM HONORED TO APPEAR BEFORE YOU TODAY ON BEHALF OF THE ADMINISTRATION IN SUPPORT OF THIS LANDMARK ENVIRONMENTAL LEGISLATION.

PRESERVATION OF BIG CYPRESS IS AMONG THE TOP PRIORITY LEGISLATIVE PROPOSALS OF THIS ADMINISTRATION. IT WAS ESPECIALLY SINGLED OUT BY PRESIDENT NIXON IN HIS MESSAGE LAST YEAR ON THE STATE OF THE ENVIRONMENT. YOU WILL RECALL HE SAID:

> IT IS OUR GREAT HOPE THAT WE CAN CREATE A RESERVE OF FLORIDA'S BIG CYPRESS SWAMP IN ORDER TO PROTECT THE OUTSTANDING WILDLIFE IN THAT AREA, PRESERVE THE WATER SUPPLY OF EVERGLADES NATIONAL PARK AND PROVIDE THE NATION WITH AN OUTSTANDING RECREATION AREA. PROMPT PASSAGE OF FEDERAL LEGISLATION WOULD ALLOW THE INTERIOR DEPARTMENT TO FORESTALL PRIVATE AND COMMERCIAL DEVELOPMENT AND INFLATIONARY PRESSURE THAT WILL BUILD IF WE DELAY.

MR. CHAIRMAN, IN NOVEMBER OF 1971, PRESIDENT NIXON ANNOUNCED HIS SUPPORT OF LEGISLATION TO PROTECT THE BIG CYPRESS AREA. THE SENATE HELD FIELD HEARINGS IN MIAMI ON NOVEMBER 30. IN FEBRUARY OF 1972, WE SUBMITTED LEGISLATION FOR THIS PURPOSE. PROMPTLY, IN APRIL, 1972, YOUR COMMITTEE HELD FURTHER EXTENSIVE AND THOROUGH HEARINGS HERE IN WASHINGTON ON THE PROPOSED LEGISLATION.

IT HAS BEEN ALMOST TWO YEARS NOW SINCE WE TESTIFIED BEFORE YOUR COMMITTEE IN FAVOR OF THIS PROPOSAL. MUCH HAS HAPPENED SINCE THEN.

AS I MENTIONED, PRESIDENT NIXON HAS AGAIN URGED EARLY PASSAGE OF LEGISLATION TO PROTECT THE BIG CYPRESS IN HIS MESSAGE TO THE CONGRESS. THE STATE OF FLORIDA HAS OFFERED TO DONATE $40 MILLION IN LAND AND/OR MONEY FOR THE PURCHASE OF KEY ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE BIG CYPRESS. ACTING ON THIS OFFER, THE HOUSE OF REPRESENTATIVES HAS NOW PASSED A BILL WHICH IS PENDING BEFORE YOUR COMMITTEE. IT AUTHORIZES THE EXPENDITURE OF FEDERAL MONIES FOR LAND ACQUISITION, CONTINGENT UPON AN AGREEMENT BEING EXECUTED BETWEEN THE SECRETARY OF THE INTERIOR AND THE STATE OF FLORIDA FOR THE $40 MILLION.

MR. CHAIRMAN, WHILE I HAVE NOTED THE PROGRESS WE HAVE MADE, I MUST ALSO ADVISE THAT THE FRAGILE ECOSYSTEM OF THE BIG CYPRESS AREA CONTINUES TO BE THREATENED SINCE WE WERE BEFORE YOUR COMMITTEE IN 1972. WHILE WE HAVE BEEN PROPOSING AND NEGOTIATING HERE IN WASHINGTON, CHANGE AND DEVELOPMENT IN LAND USE CONTINUE IN THE BIG CYPRESS. MONUMENT ROAD, LOCATED WEST OF THE TRAINING AIRPORT, HAS BEEN IMPROVED AND APPROXIMATELY 12 SITES HAVE BEEN SUBDIVIDED ALONG THIS ROAD. SIX OF THESE ARE NOW OCCUPIED BY HOUSE TRAILERS. SEVERAL HUNTING AND WEEKEND CAMPING AREAS HAVE BEEN DEVELOPED ALONG BURNS ROAD, LOOP ROAD, AND TURNER RIVER ROAD. SEVERAL LANDING STRIPS HAVE BEEN LOCATED IN THE BIG CYPRESS, AND LAND SALES AND PROMOTIONAL SUBDIVISIONS CONTINUE. IN SOME AREAS, SUCH AS NEAR PINECREST, CLEARING OPERATIONS ARE TAKING PLACE AND CYPRESS TREES ARE BEING CUT.

I CAN REPORT TO YOU THAT THE PROBLEM OF THE DADE COUNTY JETPORT, WHICH BROUGHT TO THE NATION'S ATTENTION THE NEED FOR PRESERVING THE BIG CYPRESS AREA, IS WELL ON THE WAY TO BEING RESOLVED. ON JULY 31, 1973, THE DADE COUNTY BOARD OF COMMISSIONERS APPROVED AN ALTERNATE SITE AND REQUESTED APPROVAL OF THE DEPARTMENT OF THE INTERIOR. ON SEPTEMBER 18, 1973, THIS DEPARTMENT CONCURRED IN THE ALTERNATE SITE, PROVIDED THAT AN ENVIRONMENTAL IMPACT STATEMENT BE COMPLETED. THIS STATEMENT IS NOW BEING PREPARED BY THE COUNTY.

LET ME ADD THIS. DELAYS ARE COSTLY--NOT ONLY IN TERMS OF DOLLARS BUT, MORE CRITICALLY, IN OUR ABILITY TO HALT THE DESTRUCTION TO THIS FRAGILE LAND. WHILE WE PONDER SIZE AND ALTERNATIVES, BIG CYPRESS IS BEING PARCELED OUT AS RAPIDLY AS THE LAND PROMOTERS CAN LOCATE NEW BUYERS.

GOVERNOR ASKEW CLEARLY SIGNALED THE MAGNITUDE OF THIS THREAT. WHEN HE PROPOSED, AND THE FLORIDA STATE LEGISLATURE APPROPRIATED, $40,000,000 TO COMMENCE BUYING CRITICAL AREAS WITHIN BIG CYPRESS. THAT GENEROUS OFFER IS NOT THE FIRST TIME THE STATE OF FLORIDA HAS SO ACTED. WHEN CONGRESS AUTHORIZED EVERGLADES NATIONAL PARK IN 1934, IT DID NOT INCLUDE AN AUTHORIZATION FOR FEDERAL FUNDS FOR THE PURCHASE OF LANDS, AS SUCH FUNDS WERE NOT CONSIDERED NECESSARY. IT WAS YOUR DISTINGUISHED COLLEAGUE, THE LATE SENATOR SPESSARD HOLLAND, WHO AS GOVERNOR OF FLORIDA SET IN MOTION THE MASSIVE PROGRAM THAT RESULTED IN THE DONATION OF NEARLY 900,000 ACRES OF STATE LANDS TO CREATE THE PARK. AND IT WAS THAT SAME EFFORT THAT CAUSED SOME 35,000 ACRES OF PRIVATE LANDS TO BE DONATED. AND, AS IF THAT WERE NOT ENOUGH, THE STATE OF FLORIDA PROVIDED

$2 MILLION IN CASH, FOR LAND ACQUISITION. EXCEPT FOR 4,400 ACRES ACQUIRED FROM THE FARMERS HOME ADMINISTRATION BECAUSE OF FARM FORECLOSURES. NO OTHER FEDERAL FUNDS WERE AVAILABLE FOR LAND ACQUISITIONS UNTIL 1966. SINCE THEN CONGRESS HAS APPROPRIATED SOME $24 MILLION TO PURCHASE THE LESS THAN 100,000 ACRES REMAINING IN PRIVATE OWNERSHIP, BUT IN THE INTERIM, PRICES HAD RISEN ASTRONOMICALLY. THE AVAILABLE FUNDS SHOULD BE SUFFICIENT TO COMPLETE ACQUISITION OF EVERGLADES NATIONAL PARK.

FLORIDIANS HAVE NOT FORGOTTEN THE VALUES OF EVERGLADES NATIONAL PARK AND BIG CYPRESS. THE ORIGINAL AUTHORIZATION FOR EVERGLADES DID INCLUDE MUCH OF BIG CYPRESS THAT WE ARE PROPOSING TODAY. REGRETTABLY, SUBSEQUENT LEGISLATION DELETED THIS KEY WATERSHED.

OVER THE PAST 2 DECADES THE STATE HAS ACTED TO PROTECT THE FLOW OF WATER FROM LAKE OKEECHOBEE THRU THE EVERGLADES AND INTO THE PARK BY THE ESTABLISHMENT OF 3 CONSERVATION AREAS OF MORE THAN 1,400 SQUARE MILES. IN 1968, THE STATE SUPPORTED FEDERAL LEGISLATION THAT GUARANTEES THAT A MINIMUM SUPPLY WILL BE PROVIDED TO THE EASTERN PORTION OF THE PARK FROM LAKE OKEECHOBEE AND THE CONSERVATION AREAS, THUS ASSURING THE INTEGRITY OF THE EASTERN PORTION OF THE PARK. NOW, WITH THE BIG CYPRESS PROPOSAL, WE ARE TAKING STEPS TO SIMILARLY PROTECT THE WESTERN PORTION OF EVERGLADES NATIONAL PARK.

AGAIN THE STATE OF FLORIDA IS ASSISTING WITH $40 MILLION, THUS REDUCING THE FEDERAL GOVERNMENT'S COST TO $116 MILLION. BUT WE SHOULD NOT VALUE AN EVERGLADES OR A BIG CYPRESS BY TOTALLING THE DOLLARS SPENT FOR LAND ACQUISITION.

IN AN ABSOLUTE SENSE, NO ONE CAN GUARANTEE THE SURVIVAL OF EVERGLADES NATIONAL PARK, BUT I AM SURE THAT IF THE BIG CYPRESS SWAMP IS NOT PROTECTED IN ITS NATURAL STATE--WITH ITS DRAINAGES UNIMPAIRED--EVERGLADES NATIONAL PARK WILL CHANGE DRASTICALLY. THE PARK RESOURCES HAVE ALREADY CHANGED IN THE PAST 25 YEARS--I CAN THINK OF NO BENEFITS, ONLY LOSSES. SOME INDICES SHOW AWESOME LOSSES. FOR EXAMPLE, THE CENSUS OF THE WOOD STORK--A KEY INDICATOR SPECIES--HAS SHOWN THAT THE POPULATION OF THESE BIRDS HAS DIMINISHED BY OVER 80 PERCENT SINCE 1960 WHEN THE NUMBER STOOD AT AN ESTIMATED 10,000.

IN ADDITION, WE KNOW OF NO WAY THAT BIG CYPRESS CAN BE PROTECTED OTHER THAN BY OUTRIGHT PURCHASE. WE HAVE STUDIED THE ALTERNATIVES, AMONG WHICH WERE ZONING AND EVERY CONCEIVABLE COMBINATION OF FEDERAL-STATE-COUNTY ARRANGEMENT. IN OUR OPINION ALL, OTHER THAN FEE ACQUISITION, FAIL TO DO THE JOB.

WE CONSIDERED NEW ORGANIZATIONAL UNITS, SUCH AS TRUSTEESHIPS, AND A PUBLIC CORPORATION. WE CONSIDERED FEDERAL COMPENSATORY REGULATIONS OR A SYSTEM OF PARKWAYS AND EASEMENTS.

OUR CONCLUSION IS THAT THE BIG CYPRESS MUST BE ACQUIRED IN FEE. IF YOU CONCUR IN THE RELATIONSHIP BETWEEN BIG CYPRESS WATERSHED AND EVERGLADES NATIONAL PARK AND DETERMINE IT IS IN THE NATIONAL INTEREST TO PROTECT THE NATION'S INVESTMENT AND THE RESOURCES OF THE EVERGLADES, THEN YOUR DECISION-IS, SIMPLY PUT, WHICH OF THE PENDING BILLS WILL BEST PROTECT BIG CYPRESS SWAMP?

AS STATED IN OUR DEPARTMENTAL REPORT TO YOUR COMMITTEE, WE GENERALLY PREFER S. 920, THE ADMINISTRATION'S BILL, TO S. 783, WHICH WOULD ESTABLISH A NATIONAL RECREATION AREA, OR H.R. 10088, THE BILL PASSED BY THE HOUSE OF REPRESENTATIVES ON OCTOBER 3, 1973.

WE DO NOT BELIEVE THAT THE BIG CYPRESS AREA SHOULD BE DESIGNATED AS A NATIONAL RECREATION AREA, OR THAT OWNERS OF RECENTLY CONSTRUCTED COMMERCIAL PROPERTY AND CAMPSITES TOGETHER WITH ALL LAND IN THE SAME OWNERSHIP, SHOULD BE PERMITTED A STATUTORY RIGHT TO REMAIN FOR 40 YEARS OR LIFE, OR FOR THE LIFE OF THEIR HEIRS. THESE PROVISIONS APPEAR IN S. 783.

WITH REGARD TO H.R. 10088, ITS MAJOR DIFFERENCE FROM THE ADMINISTRATION BILL LIES IN THE USE OF THE LEGISLATIVE TAKING PROVISION. WHILE WE PREFER THE ADMINISTRATION'S BILL, WHICH WOULD AUTHORIZE AN ORDERLY LAND ACQUISITION PROGRAM AND THE ESTABLISHMENT OF PRIORITIES WITH RESPECT TO SPEEDY ACQUISITION OF AREAS IMMINENTLY THREATENED WITH DEVELOPMENT, THE HOUSE BILL SHOULD BE AMENDED IN CERTAIN RESPECTS IF IT IS ADOPTED.

FIRST, THE MINERAL ESTATE SHOULD BE EXEMPTED FROM THE LEGISLATIVE TAKING. THIS WOULD, FOR EXAMPLE, EXCLUDE FROM THE IMMEDIATE ACQUISITION ALL OIL AND GAS INTERESTS IN THE PROPERTY, INASMUCH AS THERE IS NO APPRECIABLE OIL PRODUCTION IN THE AREA NOW, AND THE VALUE OF ANY PETROLEUM DEPOSITS IS HIGHLY SPECULATIVE.

SECOND, (AND WE BELIEVE THIS SHOULD BE ADDED TO ALL THE BILLS BEING CONSIDERED BY THIS COMMITTEE) THERE SHOULD BE TWO EXCEPTIONS FROM THE UNIFORM RELOCATION ACT REQUIREMENTS CONCERNING PARCELS OF 40 ACRES OR LESS. THE UNIFORM RELOCATION ACT REQUIRES, AMONG OTHER THINGS, THAT THE OWNER OF ANY PROPERTY ACQUIRED BE PERMITTED TO ACCOMPANY THE GOVERNMENT'S

APPRAISER. IT ALSO PROVIDES THAT THE GOVERNMENT CANNOT ACCEPT AN OFFER OF SALE UNLESS A FORMAL APPRAISAL HAS BEEN DONE. BECAUSE OF THE TREMENDOUS NUMBER--APPROXIMATELY 35,000--OF SMALL LAND INHOLDINGS WITHIN THE BIG CYPRESS AREA, WE BELIEVE ANY LEGISLATION TO AUTHORIZE ACQUISITION OF THIS AREA WOULD EXPEDITE THE ACQUISITION PROGRAM TREMENDOUSLY IF THESE TWO REQUIREMENTS OF THE RELOCATION ACT WERE SUSPENDED WITH REGARD TO PARCELS OF 40 ACRES OR LESS. WE HAVE SUGGESTED APPROPRIATE LANGUAGE IN THE DEPARTMENTAL REPORT.

THIRD, ANOTHER EXCEPTION TO THE RELOCATION ACT SHOULD BE PROVIDED SO AS TO ENABLE THE GOVERNMENT TO ACCEPT DONATIONS OF PROPERTY ACQUIRED PRIOR TO ENACTMENT BY THE STATE OF FLORIDA WHETHER OR NOT THE STATE HAS PROVIDED ALL PAYMENTS AND ASSISTANCE IN ACCORDANCE WITH SECTIONS 210 AND 305 OF THE ACT. IN THE ALTERNATIVE, OUR AMENDMENT WOULD AUTHORIZE THE SECRETARY TO PAY THE STATE'S SHARE OF SUCH COSTS IN THE EVENT THE STATE CHOOSES NOT TO MEET THOSE COSTS.

MR. CHAIRMAN, WITH THE HELP OF THE STATE OF FLORIDA, WE HAVE AN OPPORTUNITY TO FORGE A NEW ELEMENT IN THE NATION'S SYSTEM OF PARKS. YOU CAN RESPOND IN THE MOST POSITIVE WAY BY APPROVING S. 920, ESTABLISHING BIG CYPRESS NATIONAL FRESH WATER RESERVE.

THANK YOU VERY MUCH.

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Mr. CURRY. I am the Associate Director for Legislation of the National Park Service. What we would like to do with the chairman's permission, is to move with a discussion of the hydrology of this area and explain really the basic purpose for the Big Cypress Reserve, how it relates to the park, and the type of water, and answer any questions you might have in that respect.

I would then like to introduce Mr. Frank Nix.

Mr. NIX. I would like to use this map, Senator, if you can clearly see it. First, I want to point out this is a NASA print taken from 12 miles up, infrared, a very excellent map, probably the best we have ever seen, showing the drainage characteristics of south Florida, and its relation to the water supply.

The primary areas we are here discussing, of course, is the Big Cypress National Freshwater Reserve, which is outlined with this. This is Everglades National Park below it. As you will notice, the park boundary extends beyond the boundaries of this map, so I feel that water from the Big Cypress Reserve all ultimately goes into the Everglades National Park. The park extends south several miles.

The other areas are the vast conservation areas that the State of Florida, through the flood control district, central and southern Florida flood control project, began the year after Everglades National Park was actively operating.

Senator JOHNSTON. That was in the 1920's, wasn't it?

Mr. NIX. No, this started in 1949—the park in 1948. I don't exactly know the dedication date. It was authorized long before that but was actually in operation as of 1948.

The water, then, for Everglades National Park came down from the central portion of Florida, north of this large lake, which is second only to Lake Michigan as far as this.

Senator JOHNSTON. Okeechobee?

Mr. NIX. Lake Okeechobee; yes sir. A shallow lake about 30 miles wide or 30 miles in any direction—almost circular. If you look at the map in 1880 there was nothing here. There were none of these manmade scars on the surface of this land. There were no people except maybe a handful living in the city of Miami. This is rather recent history we have here. The water flowed into the lake, the lake overflowed and produced a tremendous volume of water that came to what is now Everglades National Park.

The rainy season starts in May and June and continues through October, but because of the vast distance, about 100 miles, from here to here, to the park boundary, this water continued to flow into the park well into the dry season, sometimes way through the dry season, so the park, the central portion, was wet year round due to the local rainfull and——

Senator JOHNSTON. Has siltation ever played a part?

Mr. NIX. No part at all. This water moves so slowly that it is crystal clear any time you see it. There is no silt movement. Actually much of this land is rocky land. It isn't soil.

This is the vast agricultural area, which has a deep mucky soil, some 1,400 square miles right in around Lake Okeechobee, now growing mostly sugarcane. When the project that I talked about, the

central and southern Florida flood control project, was established, they were only farming around the very edges of the lake, so in the last 23 years they have expanded to include almost all of this here.

Senator JOHNSTON. Does that act as a virtual dam from that overflow water?

Mr. NIX. Yes, sir.

Senator JOHNSTON. It completely intercepts?

Mr. NIX. As a result of hurricanes in 1936 and 1938, when several thousand people were killed, the Federal Government built a large dike around this and that was the first blockage of water to the park area. Next came four major canals leading out of the lake and discharging their water to the east coast. Then, when the flood control project was authorized, the flow to Everglades Park was further reduced by the construction of these huge conservation areas. However, they do serve a wonderful purpose today. The water is pumped off this land and the rainfall is stored in here and through legislation, the Federal legislation in 1968, the park now receives a minimum supply of water, year-round supply, from this system.

Senator JOHNSTON. How is it stored there?

Mr. NIX. It lies very shallow on the surface of the land. This pool is 900 square miles, this one pool.

Senator JOHNSTON. It is a pool?

Mr. NIX. We call it a conservation pool, a pool of water.

Senator JOHNSTON. Is it like a swamp or like a lake?

Mr. NIX. It is more what we think of as a marsh, very shallow water. The land slopes gradually down this way.

Senator JOHNSTON. And all of that is marshy, slushy; you need boats to walk over it?

Mr. NIX. That's right, this is deeper in this corner, maybe up to your waist, and up here you wouldn't have any water except maybe in the rainy season.

Senator JOHNSTON. Not much timber up there?

Mr. NIX. Not much timber at all. It is mainly sawgrass. This is what is known as the "River of Grass".

Senator JOHNSTON. Is that also true of the three conservation districts?

Mr. NIX. This one has trees and tree islands.

Senator MCCLURE. When you say "this one" you mean conservation area No. 1?

Mr. NIX. No. 1.

Senator JOHNSTON. Where is that fire in Big Cypress?

Mr. NIX. The fire is burning generally along this road that bisects the area and scattered fires throughout the Big Cypress.

Senator JOHNSTON. I just read where 30,000 acres are on fire and they are afraid it will get over to the Everglades and sawgrass.

Mr. NIX. I don't know precisely where that was, but last year it was burning in this area.

Senator JOHNSTON. This is one apparently just yesterday.

Mr. NIX. Well, it has been burning. We have had a lot of smoke in the city for probably 3 or 4 days now.

This land, then, sloping very gradually, produced this flow of water into the park. Everything on the east side of the park then

is supplied by the Kissimmee River, through Lake Okeechobee to the Everglades. If you can get a chance come to this map and you will see the flow is actually shown on here because the tree islands over the country have shaped themselves in the direction of the flow of water. There are hundreds of tree islands in the park. The park has more trees than this area here but these islands definitely show the flow of water into the park and that is one of the arguments we have used to indicate the park has always received water from this system. As I said before, the State of Florida has recognized us as a part of the project for the consumption of water.

Senator McCLURE. With reference to that map, how far up the west coast does the Everglades National Park extend?

Mr. NIX. Well, it goes perhaps another—from this point.

Mr. McCLURE. Which is the southwestern corner of the upper part of the proposed reserve?

Mr. NIX. I would say maybe another 5 miles or maybe 10 miles. Here is the point on this map where this map runs out and the park goes on eight or 10 miles.

Senator McCLURE. The reason I asked that question, it would appear from the flow lines that you referred to showing in that aerial photo that the major part of the Everglades National Park receives its water that flows out of conservation areas and not out of the Big Cypress, but that portion which lies at the upper northwest end of the Everglades National Park depends upon its water for flow south of the Big Cypress, would that be correct?

Mr. NIX. That is correct. I was just coming to that, Senator. I was developing this part of the story. The other big drainage area that supplies this part of the park, or this system, is the Big Cypress area. This area does not go far north like this one does. This one originates up in this area, and even today the flow is naturally down across the area through the estuaries and into the Gulf of Mexico. A very vital feature of this is the mix of fresh and salt water which is highly productive for marine shrimping.

Senator JOHNSTON. Would you tell us about the shrimp?

Mr. NIX. Perhaps, Dr. Robertson or someone else can supply those details. I am an engineer and deal strictly with water. I know the importance of water to the shrimp, but I don't know all the details that you may want.

Dr. CURRY. This is Dr. Bill Robertson.

Senator JOHNSTON. Being from Louisiana we don't hear very much about Florida shrimp, but I understand you do have a few fish there. Will you tell us about it?

Dr. ROBERTSON. Yes, sir. The main shrimp fisheries are well out in the gulf in the Dry Tortugas area. The connection of shrimp to this water flow is the fact that larval shrimp move or are carried into estuarine areas such as the downstream part of the Big Cypress where they spent a certain portion of their growing up period in areas of reduced salinity that are favorable for feeding and where the pressure of predation on the mis reduced. Then they move offshore at a certain state in their life cycle and enter the commercial fishery.

Senator JOHNSTON. I understand it is a big industry.

Dr. ROBERTSON. It is a very substantial industry. I think I heard the dockside value is $15 million. Mr. Woodburn from the State, I am sure, can tell you more.

Senator JOHNSTON. Is that from all of Florida or just in the area?

Dr. ROBERTSON. I have heard that figure for the Tortugas fishery.

Senator JOHNSTON. That is known down in the Keys?

Dr. ROBERTSON. It is known from substantial studies by the State and the Bureau of Commercial Fisheries, through marking experiments, that this estuary of the park and the Big Cypress shrimp marked there as juveniles have been recovered from the commercial catches in the migrations and movements, and seasons of movement are pretty well worked out. There is a direct organic connection.

Senator JOHNSTON. I know the shrimp in the estuaries—we are being asked to spend $120 million. I am just wondering whether it is for a few thousand pounds of shrimp or whether it is——

Dr. ROBERTSON. It is a substantial fishery.

Senator JOHNSTON. Substantial as compared to what?

Dr. CURRY. Mr. Chairman, last year before the House in the Senate report, at pages 188 and 189 we quote from two sources, the gulf coast shrimp data and the commercial fish landings source of the Florida Department of Natural Resources in Collier County. There are two charts in there that give poundage and the value. They cover the years 1965 to 1970, and I am sure the State has probably more up-to-date figures than that, but with your permission, I could submit that for the record.

Senator JOHNSTON. Does it break it down to this area?

Dr. CURRY. Commercial fish landings goes in Collier County in pounds and ex-vessel value are, 1970, 5,737,534 pounds with an ex-vessel value of $915,592. The high on this chart was in 1968, where it was a 9,258,734 pounds with a value of $1,353,019.

Senator JOHNSTON. It sounds like a mighty low per pound cost: 9 million pounds for $1,300,000?

Dr. CURRY. This is not shrimp, sir. This is commercial fish.

Senator JOHNSTON. That is all commercial fish?

Dr. CURRY. Commercial fish landings in Collier County.

Senator JOHNSTON. I see. That may well include a great many fish who do not depend on the estuary?

Dr. CURRY. The shrimp catch in 1970, 11,429,681 pounds. The value is $8,385,935.

Senator JOHNSTON. That is in Collier County?

Dr. CURRY. Sir, it isn't specified in here.

Senator JOHNSTON. That may be in the State as a whole.

Dr. ROBERTSON. The shrimp grounds are not in Collier County. They are well offshore. The connection, as I say, has been made through marketing and other sales.

Senator JOHNSTON. I am wondering if we put a big dam around the Everglades and shut off this water that comes from Big Cypress, how much harm will it do to the fishing industry? Do you know?

Dr. ROBERTSON. Well, I would suggest it would be hard to know, sir, unless it were done, but the presumption is that much of the condition of the area of mixing salinity in the estuaries, that much of the basic nutrients that support life cycles in the estuaries is related to downstream flow and to organic material brought in.

Senator JOHNSTON. I understand that. I understand how it works. I want to know what kind of dollars or what kind of pounds we are talking about.

Dr. ROBERTSON. Well, I should say that you have me far out of my depth on commercial fisheries, because I am not a fishery biologist.

Senator JOHNSTON. I don't mean to be getting to technical, but in effect what I would like to know and I may not be able to get the figures, is just how important the fishing industry is in dollars.

Senator MCCLURE. Mr. Chairman, if they don't have those figures available right now if they might supply it for the record, the best estimate they can obtain?

Dr. CURRY. Yes, sir, we will ask the State for those figures.

[The material has been retained in committee files.]

Senator MCCLURE. I have one question. I notice the bell has rung. We have a record vote on the floor, so our time suddenly becomes limited, as well.

You have suggested in the earlier testimony that the mineral rights need not be purchased, that whatever exploration would continue in the Big Cypress could be done very easily between the owner of the mineral rights and the Government under regulations, and that was in connection with oil and gas exploration and development. Are there no other minerals in the area?

Dr. CURRY. Yes; there are, and we tried to make the distinction between oil and gas and other mineral rights. A quarrying operation, for example, would be devastating to this. In other words, any kind of surface extracting.

Senator MCCLURE. Are there any known surface deposits or any known mineral values in the area?

Mr. NIX. Sir. this land is very low here and most of it is mined to fill the area they want to build their houses on.

Senator JOHNSTON. Excuse me, if I may interrupt. Can the panel come back at 2 o'clock?

Dr. CURRY. Yes, sir.

Senator JOHNSTON. If you will continue I will go ahead and make the vote and we will see you at 2 o'clock.

Senator MCCLURE. I will get this answer and then I will go also.

Senator MCCLURE [presiding]. You see many dark spots on this map. These are, in a sense mines, borrow pits. They are gravel primarily?

Mr. NIX. Well, it is rock, it is all rock. They blast the rock loose and crush it.

Senator MCCLURE. Aside from that, are there any mineral values?

Mr. NIX. Phosphates further north are an important thing, but in this area, no, it is all limestone.

Senator MCCLURE. Has it been explored and has the USGS made any mineral evaluation in the area?

Mr. NIX. I think they have, but I have no information.

Senator MCCLURE. Do you know?

Dr. CURRY. We will submit that.

Senator MCCLURE. If you would submit whatever information you have with regard to the potential for minerals in the area, I think it is important that the record show that.

With that, ladies and gentlemen, we will adjourn the hearing until 2 o'clock.

[Whereupon, at 12:35 p.m., the hearing was recessed to reconvene at 2 p.m.]

AFTERNOON SESSION

Senator JOHNSTON [presiding]. Would the Government witnesses come back, please, and the hearing will come to order.

I am very interested in this hydrology, Mr. Nix. There are some pictures here. I think maybe one of the opponents had these pictures taken. It doesn't look like much of a sawgrass swamp to me. That looks like north Louisiana hill land. Are these pictures typical of what most of the area looks like? Have you seen them?

Mr. NIX. Not recently, sir. I am not familiar with that.

Senator JOHNSTON. Do you want to see them?

Mr. HENNINGSEN. Is it possible to ask one question while he is looking at that picture? It is about the purchase area. The questions you are asking him are about the total area of south Florida. These pictures are in the purchase area. It is what we are concerned with.

Senator JOHNSTON. Do we have any pictures from Interior of what the area looks like?

Dr. CURRY. We have a vegetation map here, sir, that we would be glad to display for you, and again one of the most graphic.

Mr. NIX. This is a vegetation map of the area. The yellow you see there is cypress forest, which is a significant portion of the area we are talking about.

Senator JOHNSTON. And pretty well within cypress there is standing water?

Mr. NIX. Much of the area, at least half of the year. The darker is pineland, and I see this is generally what is displayed here, the pink is the cypress area.

Senator JOHNSTON. How high is the piney land?

Mr. NIX. It is relative to the water, it is only a foot or so higher than the surrounding ground. In this area the elevation would get up to 18 or 20 feet above sea level and here it is 6 or 7 feet above sea level, but in relation to the water, which is flowing in a sheet flow over it, there are times when the pineland is under water.

Senator JOHNSTON. When the pineland is under water? What is that, when the whole area is flooded?

Mr. NIX. Yes, sir.

Senator JOHNSTON. Has that happened every year or just once every decade?

Mr. NIX. I wouldn't say it happens every year but it would happen three or four times every 10 years for a short period of time. In real wet years, for a couple of months there would be water in the pine.

Senator JOHNSTON. In the time of the year that is not—in a year that is not one of these three or four times every 10 years, when it does not flow, water runs off the pineland pretty fast, doesn't it?

Mr. NIX. The pine land is just interspersed in the cypress area, so the water—if you walked across there, at times you would be in water up to your knees and then again you would only cover your shoes on our feet, but all of this is under water. It doesn't run any place. It goes up and down almost the same way.

Senator JOHNSTON. I thought I understood you to say that the pineland floods only three or four times every decade?

Mr. NIX. I meant completely flooded, covered with water. The water rises up and floods the pineland which is perhaps 6 inches to a foot higher than the adjacent land where other types of vegetation grow. So when you are talking of flooding the land here, you are only talking about a rise in water level of 6 to 12 inches at most.

Senator JOHNSTON. I understand that, but as I understand the testimony, the hydrology of this thing is such that you have the sheet water that flows what, 2 inches elevation per miles, I think it said?

Mr. NIX. Yes, sir.

Senator JOHNSTON. Because it is flowing slowly. You are not telling me that it is slowly flowing over the pineland, are you?

Mr. NIX. No; it perhaps is when the pineland is under water, but when it drops several inches, then it does not flow over the pineland anymore but flows around little islands of pines there very slowly.

Senator JOHNSTON. You say "little islands of pine". How little?

Mr. NIX. On this map it looks like they are a mile or so across, the larger ones, but in there, there are little glades and cypress interconnections. It is not a completely level place. It is undulating but very slowly toward the south.

Senator JOHNSTON. Can you tell me why the pinelands, that area that you say is a foot above the other part, why that is important to the ecology and hydrology of the area?

Mr. NIX. Well, I suppose it is all part of the system. There is no block in there that you could take out by itself and not affect everything surrounding it. It is part of the whole water system. At times it is high and flowing over the whole area. At other times it is not flowing over the higher pine land, but the area is flooded, the general area, as you speak of an area, is flooded every year. The pinelands are a little higher so they are only flooded once every 3 years, let us say, and this is, I believe, that is a very accurate description. It may be more often than that for short periods of time if you get intense rainfall in this area.

Senator JOHNSTON. Let's say you went into some of these pinelands and you put in subdivisions and you developed it and all that, but you had a land use restriction that prevented you from building below a certain elevation, so that from the pinelands, then, you would have a rapid runoff, how would that change the hydrology and the environment of the area?

Mr. NIX. Well, first of all, to build, to get out of the water, you would have to bring in material, you would have to mine some rock to fill the area. There is no way you could develop in the sense that we think of development other than for a cabin or camping in the glades without digging a canal and filling and then draining the water off the piece of land.

Senator JOHNSTON. That is in the Big Cypress?

Mr. NIX. That is the only way it would be developed in the sense of development that we have over in this area. Essentially, it is the same. There are a great number of canals here. There are very few over here because no one has moved into development. Development would have to bring canals and fill.

Senator JOHNSTON. You mean you can't build on this kind of land now? You can't build there?

Mr. NIX. You can build on it, but you will have water. If you build at the level of the land you will have water in your yard in certain periods of the year.

Senator JOHNSTON. Would this whole area be below the 100 foot flood level, I mean the 100-year flood level?

Mr. NIX. Oh, yes, definitely.

Senator JOHNSTON. It would be? Well, if that is so, as you know the bill we just passed in Congress prevents building below the 100-year flood level. So when we talk about acquiring this so people won't develop it, they wouldn't be able to develop it anyway, would they?

Mr. NIX. I am not familiar with the—I believe most of what we are talking about with the Federal legislation had to do with more or less definable streams of channels with an overbank section.

Senator JOHNSTON. No; it had to do with the 100-year flood level. I am very familiar with that, and there is a land use restriction in that that requires all areas to prohibit building below the 100-year flood level and if they don't have a land use restriction preventing building below the 100-year flood level, then they lose the ability of all their banks to make federally insured loans, VA loans, FHA loans, all the rest of it. I think a study ought to be made or some research ought to be made on what affect the new flood insurance bill will have on the value of property in Big Cypress.

Mr. NIX. I believe these people could, under that law, perhaps come in and fill and get above that level and then be allowed to go ahead.

Senator JOHNSTON. Yes, you can fill or buildup.

Mr. NIX. That is what they would have to do here, then.

Senator JOHNSTON. There is just no area in Big Cypress where you would build a house without filling up? Is that right?

Mr. NIX. Well, I wouldn't want to say that there aren't a few isolated tree islands or something that may be high enough. I am unaware of any that are that high. There may be a few, but if you wanted to go outside of your house or do anything there, you would have to have drainage and flood control in this area, because it is flooded with water just like this was flooded with water and they drained it to be able to move in. Gulf-American, a little off this map is draining huge portions of the Big Cypress to the west of here.

Senator JOHNSTON. When I look at that map that you have there, the one that has the different kind of trees on it, the vegetation map, that appears to me to have large areas of pine.

Mr. NIX. This is the pine. The red is other type of forest. This is actually the Fakahachee Strand that you see over here in red which is a low area. The pine is the magenta color, the darker red.

Senator JOHNSTON. My question about the pine is, if you accept the premises, and I don't know that this committee will accept the premise, but if you accept the premise that you should acquire no more land that is necessary to protect the ecology, then the next question is how much of this pine land could you allow development on, and that is also the reason for my earlier questions about the use of this as a public park. I say as a public park, a recreation area. Maybe the pine land is essential for that, but——

Dr. CURRY. Mr. Chairman, we do have a Corps of Engineers map which was developed in 1970 or 1971, well in advance of this particular debate or discussion, which delineates the drainage area for Everglades, and we have superimposed on that area of the Big Cypress and you can see that every portion of the Big Cypress area is included in that critical drainage area as defined by the Coprs of Engineers.

Senator JOHNSTON. Every portion is?

Dr. CURRY. Yes, sir, I think you will see it right there.

Senator JOHNSTON. When you talk about drainage area, what does that mean?

Mr. NIX. That means the area that contributes water toward Everglades National Park. In other words, at this point is the divide. Water on this side goes to the park, on this side away from the park.

Senator JOHNSTON. That does not mean that prohibiting development is essential on every part because of the drainage. You could have a high hill there where water would drain off very fast and it would not affect the ecology.

Have the opponents to this done any countervailing hydrological studies or environmental studies?

Mr. NIX. I am not aware of any, sir.

Mr. HENNINGSEN. When my turn comes, I will supply you with some information.

Senator JOHNSTON. All right, gentlemen, being the experts I wish you would, if you are not in a big hurry, I wish you would wait around.

Dr. CURR.. We would like, with the permission of the Chair, to just summarize our position and a few key points that have been raised by yourself and Senator McClure for the record so that we can condense it in one spot with the Chair's permission, answering what we feel are a few of the very fundamental questions dealing with hydrology, the nature of the resource, and how it relates to Everglades.

Senator JOHNSTON. If you can do it in 3 or 4 minutes.

Dr. CURRY. All right, the basic questions appear to us to be where does the water go from Big Cypress, what portions of the park does it serves, what are the values of this western portion of the park since we are talking about Big Cypress primarily nourishing this portion of the park, and what are the values of Big Cypress itself.

Suppose for a moment, sir, we were up here without Everglades and we were just asking about including Big Cypress as a part of the National Park System. On what grounds could we argue for its inclusion, let it stand on its own merit, both its biological merits and its user merits, and five, who will be affected by the purchase, what happens to the little man that has a small tract of land, one of the estimated 90 permanent residents of the 544 improved properties in here. What happens to that individual?

Senator JOHNSTON. Only 90 residents?

Dr. CURRY. Yes, sir.

Senator JOHNSTON. Only 90 permanent residents in the whole thing?

Dr. CURRY. Ninety structures that are permanent. And basically that, what happens—in other words, the nondeveloper, the large

developer in this area, what happens to him as a result of this legislation? Very quickly, Frank, will you again show graphically where the water goes in terms of the park?

Mr. NIX. We explained that the eastern portion of the park receives its water from the conservation areas and the central part of Florida. The western part of the park, receives its water from the Big Cypress, a portion of which is in this area that is under consideration today. This water goes into this part of the park. There is no way you can avoid coming to this conclusion. We have measured for 20 or 30 years along this road the flow that crosses the road and heads into the park.

It is of vital importance, I think, to point out again that the park really would get drainage even from this area, but this is the Fakahatchee Strand which the State of Florida indicated they are going to purchase to help preserve this piece of the park out here.

On the infrared map, I pointed out the tree islands in the slough and the conservation areas. You have the same alignment of sloughs in this area, indicating they flow south, southwest. I think that is all.

Dr. CURRY. Then just to sum up the values of that portion of the park as distinguished from the park as a whole, sir, Bill Robertson.

Dr. ROBERTSON. Well, I think I would just like to make one or two points. One is that from a biological standpoint, plant and animal, Big Cypress would stand on its own. This section of the park, which is affected by whatever happens to flow from the Big Cypress, harbors very significant wildlife population, such as some 20 nesting pairs of Bald Eagles, a substantial part of the population in the total park and in the total Eastern United States.

Areas affected by the flow are extremely important, seasonally for other endangered species. Wood ibis concentrate and fee is——

Senator JOHNSTON. What is that?

Dr. ROBERTSON. Wood storks. Roseate spoonbills are a substantial part of the summer population.

Senator JOHNSTON. Are those ducks?

Dr. ROBERTSON. No, these are ibis-like wading birds, pink in color, that nest in the United States only in Florida Bay and on the Coast of Texas. But during a portion of the year, even though their nesting base is in a remote portion of the park, a portion of the bird population depends very heavily on this coastland. The same story can be followed through in varying degrees for about 20 very precariously situated birds, mammals, et cetera.

Dr. CURRY. We have really covered the value of the Big Cypress itself, and the species there. That would stand on its own in terms of biological value.

In terms of recrational value, Jack Stark, what does this offer that the Everglades does not offer?

Mr. STARK. I think a lot of the testimony today has centered around the fact that the main reason for preservation of this area is to preserve the Everglades, but if there were no Everglades National Park, the area by itself certainly is worthy of preservation. It has certain habitats that are not found in the Everglades National Park that are much more impressive to the potential park user, recrea-

tionist, whatever we wish to call him. The Cypress forest is laden with moss, numerous airplants, and the area has an appeal all its own that, for many people that come to Everglades National Park, is the kind of thing they are looking for, and we, in fact ,don't have a lot of it available in the park. So the area, I think, by itself, to sum it up, can stand as being worthy of national preservation and national interest on its own regardless of its biological interrelationships with the park.

Dr. CURRY. And who will be affected by the purchase? We have in this area three farm units, 89 year round residences, 324 cabins, hunting type cabins, seasonal cottages, if you will. Fifty-three house trailers, and additional commercial developments. There are 89 structures that would qualify as permanent structures.

Senator JOHNSTON. My figures show 513 residential, 24 commercial, 3 organizational, 2 churches, for a total of 544.

Dr. CURRY. That is correct, but only 89 of those are permanent year-round type residences.

Senator JOHNSTON. Only 89? What percentage of those 89 could be allowed to stay under a formal or informal arrangement?

Dr. CURRY. In this area we apply the so-called Cape Cod formula of the private owner having the right of a 25-year or life estate. That is his general prerogative. Our concern here is, so long as the small individual private owner is not utilizing the property in an adverse manner, that is, really destroying the resources—and many of these people, of course, are in love with this resource, that is why they are there, and are probably some of the best caretakers of that resource—under the Cape Cod formula they would continue to use their property in this area.

Senator JOHNSTON. What value would there be in owning property in Big Cypress other than as development for residential?

Dr. CURRY. What value would there be? I think our, at least in name, opponents here can really tell you the real value there in terms of it being a magnificent area to be in. It would be actually an even more magnificent area to be in if it is all protected, if they are protected from development.

Senator JOHNSTON. I am talking about value in dollars. If we took away the right to build residential homes and said you can do anything else with it, what could they do with it?

Dr. CURRY. If you don't have any improved properties, you couldn't do anything with it.

Senator JOHNSTON. What I am talking about is it is not valuable for farmland, is it? Can you farm in there?

Dr. CURRY. There are three farm sites in here.

Senator JOHNSTON. The principal potential value at least is residential.

Dr. CURRY. Yes, if it were drained.

Senator JOHNSTON. If you got an easement prohibiting residential construction, what percentage of the value of that property would that be?

Dr. CURRY. This would be virtually, I think the testimony this morning was to prevent that kind of development we would have to pay 80 to 90 percent of fee.

Senator JOHNSTON. I would suggest that you look into this question of what the flood insurance bill does to this. I happen to oppose that 100-year flood level on the flood insurance bill figuring it would put vast areas out of commission, out of commerce as residential areas, and it may very well have done this in Big Cypress either without having to pass this bill or without having to pay as much money. But if you are talking about the value of the property, I think that ought to be studied.

All right, thank you very much, Mr. Curry.

We have a large number of other witnesses. Mr. Cahill, is he here? He owns land in the acquisition area. You would be in opposition, Mr. Cahill.

Mr. CAHILL. Comme ci, comme ca.

Senator JOHNSTON. How about Mr. Henningsen?

Mr. HENNINGSEN. I am here, sir.

Senator JOHNSTON. You are against?

Mr. HENNINGSEN. Yes, sir.

Senator JOHNSTON. Mr. Droznenk?

Mr. DORZNENK. Against.

Senator JOHNSTON. Mr. Jones.

Mr. JONES. He is for it.

Senator JOHNSTON. Mr. Browder.

Mr. BROWDER. For it.

Senator JOHNSTON. Mr. Brock Evans, I know he is for it, am I right?

Mr. EVANS. Yes.

Senator JOHNSTON. I know Ernest Dickerman is for it.

Maitland Sharp has got to be for it.

Mr. SHARP. That is correct.

Senator JOHNSTON. Anthony Wayne Smith has got to be for it.

Spencer Smith would be for it.

VOICE. Mr. Jones is not here.

Senator JOHNSTON. Mr. Bybee, your principal testimony, do you have a written statement.

Mr. BYBEE. Yes, sir.

Senator JOHNSTON. Your main testimony would be to the effect that there is potential oil in the area and that you would like to see the mineral rights go with the owner, not expropriated, is that correct?

Mr. BYBEE. That is correct, sir.

Senator JOHNSTON. Would it be necessary for you to testify at any length?

Mr. BYBEE. I could make a very brief statement and summarize it if you would like. I would like very much to state it in about 2 minutes, if I could, but it wouldn't be necessary.

Senator JOHNSTON. All right. That will be fine.

Mrs. Van Doren.

Mrs. VAN DOREN. For.

Senator JOHNSTON. We have only three witnesses against.

Mr. PACE. We have a lot of them scheduled on tomorrow's hearing. We must be 20 here. We had tried to coordinate a lot of them so there wouldn't be any overlapping information, but our group from Miami has nine, I believe, that will be against.

Senator JOHNSTON. Do you have more or less a leader of the opposition?

Mr. HENNINGSEN. There are about three different groups, some are residents and some are landowners. Mr. Pace is the leader of one and I am the leader of another.

Senator JOHNSTON. I want to give everyone plenty of time to speak, but rather than have numbers, I would rather have an in depth testimony by two or three with having the rest raise their hands and saying for it rather than just having everyone get up and say the same thing.

Mr. CAHILL. My testimony was going to be part for and part against, and I think it would bring out some points that have not been brought out by anyone else, nor will they be. That is why they put me number six on the list.

Senator JOHNSTON. All right, why don't we go ahead in our regular order here and keeping in mind that we want to try to get through about 10 witnesses in about 2 hours, so those of you who can either submit your statement, if you think it would be redundant, we would appreciate that, because I want to get as much into the meat of this thing this afternoon as we can.

Fine, Mr. Henningsen.

STATEMENT OF R. G. HENNINGSEN, PRESIDENT, SPORTSMANS AND PROPERTY OWNERS ASSOCIATION, GENERAL DELIVERY, OCHOPEE, FLA.

Mr. HENNINGSEN. Thank you, Senator. First of all I think I better, at this time, qualify myself as to what I am about to say. I have had to do this before because I am one of the people that most speak of as being one of the residents of the Big Cypress. I am one of the few permanent year-round residents. I am a hog farmer. I am a licensed guide. A lot of people get down on me for being a guide, but I want to state now for the record I take mostly tourists and picture takers and I don't take hunters.

That is beside the point. Some of the things these gentlemen have brought out today are perfectly true. Most of them, I believe, are misinformed on the area of the Federal purchase, not on the areas that they are talking about, water flow from Lake Okochobee down. We have been telling them for 3 years to take the area that flows in and across the Everglades National Park.

Now, you have a condition that has started in Miami where they are building roads across this. Yet they are still trying to take our lands in a part of the Big Cypress National Fresh Water Reserve.

Senator JOHNSTON. Would you identify where you live?

Mr. HENNINGSEN. Right there is a little mark, if you all can see it, that is my home. That is my airfield. Right down there is Mr. Pop Hager's airfield; he is also in the audience. These airfields have been in here for many years.

Senator JOHNSTON. How far from the Tamiami Trail?

Mr. HENNINGSEN. Thirteen miles north of Monroe Station, 20 miles east, 8 miles south of Alligator Island.

Senator JOHNSTON. How long have you lived there.

Mr. HENNINGSEN. Since 1965 steady. I have been in those woods since 1948. I have been all over them. I have crossed the Everglades before they put the canals in, north to south, east to west. So I think I am pretty well qualified to speak on what is in this area.

At this moment, which will come out as soon as I read this, this is just a preamble, we have got a problem in that country and if I could go into this report that I have, it is very short, I will read it to you, what I had to say and when I get done, if you will ask the questions, whichever you wish to ask, why, I will be glad to go from there.

I am speaking to you on behalf of more than 200 landowners and sportsmen on record at this time. We wish to make a presentation to your department that is gaining much strength among the people who are most directly concerned with the environment and development of south Florida.

After spending 3 years attending hearings and speaking at many, both in Washington, D.C., Tallahassee, Fla., Ft. Myers, Fla., and the most recent hearings held in Collier County by the State land planning division, it has become apparent to our organization that a simpler solution could be found to the very complex problem concerning the Federal purchase of more than 585,000 acres of the south Florida flatwoods. You might very well note at this time we call this area flatwoods and not swamp because most of this area is not a true swamp. It is wet during the rainy season but at this very moment, approximately 50,000 acres are burning. This is a truth, sir. I just left it the night before last. I have been fighting fires until I am blue in the face. These fires completely surround my ranch. This particular ranch is located almost in the exact geographic center of the proposed Federal purchase area, also called the area of critical concern in the State of Florida.

At this very moment a team from the USGS is making a new mapping of this area. This team is at the present moment using my particular facilities for this endeavor. Wednesday evening, March 19, 1974, 2 days ago, the elevation at my airstrip and at the front door of my home was established at 16 feet above sea level for the airstrip and 17 feet above sea level at my home. None of this land was filled. This is approximately 10 feet above the lands I am supposed to be storing water for.

Senator JOHNSTON. You mean 10 feet above the park?

Mr. HENNINGSEN. No, I am talking about that airstrip that I just showed you on the map.

Senator JOHNSTON. When you say 10 feet above the land you are supposed to be storing water for——

Mr. HENNINGSEN. They keep telling me this is the recharge area for the aquifer for the southwest coast of Florida. Water can't flow north as far as I am concerned. I might be wrong. I don't have that kind of an education, but I never have been able to push it up hill.

Senator JOHNSTON. How high above the flatwoods are you?

Mr. HENNINGSEN. If you will take the existing elevation from the USGS report, which I just picked up off the table, you will notice in section 18, that I happen to be in, the existing map shows it at 16 feet which is exactly concurred in by what the USGS team has

done at this point. You will notice at Monroe Station and along the Tamiami Trail where the gentlemen told you they have been taking measurements for 20 years, there is a 7-foot elevation. There is a 13-foot difference between the Tamiami Trail and this area. Nobody is going to tell me with that kind of a drop you are going to have an overland sheet of water that is going to in any way get to the Everglades National Park. I am not telling you that water does not pass underneath the ground by the aquifer, but what a rancher or a landowner does on top of that ground does not affect the ecology in the Everglades National Park in any sense of the word. It cannot do it. There are over 225,000 acres of high, dry land in that country.

Senator JOHNSTON. How much?

Mr. HENNINGSEN. Over 225,000 acres of pine land. There have been 400 million board feet of pine timber taken out of that country, not cypress, but pine. This is on record in the Senate and in the House. I have made this testimony. Others have made this testimony, and inserted in the record.

Senator JOHNSTON. You have 585,000 acres all together of which 225,000 acres is pine?

Mr. HENNINGSEN. It is all in this area. The other map the gentlemen had here, the overlay, one of the ways we keep getting snookered, and I am sorry I have to take this attitude, the map was made from aerial photographs in 1969. That was the second year of highest record of water south Florida ever had. The overlay was just made, just recently, last year. It is on the map when the overlay was made and put on it, and it shows the pine and the palmetto land to cover this vast percentage.

Senator JOHNSTON. Do you want to finish your statement before I ask you questions?

Mr. HENNINGSEN. Yes, sir.

I would be very happy to discuss this issue with you at any future time so now I will get to the meat of this presentation. The organization I am speaking for is the Sportsmans and Property Owners Association of which I am the president. The people who live within the boundaries of the proposed purchase area would like your department to investigate the possibility of the State or Federal Government purchasing all of Monroe County on the mainland. These are the lands that are contiguous to the Everglades National Park. If the purchase were to stop at this line the park would be protected to the utmost.

The rest of the proposed purchase area would like your department to investigate the possibility of the State or Federal Government purchasing all of Monroe County on the mainland. These are the lands that are contiguous to the Everglades National Park. If the purchase were to stop at this line the park would be protected to the utmost.

The rest of the proposed purchase area lying within Collier County could become the buffer zone to the park. I don't know if you are aware, but they tried to put a buffer zone on top of a buffer zone, the landowners within this area would accept this in lieu of Federal purchase.

Senator JOHNSTON. Do you want to point that out?

Mr. HENNINGSEN. The Tamiama Trail is this piece over here.

Senator JOHNSTON. That is what, an Indian trail?

Mr. HENNINGSEN. That is U.S. 41, that is the way from Miami to Naples. The State of Florida proposed right now to buy a quarter mile strip on either side. In fact, I believe that the road, or someone said so today, their prime purpose was to stop access north and south of the trail into these lands. I am not sure which gentleman said it, but one of them did say it and it is in the record. We are opposed to that. The Governor and the cabinet sent Mr. Ney Landrum to have some conversations with a few of us. He came. We were very grateful for his visit because we felt we would have some input with this gentleman.

Senator JOHNSTON. What do you propose.

Mr. HENNINGSEN. Back to the statement; and be willing to live and use their land under the guidelines set forth in the amended version of the draft by the Florida Division of State Land Planning. This area would not only serve as a buffer zone to the park, but it would save the Nation's taxpayers in excess of $300 million, because that is what it is going to cost you to buy it.

There will be a few people who will not wish to keep their holdings under these restrictions, so they should be paid for their holdings by either the State or Federal Government.

We would not mind some kind of deed restrictions keeping the land compatible with the ecology, but not so severe a man could not farm or have a ranch or use it for recreation area in the particular areas that are suitable for each endeavor.

We do not want development in the area of the proposed Federal purchase and if we are willing to accept the terms set forth in perpetuity, why must we continue to fight for the right to own and use our land?

We do not want this thing for 25 years.

Senator JOHNSTON. How much land do you own?

Mr. HENNINGSEN. Forty acres. I lease 620 acres. That gives me control of 660 acres. I am a hog farmer. My son has helped me build this thing since the time he has been able to build it. I am not going to live for 25 years. What is going to happen to him and his kids. That is exactly the way we feel about it, sir.

Senator JOHNSTON. Tell me what you propose.

Mr. HENNINGSEN. Here's the Monroe County line. It runs right across and comes up in here. The State of Florida has already bought this Fakahatchee Strand which is the slough that feeds these estuaries that these people keep talking about. This area receives an average of 51 to 53 inches of rainfall a year. You asked if we put a dam around this country, what would it do to the shrimp. I have supplied you with a chart that has come from Mr. Poppy Hager that has made a study that shows there is absolutely no relationship to the shrimp fishing industry and the water table in the Everglades National Park. These are numbers that come off records. They are nothing that has come out of somebody's head, but they are numbers that come off records. The less water you have in there the better shrimp you have the following year. It takes them a year to grow. What we are trying to tell you is that in south Florida we get 53 inches of

rainfall a year. You can do anything you want, the rain is going to fall on the ground. When the rain does not fall we are dry. Right now we are burning in that country, we are burning flat. Mr. Poppy Hager has lost a mobile home. There has been at least seven camps and mobile homes and stuff burned completely flat out of that country. I fly it every day with my airplane.

Senator JOHNSTON. Do you say here that you would not mind a restriction that you couldn't develop for residential?

Mr. HENNINGSEN. Yes, sir; we want this area for ranching and farming willing to keep it like it is. It is a wonderful recreation area. We are not opposed to the ecologist and people trying to keep it like it is, but somebody has to feed the Nation some way and you have to farm it. People are going to keep coming around, you have to feed them.

In areas that are usable for farming and ranching I don't see why they can't be used so long as we are willing to do it this way.

Senator JOHNSTON. As I understand it, there have been some 30,000 parcels sold off to some people out of the country, some fly-by-night developers, and perhaps some very responsible developers, I don't know. But suppose you came in and put subdivisions all through this area, what would that do to it?

Mr. HENNINGSEN. That would be disastrous, I will tell you the truth. If you put some deed restriction and say there will be no canal digging and there will be no roads such as we know them, there are buggy trails that the Indians have traveled since 1947 and everyone else in that country. We manage to get in and out of that country whether it rains or not. Swamp buggies do not hurt that country one bit. These people use them as recration vehicles. If a person wished to go in there and build a house and traveled by swamp buggy he is kidding himself he is going to live there, unless he is going to retire and this gentleman is not going to hurt the ecology one bit.

Senator JOHNSTON. With a swamp buggy?

Mr. HENNINGSEN. Yes, sir. You have fire people in there, I am not running the Forestry Service down, they are in there working to the point of exhaustion to put these fires out, but they are in there with bulldozers doing exactly what these people are telling us they don't want to happen.

Senator JOHNSTON. Mr. Henningsen, what you are saying is not altogether, as I understand it, that inconsistent with what these bills want to do.

Mr. HENNINGSEN. We want to own our land. We paid for it and I don't want the Federal Government to tell me they are going to pay me in 10 years a certain percentage, and I can't do this and can't do that.

Senator JOHNSTON. Suppose they say you can keep whatever structure you have, that you can farm it, run hogs on it, but you can't dig canals and you can't develop it for residential purposes.

Mr. HENNINGSEN. Suits me fine. Suits the other landowners fine that I speak for, and I speak for 200 of them.

Senator JOHNSTON. There are not many structures in here of any moment, are there?

Mr. HENNINGSEN. There are just about as many as you have on your list. People build hunting cabins, they don't hurt the country.

They like to enjoy the woods. I am at odds with the Game Commission. The Game Commission is not sponsored by the State of Florida. They are a separately funded organization. The fires you have in Collier County, I believe, would not be there right now if it was not for the stupidity of the Game Department and I am glad to put this on the record for one reason. We have asked the Game Department not to open a spring gobbler season because of the dryness.

Senator JOHNSTON. Let me ask you about this 225,000 acres of pine. How high is this 225,000 acres of pine?

Mr. HENNINGSEN. All the pine woods will run about the same. Anywhere from 14 to 19 feet elevation.

Senator JOHNSTON. And almost all of them run about the same?

Mr. HENNINGSEN. Yes, sir. The only time I have seen, in all the time I have lived in the woods, the only time I have seen any overland sheet flow of water off of Pine Island would be running off Pine Island after a hurricane when I have been sitting in the hurricane and the eyes has come over the top of me. When it rains a gully-woosher and a fog strangler, the ground gets wet. It gets wet the way it is here in Washington when you step in puddles. In 48 hours we aren't going to be wet. We will be wet in the prairies, in the sloughs, but we will not be wet in the Pine Islands.

Senator JOHNSTON. Suppose you developed intensive development on that 225,000 acres of pine, what would that do to the area?

Mr. HENNINGSEN. I wouldn't like to see it because I feel people would have to get to it one way or another. The more ways we make for people to get to it, the more trouble we have for the people who live there and try to use the area and keep it compatible. I have never had to lock my door until people started coming up in there and a lot of Government officials come up in there and they go looking in my house, and now I have to lock my door. I am not kidding a bit about that. I have a picture of a man looking in my window like so. When I showed it to him he almost had a fit.

Senator JOHNSTON. You have to watch these Government people. I know you wouldn't like to see it, but what would it do to the area? Would it hurt the hydrology of it?

Mr. HENNINGSEN. I don't think it would hurt the hydrology of it. You talk about the 100 year flood level. I would like to ask any gentleman in this room if they can pinpoint 100 year flood level any place in Florida, one point on the map, and tell me where it is.

Senator JOHNSTON. It is very difficult to do.

Mr. HENNINGSEN. It is very difficult to tell me where the 100 year flood level is right here at my ranch.

Senator JOHNSTON. You are satisfied that your ranch is not one of those areas?

Mr. HENNINGSEN. My ranch is one of the intermediate areas. As you go north in the Pine Islands they would get higher. You will find this from the USGS report that is being made right now.

Senator JOHNSTON. There is no threat at all as far as your are concerned of flooding at your ranch?

Mr. HENNINGSEN. No, sir.

Senator JOHNSTON. And there is no threat of flooding on 225,000 acres?

Mr. HENNINGSEN. No, sir. I run a septic tank. I have run it for 12 years, they tell me it don't work.

Senator JOHNSTON. You have got a septic tank?

Mr. HENNINGSEN. Yes, sir.

Senator JOHNSTON. How many feet of feedline?

Mr. HENNINGSEN. I have got a hole knocked in the bottom of it, sir, and it has never got to drain. It runs out the bottom.

Senator JOHNSTON. And you have no problem with drainage?

Mr. HERRINGSEN. No, sir.

Senator JOHNSTON. And they say it is not supposed to work?

Mr. HENNINGSEN. No, it don't work. They said there wasn't a palmetto or pine tree in any part of that country in the first presentation but they have changed that, but that is what they have told us. They have it in writing.

Senator JOHNSTON. What you are telling us is you see no reason why development could not proceed on the 225,000 acres of pine land other than the interest of wanting to keep it as it is for recreation, wildlife, that sort of thing.

Mr. HENNINGSEN. Pretty close, but not quite. I am saying that you will not stop development along the Tamiami rail, along 29, along Alligator Alley, they are trying to stop it by I–95, you will not stop development over the years along the roads that are there, permanent highways and roads that are there. All of these bills that we see and for 3 years we have had it jammed down our throats that the Miccosukee Indians and the Seminole Indians and all the Indians have the right to proceed and develop on these, they have first choice. I am a native born American and I have just as much choice as anybody else and that is just the way these people feel about it. We are not developers, we are farmers. A lot of people in the room are developers. If you tell these people they can't develop, then by golly, go up and hand them some money so they can go on their business. Some of these people have invested in there for 17 years. I don't want to see it developed, but if you tell them they can't develop I sure wish you have some money in your hand when you tell them.

Senator JOHNSTON. As far as I am concerned I would think that a fellow ought to be able to run hogs in there from here to doomsday and not hurt the ecology.

Mr. HENNINGSEN. You are right, sir.

Senator JOHNSTON. I appreciate very much your testimony. It will be very useful to the committee. Thank you very much.

We will now hear from Mr. Cahill.

STATEMENT OF DONALD CAHILL, ROCKVILLE, MD.

Mr. CAHILL. I am going to spare you a long written statement but I do have a few notes and a few points that I would like to cover. I appreciate the opportunity to be here and to express my view, even though it represents only myself and my family, but that perhaps many others feel likewise——

Senator JOHNSTON. Where do you live?

Mr. CAHILL. Right at the present time I live in Rockville, Md. But I moved to Fort Lauderdale, Fla., when I was 8 years old and I

lived there until several years ago. And I am a registered architect in the State of Florida and my wife and I bought 20 acres in the Big Cypress area, I can show you where it is, it is not too far away from Pine Island, it is north of Pine Island.

Senator JOHNSTON. Pine Island is where Mr. Henningsen lives?

Mr. CAHILL. That's right. Right in this area in the vicinity where Alligator Alley and 848 intersect in the northern part, which is called a fringe area of the proposed water preserve.

This land is wet like it has been stated previously for several months of the year.

Senator JOHNSTON. Your land is?

Mr. CAHILL. That's right, it is knee deep in water in midsummer through September.

Senator JOHNSTON. Now, Mr. Henningsen's land is dry all the time, as I understand it?

Mr. CAHILL. Yes, I haven't been on his land, but I am north of him and I am wetter, apparently.

Senator JOHNSON. Would you concur with his estimate that about 225,000 acres are pineland that are virtually dry all the time?

Mr. CAHILL. Mr. Chairman, I have heard you bat this back and forth a little bit. Apparently you have not been to the land there, because it is interlaced very closely, just on my 20-acre piece of land I have—the majority of it is pond cypress. I also have small areas of pine trees, other hummocks of sable palms and all those characteristics that make the area beautiful and what it is, and why we want to preserve it, but it is all intertwined so closely, associated one to the other, that it would be impossible to develop every pine high spot in the area without totally destroying it.

Senator JOHNSTON. Do you know the whole area?

Mr. CAHILL. Well, I haven't been on every inch of it. I think few men have.

Senator JOHNSTON. Do you know, generally, the Big Cypress area, or do you know just your little area?

Mr. CAHILL. For many years I was a Boy Scoutmaster.

Senator JOHNSTON. I know, but do you know the area?

Mr. CAHILL. I was through the area and I think I know the area probably as well as most Floridians would.

Senator JOHNSTON. Would you say it was incorrect to say that roughly a third and maybe more than a third is high pineland that is as much as 10 feet above the Tamiami Trail?

Mr. CAHILL. Well, if I may, the gentlemen from the Department of Interior were trying to give an overall viewpoint.

Senator JOHNSON. Can you give me an answer to that question first?

Mr. CAHILL. I am trying to. There is pineland that is all pineland close to the coastal areas. As you go into the Everglades area and into the Big Cypress area, if you were to look at an aerial photograph it would look like a picture of the moon, spots all over it of different kinds, interlaced. So you can't answer that question that simply. But it would be impossible to develop, say, the high points in that area without building roads. In south Florida they dig a canal when they dig a road because they dig the rock. You have a canal

from Lake Okeechobee down Tamiami Trail, Alligator Alley, any of the smaller roads that go into a development area.

Senator JOHNSTON. I am intrigued by this figure of 225,000 acres of high-line land out of 585,000.

Mr. CAHILL. I don't see how anybody could humanly come up with a figure one way or another to dispute it or agree with it.

Senator JOHNSTON. Would you say that as much as a third of it is high all the time and out of the water and never any threat of flooding?

Mr. CAHILL. I get a monthly report from the U.S. Weather Bureau and from these reports and the overall history, weather history, you will find that the rainfall can vary as much as 100 percent from one year to the next. It can rain twice as much this year as it rained last year or the year before. That is why, as I said, maybe the pineland would be covered maybe every three years in a row and not for 8 years. So the idea of building a development there, I know something of this being an architect, you could build a development but then you would have to build roads to the development.

Senator JOHNSTON. I know that. I am just trying to get information about the 225,000 acres.

Mr. CAHILL. Mathematically, I don't think you could compute that. My objection to the bill, I would like to sort of run through this, would be that we want, I would personally like to see the area protected forever, but the way it is being done and also Governor Askew mentioned the same thing, how are we going to go about doing this objective that is important. The easiest way out would be for the Government to buy every acre of the land, there is no doubt about it, but then you would exclude people like myself, and maybe many others also, who love the land, that want to use it but not abuse it, you might say, that want to have the opportunity to build a homestead there without building a road, without building a canal, without opening up a hunting lodge, or building a high-rise condominium.

Senator JOHNSTON. Do you have a septic tank?

Mr. CAHILL. Another reason I am here, as the House bill was written and passed, it would prohibit anyone coming in there since 1971 and building a cabin. I purchased my land after saving money for a long time in 1971. So I would be out of the ball game the way the bill is currently written.

Senator JOHNSON. Does that mean you do or don't have a septic tank?

Mr. CAHILL. I don't have anything there.

Senator JOHNSTON. You don't have a residence or anything there?

Mr. CAHILL. Not at this current time, but I want to. That is my intention. My intention is for my wife and I to build a small farmstead there on stilts, not to interfere with the flow of the water which is the prime intent of the bill as I understand it and as has been stated here today.

Senator JOHNSTON. Your place would be, I think, in the waterflow area?

Mr. CAHILL. It would be underwater at times of the year and at that time it is also ridden with mosquitos and nearly uninhabitable,

and those few months of the year, on certain years, I am sure I would have to abandon my homestead and live elsewhere, perhaps on the coast, which I would have to contend with, but then, again, I think it is important to do it if I want to do it.

Senator JOHNSTON. Because of the mosquitos?

Mr. CAHILL. Even the swamp buggies at times are difficult getting into certain areas. You might live on an island that is high but to get to it you would have to go through on motors. I am not on a road. I am a mile and a half off of 848 which is the nearest road.

Senator JOHNSTON. How could we define a legislative machinery to allow the Mr. Cahills of this world to live there and get there and build there?

Mr. CAHILL. You are going to be the expert on that, but I did have one idea and that would be to have very, very stringent—underline stringent—limitations on all development. But not necessarily purchase it. In other words, the State of Florida has proposed an area, they haven't as yet, but it has been mentioned, actually purchased the Fakahatchee Strand, but they are going to set up regulations that prohibit any development in there and they will be purchasing it as time goes on. Perhaps you could do somewhat the say way by setting up regulations. It has been said here today that the cost of buying easements would come to 90 or close to 100 percent of the value of the land. I will give you the easement to mine today for nothing if you will allow me to live there. I haven't built a house previous to 1971, but I want to build something there for myself and for my family, more than for 25 years, maybe for my children to enjoy, too, but as long as we do not disturb the waterflow, I don't see why the Government should object to this 25 years from now or any time in the future. The Government does not intend to use it for a national park. They don't intend to use it for any type of organized recreational use, and to me if you take the people like myself off of the land, we are probably the best sentinels and caretakers that you could have there because we like the land, we love the land, we want to protect the land.

I have seen instances where hunters who come there just on the weekends will halfway chop through a tree or just a few hundred yards off the road. They will camp right on the road or close to the road. I am not a sportsman myself. I don't even own a firearm.

Senator JOHNSTON. Should hunters be allowed?

Mr. CAHILL. I think you could allow hunting in there but the fact that you have a few people living there, I think, will help control the hunters, perhaps. The State has allowed hunting in that area and the hunting is very good, like has been mentioned here. There is quite a herd of deer and, of course, the Indians hunt there year round, which they have every right to, I think.

My idea would be to have these stringent limitations and this would automatically make all the developers or people that buy the land only for investment purposes, like the ones living out of the country or what have you, to want to get rid of their land and go elsewhere.

Now, the Government might elect to want to go ahead and buy those parcels of land out and leave the others on an optional basis

with limitations. This should save a lot of money and it would also enable the Government to actually enlarge the area that is in the scope of the project here, because even 800 or 585,000 acres sounds like a lot, but it is not big enough to really protect the ecosystem of the region.

In conclusion, I would like to say that I am gratified that the care, the Government is trying to protect this and even though it might be too late for the bald cypress that were moved 20 years ago from the Fakahatchee Strand to build the development of the 1940's and 1950's, but I would hope that the Government will write a bill, tailor a bill that will allow people that want to use it in a respectful manner to do so, but would prohibit what I would call the progress that has taken place on the eastern coast of south Florida, which is one of the reasons I am here and not down there, because I don't want to be a part of it.

Senator JOHNSTON. Thank you very much, Mr. Cahill. I appreciate your testimony.

The next witness is Mr. Buster Droznenk. I have your written statement. We can put that in the record and you may summarize.

STATEMENT OF BUSTER DROZNENK, COPELAND, FLA.

Mr. DROZNENK. I would appreciate that. The things that you are going to read there are the things that I felt needed to be said.

I am up here on my own as a property owner.

Senator JOHNSTON. You own just 5 acres there?

Mr. DROZNENK. I own just 5 acres, 400 by 500 feet. It is not a huge amount of land but at least I feel like this is mine.

Senator JOHNSTON. Where is it?

Mr. DROZNENK. Actually it is right there. It is a 17-foot elevation.

Senator JOHNSTON. That is on a trail or on a roadway?

Mr. DROZNENK. Alligator Alley just at the junction of 848 and Alligator Alley, about a mile north. The land planners have come out there and said there is every type of tollage on that property except the kind of pine, palmetto that we do have. They never mention those particular things and I believe that up—well—until until two witnesses ago I don't believe anyone here had a dollar of their own invested in this property and maybe only one of those had ever set foot really on this property.

I have been out there for 5 years. I have tramped all over that area. I finally bought 5 acres where I bought was what I would like to have, and there it is.

Senator JOHNSTON. Do you live there?

Mr. DROZNENK. Not fulltime. I make my living by being the evening principal of Lindsey Hopkins Education Center in Miami.

Senator JOHNSTON. What kind of home do you have there?

Mr. DROZNENK. I have a B–24 which I have converted into a home. I put it on a concrete pad.

Senator JOHNSTON. A B–24?

Mr. DROZNENK. Yes, sir. It is Army surplus. I bought it, took it out there, jacked it up in the air. It is 70-feet long, makes a very nice home for my wife and boy and me. All I really wanted to do

and I feel a lot of people are like myself, they want to be able to say this is their property, they are not there to hurt it, destroy it. I have planted several plants which is in my report. Some of them will bear fruit, but it is the idea that I have added to the ecology rather than subtracted from it.

Senator JOHNSTON. Can you give any opinion about this 225,000 acres of high pineland. Do you have a feel for that?

Mr. DROZNENK. Personally I think that is a low estimate because of the fact that in this particular area where I am, which is all north of the Alley, there is never any water standing, really. There are low spots that will stand for a little while, but if it rains anywhere in my area and somebody said this before, there is going to be water on the ground for 24 hours or so, but then it is ground. It is not under water in any way. I have a canal running down the side of my property which within—well—within a month it will be so I can walk across it and not get my feet muddy, and then within 2 months from now there will start to be water in it again and it gets to be 8–feet deep, but then it goes down to nothing again.

Senator JOHNSTON. Are you familiar with the whole area?

Mr. DROZNENK. Yes, sir.

Senator JOHNSTON. Would you say fully a third of that is high and dry virtually all the time?

Mr. DROZNENK. That is what I said, I think that is a low estimate I think there is more than a third. At least a third.

Senator JOHNSTON. This third area, is it in little clumps of pine here and there, or broad plateau?

Mr. DROZNENK. Possibly it rises and falls and it is not in very broad areas, that is true. It doesn't lend itself to development of very large areas at one time.

Senator JOHNSTON. In other words, there would be no way to carve out a third of that and say we will develop this third because it is high and dry and leave the bottom part where the water drains off is?

Mr. DROZNENK. No. In fact, about 200 feet south of my property there is an area that is maybe 300 feet that is very, very low and it goes right back up again so these are all areas that if you did not allow filling, dredging, this type of thing, there would be no way someone could say, OK, here we are going to develop an area. It is not a plateau type of situation.

Senator JOHNSTON. You would have to do a great deal of filling and dredging, then, in order to develop it for residential?

Mr. DROZNENK. Yes; and that is what I am opposed to, too, of course. I feel that it should be left in its natural state, but I also feel that the people who own it are the best police protection of it. I am the guy that picks up the beer cans after the weekenders are out of there and I don't want my place looking like a trash bin, so I go out and pick them up, but all the transient people go out there, start fires, throw their beer cans around. I go out and try to take care of it and other people like me do the same thing. They own their pieces of property, they are trying to take care of it. Every time we see a forest fire, we are stopping and fighting it. We have spent weeks out there fighting fires with the people who own property.

I haven't seen any of the people who are now screaming "Save our Swamp" out there with us. Even though I only own five acres up there I fought down here.

Senator JOHNSTON. Let me pause at this time and ask Mr. Henningsen, do you concur with that? When you said a third or 225,000 acres of this is high and dry, do you concur that is in little rises here and there?

Mr. HENNINGSEN. Yes; it comes in clumps. You can see it on some of the aerial photographs. The infrared overlay is a little bit different here. This is not a line. This is a discoloration of a photograph and in this particular area all right in here it is predominantly pine and palmetto and rock. It is solid rock. A million years ago it was the top of a reef. It was the coastline of Florida. None of these fellows will dispute me on this. It is solid rock. You can step in one of these holes and go up to your waist and break a leg. I have had horses I have had to shoot out there because they have broken legs. People tell me I can raise horses out there. I have had horses out there for 9 years.

Senator JOHNSTON. Are they small areas or pretty extensive areas?

Mr. HENNINGSEN. Some of them are pretty good. You have a gentleman in the audience that owns four and a half, 5 miles and in fact I lease from him. Half of his land is in pine, half is in prairie. It is just the way land goes there. It is south Georgia land in that part of the country, believe me. Any time you are welcome to come down, I will be glad to take you around and walk you around.

Senator JOHNSTON. Do you concur with that?

Mr. DROZNENK. Yes, sir.

Senator JOHNSTON. These big areas, can you get to them?

Mr. DROZNENK. Yes, sir.

Senator JOHNSTON. Is there any reason to prohibit farming there?

Mr. DROZNENK. I can't see any reason in the world. I would like very much if I can ever afford it to maybe have a pig or a cow or something myself.

Senator JOHNSTON. Any reason to prohibit large scale residential development on the 6 square miles, 5 square miles?

Mr. DROZNENK. No reason to except it would really hurt a nice section of the country. That is all, that is the only reason.

Senator JOHNSTON. How many areas are there like this with a big high rises and square miles of pineland?

Mr. DROZNENK. That I could not answer.

Senator JOHNSTON. I am going out there to see the land myself, but I want to establish it in the record.

Mr. DROZNENK. South of Alligator Alley and starting out across there, you would be up and down constantly and I just don't know how there would be a way to describe how many high areas, how many low areas are there. It is just a rolling type, not hilly now, just rolling. You would be up in an elevation maybe 16, 17 feet, and you might be at 10 for a while and back up again. So there is no way you could say here's a big section and now there isn't a big section, so I would rather not try to even answer that.

Senator JOHNSTON. It is one thing if you have a series of small knolls like two or three hills in an area of 20 acres. It is quite another thing if you have a series of plateaus that have several square miles in each plateau, one that is high and dry and we may still want it for a recreation area, but if it is for a recreation area let's describe it as such and let's not call it part of the drain basin or part of the area of slow runoff. Let's describe it for what it is.

Mr. DROZNENK. The type of thing you are talking about, yes. You can find high plateau like that. I feel the people that own property around here will keep the land split up enough so there couldn't be a lot of development happen just by the nature of the idea of the land being broken up into separate ownership.

Senator JOHNSTON. Your recommendation is to allow what use and prohibit what use?

Mr. DROZNENK. To let people own what they own. To restrict the heavy development or ditching or any of this type of thing so that there will be no upset to the ecology if you own property allow you to keep it. If you feel like selling it to the Government, fine, do so. But here you could remain as a property owner, pay taxes, which will help to police that area, if you will, and therefore help the Government right back again and the farmers, do you realize the income that comes from that?

Senator JOHNSTON. Is there a lot of farming in there?

Mr. DROZNENK. Quite a bit of farming in there, yes, sir.

Senator JOHNSTON. Is there potential for a lot more farming?

Mr. DROZNENK. It is suitable for a lot more farming.

Mr. HENNINGSEN. Cattle and hogs.

Mr. DROZNENK. Just think about the income taxes these people are paying from raising their cattle in there.

Senator JOHNSTON. That is very good cattle land in there?

Mr. HENNINGSEN. No; it is not good cattle land. It is good land. The cattle would have to be fattened, sent out like all Florida cattle, mostly to the Midwest. They are range cows. No use trying to kid anybody and give any false information. They are range cows. The WD Ranch is north of the trail and they have some good cows but this is outside the area you are concerned with. The Indians in their reservation raised much cattle. They have beautiful cows. But nobody is restricting them on their fertilizer and improved pasture. They are telling us we can't do a thing.

Senator JOHNSTON. They are sounding the gong for a vote and I will have to go over there. Would you like to say anything before we wind up?

Mr. DROZNENK. No, sir, I appreciate the opportunity to come up here.

Senator JOHNSTON. Thank you very much.

The opponents to this measure are not altogether out of step with the proponents. I think everybody shares the common affection for this land and a desire to keep it in a relatively unspoiled state, at least those who testified so far. It is a challenge to legislative ingenuity as to how to do it with the least harm and the greater preservation of the environment.

On that note and before anybody has a chance to argue with it, I will go vote and I will be back.

[Recess.]

[The prepared statement of Mr. Droznenk follows:]

PREPARED STATEMENT OF BUSTER DROZNENK, COPELAND, FLORIDA

Greetings, I personally own five acres—now for those of you that are not familiar with how big this is—it's 400 ft. wide and 500 ft. deep—just a little bit bigger than this building.

It's hard to feel as important as the people here with hundreds and hundreds of acres but when I'm sitting on that little piece of land, I feel just as important as anyone. (I started out with one acre and built up gradually as I was able to take on more payments.) I owe this piece of ground something—my son, who was 13 when we came, is now almost 18—I've been able to keep him away from the drug and alcohol habits and maybe even crime by the fact that he has learned to appreciate these woods, and I say woods because regardless of what planners who claim to have personally looked at the land say—my land, like most of the land in this area, has never been under water, and is a Jungle of Pine, Oak and Palmetto.

I'm speaking of an area, within the purchase zone called Half-way acres where 800 people—either individually or in families own small pieces of land for the same purpose as we have—not to develop—to come there as often as possible and enjoy the beauty we can't have in the city. This does not exclude visitors and campers who come through (I ought to know, I pick up the beer cans that they throw along the road). Some of the owners have been able to visit a few times, we have been lucky enough to be there almost every weekend.

During the fires we've had in the past years and last year was probably one of the worst, the people who had an interest in this land stayed there to fight fires—I fought them beside other honest, hard-working landowners—what I did not see during that time are the people who are now saying the loudest to save our swamp—that's easy to do from the comfort of your armchair. If it were not for the people who actually had an interest in the land, there would be nothing to save, and without owners in the future, there will be one with the interest to give their time and even risk their lives to preserve an area that they are not allowed to go into.

I've tried to look at this from both sides, although it's difficult—but in talking with friends who have not invested their hard earned money in this land we've discussed the section of the bill whereby a landowner may choose the option to receive 75% of the fair market value (whatever that is) and then remain on the property for 25 years. As a taxpayer—I would object to giving someone 75% of their land value and then allow them to keep it as if they still owned it—I would object to the fact that they would not be paying taxes to help pay for the controls that are needed in that area—I would object to the fact that they would realize that within 25 years the land would no longer be theirs and they would not have the interest in preserving the land that they would have if they still owned it and hoped, as we do, to someday give it to their children. They would gladly pay taxes. I personally, have planted over 100 plants in this area—about 5 will someday bear fruit—the others are flowers of some kind and I expect that same day this would be a garden spot. I certainly would not have done this had I known that I could not stay on this property and would not continue to do it as I will if I'm allowed to own it.

As for restrictions—this county or state couldn't restrict me more than I've restricted myself to preserve this land.

I've heard save our swamp from people who have never set foot in this area—I and the other landowners on the other land have invested their own money to preserve this area. I would like to ask the question of the people who want this area preserved—are they willing to put up their own money to accomplish this?

I was told when I was in Korea that the reason for being there was so that this country would always be free—free, that is, with restrictions that must always be in a Democratic Society—restrictions I can live with, but the very foundation of having land taken from you against your will, is something I did not realize I was fighting for.

Over the past years—we've stopped many times to put out fires that have been started by transient campers—people who did not care about this land—who left garbage strewn on the ground to show their contempt for public lands.

At this point—with my property registered to me—you know where to come to find me for any violations on that property as you now propose—there will be no landowners—then where will you find those who have mistreated this land.

We, as a family—carry a chemical toilet—but even if we were to go out in the bushes—so to speak—we could not, on the weekends, pollute as much as one deer—now if you're advocating getting rid of deer—then that's another problem.

In past months—I've spoken to many people who own land in this area—quite a few of them have never set foot on their own land but they are very proud that they own it and they keep it as a security blanket—someplace there is a piece of land that is theirs. If this land becomes government property—then there will be no one to pay for the vast policing that will be necessary to insure that this land not be destroyed—however, if individual landowners are allowed to keep their land and pay taxes—it will allow for a large force to maintain the restrictions that should be placed on this land. To purchase would be a waste of the taxpayers money.

Thank you.

Senator JOHNSTON. The committee will come to order.

We have a very imposing array of environmentalists who are here to testify in favor of the proposition. I wonder if the group would like to testify as a panel? Would that be suitable? Mr. Browder, Mr. Evans, Mr. Dickerman, Mr. Sharpe, and Mr. Smith? Your full statements, as usual, will be entered into the record. I would personally rather hear a summary with a little give and take, but I am not going to prevent you from making your full statements if that is what you have your heart set on. So, Mr. Browder, will you begin?

STATEMENTS OF JOE BROWDER, EXECUTIVE VICE PRESIDENT, ENVIRONMENTAL POLICY CENTER, WASHINGTON, D.C.; BROCK EVANS, DIRECTOR, WASHINGTON OFFICE OF THE SIERRA CLUB; ERNEST DICKERMAN, DIRECTOR, WILDERNESS SOCIETY, WASHINGTON, D.C.; MAITLAND SHARPE, DIRECTOR OF ENVIRONMENTAL AFFAIRS, IZAAK WALTON LEAGUE OF AMERICA, ARLINGTON, VA.; AND ANTHONY WAYNE SMITH, PRESIDENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION, WASHINGTON, D.C.

Mr. BROWDER. Yes, sir, my full statement is less than two pages and I would like to emphasize some of the points in it because the way things have gone today I think it is important that some things be brought out, and I want you to know that I am from the Environmental Policy Center here in Washington, but Florida is my home, I moved there in 1961, became involved in Everglades and Biscayne Bay problems and worked specifically on conservation problems in this area.

Senator JOHNSTON. You are that personally familiar?

Mr. BROWDER. Yes, since 1962, and am personally in a degree familiar with the area in question, and over the last few years I have worked with Mr. Smith and the Sierra Club and National Audubon Society and the other groups who are fighting the Everglades Jetport proposal as a special representative.

Senator JOHNSTON. Show me on the map where that jetport was to be?

Mr. BROWDER. The site is right there, sir, and it still is operating as a training runway for commercial aviation, touch-and-go proficiency flights and at some point this year the alternate that has been approved by all the parties involved will be officially submitted to the Federal Government for funding and it will be moved way over here, which is off the map.

Senator JOHNSTON. I recall that jetport controversy only dimly. Would you tell me what the general controversy was? They built the runway, I recall.

Mr. BROWDER. It is essentially the controversy that has us here now, because it was the conflict that promoted both the development in the Big Cypress that had been concentrated on the east coast before and got the conservations riled up because they saw the threat and that is how this legislation evolved.

In 1967 the Miami authorities proposed that an airport be built there, during a period of some controversy they continued to build it, completed a runway just in time for the President to tell them that they couldn't use it. In 1969, early 1970, over a 2-year period, they arrived at a compromise that has the Federal Government paying the cost of buying a new site and building a new runway.

Senator JOHNSTON. Is there anything that amicable in the use of the runway itself, airplanes coming and going, that was inconsistent with Big Cypress or was it what the development would have brought?

Mr. BROWDER. The Big Cypress threat was the development. Although there has been some local deterioration in air quality and certainly the noise, but the big threat was the real estate development that started zeroing in on this area that had not happened before.

Senator JOHNSTON. Excuse me for interrupting you.

Mr. BROWDER. I think you all have every reason to have confidence in the information that is in the reports presented by the Government agency. That has to be, if not the most studied proposal in the history of the Park Service, at least it has gotten as much study from as many different kinds of Government agencies.

Senator JOHNSTON. Do you have any comment on that 225,000 acres out of 585,000?

Mr. BROWDER. Yes, sir, and I have no idea how they would arrive at that kind of acreage figure and would be interested in finding that out, but would also point out to you that regardless of how many acres have pine trees growing on them, the presence of a pine tree does not mean high dry land and the committee just has to choose between either believing real estate promoters or believing the U.S. Geological Survey, the Fish and Wildlife Service, the National Park Service, when it says where in the area proposed for purchase, 90 percent of the land is inundated at some point during the year, during the rainy season. Whether it was pine trees and palmettos or cypress and bay or open marshland.

Senator JOHNSTON. Can you testify from personal experience that that appears to be true?

Mr. BROWDER. Yes, sir, I am, and from personal experience of having opposition rallies on supposedly high, dry land flooded out

and over the last several years I know that members of the committee and your chairman and your subcommittee chairman and people on the House side, too, have gone down for enough years now so that within the Congress you could probably get reliable confirmation that much of that land is under water in the rainy season.

There is another point. I hadn't meant at all to go into any of the technical aspects of this, but one thing that I think also ought to be cleared up, regardless of what percentage a person would talk about, the rainfall is this percent or that percent, the numbers are insignificant, because the way the Everglades system works, even if you have 80 percent of the water coming from direct rainfall on the Park, it is that extra water that comes in overland flow after the rainy season has ended, the rains have diminished or stopped, that arrives just exactly at the time of year when the birds are producing their new young, when the fish are coming up through the estuaries into almost the fresh water park. That 20 percent, and it is divided pretty much, half of it coming into this part of the park from Big Cypress, the other coming from Sawgrass in the eastern part, that 20 percent is the water that provides the feeding opportunities for the wildlife the park is established to protect. The park was established as a biological preserve because it holds an array of wildlife unlike any other unit in the National Park System or any other part of the world, and it is to preserve biological more than scenic or recreation opportunities that the park was established.

Senator JOHNSTON. The Big Cypress is important mainly as a biological, ecological part of a system rather than as a recreational area?

Mr. BROWDER. No, sir, there is a distinction there because while the park has wildlife that in some cases is very similar to that found, you look at the endangered species list, it does not specify this boundary, but the national park is managed as a biological preserve in the most sensitive area. with visitation and recreation limited to a few areas. So that whether it is in the Shark Valley down there or in the rookeries down here, this just is not the kind of country that can be heavily visited without greatly disturbing rookeries, nesting birds, and that sort of thing, the park was designed to protect. Upland in the Big Cypress they provide a lot of the water that support life in the national park, but it is capable, as history shows, of sustaining much more intensive recreation use and one of the reasons it sustains more recreation use is because it is more hospitable country. Walking around in the sawgrasses is fun for a little while, but it is no place to get from one place to another and this is country that people can come into on vehicles in the broad marshy areas or on foot in the more heavily wooded areas of the strands and hunt deer and turkey and enjoy their recreation without going down to the sensitive areas of the park, so you get sort of the best of both worlds here as an area that has values in itself, and on top of that it supplies the water at the right time of the year in the right quantity, in the right way, that keeps this more sensitive, more restrictive managed area alive.

Senator JOHNSTON. I suppose you have about every species of snakes known to man in that area, too?

Mr. BROWDER. I don't know much about snakes. It is good reptile country.

There is something else, and a lot of this was in my prepared statement. I think it is important that the committee make a distinction between the genuinely aggrieved homeowner and resident of the area who is caught in a conflict between the large public interest and his wanting to live his life and his family's life out there, and the real estate interests that seek to take advantage of these small property owners by masking their development proposals under the guise of "all we want to do is be left alone."

One of the organizations that is before you today has appeared before all the other hearings that have come here, is the East Collier County Land Owners Improvement Committee, and I would just like you, so you will have some understanding of the reliability of the information you get from these people, in previous testimony before your committee 2 years ago, Mr. Chisholm, who is research director for that organization, testified that, "We believe all issues causing wars has never been more serious than to bulldoze 35,000 families from their precious homes and land", and this is really apparent. These people are trying to create the appearance of a vast population of poor people being pushed around by the Federal Government, when the most extreme census you can take out there, there might be 500 people residing in the whole half mile acres on a year-round basis. So it is not a question of thousands of people being pushed off those lands. Most of those thousands of people have never seen the land. They bought it from some high pressure boiler-room telephone sales office or one of these mail campaigns that says, "Buy 5 acres in Florida and retire" and they don't bother to tell them the land is under water.

Senator JOHNSTON. Are you familiar with the flood insurance bill?

Mr. BROWDER. Yes, sir, I am, and I would like to point out to you that that bill does not prohibit development. It makes it more expensive, and with this area not to be acquired, the standards in the flood insurance bill would merely have the impact of assuring the only really well-healed large-scale destructive development can take place in the area because that is the only kind of development that would have the capital to be able to fill above the 100-year flood plain or going into kind of building design standards.

Senator JOHNSTON. Can you tell me how high the 100-year flood level would be likely to be?

Mr. BROWDER. I couldn't tell you, sir.

Senator JOHNSTON. Would you have to put it on stilts or could you build up to it?

Mr. BROWDER. It is traditional in Florida to build up to it. Florida is built out of lime rock, one part in the southwest part and another part in the southeast part. That is the geologic formation of the State, so there is fill material everywhere and anyone who want to build a road or fill in for a development has to get a permit. The fill material is right at hand. I know the people from Exxon have been expressing concern for sometime about mineral rights and we realize it would be highly unlikely we would be able to get the area protected if the industry thought it would have to have an all-out fight

against the bill in order to protect its interests, so certainly the people I represent at least, there is an accommodation to the extent, let's not include the oil in the legislative taking and make sure the Secretary has the authority to regulate.

Senator JOHNSTON. Is that the same with all the others?

Mr. BROWDER. I could caution you, sir, not to put in a broad exclusion of minerals from the taking. They really ought to limit it to petroleum because the limestone that is the very foundation of the area can be classified as a mineral, is mined, and if somehow it were to be given a favorable consideration as a mineral that wasn't subject to the same kind of stringent activities as other parts of the area——

Senator JOHNSTON. Do all members of the panel concur with that?

Mr. EVANS. I would have to give you an answer on behalf of the Sierra Club, sir. I haven't talked to our people about that point, but I will furnish one for the record.

Mr. SHARPE. The Izaak Walton League has no firm position on that, but I think we could live with the kind of program outlined by Secretary Reed this morning. I would heartily agree with Mr. Browder's second point, that if there is a special exception for minerals it should be confined to petroleum.

Mr. BROWDER. There is something else so you will get an idea of where this information in opposition to the acquisition is coming from. Mr. Chisholm and his group talk about just wanting to have their little piece and be left alone and they haven't given it to you at this hearing, but at earlier hearings, Mr. Chisholm's organization has distributed another map that shows among other things a proposed highway linking the Florida Keys to Disney World crossing through the Big Cypress and Everglades National Park. That is just not the kind of proposal that comes from people that have visions of going out to their little chicken ranch somewhere. You can have this if you want it. Some of them at least are obviously stricken with the real development fever. And Mr. Chisholm's testimony earlier has compared land values, prices in the purchase area, to property near Disney World that sold for $300,000 an acre, trying to create the impression that that is the comparable value in the Big Cypress, and so when you listen to that kind of testimony, please consider how much good judgment is going into it compared to the work that has gone into the studies that your own people have been doing.

One of the other people who is going to be here testifying, sir, representing another organization, said only 5 years ago that 50 square miles of land in this area down in here was only worth $75 an acre. It has only been 5 years, nothing substantial has happened in that area since then to all of a sudden make that property worth 5 or 10 or 15 times as much as it was then.

Senator JOHNSTON. Do you agree that that flood insurance bill should have a dramatic effect on the value of that property?

Mr. BROWDER. Sir, I think the biggest impact on the value of that property would be to have a temporary depression on any large scale, moderate scale development. But given development pressures in Florida, and they are unlike any place else I have ever been, Miami Beach used to be a swamp 90 years ago, there were just a few little mangroves, there is no place in South Florida that won't be

developed regardless of how much fill the developer would have to be putting in to go above the flood plain. That is what the developers in Florida have been used to doing for years because Florida is kind of a spoon that dips in the middle and is raised on the edges with some high vegetation on the edges on both sides and essentially wetlands in the middle, and except for the first development that was on the coastal fringe, all the development that has taken place in south Florida, particularly since World War II, has been on filled land, and I don't think that the flood insurance bill will be any long-range impediment to the development of that land. All it would mean would be that it would be Marriott or ITT or Gulf or someone.

Senator JOHNSTON. It would just cost more to do it.

Mr. BROWDER. So the people who could afford to pay more would do it.

Another organization, sir, that is submitting information to you and asking you to believe it, in the name of small property owners, is the Landowners Conservation and Protection Association, and it will be represented either today or tomorrow by Mr. James Pace, and you ought to know that Mr. Pace is a real estate promoter. The organization was formed by mailing on his real estate letterhead to other property owners in the area, so it is not exactly a disinterested conservation group. As far as Mr. Pace representing small property owners is concerned, when he tried to organize a drainage district down in here about 3 years ago, the circuit court judge ruled against formation of the tax district partly on the grounds that the drainage that he proposed would have been economically of benefit only to, well, only to the large property owners in the area, two of whom he happened to represent, because the only potentially profitable agricultural enterprise in the area would have required so much land to actually return a profit that the small owners in the area would not be able to profit, they would be paying taxes to support the drainage that would have made Mr. Pace's clients agriculture profitable.

Senator JOHNSTON. If we start with a premise that we want to allow everything that is not inconsistent with the ecology of the Everglades, let's start with that premise, what would we permit in Big Cypress—what would we prohibit, I should say?

Mr. BROWDER. Sir, the only kind of commercially viable agriculture in that area requires either drainage or diking or the addition of fertilizers and pesticides to the land. So within this region I would say that agriculture would be excluded.

Senator JOHNSTON. Raising hogs is all right, I guess?

Mr. BROWDER. Yes, I think so. I don't think his hogs range over that much territory. But improved pasturage, which would be necessary for any real commercial cattle operation would require enrichment, fertilizer, and would require either digging or dredging.

Senator JOHNSTON. Fertilizer would take the oxygen out?

Mr. BROWDER. It is not so much a question of taking the oxygen out here, as it is adding to the nutrient levels of the water in the estuaries down here, and there are people who are academically competent from the Park Service who can tell you about that. That is one of the things they don't want to have happen. We are really lucky here because historically the development in south Florida

happened on the southeast coast. That is where the railroad was built and the southwest coast was spared any intensive development, and this boundary line coincides with a substantial area of the Big Cypress watershed that the Park Service and the Geological Survey identify as the prime area delivering water from the Big Cypress to the national park. It is essentially undeveloped; it has very few people living in it except for some pasturage up here. There is no extensive development in it. It functions essentially in the same natural state it has for thousands of years, and I think that were the Congress to acquire this, you would be assuring that the western Everglades National Park from the Shark Slough north and west up to here and the Big Cypress would be the only part of the Everglades assured of continued funding in the natural integrity and natural states. It does not have flood controls and dike. It does not have a lot of the agricultural drainage that is going to be back-pumped into it. It is really in good shape and is our only opportunity to preserve a part of the Everglades that will not be subject as the years go by to increasing pressure to use it as a dumping ground for affluent from the cities and that sort of thing.

Senator JOHNSTON. Let me ask you just some sum-up question. If the Congress does not act and we leave it to the State of Florida, I think they have appropriated $30 million, is it?

Mr. BROWDER. $40 million.

Senator JOHNSTON. And we leave it to the State of Florida, let them do with their $40 million whatever they are able, and the Congress does not act, then I take it we would have development in this area?

Mr. BROWDER. Yes, sir.

Senator JOHNSTON. $40 million would not be sufficient for that. What would we really lose?

Mr. BROWDER. Your decision, your first decision really, is a very basic decision about Everglades National Park in the long run. If you acquire this area, then you assure as much perpetuity that people can talk about that the park down here will remain in a natural states and will stay like Congress wanted it to, as a park that preserves some really outstanding and unusual wildlife.

Senator JOHNSTON. Our swamps in Louisiana, so many of them have siltation, et cetera, they are changing rapidly.

Mr. BROWDER. None here.

Senator JOHNSTON. These are more or less permanent ecosystems?

Mr. BROWDER. Yes, sir. This whole area up here has been called a swamp just because it has standing water on it many times of the year, but it is not a swamp in the sense of your bayous or even the swamps further north in Florida. It is more like flat marshy land that is interspersed with open marshy glades. Some areas have pine and palmetto on it. Others have small diameter cypress trees and running just like chains down through it, occasionally what they call strands. When you get down to the coastline here you get marshes that go into the mangrove saltwater fringe.

Senator JOHNSTON. You are not losing any of your coastline there? It is not changing or altering?

Mr. BROWDER. It is growing to the degree that, over a period of time, mangroves extend out and new channels get opened up within

these islands here. There is no erosion in the sense that you consider it, like on the Atlantic coast or on the Barrier Islands. It is not that kind of situation, no.

Senator JOHNSTON. Go ahead.

Mr. BROWDER. I just think that you have a very basic management decision for the national park here because if you don't acquire this, then you guarantee a kind of degradation which the park would have to accommodate over a period of years and you would still have just as many square miles of national park down here, but you would be talking about a park for recreation values, open spaces, and that sort of thing. There is no way that you could kid yourself that you are going to be able to preserve that subtropical wildlife if this part of the watershed is not protected.

While this area does not in any way contribute water directly to the eastern part, whether or not it gets developed, is very much important to the eastern part's water supply, because if this half million acres is developed and a population goes into it, the only way that can happen is to take the water out of it, what water there is. You can't put people in here unless you take the water out. Once you have taken out the water and put the people in, they need water. That is Florida's constant dilemma. The water isn't here anymore. The only place they can go for water is over to this watershed here that serves the southern Everglades and, incidentally, all of the communities on the east coast of Florida. It took years to reach a very delicate precarious settlement between the national park down here and the agricultural and commercial interests that wanted to make sure that the park didn't get any water from this area. I don't see how anyone would have any hope of maintaining that balance if, in addition to all the other pressures that exist on that overstrained water supply in southeast Florida, you put a population of a half million or take a half million acres with all of its water demand and add it to that system. It would not only be draining water directly from this part of the park, we would be adding pressures that would be sure to reopen the battle between the National Pak Service and the users in southeast Florida.

Senator JOHNSTON. If we don't take that land it is sure to develop?

Mr. BROWDER. Yes, sir. Historically in Florida, development in the southern part of the State is accompanied by massive expenditures of Federal money. There is no way this is going to be developed without an extension of the flood control area into this area, the spending of hundreds of millions of dollars on dikes, canals. If there is any doubt about it, those developers who have tried, large-scale commercial developers, many on the fringe of the Big Cypress over here, have invested considerably on their own, being unable to get the State and the Federal Governments to do it for them yet, invested considerably in canals in this area, and the Corps of Engineers even came up with a suggestion a few years ago, what they called conservation area 4, that would include this money, spend money on dikes and canals in here, so if we don't spend $150 million, $160 million, to buy it now, then you can be sure that commercial constituent pressure will be back in a few years to another committee, not yours, but it will still be Federal dollars being spent, saying let

us have $150 million for canals, dikes, and pumping stations or more at that time, so it is not a question of avoiding Federal expenses.

Senator JOHNSTON. Thank you very much, Mr. Browder. You have been a very effective spokesman for the need for making that a better area.

[The prepared statement of Mr. Browder follows:]

PREPARED STATEMENT OF JOE BROWDER, EXECUTIVE VICE PRESIDENT, ENVIRONMENTAL POLICY CENTER

Thank you, Mr. Chairman. I am Joe Browder, from the Environmental Policy Center in Washington. Florida is my home, and I've been working on Everglades and Big Cypress problems for more than ten years, including service as special representative of the Sierra Club, National Audubon Society, and all the other organizations that banded together to defend Everglades National Park against the jetport that Miami officials once planned to develop in the Big Cypress.

Your Committee has played an important role in the protection of the Everglades and the Big Cypress. It was hearings in 1969 by your Committee that focused national attention on the jetport problem. Your Chairman, Senator Jackson, joined Senator Lawton Chiles in introducing the first legislation proposing acquisition of Big Cypress. Senators Jackson and Bible have both invested considerable time and interest in hearings and investigations to determine the best way to protect the Big Cypress.

At this hearing, you will hear from witnesses who challenge the credibility of the scientific and economic information that underlies the legislation before your Committee. Without going over that information, you should be aware that it is the result of years of study by State and federal agencies. From closely watching, over those years, the way government agencies have responded to the complicated and sensitive problems of the Everglades and Big Cypress, I think you have every reason to be proud of those agencies, and to have confidence in the policy recommendations growing out of their studies.

It's important that the Committee understand the kind of information being offered to you by the real estate speculators who oppose protection of the Big Cypress. To document the reliability of that information, you need only look at a statement presented to your Committee two years ago, by the East Collier County Land Owners Improvement Committee. Mr. Ellis Chism, Research Director of that group, testified "We believe all issues causing wars has never been more serious than to bulldoze 35,000 families from their precious homes and land."

Mr. Chism's organization, and others opposing acquisition, have tried to represent themselves as spokesmen for thousand of homeowners who just want to be left alone to live in the beauty of the Big Cypress. But in fact, there are only 300 families living within the boundaries of the proposed purchase area.

The organizations leading the opposition to protection of Big Cypress have never honestly represented the interests of homeowners. Mr. Chism's group, for example, has published maps showing its proposals for a highway from Disney World, in Central Florida, south through the Big Cypress and Everglades National Park and across Florida Bay to the Keys. That's hardly the scheme of a group of homeowners just trying to get away from it all. Mr. Chism's group has also testified that land values in Big Cypress compare to those near Disney World, where an acre sold for $300,000. That's the kind of responsible economic analysis the real estate speculators would ask your Committee to substitute for the judgement of Department of Interior appraisers.

You should also be informed that as recently as five years ago, a promoter who represented two of the biggest speculators in the area valued 50 square miles of land within the purchase area at just $75 an acre. That was land he proposed to drain, through creation of a special tax district. A Florida Circuit Court ruled against formation of the drainage district, on the grounds, among other things, that small landowners in the area would have been taxed for drainage works that could have been of benefit only to large landholders, like the promoter's clients.

That promoter, Mr. James Pace, leads a group called the Land Owners Conservation and Protection Association, and, like Mr. Chism, claims to repre-

sent the interests of small landowners. If there is any question about what that groups interests really are, the Committee should note that at your Subcommittees field hearing in 1971, the organization was represented by the former Governor of Florida, the Honorable Fuller Warren. Governor Warren, in making his plea for the small landowners, neglected to inform the Committee that he also served as President of the Florida Land Association. That association represents about 150 corporations selling Florida real estate, including most of the high-pressure telephone sales outfits. The founder and general counsel of that association represented four corporations owning about 7,000 acres of Big Cypress land near the former jetport.

One technical point is worth emphasizing. Some opponents try to play a numbers game in an effort to cast doubt on the hydrologic data that demonstrates the importance of Big Cypress to Everglades National Park. They try to read conflicts into data in a 1970 report by the U.S. Geological Survey. Just in case their efforts to interpret the report might confuse the Committee, please listen to a quote from the report, showing what the scientists who wrote it think the data means:

"Extensive drainage and development of the Big Cypress, particularly subarea C, would result in extensive change in the environment of downstream areas, including parts of the Park. The fresh-water ecosystems would be depleted and replaced by a terrestrial ecosystem. The present estuarine environment would be significantly altered. Wildlife, including rare and endangered species, would be further reduced in numbers and might be destroyed."

Two last points: based on extensive personal knowledge of the area, and of the real estate pressures on it, I would agree that legislative taking, as included in the House-passed bill, is the best way to bring quick protection to the Big Cypress while stopping an increase in land prices.

Finally, I believe the one important measure missing from the legislation before you is assurance of economic opportunities for the Miccosukee and Seminole Indian Tribes. Your Committee could make a contribution to both conservation and Indian economic justice by including in the bill the amendment proposed by Chairman Buffalo Tiger of the Miccosukee Tribe.

Thank you.

Senator JOHNSTON. Next on the list is Mr. Brock Evans.

STATEMENT OF BROCK EVANS, DIRECTOR, WASHINGTON OFFICE OF THE SIERRA CLUB

Mr. EVANS. I can be very brief. I know your time problem here, and I think Mr. Browder said a great deal of what we would say very well.

As you know, the Sierra Club is a national conservation organization with members, the local chapters and groups in all of the 50 States of the Union. The Federation of Western Outdoor Clubs is, as the name implies, a Western organization, but its members also join with the Sierra Club in strong support of the legislation before us today, because they feel that the resources of Everglades National Park are national resources, belonging to us all, and the subject of concern to every American.

The Sierra Club has had a long history of concern for the involvement in efforts to gain full protection for both the magnificent parklands of the Everglades itself, with all its richness and diversity, and also for the critical watershed areas to the north, which give it life. We supported the creation of the original park in 1934, and were concerned when, later, adjustments were made in the boundaries to exclude the critical water sources in Big Cypress Swamp and elsewhere. We were concerned about the great expansion of commercial developments and water control works in the east watershed in the

1950's and early 1960's: and we saw the results of this process in a disastrous drought of 1964–65.

Shortly after this disaster came the proposal for a 25,000 acre jetport in the very heart of the critical water supply area. Our Florida chapter, which now has organized groups in Pensacola, Tallahassee, Jacksonville, Polk County, Orlanda, Tampa, Gainesville, and Miami, joined with others in the strenuous effort at local and national levels to halt this disaster, which probably would have finished off the natural ecosystem in the west side of the park.

Ever since that time, we have joined with other environmentalists in Florida and across the Nation in urging that, finally, strong steps be taken to maximize protection of the critical watersheds left out of the part to the north, particularly in the Big Cypress Swamp. I have with me today a copy of one of our exhibit format series books, "The Everglades," which documents the need for this protection.

The values of Everglades National Park are well known to this committee; and the importance of protecting this superb remnant of tropical and subtropical plant and animal communities in its natural state needs no emphasis. We would like to focus upon the problem immediately before us: That is, how to most efficiently and economically deal with the problem of acquisition of the 585,000 acres of Big Cypress Swamp in a manner that will both permanently protect the park resources to the south, as quickly as possible and at the same time not amount to a total commitment of all Federal resources to this project alone at the expense of other desirable park needs. This is the major issue before us as we see it, because we all know that if Big Cypress is somehow not acquired, traditional economic and political pressures will lead to its drainage and development, and thus the destruction of this critical watershed. As we see it, then, it is fundamental to act quickly and decisively to protect the investment we now have in the park.

We favor the legislative taking provision, as it appears in H.R. 10088, and we strongly urge that this be the provision which is adopted in final Senate-passed legislation.

We are gravely concerned about the action and position taken by the administration on this important subject. On the one hand, there are the much appreciated personal commitments to saving Big Cypress from President Nixon, Secretary Morton, and Assistant Secretary Reed. But on the other, there appeared to have been serious problems with the policies of the Office of Management and Budget which have worked against effective execution of the administration goals in Big Cypress. The budget limitation pressures placed on the Park Service and on this specific goal by other segments of the administration have been a real hindrance to the possibility of giving protection to Big Cypress through any normal acquisition proceedings. This fact, combined with the administration's consistent predictions that at least 10 years will be required to go through the mechanics of purchasing Big Cypress, should serve as a warning that we cannot be too optimistic about the possibility of rapid acquisition through traditional means.

Thus, given the overall budget limitations placed upon the Park Service, there seems to be no way that the traditional acquisition

process could be speeded up to purchase the more than 20,000 parcels in Big Cypress in a short period, without seriously undermining the Park Service's ability to deal with other important acquisition and management problems, in other units of the park system.

All the foregoing is the reason why we feel a legislative taking, as provided for in the House-passed bill would seem to be the most reasonable way to give Big Cypress the early protection that it needs, to save Federal dollars by reducing the impact of land price increased in the interim between authorization and composition, and at the same time make sure that the extraordinary measures required to protect Big Cypress will not put an extraordinary and damaging burden on the management abilities of the National Park Service.

Finally, we strongly support the principle of protection of Indian rights and economic opportunities in this area. We think it is important that the Miccosukee and Seminole tribes should have the first opportunity to operate profitmaking visitor services. Such a provision was included by Senators Chiles and Jackson in S. 2467, the first Big Cypress bill, introduced in 1971, but it is absent from pending bills. It was discussed favorably in the report accompanying H.R. 10088, but we would prefer to see it made a part of the final statute.

Thank you very much for your interest and concern for the protection of Everglades National Park. We hope that there can be early and immediate acquisition through legislative taking of the Big Cypress Swamp so that the park can be permitted to live.

Senator JOHNSTON. In view of your concern about not taking too many Federal dollars for this in lieu of other projects, and that certainly is a concern of mine as well, don't you think a legislative taking, where you take the whole thing all at once, and then it is only a question of going to court, and then, perhaps, on a jury trial with no opportunity to negotiate, don't you think that is likely to run the cost up?

Mr. EVANS. I don't know. It may run the cost up somewhat. We see the cost of the Redwoods that it has to a degree, but compare that with Point Reyes. It started out at $14 million and went up to $54 million and it is still not done. The national seashore there, that was pursued by the traditional means, as I understand it, the escalation was much greater. There may be some escalation this way, I am not competent to say, but there will be quite a lot less if, as Secretary Reed testified this morning, the home-in on one place and while they are doing that someone develops some place else.

Senator JOHNSTON. In this area of Big Cypress, it seems to me the only place you can develop would be along the roads, at least right now. You can't go out in the middle of an area that does not have a road and start moving huge amounts of earth. Couldn't we pass immediate land use restrictions requiring you to get a permit to build roads or move earth? Maybe you need that now. Then immediately acquire, say strips along the highways and then go to the best of expropriation on a parcel by parcel basis, doing more justice to both the landowner and the Government.

Mr. BROWDER. If I could, sir, the State of Florida has undergone a real political chaos over the last couple of years because of the

question of land-use regulations restricting development without clear compensation. The issue has been sort of a side bar to the Big Cypress acquisition question and I am sure that there would be repercussions in the State of Florida against Federal regulations that were not accompanied by acquisition that might even endager the whole political support within Florida for the acquisition of the area. This question in the State means so much to so many developers outside of Big Cypress that they are putting up an all out battle against restrictions unaccompanied by compensation, and I am just afraid that were the Big Cypress issue to be seen as some sort of precedent for specific permanent restrictions against doing something unaccompanied by even a legal promise of compensation, that it would sure mess things up in Florida. We would have the State Legislature pressuring to rescind the contribution, $40 million, and all kinds of things.

Senator JOHNSTON. You could say they might, they are not now.

Mr. BROWDER. Yes, sir. I think that is a reasonable fear; that if we tried to anything less than acquisition, Federal management in the area, it would reopen the whole conflict within the State over what to do with the Big Cypress.

Senator JOHNSON. I am thinking of just a prohibition against roads and——

Mr. BROWDER. Sir, the State has, I think, and I am not a lawyer, but I think from the attorneys in the State that I have talked to, gone about as far, short of actually acquiring the fee, under its present land use regulations.

Senator JOHNSTON. In Big Cypress?

Mr. BROWDER. In Big Cypress. That is why Big Cypress, the area of proposed purchase, was specifically declared an area of critical concern under a special State land use planning law. Just so the State of Florida can do whatever is possible short of acquisition to restrict development pending acquisition. That does not apply to agricultural developments so it is possible for someone to go in and you can see it on the map here, this road network here did not exist 2 years ago and it really does not take much to hire a drag line to go along and pile up the lime rock and have a road there, and if you have a road there you can automatically claim the property is worth five times as much as it was before you built the road. I think that land use regulations, we can hope that the States does the best it can, until the land is acquired, assuming you all do. But I think having the Federal Government trying to get into the regulatory business would provoke a lot of problems in the State.

Senator JOHNSTON. I am quite concerned about having to have jury trials on all of this land. As a practicing lawyer and one who has had a number of jury cases and represented plaintiffs on occasion, I can't get real enthusiastic about the ability of juries to come to appropriate values. I think they may come at times to values exceeding by several times what the real value of the land is in addition to slowing it down, and that concerns me. From my standpoint we need to find a way to have the judge make the decisions and make them fairly and equitably and without the prejudices that sometimes juries are capable of.

Do you have anything else to add, Mr. Evans?

Mr. EVANS. Only what about Mr. Browder said. Even if that method were somehow feasible, I still think the escalation of price along the road would be so great that you would have the same problem we had before. There would not be enough money in 1 year to get it all and it would keep going up and we would still have the same problem.

Senator JOHNSTON. Thank you.

The next on the list is Mr. Maitland Sharpe.

STATEMENT OF MAITLAND S. SHARPE, DIRECTOR OF ENVIRONMENTAL AFFAIRS, IZAAK WALTON LEAGUE OF AMERICA

Mr. SHARPE. Thank you, sir. I can be very brief. I have very little to add to the comments of my colleagues. I have already submitted a statement and resolution that I recently received from our Florida division. They asked me to request that the documents be entered in the record.

Senator JOHNSTON. They will be.

Mr. SHARPE. I would merely say that the league nationally, because this is a national issue, and particularly in the State of Florida, has been involved in this fight to preserve the Everglades through preserving the Big Cypress Swamp for quite a few years now. We are deeply committed to this effort and would consider it a high legislative authority.

I think that the value of the swamp has been well evaluated and thoroughly discussed at these hearings and at previous hearings, both by this committee and the House, and I won't belabor that point.

I would like to note two things. First, that as I am sure you understand thoroughly, the Flood Insurance Act would in no way prohibit development of this area even though it lies, even the areas that lie below the 100-year flood plain. It would in fact permit the dredging of lime rock or digging of lime rock, piling it up for foundations, for houses, as long as those were above the 100-year flood plain. It is exactly this process that would be the most damaging to the Big Cypress present area because it would damage the hydrologic system.

Senator JOHNSTON. Do we know whether or not the 100-year flood level is likely to be located much above the annual high water mark?

Mr. EVANS. Sir, I do not know how high the high-level flood plain would be located.

Mr. BROWDER. I think it would be in that area.

Senator JOHNSTON. In other words, you have wide variations in the amounts of water?

Mr. BROWDER. Yes, sir. I couldn't tell you with any precision at all, but I do know that the rainfall down there is cyclical and that the average annual rainfall would be far below the really heavy rains that come and when there are two or three hurricanes in a row——

Senator JOHNSON. Do any of the Government witnesses have an opinion on how high the 100-year flood level would be in—in other words, is it well above your annual level?

Mr. NIX. Again, in this area, Senator, you are talking about 500,000 acres covered with water and I would say the rise would be around a foot above the 10-year flood, so it is not going to be a significant rise like you have on a mountain stream or something, but here we have records in the park where we kept track of elevations of water for 40 years, not in the park, but adjacent to the park. I would say a foot.

Senator JOHNSTON. Only a foot between the 10-year and the 100-year?

Mr. NIX. I would say.

Mr. BROWDER. That is substantial down there. A few inches makes a big difference in the topography and vegetation.

Senator JOHNSTON. What I am thinking of is the added expense of bidding up to the 100-year level which to some extent would determine the value of your property.

Excuse me, Mr. Sharpe.

Mr. SHARPE. The second point I would like to make is that from admittedly limited personal experience, it appears to me what high pine islands exist in the Big Cypress present purchase area, whether they be two-thirds or one-third or whatever, tends to be thoroughly intermingled with the lower marshier swampy areas. Therefore, thinking of development—if we are thinking of development of those high pine islands, it immediately raises questions of access and if you are contemplating access by roads, you are contemplating creating, in effect, dams obstructing the sheet flow of water and ditches along next to the roads doing exactly the same thing.

Finally, one quick point under land use planning and restrictions versus legislative taking or fee acquisition under the normal process. I think that we are all concerned about the eventual cost of the Federal cost and we are all concerned about the Park Service maintaining sufficient flexibility to purchase whatever areas within the system are critical and immediately threatened by development. I think that one of the points that is illustrated by this entire discussion but has not been brought out yet is the crying need for a much expanded, probably at least double Land and Water Conservation Fund.

As this committee must hear all the time, Land and Water Conservation Fund is heavily overworked. We have fallen far, far behind in acquisition and when we come up against an area like Big Cypress, an area that must be protected to protect an existing park, we run smack into the problem that the Land and Water Conservation Fund at present appropriation levels is simply not enough to do the job.

Senator JOHNSTON. Let me interrupt you at that point. These bills, do they all contemplate the Land and Water Conservation Fund? Really, this would come in behind all those other projects that are still yet to be funded.

Mr. SHARPE. As I understand it, the priorities would be established by the Park Service according to their professional judgment. Is that correct?

Mr. CURRY. That is correct.

Senator JOHNSTON. So you could start getting money in right away, move this ahead of some other projects.

Go ahead, Mr. Sharpe.

Mr. SHARPE. That is my point, simply if they do move this ahead because they consider it a priority area there is something else can drop off the other end. There is not enough money to do the job nationally that needs to be done. I want to point this out. It is a perennial problem, and put in a bid for consideration of a major expansion in the size of the Fund.

Senator JOHNSTON. I certainly concur with you on that point. We have been discussing some idea about how to do it which I will talk to you about later.

Thank you very much, Mr. Sharpe.

[The prepared statements of Messrs. Maitland S. Sharpe and Merrill G. Murray, together with resolutions follow:]

#13

1800 North Kent Street
Suite 806
Arlington, Virginia 22209

THE IZAAK WALTON LEAGUE OF AMERICA
INCORPORATED

Statement of
The Izaak Walton League of America
Relative to
Bills to Authorize a
Big Cypress National Fresh Water Reserve

by

Maitland S. Sharpe
Environmental Affairs Director

March 21, 1974

Mr. Chairman and members of the Committee:

I am Maitland Sharpe, Environmental Affairs Director for the Izaak Walton League of America. The League is a national citizen's organization dedicated to the conservation and wise use of America's natural resources, the preservation of a quality environment, and the provision of opportunities for outdoor recreation. We appreciate this opportunity to testify on the proposals to create a Big Cypress National Fresh Water Reserve.

The League has long endorsed the preservation of the Big Cypress area; over the years our support has grown as the urgency of the issue has increased. Our members in Florida have consistently taken the lead in the fight, yet the National office feels it appropriate to submit a separate statement -- for the future of Big Cypress is of more than local or regional interest. It is truly a national issue, one that concerns our entire national membership of over 56,000.

The need to preserve the Big Cypress watershed has been clearly established during hearings before this Committee. As the "findings" of the House bill (HR 10088) makes clear, there are three compelling reasons why the area must be protected:

(a) Big Cypress is a unique and valuable natural environment, worthy of protection in its own right.

(b) Everglades National Park and the estuarine area of the 10,000 Islands depend upon the waters of Big Cypress for their very survival as natural and productive ecosystems.

(c) Human activity and economic growth in southwestern Florida are equally dependent on the slowly flowing waters of Big Cypress, which recharge the fresh water aquifers and prevent salt water intrusion.

Any one of these reasons would be sufficient cause to protect the area from further development; the conjunction of all three should be sufficient to remove any lingering doubts about the need to acquire the area.

If the answer to the question "why?" is clear, the response to the query "when?" is equally so. Today would not be too soon; we hope that tomorrow won't be too late. If Big Cypress is to be preserved, positive action must be taken now, and the action must begin in this committee.

Private developers are busy digging, ditching, diking and draining the Swamp -- transforming a diverse and vital ecosystem into more trailer parks, camp grounds, homes, and businesses. These inroads into the area place the future of the watershed in double jeapordy. First, the resource itself is damaged and diminished. The biotic community is disturbed and the hydrologic balance upset. However, although the physical damage is serious, it is not yet extensive enough to constitute the major threat.

Of more concern are the economic effects of development. Even minimal development, such as building gravel roads, exerts an entirely disproportionate effect on real estate values. For example, a story in the Miami Herald last year stated that land with road frontage was selling for three or four times the price of land back in the swamp. Old Monument Road, a crude logging trail into the interior of Big Cypress, is being "improved" by local landowners, one of whom the Herald quotes as claiming a one week price rise of 66 per cent for land along the road. The speculative fires were also being fueled by the Administration's decision of last February to delay federal acquisition of the land for at least 18 months.

It is this rapid escalation in real estate values that makes prompt federal action imperative. An earlier estimate that acquisition would cost $156 million is already far out of date. Next year or two years from now, the federal government may well find itself priced out of the market. The costs of delay will be measured in either many millions of dollars or in the loss of Big Cypress and much of the Everglades; in either case the nation will be the poorer. No one knows this fact more than the people of Florida. Certainly it was this pressure that prompted the State of Florida to authorize $40 million towards the purchase of the Swamp. This testiment of support cannot be passed over any longer at the National level, for the land will never be cheaper nor the opportunity more critical than it is today.

If the questions of "why?" and "when?" have been answered, the question of "how?" remains. The League believes that HR 10088 offers a viable, practical mechanism for protecting the Big Cypress watershed. Mechanisms such as land use controls

and less-than-fee purchase have been suggested. If instituted some years ago, such devices might have proven adequate. Today, however, we no longer have the time to indulge in questionable, experimental approaches. Direct federal purchase of the area appears to us to offer the only chance to save Big Cypress. We believe that it is time for everyone to rally behind any proposal that will protect the swamp.

Prompt action by the Congress will be in the interest of all Americans. But authorizing the Reserve will not, by itself, be sufficient to protect the resource; that will depend upon prompt acquisition. The rate of purchase of the Swamp will depend, in turn, on the level of funding of the greatly over-worked Land and Water Conservation Fund. As you know, there is a current backlog of approximately 46,000 acres of private land worth at leat $100 million, within the National Park System alone. Perhaps another $430 million will be needed to acquire the lands within recently authorized units of the system. We believe, and I am sure you will agree, that the answer must be to significantly increase the Fund -- to perhaps $600 million per year -- and to insure that the full appropriation is budgeted and spent.

In conclusion, the Izaak Walton League of America believes that the benefits of immediate Federal acquisition of the Big Cypress clearly outweigh the costs. The country can ill afford not to make the investment, for the ultimate loser would be, not the alligator, the bald eagle, and the panther, but man himself.

We appreciate the privilege of presenting our views.

for record

FLORIDA DIVISION

THE IZAAK WALTON LEAGUE OF AMERICA

Route 1, Box 81-H,
Islamorada, Fla. 33036,
March 16, 1974

The Honorable Alan Bible,
United States Senate,
Washington, D. C.

Dear Senator Bible:

I am very pleased that you are holding hearings on H. R. 10088 which would establish the Big Cypress National Preserve in the State of Florida.

I would appreciate your inserting the attached statement and resolutions of the Florida Division of the Izaak Walton League in the record of these hearings.

Sincerely yours,

Merrill G. Murray
President, Florida Division
Izaak Walton League of America

STATEMENT TO THE SENATE SUBCOMMITTEE ON PARKS AND RECREATION
ON THE
PROPOSED ESTABLISHMENT OF THE BIG CYPRESS NATIONAL PRESERVE

Merrill G. Murray
President
Florida Division of the Izaak Walton League of America

Washington, D. C.
March 21-22, 1974

Mr. Chairman and Committee Members:

The Florida Division of the Izaak Walton League of America has long been concerned that the Big Cypress Swamp be preserved as a unique ecosystem and a major source of supply of water to the Everglades National Park, the Ten Thousand Islands and the people of South Florida. We therefore welcome this hearing by your Subcommittee on the bill, H. R. 10088, providing for the establishment of the Big Cypress National Preserve.

I am attaching a resolution adopted by the Florida Division at its annual convention on May 6, 1973 which briefly sets forth the major reasons why we believe the acquisition of the central portion of the Big Cypress should be effected and that it be established as a national preserve. I am also attaching a supplementary resolution adopted by the Florida Division at a subsequent meeting on December 7, 1973, after H. R. 10088 had passed the House, urging prompt and affirmative action by the Senate and supporting the acquisition of the Big Cypress Preserve by a legislative taking.

I will not repeat or elaborate on why it is of vital concern that this portion of the Big Cypress be acquired, as is so ably set forth in House Report No. 93-502. I would like to emphasize, however, the

importance of as speedy action as possible in order to prevent further development in the area. We also urge that the provision in the House bill be preserved which provides for legislative taking of the privately owned land. Land prices are skyrocketing in South Florida and the purchase of the area will cost many millions more if it is spread over several years.

The State of Florida has demonstrated its concern that this Big Cypress area be purchased by appropriating $40 million for the purchase of land within the area, and the Florida Governor and Cabinet are currently considering the purchase of almost 60,000 acres of the land that most vitally needs protection. This land and any remaining money from the $40 million will be donated to the Federal government as provided in H. R. 10088.

Accordingly, we solicit your favorable and prompt action on H. R. 10088.

Merrill G. Murray

Resolution

Submitted by Cypress Chapter, Izaak Walton League of America

Whereas the South Florida ecosystem is an integral whole made of many interrelated and interdependent parts, including the Everglades, Everglades National Park, the Big Cypress Swamp and the 10,000 Islands, and

Whereas the South Florida ecosystem is a water-dominated, water-dependent system, and

Whereas the Big Cypress Swamp is the last major undisturbed watershed in South Florida, and

Whereas the continued existence of the Everglades National Park is dependent upon the Big Cypress Swamp, which contributes 55% to 65% of the surface water flowing into the Park, and which modulates the fresh water inflow extending the wet season there by supplying fresh water runoff for three to five months after the rainy season ends, and

Whereas the rich economic and recreational resources of the 10,000 Islands are dependent upon the overland flow of unpolluted water supplied by the Big Cypress Swamp, and

Whereas the aquifer recharged by the Big Cypress Swamp is the largest supply of potable water in Southwest Florida and is now and will increasingly be tapped for drinking water supplies, and

Whereas the Big Cypress Swamp is a rich and diverse resource in and of itself, serving as a habitat and refuge for many rare or endangered species of wildlife, birds, orchids, and other forms of life, and

Whereas development of the Big Cypress Swamp, now being threatened, would necessarily and detrimentally alter the quality, quantity, and seasonal pattern of flow of the surface and ground water,

Now Therefore Be It Resolved that the Big Cypress Swamp is a major resource of local, regional, and national importance worthy of protection, and

Be It Further Resolved that the Izaak Walton League of America, Florida Division, does hereby commend and support the Governor and Cabinet of the State of Florida, the Florida Congressional Delegation, and the President and Administration for their efforts to preserve and protect the Big Cypress Swamp, and does urge the passage of state and federal actions declaring the Big Cypress Swamp an area of critical state and national concern and providing for fee purchase of the Swamp as a Freshwater and Recreational Reserve.

Approved by the Florida Division
on May 6, 1973 at its Annual Convention in Palm Beach Gardens, Florida.

RESOLUTION

The value of the Big Cypress Swamp to the citizens of this nation has been well documented.

The Florida Division of the Izaak Walton League of America strongly urges prompt and affirmative Senate action on the Big Cypress Bill recently passed by the House. The Division further supports the acquisition of land by legislative taking, as necessary for the immediate and maximum protection of this invaluable resource.

Adopted at Naples, Florida, December 9, 1973

Hilda Richard

HILDA RICHARD, Secretary

Senator JOHNSTON. Finally, Mr. Anthony Wayne Smith, president of the National Parks and Conservation Association, here in Washington.

STATEMENT OF ANTHONY WAYNE SMITH, PRESIDENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. SMITH. Senator Johnston, I appreciate the opportunity to be here and the invitation to testify. I am going to read this thing because I have cut it down.

My name is Anthony Wayne Smith, 1701 18th Street NW., Washington, D.C. I am president and general counsel of the National Parks & Conservation Association at the same address. I appreciate the invitation to testify in these hearings.

I favor the adoption of strong legislation promptly by the Congress for the acquisition of the Big Cypress in Florida, including the legislative declaration in taking.

The National Parks & Conservation Association is one of the major environmental organizations of the United States. It publishes National Parks & Conservation Magazine, The Environmental Journal, monthly. A recent issue of the magazine is offered herewith as exhibit 1.

I am appearing here also as cochairman of the Everglades Coalition, a combination of major environmental and labor organizations organized originally to oppose the giant jetport which was once planned for location within the Big Cypress. We recommended that a more modest airport be situated at an ecologically acceptable site instead, and that position seems to have prevailed. The letterhead of the Everglades Coalition, showing its composition, is offered herewith as exhibit 2. It is an identity of the organization and it does have an editorial that I wrote about new prospects for the park. On the letterhead, in addition to the organizations belonging to the National Parks Association, National Audubon Society, Wilderness Association, Sierra Club, we have the Citizens Committee on National Resources and United Automobile Workers of America. The person who represents the United Automobile Workers of America in this coalition is one of the international vice presidents of the UAW in Detroit, and the auto workers have a great many local chapters in Florida and a great deal of the opposition to the jetport and the support for the acquisition of Big Cypress comes from these people who live and work in Florida.

We have here the Wildlife Federation, the Garden Club of America, the United Steel Workers of America. Here, again, one of the major labor organizations in the United States and the person who represents the steel workers in these matters is Walter J. Burke, the International Secretary-Treasurer at the International Office in Pittsburg. Here, again, these men have local chapters in Florida and their locals have opposed the jetport from the beginning and they also have been supporting the acquisition of Big Cypress.

I am appearing also as chairman of the Environmental Coalition for North America, another large combination of environmental and labor organizations which has participated in the battle against the

Valdez route for the Alaska pipeline, against the Amchitka nuclear explosion, against the Florida jetport, for an adequate supply of water to the northeastern boundary of Everglades National Park through the conservation districts, and for the protection of Big Cypress, with its essential water flows to the northwest corner of the parks and to the west coast communities of Florida.

I offer a descriptive folder as exhibit 3.

I am an attorney admitted to the practice of law in New York and the District of Columbia, further details contained in biographical matter offered as exhibit 4.

This committee is to be congratulated for having before it legislation which may well put the firm seal of protection on Everglades National Park and Big Cypress, with their priceless water resources, for the benefit of all the people of Florida and America.

It would be tempting to recapitulate the events of the last dozen years or so which have marked the efforts to protect the park and the vitally important wetlands of central and southern Florida. Among other things, we, I say we, that means everybody, the people at this table, all the people in the coalition, the organizations I speak for, battled off the plan to let saltwater into the park from the southeast through the once proposed Canal 111. We fought to get the gates under the Tamiami Trail opened and kept open to let the water through to the park. We worked long and hard to get water down from Lake Okeechobee through the conservation districts and the canals northeast of the park. The Congress finally settled that issue favorably to the protection of the park; I think we can all be happy in the unanimity with which that issue was finally resolved. The defeat of the giant jetport proposal was an accomplishment which required the combined efforts of many people in many walks of life in Florida and all across America. And now we have this meritorious project for the acquisition of the Big Cypress, which is the one major step needed, and urgently needed, and needed promptly, to complete this great protective undertaking.

But this is the moment for action. The members of the committee are well acquainted with the facts and the merits of the measure. My function is mainly to remind the committee, if reminder be needed, that there will be powerful support for this legislation from Florida and from all across the land, and indeed, internationally, from around the world.

We would note specifically, however, that the provisions for the protection of existing permanent residential properties within Big Cypress are important and should be retained. I am speaking of the 25 year or life proviso, the purpose here is not to drive the present occupants of Big Cypress away, but rather to protect the area against oversettlement, dredging, draining, and filling, which can only destroy the area for everyone, and endanger the water supplies of the State. This protection to existing residents having been accorded, there can be no fear that the legislation will impinge unduly upon the beneficial interests of private owners.

The second specific point which ought to be mentioned is that a legislative declaration in taking is the best way to get this matter settled. The destruction of the area will proceed apace unless prompt

action is taken to get the property into Federal ownership. Moreover, the price of land is rising rapidly, and the longer we wait to get the taking date settled, the higher the cost will be to the Government in monetary terms. There has also been some questions as to how fast the administration might be willing to implement acquisition by the release of funds; the best way to get this question settled is by a legislative declaration in taking, after which the release of funds will take place promptly.

The version which passed the House, is preferable in that it contains a legislative declaration in taking. Moreover, the Senate bill, S. 920 and S. 334 contain a highly objectionable feature. Authorizing the Secretary of the Interior to enter into an agreement with the State of Florida or a political subdivision therefor for the management and administration of the preserve. This would establish a completely unacceptable precedent for the administering of a unit of the National Park System by the State. It could lead to a breakdown of Federal control over federally owned lands and if the Senate version of this legislation is used, this provision should be stricken. Incidentally, it is my understanding that the State of Florida has indicated that it wants the Federal Government to manage the land, so I have the impression that the State of Florida would take the same position that I have taken here, that management should be in accordance with the customary management used by the National Park System, namely, by the Federal Government.

Senator JOHNSTON. Has the 6 percent interest rate used by the Government, has the constitutionality of that been upheld?

Mr. SMITH. I am sorry, I can't answer that question, Senator. I would have this to say with respect to the matter of minerals. The House version spells out the procedure here, presumably the House version contemplates the taking of the land and with it the mineral rights. But it spells out a procedure whereby the Secretary of the Interior shall develop regulations to deal with and with respect to motorized vehicles, the exploration and extraction for oil, gas and other minerals, grazing, draining or construction of work which alters the natural water resources, agriculture, hunting, fishing, good construction of any kind, and such other uses as the Secretary may determine will limit control. So I would think that that legislation contemplates reasonable uses in all these areas, subject to regulation.

Senator JOHNSTON. What uses can we allow in there safely?

Mr. SMITH. Well I think most of these would have to be very severely restricted. Some motorized vehicles can do an enormous amount. Too many of them could wreck the place. Exploration for minerals——

Senator JOHNSTON. How about cattle and hogs?

Mr. SMITH. Well, I am a dairyman. I have been a commercial dairyman, among other things. I have a sympathy with farmers. The land ought to be acquired in fee simple subject to this permanent residence, 3 acre limitation, and a 25 year or life proviso and after that the question could be decided, as it would be with any Federal land, like it is with the Department of the Interior as to what internal uses could be continued.

Senator JOHNSTON. Why would we have to restrict them to 25 years? Why not give them whatever use they have now, whatever land they have in perpetuity, there can't be that much damage.

Mr. SMITH. I suppose these questions have been debated in most of the legislation that established one or another kind of new Federal reserve, the national seashores, among others and these things can be thrown one way or the other, but the national policy is pretty well settled on this question and the reasonable line of compromise here seems to have been agreed on pretty much around this 25 years or the life of the man and his wife, woman and husband, present owners, including the survivors. This can vary obviously a little way or another but it is not really that important. I would think that the House version here gives reasonable protection to a reasonable amount of mineral development in that it requires the acquisition of land in fee simple with mineral rights and certainly that would be our position, that that is what it should do.

In conclusion, there is merit in getting great historical questions settled conclusively and vigorously when their time has come. A strong bill for the protection of Big Cypress will go a long way toward safeguarding the water supplies of central and southern Florida and protecting the priceless treasures of Everglades National Park. I can think of no way in which Congress could better display its ability to act decisively, and decisive action by Congress is perhaps one of the things this country needs for a number of reasons, on a crucial national issue than by the prompt enactment of effective legislation for the protection of Big Cypress.

Senator JOHNSTON. Thank you very much, Mr. Smith. I want to talk to you later.

[Exhibits 1, 2, 3, and 4 follow:]

Exhibit 1


NATIONAL PARKS & Conservation Magazine
The Environmental Journal
March 1974
NPCA • National Parks & Conservation Association • NPCA

New Prospects for the Parks

THIS COMING SUMMER, for the first time in many years, travel to the National Parks could well decline. High prices for gasoline, if not continuing shortages, will curtail transcontinental driving.

Even the countryside around the cities will be harder to reach. People will be staying close to home, and the urban open spaces will be mightily attractive.

For all the folks, young and old, who have been longing for years to visit Yosemite, Yellowstone, Grand Canyon, but who have postponed the venture, the new circumstances, which may well be permanent, will be frustrating and deeply disappointing. And yet there are ways to solve this problem by shifting from the private car to public transportation. The change will help to protect the parks from traffic and save them for the people.

SUPPOSE we start with a citizen of Chicago, who has been doing pretty well recently, but has nonetheless not gotten rich. He could have taken his entire family to Rocky Mountain National Park inexpensively in the past by the family car.

Now it will be costly to drive, cheaper for a family of four to go by rail or bus. Amtrak has the trains, with special family rates. This country has been subsidizing auto travel for several generations by building big highways; now we can help people by subsidizing the railroads, if necessary, to get the fares down and build up patronage. This would be the democratic way to change from individual transcontinental automobile travel to comfortable public transit for everyone.

At the terminal in Denver, the family should be met by modern motor coaches to take them speedily at reasonable fares to their choice of privately owned vacation resorts in one or another of the communities outside the public lands near the park.

In the ideal pattern, there are seats for everyone, plenty of room for baggage, and a conductor in addition to the driver, to help with the children and the luggage. It will be a relatively short distance to the resort, which may be operated by a consortium of local recreational firms, or by one of the major national recreation chains. The business will be under concessioner contract to the National Park Service to provide inexpensive accommodations outside the park and public coach transit into the park. The coach line from the city to the resort may also be run by the concessioner.

IN MANY CASES, the travelers will spend much of their time at the resort. For people who like various kinds of entertainment, there will be swimming pools, golf courses, horseback riding, cocktail lounges, and restaurants. But everyone will take trips into the national forests around the park and deep into the park itself. Minibuses like those now in use at Yosemite may be available, depending on how the National Park Service develops its plans, free or by day-long ticket, and visitors can get off at trail bases along the coach route or at the other stops, and continue the journey later as they choose.

There will be many people who like to rough it, and will travel with knapsacks and sleeping bags, prepared to hike to the campgrounds of the national forests, provided with stone fireplaces, or to travel out to the distant wilderness.

In some of the national parks, taking the system as a whole, there will be overnight accommodations for people who wish to stay inside the park for longer or shorter periods, subject to reservations to balance visitation with facilities.

At most of the parks, local minibus transportation will replace the private car. A model has already worked out well at Yosemite National Park with cordial public acceptance. The service should be frequent, on a regular schedule, with many stops, and benches with roofs in case of rain, where everyone can wait for the next shuttle.

ONE OF THE great merits of this way of getting into the parks will be that no one in the family will have to do any driving. Dad will not be worn out and irritable at the end of the day, nor will the children be fretful from sitting in the back seat with nothing to do. Everyone can relax and enjoy the journey.

Chances are that the total expense of a trip like this could be rather low. People will spread themselves out through the national forests, as well as the national parks, and crowding will be reduced in the parks.

The lands managed by the Bureau of Land Management can also be used, if BLM will go ahead with

Continued on page 35

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COVERS Grand Canyon winter vistas, *by Ed Cooper*
An overcast winter morning at Hopi Point on the South Rim of Grand Canyon National Park presents breathtaking panoramas of oriental subtlety. The back cover is the view west; the front cover is the vista to the northeast. Soon additional portions of the great gorge of the Colorado may be added to the national park; Marble Canyon National Monument upriver and Grand Canyon National Monument and part of Lake Mead National Recreation Area downriver are proposed for national park status to enlarge Grand Canyon National Park. (See articles beginning on pages 4 and 9. See also staff report on page 25.)

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weathered american chestnut trunk
Jack Jeffers photograph

Arizona's LOST HUNDRED

article & photographs by IRIS R. WEBSTER

The spectacular western part of the Grand Canyon
now in Lake Mead Recreation Area
is proposed for inclusion in an expanded Grand Canyon National Park

Diamond Peak seems to glow in the background in lower Peach Springs Canyon near the Colorado River in the Lost Hundred section of the lower Grand Canyon.



SLUGGISHLY, the incandescent mass moved toward the gorge. Reaching the brink, it poured over the 3,000-foot cliffs, a gigantic firefall. By the time it reached the river, it was flowing rapidly. A mighty roaring ensued; steam filled the gorge, billowing skyward, as molten lava mingled with the cold, muddy water of the Colorado River. For a great distance up and down river the water boiled. Upstream a fissure appeared in the river bed, followed by loud rumblings as clouds of acrid smoke filled the air. Red-hot lava spouted, to fall hissing into the water, adding to the bedlam below. This may well have been the scene when volcanoes erupted in the lower Grand Canyon millenia ago.

At Toroweap, on the western edge of the Grand Canyon National Monument, a flood of lava from Vulcan's Throne, a huge cinder cone on the lip of the canyon, built a lava dam in the canyon. The dam, which geologists believe to have been at least several hundred feet high, created lakes in the upper canyon. Eight cinder cones are in the inner gorge itself, and 180 cones dot Toroweap Valley above. The volcanic neck called Vulcan's Forge stands in the center of the river. In this battle of the elements, water has proven the stronger. Three lava dams were formed in the canyon in the last million years, but the water has breached them all.

This lower or western part of the Grand Canyon extends from the national monument 105 miles to the Grand Wash Cliffs, currently administered by the Bureau of Land Management as part of Lake Mead National Recreation Area. So few people are aware of its existence that it has sometimes been called the "Lost Hundred." Here is a narrow, deep inner gorge, with wide terraces or esplanades on either side, slashed with tributary canyons. Above, pastel upper rims reach out toward the river in long, narrow points. Spectacular in its own right, this lower canyon offers a contrast to the wide upper canyon with its eroded buttes.

As I was making an exploration of this area, the National Park Service announced plans to enlarge the Grand Canyon National Park boundaries to include much of the lower canyon, as well as most of the Grand Canyon and Marble Canyon national monuments. The bill to accomplish this expansion has passed the Senate and seems likely to be approved by the House and the President in the near future. Expansion of the park would alleviate the overcrowding that now occurs in the upper canyon campgrounds and would provide greater protection for the lower canyon area. Until recently this western canyon had not been lost so much as forgotten. As the century turned, this area was visited by sightseers who came by horse and wagon to view the canyon from Diamond Creek or to explore on a network of trails. With creation of the national park at the east end, it was bypassed and soon forgotten.

The Hualapai Indian Reservation abuts the canyon on the south for most of its length. A number of the ranch roads spider-webbing the reservation led me to interesting spots and views of the canyon.

In its meanderings, the Colorado River makes two deep southward bends. The first is within the national park, and the second and deepest is at the confluence of Diamond Creek and the river near the Hualapai community of Peach Springs. The only road to reach the bottom of the Grand Canyon runs from Peach Springs down scenic Peach Springs Canyon to the confluence.

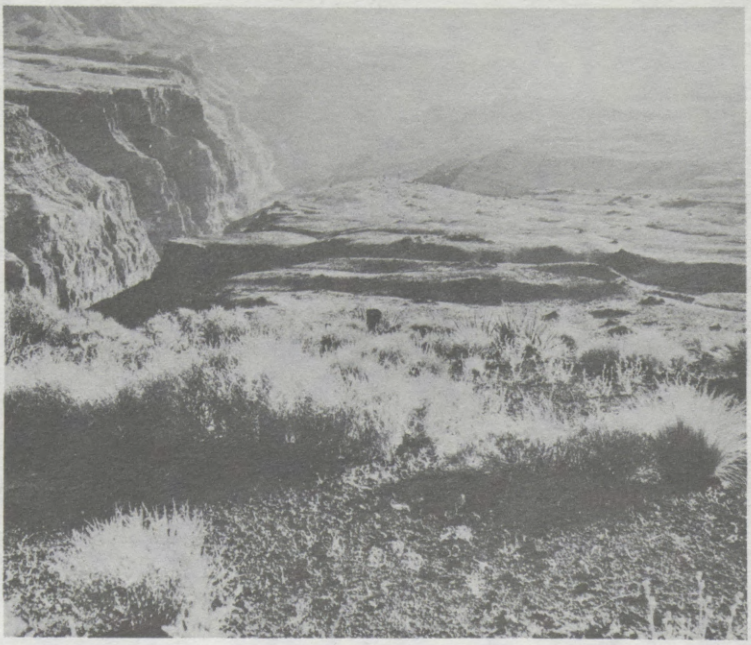
I made one of my first trips in this remote area down this canyon. I hoped to locate the foundations of the old Diamond Creek Hotel, built in 1884. This two-story rustic structure contained nine bedrooms, a lobby, and a dining room. Guests came by horse-drawn stage, the twenty-mile trip requiring ten hours. Visitors from all over the United States and Europe are said to have viewed the canyon from this location. After the building of the railroad to the national park, the hotel closed and the building was torn down by ranchers and Indians for the lumber, leaving only the foundations. Even the foundations disappeared when work was done on the road.

One of my most rewarding but strenuous trips on the reservation was up Prospect Valley, northeast of Peach Springs. Prospect Valley widens out as it approaches the canyon, extending to the edge of the inner gorge and becoming part of the esplanade. Two cinder cones, one partially destroyed, stand at the east end near short, deep Prospect Canyon. Vulcan's Throne rises across the gorge.

From the base of the mutilated cone I looked down into a netherworld; it seemed a setting from Dante's Inferno. Tortured, burned rocks covered the floor and walls of Prospect Canyon—neither plant life nor animal life were visible. Beyond, at the canyon's mouth, I glimpsed the Colorado River flowing below Vulcan's Throne. The original Prospect Canyon was buried by a lava flow, but Prospect Creek (actually only a dry wash except after rains) has excavated a new canyon parallel to the old one through the heart of a cinder cone.

Buck and Doe Road, west of Peach Springs, roughly parallels the canyon for fifty miles and finally ends at viewpoints above the river. From here I followed a side road to hills overlooking Hindu Canyon. The road eventually snaked down past Bridge Canyon. Supplies were carried over this road for workmen doing exploratory work at the proposed site of Bridge Canyon Dam. An old pack trail descends into Bridge Canyon, a wide tributary canyon extending four miles to the Colorado, then follows along above the river to the Lower Granite Gorge. This is the narrowest part of the lower canyon and the site selected for the controversial Army Corps of Engineers' Bridge Canyon Dam. Had it been constructed, this dam would have backed water into the Grand Canyon National Park. Conservation groups, concerned with this threat to a national park, publicized the issue to such an extent that public opposition caused the project to be abandoned. However, the issue remains alive though dormant because of provisions in the legislation for enlargement pending before Congress that would allow "dams and other reclamation projects" in the expanded national park unless public pressure to the contrary succeeds in deleting these provisions.

Farther north another road leads right from Buck and



From the top of Vulcan's Throne, a huge cone on the edge of the canyon, one can see a great distance westward into the Lost Hundred country. The Colorado River is barely visible in the upper center.

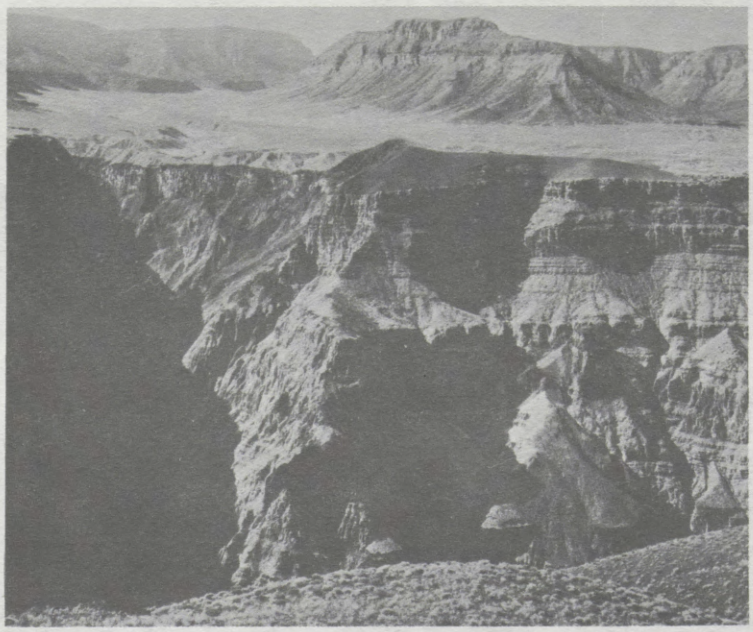
Doe to the overlook at Meriwitica Canyon, where a steep trail switchbacks 1,500 feet to the canyon floor. Meriwitica is believed to be the ancestral home of the Hualapai Indians and related tribes. According to legend, they all lived in this canyon where springs allowed cultivation of crops. When the area could no longer support the growing population, they separated into smaller groups that searched for homes in other areas. One group settled in Cataract Canyon, calling themselves *Hava-su-pai* (people of the blue water), in reference to the vivid color of the water in Cataract Creek. The lower part of this canyon is now called Havasupai Canyon.

Only the tribe now living on the Hualapai Reservation remained. Their name means tall pine people, from the pines that grow on the surrounding plateaus. During troubles with the government in 1872–73, the tribe hid in this canyon, was eventually starved out, and in 1874 was forced to move to the Colorado Indian Reservation near present-day Parker, Arizona. Eventually they were allowed to return to their homeland.

The main road of Buck and Doe continues on north, ending at Bachit Point, where the huge steel skeleton of an abandoned upper station of a giant tramway teeters on the brink of the canyon, 3,500 feet above the river. Completed in 1957 for the U.S. Guano Corporation to remove guano from Bat Cave across the canyon, this difficult construction project required that equipment to build the tower and loading platforms across the river be flown by plane to the canyon floor, while the nearly two-mile-long tramway was strung by helicopter. This derelict is a jarring intrusion in this beautiful natural area.

Rampart Cave, home of the extinct Shasta ground sloth for 25,000 years, is located fifteen river miles west on the south canyon wall. I did not visit this cave because only scientific researchers are allowed entry. This area is under the care of the National Park Service and is considered one of the most important sloth sites in North America.

The north rim of the canyon is accessible only from the Arizona Strip, that forgotten lonely land between the canyon and Utah's southern border. The canyon is such



From the slopes of Vulcan's Throne, one sees, across the Grand Canyon, Prospect Valley fanning out to become part of the wide esplanade. Two small cinder cones guard the edge of deep, dark Prospect Canyon.

an effective barrier that to reach the national monument at Toroweap, residents of the rest of Arizona must go either to Las Vegas, Nevada, then northeast to St. George, Utah, and south seventy-five miles, or east by way of Fredonia, just below the Utah border, then sixty-five miles southwest.

I drove to Toroweap via St. George on my first trip north of the canyon. The 3,000-foot precipice at Toroweap made me apprehensive, but Vulcan's Throne loomed near and, loaded with camera gear, I slogged to the summit over shifting cinders to shoot pictures from this elevated viewpoint. Prospect Valley was across the gorge as well as the cinder cone where I had stood a month before.

Two problems beset a visitor to the Strip. One is gasoline, the other water. Both are in short supply, and it behooves the traveler to carry containers of both.

The pine-covered peak of Mount Trumbull rises north of Toroweap. A road climbs the southwest slope, and a primitive campground in a pine-scented setting is located beside Nixon Springs. This is the only water source for miles around; I always fill all my jugs here. I carry at least ten gallons of water when traveling in isolated areas in Arizona.

West of Mount Trumbull the road drops over the Hurricane Cliffs to the Shivwits Plateau. The scattered buildings of the Mormon community known as Bundyville stand in the shadow of the cliffs. A Mormon family named Bundy settled here in the early days. The tribe increased until there was a community of people all named Bundy. Of late years many Bundys have moved to St. George, Utah, so their children may have the advantages of better education, and the old schoolhouse is no longer in use.

My most memorable experience here was the trip to Whitmore Rapids, downstream from Toroweap. At the abandoned schoolhouse I turned south on an unmarked road that climbed a mesa rough with rocks, then soon made a sharp curve, to wind steeply downward, coming out in a narrow valley. After passing ranch buildings it ascended a ridge, then went down between banks of shining ebony lava.

A cinder cone rose in the distance; beyond, the mistblue walls of the canyon appeared. Now the road got rougher as I bounced over lava as I began to descend toward the river. This was Whitmore Canyon, filled by a lava flow, as at Toroweap, which now makes a road to the river possible. To my left cliffs of pink Supai sandstone dripped a frosting of black lava. Soon we could see the river below us and the road's end.

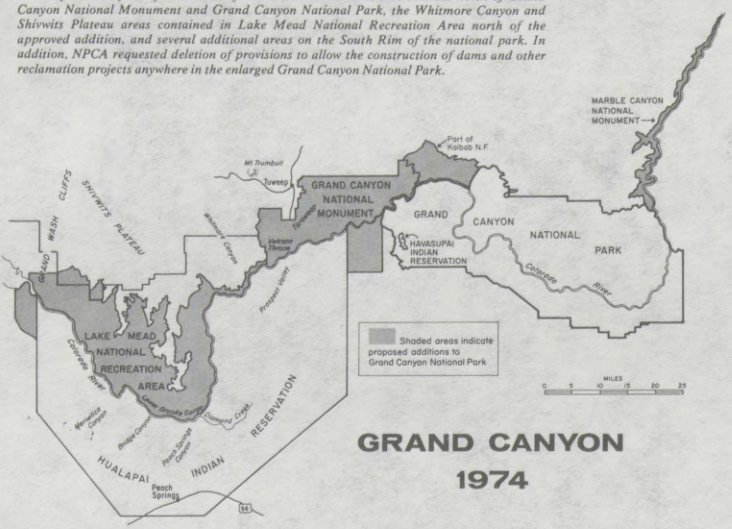
The parking area is 500 feet above the water and a rough horse trail winds down over lava to the river's edge. As we drove up, people on horseback were coming up the trail. A pontoon boat drifted idly by the shore. This is now a debarkation point for many passengers coming down river. They ride up the trail on horseback and are flown out after being bussed to a landing strip a few miles away.

Farther west are several points where beautiful views of the tributary canyons can be seen, but none is close to the inner gorge. The confusing maze of unmarked ranch and lumbering roads requires perseverance as well as ample gasoline. Topographic maps are a help, but the western canyon was not surveyed till 1967, and some maps remain unpublished. Roads nearest the canyon may be closed to vehicles after inclusion in the national park, but it would probably be only a fairly easy ten-mile hike to these points from the park boundary.

Conservationists hope that final approval of the bill to expand Grand Canyon National Park will ensure that the views from Toroweap, Whitmore Rapids, Prospect Valley, and Diamond Creek will be protected forever for the enjoyment of future generations. Will this masterpiece of intaglio carved into this high plateau country, this twisting chasm with its complex of tributary canyons, be preserved in its entirety as nature created it? ■

Iris R. Webster is employed at the University Library at Arizona State University, Tempe, Arizona, which proves convenient for the research as well as the travel necessary for her avocation of writing freelance articles about remote areas of the Southwest.

The proposed additions to Grand Canyon National Park indicated were approved by the U.S. Senate in September 1973. Matching legislation is now before the House Subcommittee on National Parks and Recreation. On invitation, NPCA presented testimony to the Subcommittee in November proposing additional extensions to the national park in the following areas: tributary side canyons of Marble Canyon Natonal Monument, several areas north of Grand Canyon National Monument and Grand Canyon National Park, the Whitmore Canyon and Shivwits Plateau areas contained in Lake Mead National Recreation Area north of the approved addition, and several additional areas on the South Rim of the national park. In addition, NPCA requested deletion of provisions to allow the construction of dams and other reclamation projects anywhere in the enlarged Grand Canyon National Park.



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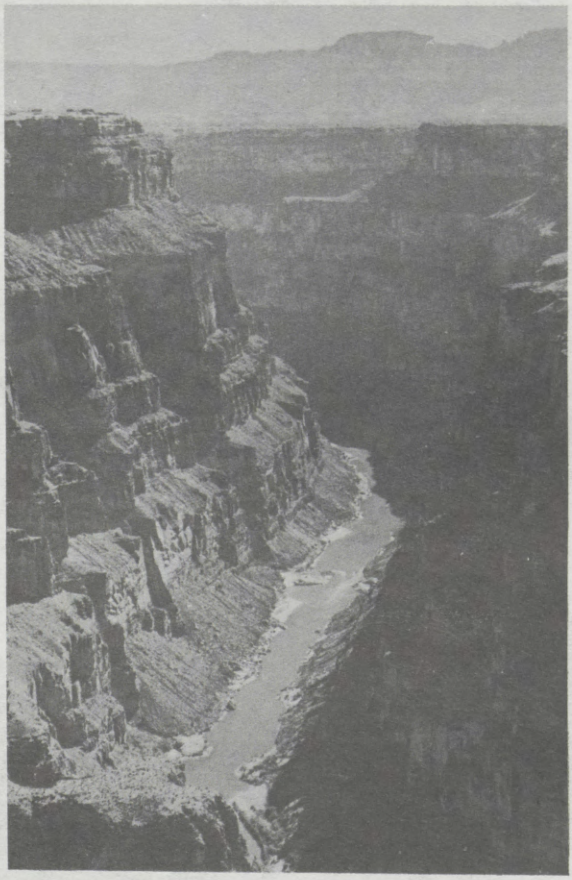
Grand Canyon National Monument
THE IDEAL PARK



A remote national monument with unspoiled campgrounds and outstanding natural features may soon become part of Grand Canyon National Park

article & photographs by O. F. OLDENDORPH

Martha and I have visited almost all the southwestern national parks and monuments, and we've camped in them too. We have formed definite opinions on what makes a good park; and if someone asked us to write a specification for an outstanding park, we could do it. The result would probably be a description of Grand Canyon National Monument.

Our park would be remote, like Grand Canyon National Monument. When you drive south from St. George, in the southwest corner of Utah, the paved road ends after eight miles, and you know that you are heading into sparsely settled country. The road map shows Wolfhole twenty-six miles from St. George, but at the end of that distance you find only a deserted store building at the side of the road. Mount Trumbull shows on the map as a town; but when you pass a school, a few scattered ranch houses, and a tiny landing strip, you know that you have reached another landmark. A bit later, a single unpaved lane clings to the cliffside for an ascent of a thousand feet and affords an aerial view of the little settlement. A splash of orange-yellow on a distant mountain tells that glorious autumn has come to the aspens.

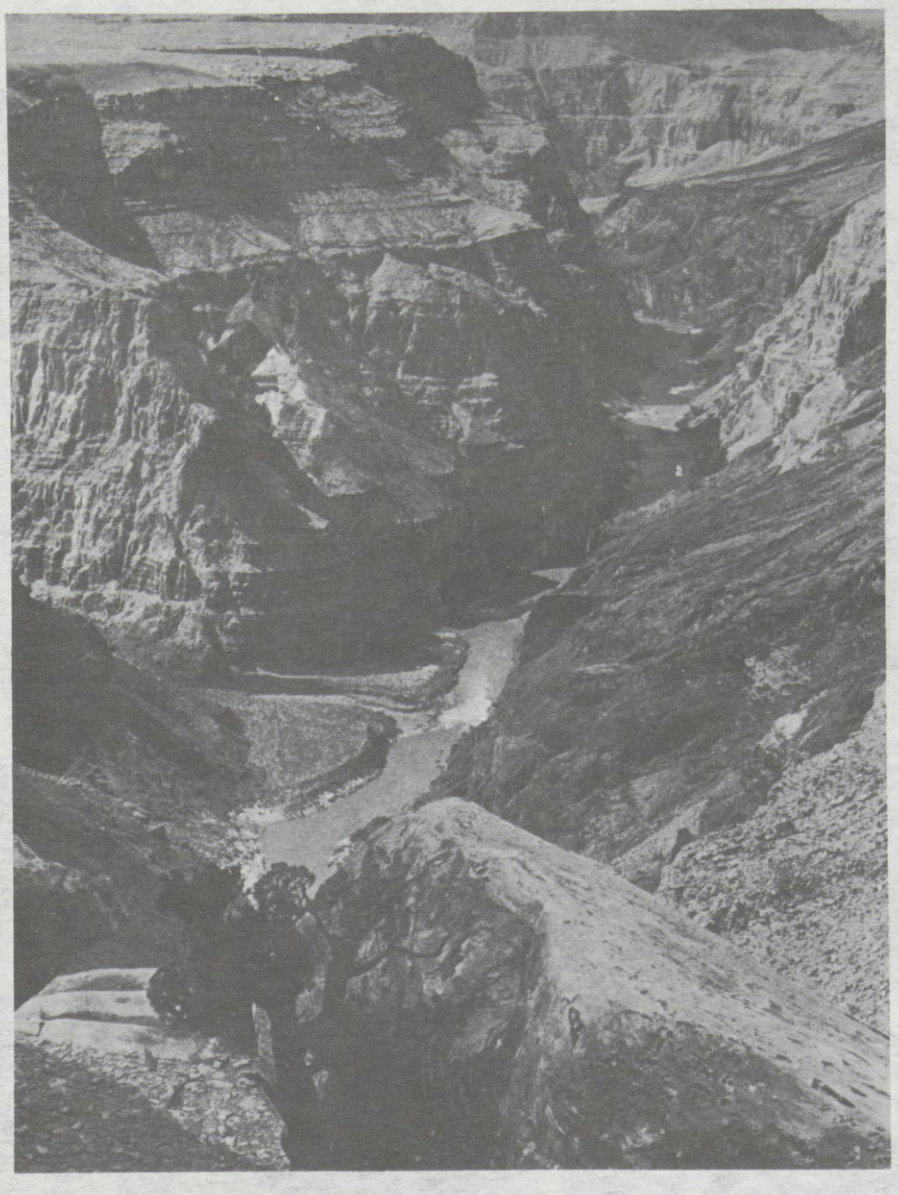
The boundary sign of the monument is twenty-five miles past Mount Trumbull. Soon the home/ranger station/maintenance yard for this remote unit of the National Park Service comes into view. Across the broad flat of Tuweep Valley, on the right, is the ramshackle shed, without roof or door, that houses the ranger's personal airplane. In six miles more the trail ends a scant hundred feet from the edge of the gorge of the Colorado River, eighty-

Downstream from the edge of the gorge at Grand Canyon National Monument, white water is visible. This stretch is one of the roughest on the Colorado River, yet thousands of river adventurers pass here annually, usually in parties conducted by commercial guides.

The dark areas visible on the right side of the gorge are lava flows that blocked the gorge millenia ago to a depth of several hundred feet. But the river, with its suspended cutting tools of sand and gravel, relentlessly rasped through the blockage, leaving cliff walls of black lava.

Below, the camp site at Grand Canyon National Monument is little more than a hundred feet from the brink of the canyon (out of sight to the right in the photograph).



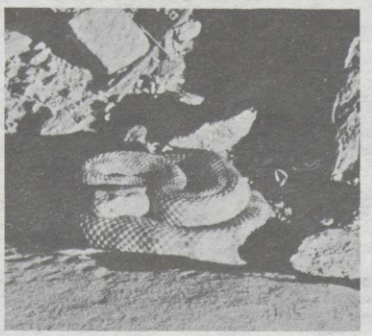


five miles from St. George. Grand Canyon National Monument is a lonesome spot; on a weekend you might pass half a dozen cars in eighty-five miles. During a week day, chances are that you will see none. It makes a marvelous national monument.

In our remote park we would have some outstanding feature to make the trip worthwhile. It could be a well-preserved Indian ruin, a glaciated valley, ancient trees, or a sheer-walled canyon. At Grand Canyon National Monument, of course, it is the canyon. Stand on the rocky ledge and look down at the river 3,000 feet below—so far to the river that its roar is only a murmur when you stand on the edge of the precipice. Look across the gorge and see the wide pinyon-dotted country and rocky buttes where you'd probably not see another human if you watched for a year but where, if you are sharp-eyed and well endowed with patience, you might pick out a couple of abandoned Indian hogans. Downstream, see the remnants of a black lava flow that once blocked the gorge to a depth of 600 feet but was cut through and carried away by the grinding of the sand-laden Colorado. Note also the white water and imagine that its murmur is a bit louder. If you are lucky, you may see a party of guided river travelers in large inflated rubber boats. Watch the boats pull to shore to allow the adventurers to walk past the rapids while the professional guides negotiate the rough water alone. They are so far away that through your binoculars the wild, plunging ride does not appear hazardous or even thrilling.

At Grand Canyon National Monument you hear no background of traffic noise, no delivery trucks carrying supplies to concessionaires, no radios blaring; and you hear no other raucous human sounds because hardly anyone else is ever around. Only a couple of thousand people visit the Grand Canyon National Monument in a year. But you can hear the breeze in the scattered junipers on a calm evening; on a stormy night, the wind howls of loneliness in a wide country.

Our neighbor the rattlesnake was asleep when we spotted him, but our photographic activity awakened him. About two and one-half feet long, he seemed little concerned by our presence and never rattled but finally crept under the rock. We approached no closer than about seven feet.



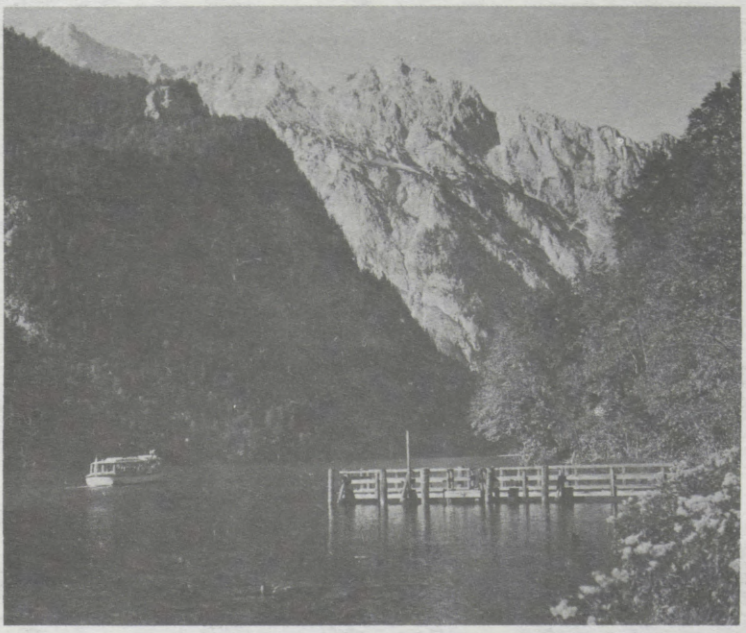
The campground in our ideal park must be primitive and unspoiled. A couple of tables with attached benches are convenient but not necessary; nor is the absence of water a deterrent after a camper has learned to carry his own and to husband it carefully while washing dishes. The fragrance of burning juniper doubles the enjoyment of a camp evening. But the desert land would soon be stripped of its sparse supply if everyone used this wood for campfires so I'd encourage visitors to bring their own firewood from mountain forests outside the park.

You can expect to meet some wildlife in a place like Grand Canyon. We discovered a rattlesnake sunning under the overhang of a rock, but he was most tolerant of our picture-taking. Finally, he slipped under the rock, and we saw him no more. One night, after we bedded down in the Land Rover, we were invaded by white-footed mice that sensed food nearby; they vigorously attacked our breakfast rolls through the cellophane wrapper. Eventually we expelled all but one of the little fellows and raised the Rover's tailgate to keep them out. The successful mouse had entered through the hood ventilator and ran over my bare feet several times. He worked noisily on an apple core in the trash bag and was our companion until dawn.

A park must be staffed with supervisory personnel. I like to find a self-contained, one-man Park Service like we did at Grand Canyon National Monument in the person of ranger John Riffey. This personable gentleman has been serving Grand Canyon National Monument for over thirty years. He stands ready to rescue a visitor from a canyon climb, to build a road, to plough the snow, to check the welfare of neighboring sheep herders, to enforce park rules, or to airdrop coffee and Bull Durham to his snow-bound mountain neighbors from *Pogo*, his airplane. He repairs and overhauls his park mechanical equipment, which includes four-wheel-drive trucks, a bulldozer, road scraper, and an electrical power plant. He keeps watch on the river boat trips that pass through his territory, counts the visitor register, files routine reports, and looks after land matters. You sense that he is a man who earns his living doing what he really enjoys.

My ideal park sounds like Grand Canyon National Monument. This monument, along with Marble Canyon National Monument and portions of the Lake Mead National Recreation Area, will become part of Grand Canyon National Park when a Senate-passed bill for this purpose is passed by the House and is signed by the President. I can't imagine a natural area more worthy of national park status. ■

O. F. Oldendorph is an aerospace design engineer residing in Coronado, California. He and his wife, Martha, have camped in most of the national parks and monuments of the West during the past twenty years. He has photographed much of the West. The isolation and absence of other campers during several trips to Grand Canyon National Monument made it one of the Oldendorphs' favorite spots in the national park system.



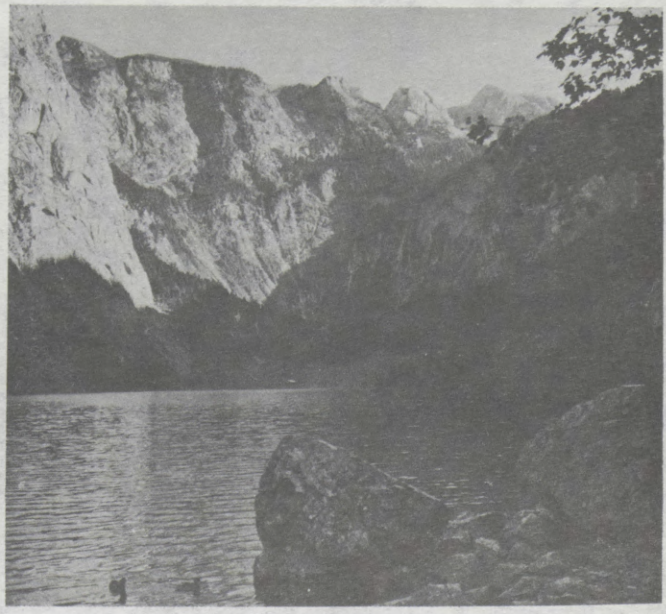
A Cruise on Bavaria's Königssee

The exquisite Königssee Nature Reserve is worthy of becoming a great international park

article and photographs by
RUSSELL D. BUTCHER

Set amid the majestic grandeur of West Germany's Berchtesgaden Alps is one of Europe's most exquisite creations of nature—a five-mile-long lake called Königssee. So outstanding is this fjordlike lake that many people have called it the "Yellowstone of the Bavarian Alps." It is now protected within a 50,000-acre nature reserve, but some conservationists are advocating that the reserve be expanded to an international park encompassing adjoining mountains in Austria.

The main entrance to the reserve is about three miles south of the town of Berchtesgaden. From the road's end, a short walk through the resort village of Königssee brings the visitor to the boat dock at the north end of the lake.



Obersee, serene, maple-bordered, encircled by the jagged cliffs of the Steinernes Meer. From here wilderness trails lead to other tiny alpine lakes.

On a crisp, clear October morning, my wife and I boarded one of the graceful electric-powered motor launches. Gliding silently through the crystal-clear water, we rounded a bend and suddenly faced the breathtaking panorama up the length of Königssee. Along the shadowed eastern shore rose steep forested slopes of Büchsenkopf, Gotzenberg, and other mountains. Walling in the west were the tremendous sheer escarpments of layered gray limestone and dolomite of the Watzmann. This great peak, rising 8,901 feet above sea level and about 7,000 feet above the lake, is the highest point in the reserve and the second highest mountain in the Bavarian Alps. The jagged summits of this landmark have long been referred to as the Watzmann, Watzmann wife, and five Watzmann children because of their resemblance to human figures.

At the far end of the glacially carved valley we could see some of the high rocky summits of the Steinernes Meer along the Austrian border. The lake itself is said to be at least 600 feet deep, and salmon and trout thrive in its cold waters.

As the launch drifted along, one of the crew members played a short melody on his brass bugle. In the stillness of the morning, the surrounding cliffs returned the notes in perfect echo.

About midway up the lake, we got off at the tiny, picturesque settlement of St. Bartholomä. This is a delightful spot. In a setting of bright green pastures, dark forests, and the backdrop of rocky Alps are a small farm, an inn, and an eleventh or twelfth century pilgrim chapel. The old farmhouse is of typical Bavarian architecture, with massive shingle roof, a deep-set second-story balcony beneath a gable-end hip roof, and cozy curtained windows in thick white-washed walls. At the lakeshore nearby, the ancient chapel is adorned with twin rounded steeples and a triple circular apse, which give the white walls and red shingle roof a sculptured appearance that blends with the landscape.

Following a trail into the forest, we explored a little way along Eisbach, a boulder-filled stream that led us close to the base of towering cliffs. This stream begins above timberline at a stretch of ice that never entirely melts during the summer. A cavelike opening through the ice has given rise to its name, "Ice-chapel."



KÖNIGSSEE NATURE RESERVE

After enjoying a picnic of German sausage and cheese, we took the next launch on to the south end of Königssee, passing Schrain-Bach waterfall where it plunges from the forest to the water's edge. As we left the boat, we noticed that the water at the shallow part of the lake was a beautiful green in the brilliant sunshine, in contrast to the dark blue of deeper water.

An easy half-hour walk by trail through meadows strewn with gigantic boulders, fallen from the cliffs above, brought us to Obersee. This smaller lake, bordered with maple trees, was already in afternoon shadow when we arrived. It was so quiet, you could faintly hear the musical sound of cowbells from a pasture along the far shore. The sheer cliffs of the Steinernes Meer encircled high above, partly highlighted by the sun, and the long ribbon of Röthbachfall descended for hundreds of feet to a band of dark forest below. Trails tempt hikers from here into the high country, where one trail leads to a series of little alpine wilderness lakes: Grünsee, Schwarzensee, and Funtensee.

Our return down the length of Königssee that evening was climaxed by the dramatic sight of the jagged crest of the mighty Watzmann etched in silhouette against the western sky. As the boat slipped along, the only sound we heard was caused by ripples along her bow.

One of the interesting highlights farther west, in the Königssee Nature Reserve (Naturschutzgebiet) is Blaueis Glacier, cradled high on the north side of Hochkalter, the second highest peak. Although not a large glacier, it is the northernmost one in the Alps. Visitors may approach Blaueis by trails south from the village of Ramsau or from nearby beautiful Hintersee.

Between the Watzmann and Hochkalter lies Wimbachtal, another long, mountain-framed valley, but lacking a lake. It is reached by road south from the village of Au and is at least worth the short excursion to Wimbach Gorge (Wimbachklamm) with its foaming cascades.

Flora of Königssee reserve are of great variety, with Norway spruce, mountain and dwarf pines, larch, mountain maple, beech, linden, and alder among the trees. Some of the many wildflowers are rhododendron (Alpenrose), heather, Edelweiss, Turk's-cap lily, alpine crocus, dwarf primrose, gentians, lady's-slipper and other orchids, monkshood, goat's-beard, columbine, globeflower, alpine poppy, alpine anemone, silver thistle, bellflower, aster, and the delicate soldanella.

Ibex (Steinbock) were reintroduced from Italy's Gran Paradiso National Park in 1935, and today these stately mountain goats, with their great ribbed and gracefully curving horns, live in the rugged high mountains in the southeastern part of the reserve along the German–Austrian border. The smaller chamois, a species of antelope, also dwells in remote alpine areas, while red deer (related to the North American elk) and smaller roe deer are found at forested lower elevations. Hare, marmot, red fox, red squirrel, marten, and badger also can be found.

Among the birds that make their home here are Tengmalm's, pygmy, and eagle owls; woodpeckers; ring ouzel; nutcracker; jay; dipper; mallard; tits; pipit; redpoll; alpine accentor; wall creeper; snow finch; ptarmigan; alpine chough; and, rarely, the golden eagle.

Visitors can find a wide variety of accommodations, but reservations are advised during peak tourist months. Berchtesgaden offers hotels, pensions, and youth hostels; Königssee village has three hotels and a number of pensions. Within the reserve are a few mountain huts and inns along the trails. For instance, Blaueis-Hütte is near the glacier; Kärlinger-Hütte is close by Funtensee; Watzmann-Haus is to the north of the great peak; Saletaple, an attractive inn and restaurant is on the path between Königssee and Obersee; and an inn is located at St. Bartholomä. The historic, fascinating city of Salzburg, Austria, is only twenty miles north of Berchtesgaden, offering everything from elegant hotels to inexpensive and pleasant accommodations in private homes in surrounding suburbs and villages.

Excellent highways run from major cities in Germany and Austria, and a rail line extends to Berchtesgaden with bus service on to Königssee. The launches depart from the dock about every ten minutes during peak tourist season, with less frequent but regular schedules during the rest of the year, except when the lake is frozen over. Total boat trip time is about two hours, and there is a modest fee.

Especially helpful for locating trails and other points of interest in the reserve is the excellent Kompass Wanderkarte number 14, "Berchtesgadener Alpen." It is available at nearby bookstores and gift shops.

As we discovered to our delight, October is an ideal time for a visit to Konigssee, for it is then that the air is especially clear and crisp and the mountainsides touched here and there with the russet and yellow of beeches and maples. There are few places in Europe that equal the grandeur of Königssee, and few places in the world so deserving of becoming a great national or international park. ■

This article is the third in a series by Russell Butcher on European national parks (see September and October 1973). Mr. Butcher and his wife traveled throughout the Alps region, visiting most of the national parks and nature preserves there. Long a contributor to this Magazine, Russell Butcher formerly held editorial and writing positions with the National Audubon Society, the Save-the-Redwoods League, and the Sierra Club.



Sheltered in estuaries, behind barrier beaches and islands, tidal marshes are a vital natural resource, both as habitat for many wild creatures and as the cradle of the sea. The photograph above is a sweeping panorama of part of lower and middle Cape Cod, which illustrates the intricate network of waterways and marshlands behind the protecting beaches. At right is a closer view of Nauset (or Eastham) Marsh in the center of the photograph above. This marsh is included in Cape Cod National Seashore. Photographs by Richard Kelsey, Chatham, Mass.

SALT MARSHES

ecosystems in danger

Preservation of our coastal wetlands is imperative for man's benefit as well as for their own sake

by JOHN HAY



OUR great spongy, receptive, coarsely woven marshes, open to the winds and the tides, are bonds between sea and land. The salt marshes are a unique environment, irreplaceable by man, that have formed in areas along our seacoast that are sheltered in tidal estuaries and behind barrier beaches and other natural features. Thus they are shielded from direct wave action and storm waves from the open ocean. Salt marshes are greatly dependent on tidal influence, and tidal ranges determine the extent and nature of their vegetation. The daily movement of water in and out and across the marsh, which carries tiny organisms, seeds, and fish, is a continuing source of revitalization and determines the fertility of the marshes. Their food production depends on this interchange. Tiny microorganisms provide food for fish and shellfish, which in turn provide food for raccoons, muskrats, waterfowl, and other wildlife. Insects flourish and are eaten by songbirds, snakes, and frogs.

The whole marsh system, from offshore bar that protects it to inland banks where the shrubs and trees begin, is a great and intricate balancing of energies. Nor does its influence stop at its outer limits. Saltwater fish use marshes and estuarial systems for breeding and nursery areas. Organisms carried out on the tide nourish others in the coastal seas beyond. Shellfish bedded in sand or mud at or near the mouth of an estuary with a marsh behind them are dependent on the free tidal interchange throughout the entire salt marsh region. Coastal marshes are important as wintering areas for a great variety of waterfowl.

Life in great abundance is nurtured by a salt marsh in subtle and complicated ways. Simply listing species such as cordgrass, black grass, or saltwort, fiddler crabs, amphipods and isopods, muskrats, herons, rails, marsh snails, soft shell clams, and a hundred more can only hint at the dynamic interactions of plants and animals in the marsh, a world exposed to beating sun, harsh winds, severe winters, and shifting tides.

The kind of New England salt marsh I knew as a boy was an intrinsic part of local life. Farmers piled its salt hay in high, domed stacks on the salt meadows for their cattle. Shellfishermen knew well their dependence on it. Fishermen understood the shelter it provided for the fish that spawned in its creeks and estuaries.

Such a marsh also was—and still is—a place of secrets. Black ducks flew out of it from hiding places only they



Nauset (or Eastham) Marsh, Cape Cod, by John Grandy IV

The dark area at the horizon in the photograph above is the open ocean; the pale streak below it is the protecting beach. Below the beach, Nauset (or Eastham) Marsh, like other coastal marshes, looks from a distance like a great barren expanse. But down among the waving grasses, along the meandering waterways, the marsh teems with life in a diverse, complex web of interdependencies, some of which are indicated in the diagram and photographs on these two pages. Black ducks in a salt marsh depend mainly on snails, soft-shell clams, and blue mussels for food; the latter creatures in turn depend on organic detritis and plankton. Canada geese and muskrats eat primarily marsh vegetation, whereas herons and terns depend largely on small fish. As plants and animals in a salt marsh die, they decay and provide nutrients for the growth of more estuarine organisms, which nourish myriad other estuarine and marine creatures in an endless cycle of rich and harmonious productivity.



Black ducks, by John Grandy IV

knew. Thin-bodied rails, or bitterns, were lost to the eye among the marsh's high grasses. Marsh hawks skimmed over it searching for field mice that tunneled through the grasses not flooded by tides. Salt marsh flowers, such as Gerardia and salt marsh aster added a delicate quality where they bloomed among the heavier vegetation that surrounded them. In late August and early September the seaside goldenrod, a host to many bees, nodded its great yellow flowerheads along the inner reaches of the marsh, and in the fall the low spikes of saltwort or salt marsh samphire turned flaming red.

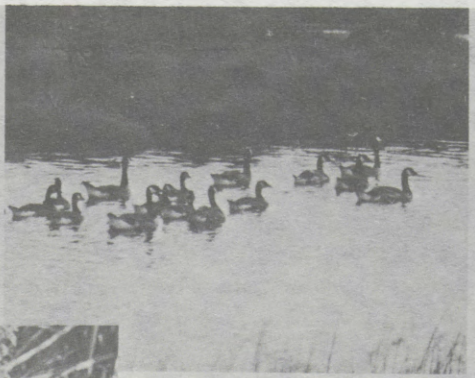
Thus, salt marshes are not simply smelly wastelands. I just happen to love that special combination of water, marsh peat, decaying grass, and clean salt air. Nothing is comparable.

I suspect that many people who view from a distance those flat expanses of coarse grasses find them unvaried and monotonous, but within the marsh, down among the meandering waterways and waving grasses, you can distinguish the different kinds of grasses and other flowering plants. These plants are miracles of adaptation, in addition to being the home of myriad forms of life you will discover on a closer look. For example, the pioneer grass in the building of a marsh is *Spartina alterniflora*, which can tolerate longer submergence in salt or brackish water than other species of marsh grass. The seeds of *Spartina alterniflora* will not germinate if kept dry; but if they are kept moist by cold sea water, they will germinate in eight months. Their germination and growth is also affected by how salty the water is. They seem to thrive in water of about 30 degrees of salinity. To a layman like me, the sensitivity of such a seed and the plant it grows into seems as remarkable as the complexity and diversity of the marsh itself, in all its rhythmically interrelated ways.

Because we imagine that we no longer depend on them for our food, we have a terrible habit of knocking out marshes and destroying their capacity, simply because they happen to be in the way of immediate economic gain. Most often marshes are filled to provide more land for dumps, automobile graveyards, airplane runways, shopping centers, parking lots, and housing developments. This practice is not necessarily a matter of basic need; in fact, it is counter-productive. Such practices increase the growing imbalance between man and his natural resources. We are temporarily allowing a few people to make money and in the long run depriving our society of its earth heritage and its sustenance. The often brutal, abstracted treatment of the land is in part the result of a lack of understanding of the importance of the delicate interactions and fertility of the salt marsh.

A salt marsh that is turned into a dump or a "lagoon development" is obviously lost so far as the production of food is concerned, but there are even more subtle ways of eliminating or reducing its productive capacity. We assume that to ditch a marsh for mosquito control is better than spraying it with untested pesticides, but even ditching may affect its ability to sustain living organisms by reducing the tidal flow and thus the transport of nourish-





Canada geese, by Luther C. Goldman, BSFW



Heron, by Luther C. Goldman, BSFW



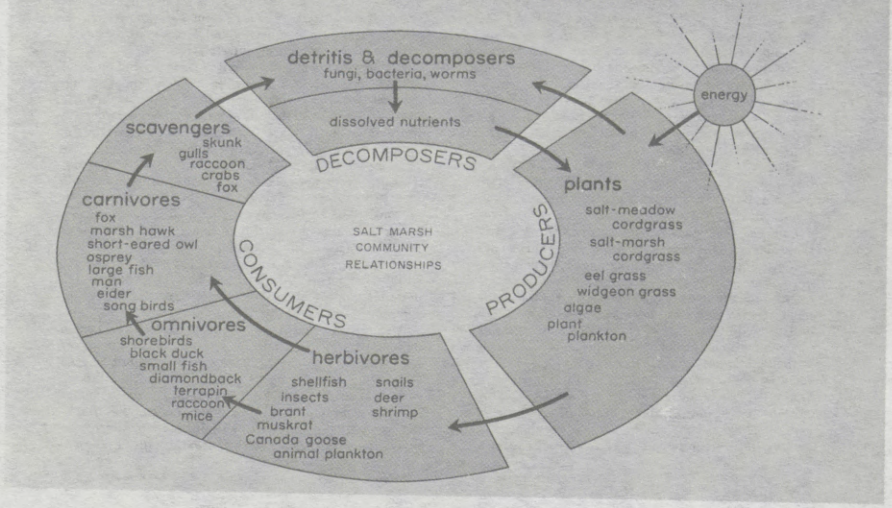
Muskrat, by V. B. Scheffer, BSFW

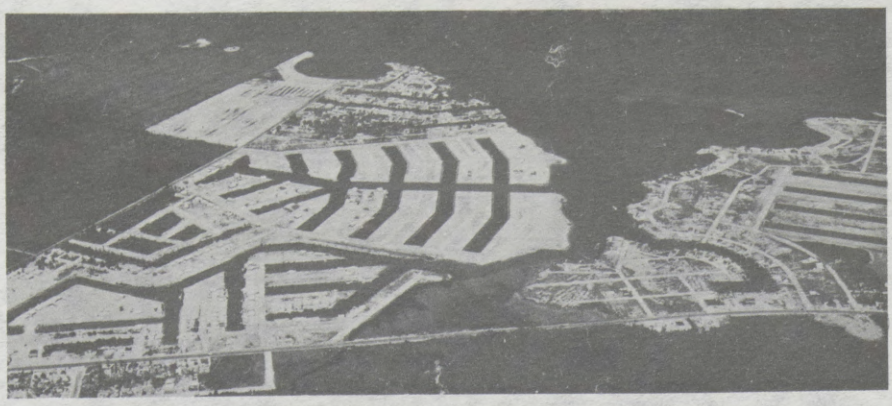


Blue mussels, by John Grandy IV

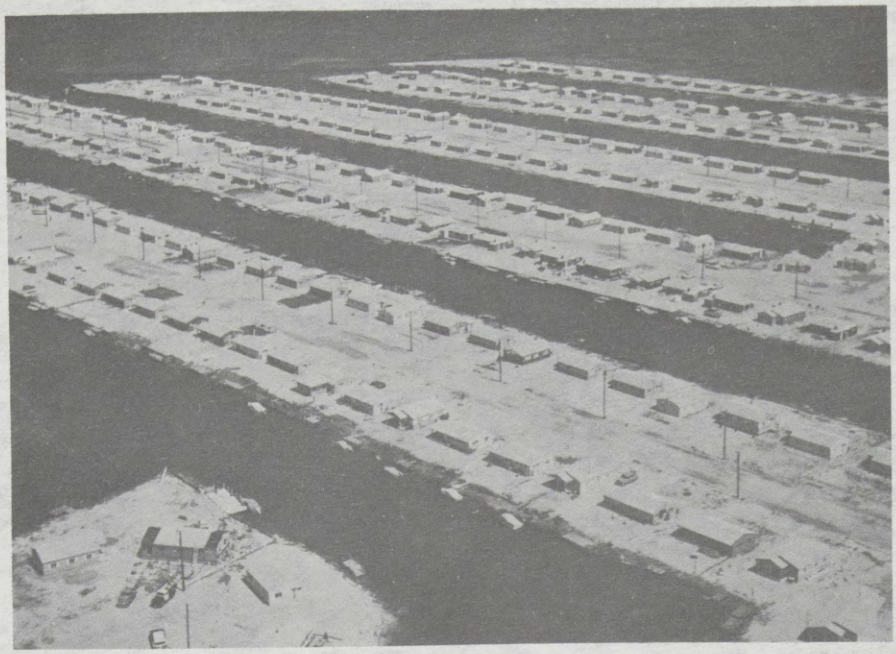


Least terns, by Luther C. Goldman, BSFW





Encroachment of this housing development into tidal marshland in New Jersey is typical of many similar destructive developments all along our coastlines. Such so-called "lagoon" developments are built by dredging out canals in the marshes and dumping the fill between them. Houses are built on the fill and heavily promoted for the "amenities" of waterfront living they offer. Thus, private real estate development corporations make huge profits at the expense of wildlife, the productivity of the marshlands and the sea, and other public values. Photographs by Charles D. Evans, BSFW.



ing materials. Some coastal wetlands are clearly not producing the supply of small fish that they once did. Without these fish, local colonies of terns cannot bring up their chicks and larger predatory fish are restricted as well. Much destruction has been blamed on pollution, and rightly so, but our physical interference with the intrinsic nature of these wetland environments may take a toll in ways we cannot always predict.

To do more than simply ditch—in other words to fill, drain, or dredge a marsh, to redirect its tidal creeks, to build channels in it for marinas—can have the effect of removing great areas of it that may never be restored. A marsh with a great depth of peat formed by accumulations of sediment plus the organic matter of decayed grass roots is the result of an intricate balance maintained between sinking land levels and the rising of sea water; and it depends on the ability of different species of plants to adapt to submergence at different levels. Such a marsh takes five hundred to a thousand years to form.

Fortunately, there has been a realization in recent years of the need to conserve our coastal wetlands before they disappear for good. During the 1950s the Massachusetts legislature passed protective laws concerning coastal areas that have provided models for many other states. Wetlands acts of varying kinds are now in effect in Atlantic coastal states from Maine to Florida. Conservation commissions have also been established by individual towns, often after state enabling acts. Such commissions often have little more than advisory powers, but their existence does at least establish responsibility in an area that had been almost completely neglected not many years ago.

Some states put their main emphasis on state ownership or control of wetlands. In other states the towns, usually through the initiative of state legislation, have managed to acquire their own marshes. Such purchase is often extremely difficult to manage, because a town may lack sufficient funds to buy the wetlands it needs, or it meets the kind of opposition that may make acquisition impossible. Acquisition by eminent domain is possible and has been done, but in many localities such a course is highly unpopular. Local ownership and initiative would seem to be a very effective way to save the irreplaceable wetlands, putting the responsibility where it belongs, but such efforts could be theoretically overturned in the future. However, local success in acquiring wetlands for conservation purposes at least establishes a strong precedent and enables a town to control its own resources if it has some popular backing.

Few laws completely prohibit the dredging or filling of marshes; usually they simply provide that marshland cannot be so altered without an application and a public hearing, after which a permit may or may not be granted. The system of permit procedures, like liberty itself, needs eternal vigilance. To require a hearing may delay the destruction of wetlands, but it does not necessarily stop it; and where stronger controls are in the wind, developers may hurry to fill or dredge before new laws take effect.

Also, state and local laws passed for the protection of marshes are subject to court action. In other words, they depend on favorable positions by the court in upholding constitutionality. Outright ownership that says, in effect, "Stop here," would seem to be much more desirable than having to repeatedly regulate the wetlands. A salt marsh owned by a town, a state, or the federal government has its future reasonably well assured. However, laws establishing state or federal ownership ought to be written so as to forbid future leasing of tidal lands.

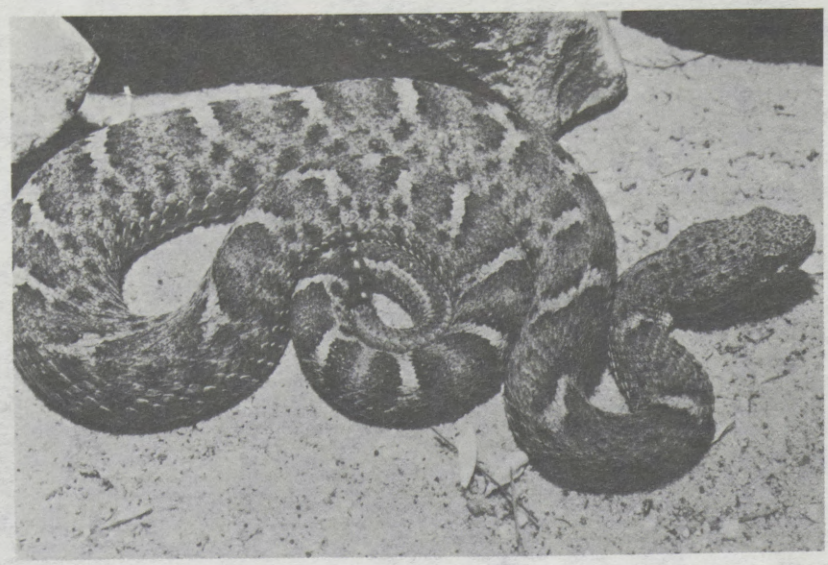
Salt marshes, or parts of them, can disappear gradually and insidiously. For instance, in an extensive marsh a bulldozer can fill in acres of marshland overnight; and although laws may require restoring a marsh to its original condition, it cannot be done after a dredge has finished with it. A cavalier attitude toward our environment causes some owners to fill and dredge whether or not they are violating wetlands legislation. Restraining orders may take a long time to be drawn up. Approval by town governments of such orders takes time. Enforcement is often lax. And in many instances the courts rule in favor of an individual owner or corporation who feels he has not been justly compensated because he was denied a permit to fill.

In spite of all legal obstacles or hazards and our society's inclination toward making money rather than saving the land, wholesale destruction of wetlands has been halted in many states. Conservation measures are in being and can be enforced, given the backing and the initiative. What is needed most perhaps, aside from strengthening the law on behalf of the environment, is a growing awareness that wetlands do not exist in the abstract, subject to human alteration and demand, but are unique and invaluable in themselves.

The argument for filling a marsh is usually put in economic terms. But if we are to think of the marsh "realistically," we must understand that the land is more productive as the cradle of the sea than as housing developments. Without the tidal marsh, saltwater fish would not be spawned to grow up and go to sea and bring money to fishermen who catch them. Commercial fishing fleets along the Atlantic Coast are not doing very well these days, but they still net some $75,000,000 worth of fish that were nurtured in the coastal marshes and estuaries. Both the saltwater sports industry, which has an enormous cash income, and the shellfish industry are dependent on the nursery of coastal wetlands.

If our salt marshes are destroyed, we will lose a unique source of natural identity in an age that seems to have a nearly uncurbed tendency to build faceless environments. Unless we learn that and equate the lesson with our own identity and welfare, these and all other natural environments will remain in grave danger—and so will we. ■

John Hay is president of The Cape Cod Museum of Natural History in Brewster, Massachusetts. He is well known as the author of several books on natural history, including "In Defense of Nature," published by Atlantic/Little Brown and Company.



THE NEW MEXICAN RIDGE-NOSED RATTLESNAKE

The federal government should declare
this small, inoffensive, and beautiful snake as endangered,
thereby helping to ensure its preservation



article by HERBERT S. HARRIS, JR.
photographs by ROBERT S. SIMMONS

The small, inoffensive New Mexican ridge-nosed rattlesnake, no threat to man in its limited and restricted habitat, is seriously threatened with extinction if protective measures are not taken immediately. The New Mexican populations of the ridge-nosed rattlesnake are under serious threat from overzealous collectors and the potential use of its habitat for recreational purposes.

The ridge-nosed rattlesnake is truly a unique and beautiful animal. It derives its name from the turned-up scales on the front of the head that form a ridge along the back edge of the snout.

Like other rattlesnakes, the ridge-nosed rattlesnake is poisonous, but the rough and almost inaccessible areas in which it lives are not used for general recreation, housing, and so forth, so man rarely encounters it. It is a retiring

species that usually lies undetected in leaf litter in its pine–oak woodland habitat. Only careful search will discover it. It is small, generally less than two feet in length, and rarely strikes out in defense as do many other rattlesnakes. Its small size and relatively weak venom make it no real threat to man; there has never been a fatality recorded from its bite. Clearly, the protection of such an inoffensive species, even though it is venomous, will constitute no threat to anyone.

The ridge-nosed rattlesnake evolved from tropical ancestors along with the plant communities known as the Madro-Tertiary Geoflora and reached its distributional peak by the Mid-Miocene. As the American deserts were formed during the Pliocene and Pleistocene, this little rattlesnake became entirely restricted to pine–oak woodland communities above 5,000 feet in elevation. This restriction began about five million years ago. Populations may have been isolated and reconnected many times during the Pleistocene. This mountain-top isolation eventually resulted in the evolution of the five subspecies of this montane rattlesnake that exist today.

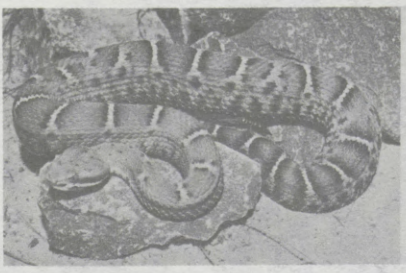
The Arizona ridge-nosed rattlesnake, *Crotalus willardi willardi*, is found only in the Santa Rita and Huachuca mountains of southeastern Arizona and adjacent ranges in Sonora, Mexico. The west Chihuahua ridge-nosed rattlesnake, *Crotalus willardi silus*, has the largest distribution, occurring in the Sierra Madre Occidental of western Chihuahua and eastern Sonora along the Continental Divide in Mexico. The southern ridge-nosed rattlesnake, *Crotalus willardi meridionalis*, is the most primitive of the group and is found in the Sierra Madre of southern Durango and northwestern Zacatecas in Mexico. In 1958, another subspecies was discovered in the Sierra del Nido, which lies east of the Sierra Madre in Chihuahua, Mexico. This population was described in 1962 and was named the del Nido ridge-nosed rattlesnake, *Crotalus willardi amabilis*. The fifth known subspecies was first collected in 1957. This subspecies is currently being described, which involves publishing the distinctive characteristics of the new population and proposing a name for the race. Its manuscript name is the New Mexican ridge-nosed rattlesnake, *Crotalus willardi obscurus*. The word *obscurus* is taken from the Latin and means obscure, shady—a perfect name for such a nondescript member of a species. As its common name implies, it is found in the state of New Mexico.

The relatively large number of subspecies of *Crotalus willardi* recognized today indicates a snake with a long history of isolation between populations. The gene flow between some of these populations has been interrupted at different times during past geologic history, which is reflected in the subspeciation existing today. These isolated populations, with adverse habitat between them, are similar to island species isolated from each other—such as those famous creatures in the Galapagos Islands whose variations provided Charles Darwin with so much food for thought. Knowledge of the evolutionary history and differentiation of these populations of ridge-nosed rattlesnakes may help to shed some light on the climatologic and geologic processes in the evolution of the deserts of western North America. This information, along with geologic and paleobotanical data may yield additional insight on past geologic history of our continent.

The ridge-nosed rattlesnakes are endangered wholly by man and his activities. The Mexican habitat is relatively safe for the moment, except for lumbering and cattle grazing, which have occurred mostly in northern Mexico. Many ridge-nosed rattlesnake habitats in northern Mexico have been cleared of pine trees. This activity may not be too serious; and if present data are correct, it could even be beneficial in some cases. In some areas of Mexico where forests have been cleared, lizard populations seem to have increased, thus providing a greater food supply for snakes such as the ridge-nosed rattlesnake. Of course, with the shade gone, the snakes would have to change their habits to survive, probably sunning earlier in the morning and retiring under cover sooner.

The Mexican populations of the ridge-nosed rattlesnakes are relatively safe from collectors, too, inasmuch as the Mexican government requires permits to collect any

Crotalus willardi silus



Crotalus willardi willardi



animal in its country and permits are becoming increasingly harder to get.

The Arizona ridge-nosed rattlesnake is currently listed in the "status undetermined" category by the United States Department of the Interior on their official list of *Threatened Wildlife of the United States* (1973 edition). In 1969 the state of Arizona took early recognition of the plight of this rattlesnake and passed an endangered species law protecting it and two other small montane rattlesnakes, the western twin-spotted rattlesnakes, *Crotalus pricei*, and the banded rock rattlesnake, *Crotalus lepidus*.

In 1972 the state of New Mexico tried to pass legislation to protect its population of this snake and other non-game species of wildlife but was unsuccessful. A similar bill in 1973 also failed. The New Mexican ridge-nosed rattlesnake is presently known from only one canyon in the Animas Mountains, making it the smallest known population and most valuable of the ridge-nosed rattlesnake subspecies—but the only unprotected subspecies.

Fortunately for the future of this population, however, it is in sympathetic hands. Mr. Peter G. Wray of the Pruett-Wray Cattle Company, the owner of the Animas Mountains, has offered his full cooperation in every effort to preserve this unique habitat and its inhabitants. Public access to the canyons and ridges of the Animas Mountains for any purpose that could be detrimental to the rattlesnake is prohibited for the time being. The U.S. Department of the Interior is also gravely concerned about the fate of this unique population and is currently evaluating the need to list this subspecies on its official list of endangered native fish and wildlife.

The New Mexican population faces still another danger through man's development. Plans are under way, the land is purchased, and the first buildings are going up for the construction of a copper ore reduction plant in the Playas Valley, along the east slopes of the Animas Mountains in New Mexico. Along with this plant is a proposed "company town" for a thousand families. The impact on the New Mexican ridge-nosed rattlesnake will be multifold. Stack emissions of sulfur dioxide (SO_2) if not properly cleaned up could pose a problem; and at the moment, technology is not yet available to clean up SO_2 emissions from a plant of the sort proposed. Of greater concern is the question of human impact on these mountains. Development may not always be restricted to the valley. In the future unless federal protection is afforded, it is conceivable that hunting, off-road vehicles, and possibly recreational activities will pose serious problems for the Animas Mountains and its inhabitants.

Of even greater concern at this moment is the collecting of specimens of ridge-nosed rattlesnakes for the pet and zoo trade. To most pet and zoo-oriented people, five subspecies mean that five examples must be represented in collections. Due to the snake's natural beauty and the inaccessibility of its habitat, the price is high for such a trophy. This alone is enough to attract unscrupulous collectors and dealers. With permits being required in Arizona and Mexico, New Mexico suffers the brunt of collecting although many specimens are smuggled out of Sonora, Mexico.

Collectors can wreak havoc on populations of species with highly specific habitat requirements in marginal areas. The local pockets of distribution may seem to be densely populated, but they cannot long withstand intense collecting. Furthermore, with such localized populations, every individual is important for maintaining the genetic diversity of the species. The removal of any specimens can constitute a serious drain on these populations. The damage done to the habitat by rock turning and log rolling, a standard technique used in collecting snakes, and the use of crowbars in destroying rock outcroppings has serious effects on the habitat. Such impact must be seen to be appreciated. Another destructive measure currently being used, which has recently come to our attention is the use of gasoline. A selected habitat is saturated with this volatile and deadly liquid; when the snakes try to escape, they are captured. Of course, many that die before they can be captured are left, for they would bring no money on the market.

While doing research on this species, Herbert Harris, Jr., has encountered as many as fifteen collectors from as many as six states, collecting specimens of the ridge-nosed rattlesnake in one small area. Few habitats or species can long withstand such irresponsible overexploitation.

Of most pressing concern is protection for the New Mexican population of the ridge-nosed rattlesnake, for this snake is currently not protected at all, but is very much in demand for both legitimate and illegitimate collections because of its new classification as a distinct subspecies. A recently described animal must be added to a "complete" collection in order for the collection to remain complete. From the zoogeographic standpoint it is one of the most valuable and important populations of the species known.

All the ridge-nosed rattlesnakes are important for their scientific value, and they are all potentially threatened to some degree. But the New Mexican subspecies is in the most danger and needs immediate protection. Beyond its scientific value is the plain fact that this beautiful, inoffensive little snake is part of our natural heritage and deserves to live. ■

Herbert Harris is Curator of Herpetology at the Natural History Society of Maryland, Baltimore, Maryland, and the Executive Editor of the Bulletin of the Maryland Herpetological Society. Robert Simmons is a noted wildlife photographer. Both men are currently engaged in taxonomic and distribution studies of rattlesnakes and are also working to protect endangered species.

HELP THE RIDGE-NOSED RATTLESNAKE

If you are concerned about protecting threatened populations of the New Mexican ridge-nosed rattlesnake, you can help. You can write the Office of Endangered Species, urging them to list the New Mexican ridge-nosed rattlesnake as an endangered species:

Mr. Keith M. Schreiner, Chief
Office of Endangered Species
Bureau of Sport Fisheries and Wildlife
U.S. Department of the Interior
Washington, D.C. 20240

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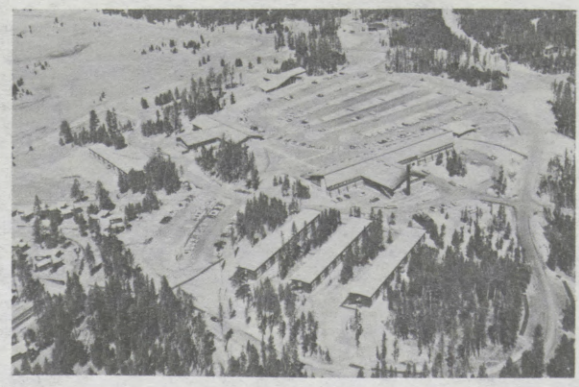
Concessions: a continuing threat to park quality

a staff report



Located deep within Yellowstone National Park, Canyon Village accommodates 1,980 tourists at maximum overnight capacity with food, souvenirs, and film available close by. Largely operated by Yellowstone Park Company, part of Canyon Village is shown here. The largest building is their restaurant, main lodge, and gift shop, and it is backed by a complex of company employee dormitories. Convenient visitor services, yes, but the parks are better protected if future similar facilities are conveniently located outside the boundaries, leaving the park itself protected. (National Park Service photo)

Concessioner-operated tourist facilities have been proliferating in our parks for many years. From California's Yosemite National Park where the stately Ahwahnee Lodge has graced Yosemite Valley for over half a century, to the modern cinderblock-and-plate-glass motels at Flamingo Point, the National Park Service has granted concessioner companies considerable influence over the natural environments in our national parks. NPCA thinks it is time for a change.

The National Park Service organic act of 1916 restricts the National Park Service to low-key development concepts. The law mandates the Park Service to manage its lands so as to leave them unimpaired for future Americans. Irreversible commitments of national park resources must be minimized, and growth patterns that might limit the recreational choices available to future park visitors must be avoided. This policy guideline is based on good common sense; respect for future needs, passed on from generation to generation, will result in a National Park System carefully protected from man's influence.

Unfortunately, this guideline seems to have been ignored, forgotten, or misinterpreted during the past sixty-odd years. Most parks are festooned with lodges, gift shops, service stations, and other structures more appropriate to a weekend resort than to a cherished public resource. Indeed, irreversible commitments are made all too often, and the emerging philosophy on development inside the park system reflects unyielding devotion to an unsuitable luxury motif.

The point is not that the public should be denied access to concessioner facilities, but that concessioner operations inside the parks can easily get out of contol. This almost happened at Crater Lake National Park. "The major issue at Crater Lake," said former Chairman of the Council on Environmental Quality Russell Train in August 1973, "is the fact that the existing concession contract was formulated entirely outside the master planning process, and subsequent master plans have simply endorsed the construction provisions of the concession contract."

At the time of his statement, Russell Train was aware that a large new dormitory for concessioner employees near the rim of the crater was nearly finished. A parking lot, a swimming pool, a fifty-unit motel, and other projects were slated for adjacent sites. All plans were moving ahead before any public forum had been convened to discuss the environmental effects of these improvements, as is required by the National Environmental Policy Act of 1969. Only firm action by Mr. Train and Assistant Secretary of the Interior Nathaniel Reed preserved the integrity of NEPA's public review process, and the Park Service was asked to suspend the project until after public comments had been received.

Only a few weeks later, NPCA discovered another concessioner plan at the South Rim of Grand Canyon National Park. NPCA disclosed that a thirty-year contract had been signed with Grand Canyon's concessioner, Fred Harvey, Inc., calling for not less than $5,000,000 in new developments. The first phase of the program, using 60 percent of the money, was deadlined for December 31, 1973, and included new employee residence halls, cafeterias, gift shops, a cocktail lounge, and a trailer camp. No less a potential disaster than at Crater Lake, the project at the South Rim also seemed destined to ruin many natural values.

The Fred Harvey contract, NPCA learned, is backed by a second contract with a San Francisco landscape design firm for "comprehensive design procedures and site selection"—all within the park—for the proposed new shops

and lounges. Clearly, the National Park Service was serious about its plan. No master plan and no development concept plan (nor the required environmental statements) were available for public review, and the Park Service had fostered two contracts for extensive in-park developments.

NPCA protested to the Park Service, expressing alarm and distress at the ill-conceived contract and, again, at the failure of the Park Service to comply with required NEPA procedures. "In the context of two existing contracts," NPCA stated, "one with the concessioner and one with an environmental design firm, any forthcoming development concept and master plan documents. . .can be seen only as justifications for decisions which have already been made." The existence of both contracts completely prejudges what should be a public decision: whether in-park concessions are appropriate for Grand Canyon or any other national park.

Even when an enlightened policy on tourist services is implemented in a park, there is no guarantee that the concessioner management will not try to reverse the situation. In 1972, the Park Service executed a contract with TWA Services, Inc., a subsidiary of Trans World Airlines, for the operation of concessions in Bryce Canyon and Zion national parks and on the North Rim of Grand Canyon National Park. Under this contract, TWA Services promised to relocate tourist accommodations outside the park at Bryce Canyon within three years, at Zion within five years, and on the North Rim within nine years. Tourist facilities for each park, and for Cedar Breaks National Monument as well, are to be situated in communities surrounding the area.

An executive for TWA Services made a public promise that the company intends to comply with the contracted phase-out schedule "100 percent." But in the same breath, he hinted that TWA could be easily persuaded to stay in the park. "It's up to the citizens how they want to handle this. If they want to speak out against it, they should."

Undeniably, some citizens spoke out. TWA Services polled its own customers and revealed that "92% of the visitors responding to our customer reaction survey at the parks indicated that they prefer in-park overnight facilities." It is interesting, however, that 8 percent of the customers who filled out forms apparently would have been just as happy outside the parks.

According to local sources, TWA Services then began lobbying efforts with the Cedar City, Utah, Chamber of Commerce, indicating that in-park lodgings would do more to promote tourism in Utah than would an unspoiled park. Reportedly, the point was made that TWA's worldwide advertising would bring more tourist traffic than local advertising interests could ever hope for—a result that of course would depend on TWA Services staying in the park.

No action comes quicker than the response of a small town chamber of commerce motivated by the promise of new business. And, of course, many citizens become involved. The result in this case was a new anomaly for the National Park Service—outside business pressing for in-park concessions. "Suddenly we're getting letters from Cedar City, Utah," the Deputy Director of the Park Service told us, "asking us to keep the concessions inside the park. This is strong public pressure."

Regardless of the national park being considered—Zion, Grand Canyon, or historic Yellowstone—the concessioner issue is the same. All new concessions belong outside the boundaries of the parks where tourist traffic may boost small town revenues. Further, to the extent possible, the Park Service should phase out current concession operations to locations outside of parks as part of regional plans designed to protect parks and provide for public enjoyment. Tourist accommodations and facilities will serve the public just as well if placed adjacent to, instead of inside, the parks.

The concessioner issue is one of basic policy for the administration of the National Park System: How can parks be preserved in an unimpaired state for present citizens or future generations when bulldozers are busy carving out new sites for gift shops at the behest of powerful concessioner firms? It is time for a change, time for a new, strong policy on concessioner developments. National park boundaries must be recognized as the limit for new private enterprise, however public spirited. Generations yet unborn will thank us for taking strong protective measures now. ■

HELP THE NATIONAL PARKS

NPCA's members can play a crucial role in the future of concessioner-operated tourist facilities in our national parks. During this time when so many concessioner issues are awaiting action at the National Park Service, your letters and public-interest telegrams will have a great impact on concessioner policies.

The National Park Service has stated its intentions to phase out concessioner facilities and lodgings in many areas. This policy must be praised by park-using citizens and reinforced by everyone who takes an interest in the National Park System. Letters can be addressed to:

Ronald H. Walker, Director
National Park Service
Washington, D.C. 20240

TWA Service, Inc., the concessions firm for Zion and Bryce Canyon national parks, Cedar Breaks National Monument, and the North Rim of Grand Canyon National Park has signed a contract calling for a gradual removal of these services from inside the parks. Apparently, they are claiming that the public wants them in the parks. Letters specifically requesting that they abide by their original contract provisions and comply with the phase-out schedule can be sent to:

Charles Tillinghast, President
Trans World Airlines, Inc.
605 Third Avenue
New York, New York 10016

NPCA at work



Pressure mounting against Grand Teton jetport NPCA has urged Secretary of the Interior Rogers C. B. Morton to release a decision to end the proposed Jackson Hole Airport expansion in Grand Teton National Park, Wyoming. If the expansion were carried out, the airport would accommodate regular jet service, which would result in increased noise and pollution, seriously degrading the park environment. NPCA called the airport expansion an "irreversible commitment of park resources and a misuse of park land space."

NPCA cited evidence that both the Environmental Protection Agency (EPA) and the President's Council on Environmental Quality (CEQ) are in favor of denying the permit to expand the airport in Grand Teton. The expanded airport would service planes the size of Boeing 737 jets. EPA requested that the Park Service consider moving the existing airport outside the park and developing alternative transportation systems for the area. A recent statement from the CEQ to Assistant Secretary of the Interior Nathaniel P. Reed called the proposed jet service into the park unwarranted and undesirable. The CEQ also called the existing airport incompatible with the purposes of a national park. Backed by support from EPA, the CEQ, and the conservation community, Secretary Morton should, NPCA urged, deny the permit for the proposed Jackson Hole Airport expansion immediately.

NPCA concluded that a decision at this time "would restore widespread confidence that the Department intends to pursue a public recreation land-use policy based on respect for the natural environment and for the rights of future generations to determine the use of their national parks heritage."

Regional recreation planning In a continuing exchange, Ronald H. Walker, National Park Service Director, and A. W. Smith, NPCA President, discussed regional recreation planning as a means of preserving national park lands as wilderness. Last May the Park Service began a pilot effort with a regional recreation plan and master plan study for Great Smoky Mountains National Park. President Smith discussed these problems with Mr. Walker shortly after his appointment but was not informed of the plans for Great Smoky Mountains until recently.

After reading the Park Service policy statement on Regional Coordination and Land Use Planning, President Smith made the following comments to Mr. Walker:

"Regional planning as such will accomplish nothing whatsoever without proper objectives. It may indeed simply invite local pressures looking toward the impairment of the parks unless it is geared to sound objectives from the beginning.

"The essential objectives and elements of recreational regional planning intended to protect natural conditions in the parks (as required by the National Park Service Act) include the following:

"(1) The substitution of public transit for the private automobile to the maximum possible extent within the parks.

"(2) The substitution of public transit from communities outside the parks into the parks in place of private automobile transportation to the maximum possible extent.

"(3) A freeze on facilities within the parks, including buildings, roads, and parking lots.

"(4) A reduction of facilities such as roads and parking lots to the extent made possible by the reduction of private automobile use within the parks.

"(5) The dispersion of visitors in terms of camping, campers, and the like into the communities beyond the public lands, assisted by assurances against further development within the parks.

"(6) The fostering of well planned private recreational development in the communities beyond the public lands, assisted by assurances against further development within the parks.

"(7) The substitution of external, in place of internal, concessions; that is, recreational business outside the public lands would be given concessions to operate public transit in and into the parks, and concessions within the parks would be phased out.

"(8) Firm federal interdepartmental and interagency planning which would bring an integrated protective plan around each of the parks. This means coordination at the Presidential level, and cannot be accomplished by efforts at local regional planning by the National Park Service. It is essential, in our judgment, that the NPS lend its efforts toward the establishment of such an interdepartmental planning system within the federal government.

"As examples of such top-level federal planning, we point to the necessity of subjecting the Federal Highway Administration to the national disciplines required if the park system is to be preserved; its planning and activities must be subjected to Park Service standards, and not dictate those standards.

"As another example the Forest Service must be required to manage its timber holdings in such a way as to preserve the forests for recreational, and not alone for timber-harvest purposes. This is not going to be done by little local agreements with Forest Service supervisors; it has to be worked out at Presidential levels to make sure that we get what this country needs in terms of both recreation and good forestry."

President Smith continued with specific applications of these points for protection of the Great Smoky

Mountains. He also offered the Park Service the assistance of the NPCA staff on the master plan and regional plan of the Great Smoky Mountains. Hopefully, the Great Smokies plans can be in fact a model for the rest of our national park system.

Endangered Species Conservation Act Late in December, the President signed into law the Endangered Species Conservation Act of 1973. By invitation of the responsible Congressional committees and subcommittees, the NPCA staff had worked on the subject of this act for over a year. It dovetailed with the NPCA work on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (May 1973 issue).

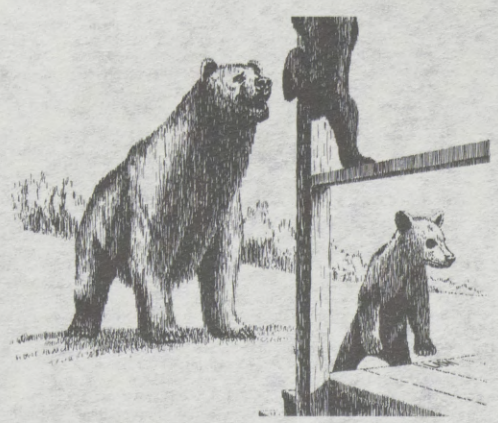
The bill seems to be a resounding success due to four provisions. The first milestone provision defines "species" as including species, subspecies, and population segments. NPCA worked hardest for this provision because it will allow the preservation of endangered animal and plant population segments in regions where they naturally occur, without reliance on the status of the species in other regions. It is particularly appropriate in the case of large predators such as the grizzly bear, which is doing reasonably well in Alaska but is endangered in the coterminous states. Therefore, we will be able to list the grizzly bear as endangered in states other than Alaska.

The second significant provision establishes interagency cooperation. It states that "all other federal departments and agencies shall. . .insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species. . . ." This provision will moderate the destruction and alteration of essential habitat, which is the prime cause of extinction of animals in the United States as well as in the rest of the world.

The third provision authorizes new powers for the Secretary of the Interior. He may, under emergency conditions, stop all taking of an endangered species. Under the old act, the Secretary could not stop the killing of an endangered species of animal in the United States, even if such killing would result in the extinction of a species.

The fourth provision allows for citizen suits. Through this provision citizens can require enforcement by the government of this act and its provisions. Organizations such as NPCA can compel the government by court action to take proper and necessary measures to obtain compliance with the law, if such compliance is not voluntarily forthcoming. A related provision will enable NPCA to petition (as we did regarding lead poisoning in waterfowl, NPCA at Work, April 1973 issue) the Department of Interior to list animals and plants under the new act.

This legislation may be as important as the National Environmental Policy Act of 1969 in protecting and preserving wildlife and their habitats in natural conditions throughout the United States.



Grizzly bear controversy continues NPCA received a response from John R. McGuire, Chief of the U.S. Forest Service, to our request that the grizzly bear hunting season be closed immediately in the Gallatin, Teton, and Shoshone national forests that surround Yellowstone National Park. Unfortunately, the Forest Service continued to disregard claims by reputable scientists that the grizzly bear is in danger of extinction, as discussed in our February 1974 issue.

Mr. McGuire cited formal agreements with the states of Wyoming and Montana which recognize their primary responsibility for wildlife management. He implied that these agreements prohibit Forest Service action.

On January 2, 1974, NPCA again protested the Forest Service stand. If the Forest Service has given its lawful authority in this matter to the states, the urgency of the present situation demands that the agreements be terminated and renegotiated. NPCA cited established precedents for unilateral Forest Service action in similar cases which could be applied to the hunting season on grizzly bears and urged the Forest Service to reevaluate its priorities, responsibilities, and authority in light of the present endangered status of the grizzly bear.

On January 8, 1974, a group of organizations headed by NPCA met with Mr. McGuire to discuss the grizzly bear problem. We again urged Mr. McGuire to act to support and protect the public interest by closing the season on grizzly bears throughout the Yellowstone ecosystem. Basically Mr.

McGuire rejected our requests, noting the Forest Service's unwillingness to act now to ensure the bear's survival. Letters from our members to Mr. John McGuire, Chief, U.S. Forest Service, Washington, D.C. 20250, urging the Forest Service to ensure the bear's survival, will help.

Leasing measure for national forests opposed In December NPCA testified by invitation before the Public Lands Subcommittee of the House Committee on Interior and Insular Affairs on the highly controversial proposal known only as HR 10491. NPCA opposed the legislative proposal, claiming that it was especially geared to facilitate multimillion-dollar recreation developments on national forest lands.

In addition to other provisions, HR 10491 would alter an existing term permit system for ski resorts, hotels, and related facilities and services in the national forest system by leaving the amount of land to be leased solely to the discretion of the Secretary of Agriculture. The present amount is limited by statute to a maximum of eighty acres for a period not to exceed thirty years. By changing the existing system, NPCA charged that a precedent might well be established to provide similar rights, preferences, and terms as defined in HR 10491 to livestock and timber interests that also use the resources of the national forests on a permit or contract basis.

NPCA pointed out to members of the subcommittee that, because of similarity in language and provisions, HR 10491 would have the same basic thrust as the Concessions Policy Act (PL 89-249) of the National Park Service. The majority of concessions authorizations on national parks, however, are for a period probably less than ten years, with thirty-year terms reserved almost exclusively for multimillion-dollar development programs. HR 10491, for the national forests, would extend the present thirty-year term to fifty years.

Though NPCA is wary of massive ski and related developments that pose a threat to roadless and undeveloped areas of the national forests, it does not oppose the more prudent development of outdoor recreation facilities and services on other areas of the 187-million-acre national forest system where a large number of ski resorts already exist. Such developments, however, should be the result of comprehensive regional planning that reflects the capabilities of the land and also the cooperative input of both the public and private sectors. Furthermore, because the U.S. Forest Service itself reported in 1972 that its "concession system is fundamentally sound and that the concession environment is healthy," NPCA claims that there is no sufficient justification for changing the existing term permit system.

EPA "Prevention of Significant Air Quality Regulations" In the November 1973 issue we reported that NPCA, with other environmental groups, had testified at a public hearing on the Environmental Protection Agency's proposed "Prevention of Significant Air Quality Regulations." NPCA recently learned that the final regulations will soon be promulgated.

In view of our special commitment to the preservation of the National Park System, on January 14 NPCA President A. W. Smith made the following further recommendation to the Administrator of EPA, Russell Train: "In your formulation of national air quality standards NPCA urges you to protect the esthetic, scenic, and recreational values of national parks, national forests, and national wildlife refuges by maintaining their pristine air quality."

President Smith urged EPA to act upon its intention to protect these unique areas by requiring that no increment in air quality deterioration be allowed in national parks, forests, or wildlife refuges. These "ultra-clean" areas (as they are referred to by EPA) represent part of our national heritage and must be preserved inviolate.

Proposed Hells Canyon National Recreation Area In a statement submitted on invitation to the Senate Interior Committee, NPCA supported S 2233, which proposed the creation of the Hells Canyon National Recreation Area. The bill, sponsored jointly by Senators Frank Church and James McClure of Idaho and Senators Mark Hatfield and Robert Packwood of Oregon, creates both a national recreation area and a wilderness area along more than 100 miles of the Snake River.

NPCA suggested four changes to strengthen the bill and ensure the best possible protection for this two-state recreation area: (1) The Rapid River watershed, in Idaho, was suggested for immediate designation as a wilderness area. This area was included in S 2233 for study as potential wilderness. (2) The Imnaha River, which flows into the Snake River on the Oregon side of the proposed NRA, was suggested as an immediate inclusion in the National Wild and Scenic Rivers System. (3) NPCA requested that Section 6(b) of the bill, prohibiting minimum stream flow specifications for the Snake River, be deleted. (4) It was requested that motorized river craft be excluded from the wild and scenic sections of the Snake River. Such traffic is not restricted in the bill.

NPCA offered specific commendation to Section 11, withdrawal of Hells Canyon NRA from mineral entry, and Section 5, deauthorization of the Asotin Dam. These measures contribute significantly to the preservation of wilderness-recreational resources covered in this bill.

NPCA stated to the Committee that "This bill deserves prompt referral to the Congress in a strong form, and merits wholehearted support as a measure to protect our wilderness heritage." Hopefully Washington, D.C., hearings will open soon.

Boats can destroy fragile marsh Recently NPCA asked Leslie P. Arnberger, Superintendent of Cape Cod National Seashore, to prohibit destructive operations of boats within the fragile marsh areas of the national seashore.

NPCA does not find the correct use of boats in the marsh areas objectionable but does strongly condemn reckless operation. Some operators run their boats at full speed in the marsh channels, tearing out chunks of peat and destroying vegetation. Wakes from craft operated in that manner destroy the marsh and marsh banks. Local residents report that boats operated in a similarly irresponsible manner destroy wildlife resources; ducklings have been run down in the marsh by boats traveling at high speeds.

High-speed operation of boats may be appropriate in the relatively large open water areas that are not totally within the national seashore.

However, high speed and obviously reckless and destructive boat operations are not appropriate or justified in the confined and fragile marsh areas such as Nauset. (See page 16.)

If there are any regulations prohibiting such operation of boats within the marsh areas of the seashore, NPCA asked that enforcement measures be taken. If not, NPCA urged that the Superintendent promulgate regulations prohibiting negligent, destructive, irresponsible, and high-speed boat operation within the marsh. Speed limits or "no wake" signs on channel areas would be appropriate with direct notices to residents and signs posted at major boat landings.

Proposed John Day Fossil Beds National Monument By invitation, NPCA appeared before the House Subcommittee on National Parks and Recreation in support of HR 1252, the bill to establish John Day Fossil Beds National Monument in Oregon. The proposal for this new unit of the national park system was introduced by Rep. Al Ullman. The current proposal asks for three isolated units of recreational land, separated by as much as twenty miles of the John Day River. The lower part of the John Day River, which runs for two miles through one of the proposed units, has been designated as part of the Oregon Scenic and Wild Rivers System.

NPCA proposed including lands between the isolated units in the national monument, thus creating a single unit for administration by the National Park Service. We stated that this recommendation could be met by including the John Day River watercourse and a tributary watercourse in the proposal. This would add to the lands protected by the national monument and add to the protection of the John Day River upstream from the part designated as an Oregon scenic and wild river.

NPCA received a favorable reaction from the subcommittee to the proposal to create contiguous management units. The committee is asking for additional work on this section of the proposal in hopes of adding to the legislation.

NPCA suggested that many undesirable impacts on the proposed monument could be reduced by a specific legislative provision that would recommend minimizing automobile-oriented developments in this new national monument. However, the final environmental statement suggests that new roads and parking areas are in the master plan, designed to handle increased traffic loads of the future inside the national monument.

National Park Service Regional Advisory Committees In December the Northeast Regional Advisory Committee held its fifth meeting in Philadelphia, Pennsylvania. NPCA was represented at the meeting by Roger S. Pratt, who attended the meeting as a private citizen. Mr. Pratt met with the NPCA staff a few days later in Washington to discuss the nature of the Advisory Committee and the potential role of NPCA in this system.

Mr. Pratt felt that some problems with the Advisory Committee need to be resolved by the Park Service. For example, the selection of Committee members seemed to have been somewhat arbitrary and did not reflect any effort to locate individuals who

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had distinguished themselves in areas related to parks or even public recreation. Further, no forum exists through which the Committee can review systematic inputs from interest groups such as NPCA.

Although there is some doubt as to the effectiveness of the Committee in helping to preserve our parks or in solving specific management problems, both Mr. Pratt and the NPCA staff feel the Committee deserves our continued attention and communication. We are grateful to Mr. Pratt for his helping hand and hope that other members in Philadelphia can continue to lead our efforts to monitor the operations of the Regional Office, either through the Advisory Committee or more directly.

An NPCA member, David R. Strickland of Muskogee, Oklahoma, was appointed to the Southwest Regional Advisory Committee. Mr. Strickland was kind enough to send us an account of their December meeting. Again, the role of the Committee seems to be more of a format for discussion than an agent for attacking specific issues surrounding the parks.

We sincerely hope more NPCA members will emerge in other regions to help us watch these committees. Please write us with your ideas, and we will do all we can to help.

Highway to destroy park lands and waste energy NPCA recently provided comments on a draft environmental impact statement for the Interstate 66 Transportation Alternatives Study and presented written testimony for the marathon five-day hearing held in Arlington County, Virginia, to assess public opinion prior to decision-making. If constructed, I-66 would cut its six-to-eight lane, 500-foot-wide swath through the heart of Arlington County, destroying all or portions of twenty-four local, regional, and national parkland areas. In addition, the resulting traffic congestion and air, water, and noise pollution caused by I-66 would be intolerable.

Making specific reference to the nation's current energy shortages, NPCA expressed complete opposition to construction of I-66, particularly because the study itself shows, as mass transportation advocates have long known, that the combination of an expanded METRO subway system (now under construction) with increased bus service can meet all

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Beyond the fact that I-66 construction would destroy as much as 50 percent of Spout Run Parkway and several sections of the George Washington Parkway, both administered by the National Park Service, NPCA expressed particular concern that completion of I-66 to the Potomac River, as proposed, would necessitate the additional construction of the Three Sisters Bridge across the river and the so-called Southleg Freeway in the District of Columbia. The Southleg Freeway would be built as a tunnel under the Lincoln Memorial and as an open-trench six-lane highway down much of the length of the Potomac River parklands, also national parklands administered by the National Park Service. NPCA cannot tolerate such desecration of our national monuments and parklands, particularly when a more feasible, less wasteful and destructive alternative exists.

NPCA members wishing to express their views may write to Mr. D. E. Keith, Resident Engineer, Virginia Department of Highways, 3555 Chain Bridge Road, Fairfax, Virginia 22030.

Proposed Zion Wilderness In January NPCA commented on the proposed Zion Wilderness, Zion National Park. NPCA commended the Park Service for proposing land for inclusion in the Wilderness Preservation System, as established by the Wilderness Act of 1964, thereby affording supplemental protection to the natural values within this national park.

We concurred with the intent of the Zion proposal but called upon the Park Service to make its proposal more inclusive and forceful. Unfortunately, after studying the draft environmental impact statement for the proposed wilderness, NPCA found the proposal lacks provision for acquiring water rights, grazing leases, and private holdings within the park. In its present form the proposal is marred to the point of offering minimal protection to otherwise qualified public wilderness lands.

NPCA offered a series of suggestions, including moving wilderness boundaries closer to the road rights-of-way, and acquiring private holdings as measures to improve the wilderness proposal. NPCA feels strongly that the proposed Zion Wilderness must be more closely guarded by proposals to phase out nonconforming land-use practices.

When it was learned that commercial interests in southern Utah had mounted an antiwilderness campaign to defeat the Zion Wilderness proposal, several NPCA members wrote letters in favor of a strong wilderness proposal. We are grateful to Robert Coshland of Tucson, Fred Eldean of Phoenix, Edna Baker of Los Angeles, and others for their work on behalf of the Zion Wilderness.

Report to members This month we will be making a random survey of a small section of the membership. The purpose of the survey is to try to determine the makeup of the membership, your interests and desires in the conservation field, and in what way the Association can become more effective in serving your needs. The cooperation of the members in filling out and returning the survey will be deeply appreciated. The results of the survey will be reported to the membership in full in a subsequent issue of the magazine.

Again, in this context, your comments on articles appearing in the magazine would be extremely useful to us in determining future article content. If an article strikes you in some way, pro or con, please write the editor, Ms. Connally. We hope to enclose a readership survey card in the magazine in the near future.

For some time now we have not made use of our referral mailings in which we ask members to refer potential members to us. We are reinstituting this program this month; and if you happen to receive it, we will be most grateful if you will send the names of your friends to us. In these days of declining membership in the conservation field, your Association needs all the help it can get from its members and friends.

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news notes

Assateague Wilderness Hearing: The Superintendent of Assateague Island National Seashore and the Refuge Manager of Chincoteague National Wildlife Refuge have prepared a joint "Preliminary Feasibility Study of Wilderness Potential on Assateague Island." Identifying approximately 6,500 acres as potentially qualifying for wilderness designation on the island, the study calls for a complete investigation of the island for wilderness suitability. Hearings have been tentatively scheduled for April 1974.

Members wishing to comment or testify on the proposal should write either

National Park Service
Assateague Island National Seashore
Route 2, Box 294
Berlin, Maryland 21811

or

Bureau of Sport Fisheries & Wildlife
Chincoteague National Wildlife Refuge
P.O. Box 62
Chincoteague, Virginia 23336



Paper recycling in Fort Worth Fort Worth, Texas, may become an inspiration for those cities that would like to bring in more revenue as well as recycle paper. Under the Fort Worth's Ecology One project, regular garbage pickups will be reduced from two to one each week. The second garbage run each week will be devoted exclusively to picking up scrap paper. This method of collection will be put into effect early in 1974 on an experimental basis in one-fourth of the city. If the project works, citywide scrap paper collections at all homes will begin on a weekly basis later in 1974. The price of old paper has jumped from $9.25 per ton to $23 a ton in two years. At that rate the city treasury projects that it may realize an annual profit of $250,000 while helping its citizens to recycle their paper. If the plan works, Fort Worth would be the first major city in the nation to move into large-scale paper recycling.

conservation docket

As the second session of the 93rd Congress convenes in this election year of 1974, our leaders on Capitol Hill are faced with many crucial decisions that will have far-reaching effects on the environment and the American life style. Yet to be enacted at this writing are the energy emergency act, land use planning and strip mining regulation, as well as bills concerning energy conservation, forestry, solar energy, predator control, Big Cypress, Big Thicket, eastern wilderness, an organic act for the BLM, and other important measures.

Aside from specific legislation before Congress, another issue that at least potentially will have far-reaching effects, not only on environmental issues but also upon every phase of legislation, is the proposed reorganization of committee structure and procedures in the U.S. House of Representatives.

As prepared by the House Select Committee on Committees chaired by Rep. Richard Bolling of Missouri, the reorganization proposal has been made public in a working draft report that will undergo intensive committee markup before being reported to the House floor, probably in early spring.

Following is a brief summary of aspects of the report that should be of interest to NPCA members.

The basic objectives of reorganization are sixfold. First, membership on committees dealing with broad segments of public policy should be exclusive; i.e. the report recommends that members serve on only one major committee rather than on two as at present. Second, committee jurisdiction should be arranged to attract a more broadly representative membership. Third, committees should be organized to maintain jurisdiction over related areas of public policy to avoid fragmentation of issues. Fourth, the House should continuously review jurisdictional assignments and ensure intercommittee cooperation. Fifth, committee structure should contain incentives for legislative oversight; i.e. the report recommends that each major committee establish an oversight subcommittee, which would principally review executive branch action in its area of jurisdiction. This oversight function is now performed by the Government Operations Committee. Sixth, the House should develop a more professional management of information resources by increasing staff and support activities.

In regard to the jurisdictional plan itself, environmentalists should be interested in several of the newly realigned, so-called "exclusive" committees. Membership on these 15 exclusive committees will average 29 members, significantly fewer than under the dual membership structure at present.

The jurisdiction of the present Agriculture Committee will be expanded considerably to become the Agriculture and Natural Resources Committee. The present jurisdiction of the Agriculture Committee will generally be maintained, losing only such things as agricultural colleges, food stamps, small watersheds, and a few others; however, these losses will be more than replaced by the added jurisdiction over parks and wilderness, wildlife, fish and fisheries, public lands (except management of energy resources), the present forestry responsibilities of the Interior Committee, and certain marine affairs.

It is obvious that to increase the jurisdiction of the Agriculture Committee in such a manner, some other committee must bear this loss in jurisdiction. The House Merchant Marine and Fisheries Committee, presently maintaining control over wildlife, fish and fisheries, and marine affairs, among others, will be abolished.

Other areas of jurisdiction of the present Merchant Marine and Fisheries Committee, including coastal zones, ocean dumping, and national environmental policy are being taken over by the newly established Energy and Environment Committee. This new committee, formed around the present Interior and Insular Affairs Committee, will consolidate a wide range of both energy and environmental subjects, now found in several separate committees, into one all-encompassing committee.

Under the proposed reorganization the new Energy and Environment Committee will have jurisdiction over the environment in general including the National Environmental Policy Act (NEPA), water and power resources, clean air, clean drinking water, clean water, coastal zones, noise, ocean dumping, radiation, solid waste, toxic substances, land-use planning, flood control; and the whole energy field, including energy conservation, allocation, regulation, tax expenditures and power administration, energy-related minerals and fuels, energy-related mines and mining, leasing and management of energy resources from public lands, and naval petroleum and oil shale reserves.

Under the reorganization plan, these two newly aligned committees, Agriculture and Natural Resources and Energy and Environment, will have jurisdiction over nearly all the subjects

of interest to most environmentalists. It remains to be seen, however, whether this realignment of committee functions will benefit the environmental cause. In the short term, any benefit derived from reorganization will depend primarily on seniority in the House and secondarily on the personal committee choice of individual Congressmen. Over the long term though, the merits of this new committee structure will depend on the type of Congressman, obviously reflecting his constituency, who is drawn to the particular combination of functions found in newly rearranged committee jurisdictions.

Among the other realigned committees of interest to NPCA members is the Commerce and Health Committee (formerly Interstate and Foreign Commerce), that will have responsibility for consumer protection, population, time, health care, communications, insurance, the regulatory agencies, and other subjects under the plan. Another committee of interest has been Public Works, which will become Public Works and Transportation under the reorganization. Losing only water quality, water power, and flood control functions, the present Public Works structure will be bolstered with the addition of mass transit, railway transportation, civil aviation, merchant marine, and coast guard, while retaining rivers and harbors, highways, regional development, and other traditional public works matters.

Finally, the present Science and Astronautics Committee will become the Science and Technology Committee, whose scope will be increased to cover all research and development functions including environmental and energy as well as oceanic and atmospheric sciences and weather.

Also of related but indirect interest to NPCA members is the creation of a separate Budget Committee which is seen as an attempt by the Congress to assert some initiative in the complex problem of preparation of the national budget, rather than relying totally on the one presented to Congress by the President and his Office of Management and Budget (OMB).

Of major significance in the interest of Congressional reorganization is the fact that the Appropriations Committee and the Rules Committee are left virtually unchanged.

In conclusion, considering the large number of powerful Congressmen which the carrying out of this reorganization package would affect, the most obvious question is whether the plan has any chance for approval; whereas the most significant question is, will the reform plan as outlined accomplish the goal of responding to the needs of our nation? These and other questions will undoubtedly be answered in the coming months.

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Continued from page 2

some of the recreation plans it was commencing some time ago. If the Indians wish to open their reservations to summer vacationers, government can give them a little technical and economic assistance in doing so. If the states were to cooperate in a comprehensive plan, the state parks and forests might also be made more accessible by this system.

THE NPCA has been advocating this approach for a longer time than we like to think. We are writing here about what could be, not what we have as yet. Plans for Rocky Mountain Park are more advanced than in many other places. But the truth is that the job cannot be done within the small unit of a national park, considered alone. The entire surrounding region must be brought into the plan.

We have urged that a system of interdepartmental regional planning for recreational purposes be set up at the Presidential or Cabinet levels. The Park Service, the Forest Service, the Bureaus of Outdoor Recreation, Sport Fisheries and Wildlife, Land Management, and Indian Affairs, and other agencies would get together to offer the best possible combined use of their lands to the public. The system could be worked out tomorrow by Presidential order.

In the last analysis, there cannot be any satisfactory solution to the traffic problems of the parks, and the parks cannot be protected for the people, unless some such step as this be taken. And yet for many years a federal bureaucracy has proved itself impotent to meet this challenge. Perhaps now the fuel and energy crisis forces action for the benefit of the people.

THERE COULD BE a convergence of many otherwise conflicting interests at this time within such an approach. Concessioners now operating facilities within the parks, consortiums of businesses in the communities outside the public lands, and major restaurant or resort chains would have equal opportunity to bid on transportation concessions to bring people into the parks.

The best that has come out of the Park Service thus far, in respect to areas larger than single parks, is a recent directive to Park Superintendents to encourage local regional planning. No adequate guidelines have been laid down in these directives with respect to the objectives of such regional planning.

The result may well be to encourage pressures for bringing more traffic into the parks, or on the other hand, ill-planned honky-tonk developments in the neighborhood of the parks. A well-organized external concessioner system would require the transportation concessioner to build and operate his resort in accordance with good local community planning standards. We have protested vigorously to the Service against the current approach.

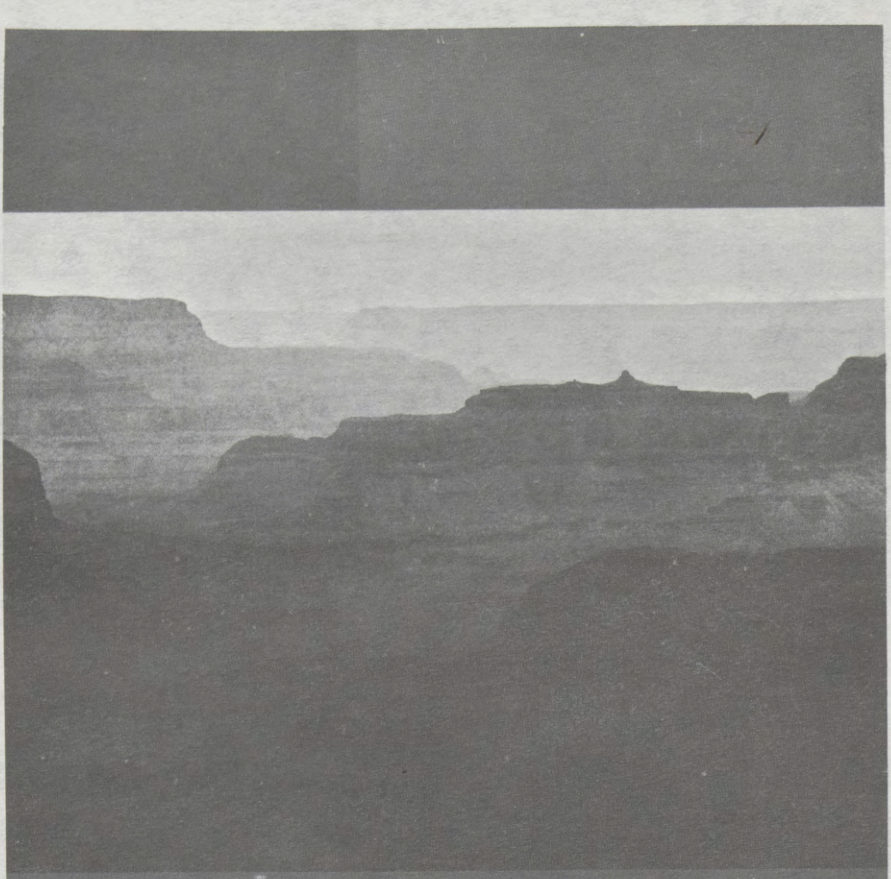
But it has really looked for quite a long time as if the initiative in these matters would never come from the government. It may have to come from the concessioners, the local communities outside the public lands, or some of the well-financed national recreation chains.

AS IT HAPPENS, Rocky Mountain National Park presents interesting opportunities. The Trail Ridge Road is the main traffic route east and west, but other highways are available around the park. Most of the travel on this road is dead-end; it returns the way it came, and does not go all the way across. As more and more people come to the park by rail or bus, and travel within the park by minibus, public sentiment will grow for phasing out automobile traffic on the main road.

In some ways the situation is similar to that in Great Smoky Mountains National Park, where the Park Service plans a special study. Here a single transmountain highway connects recreation communities east and west. Another cross-mountain road has been proposed, but vigorous protests have deferred its construction. An adequate regional plan, to which the Federal Highway Administration should be obliged to contribute, would include highways to carry commercial traffic around the park. An internal bus system can then supplant the private car, protecting people against the traffic.

PUBLIC OPINION has been mounting for a long time in favor of a regional dispersion of visitors and the use of public transportation in and into the parks. The NPCA has been the major advocate for this course of action. The revolution in our national transportation system which will be compelled by the energy crisis could result in easy and inexpensive access to the parks, forests, and other public reservations. The Administration has a great opportunity here to help people get out to these great open spaces and yet protect them from the traffic, and should take advantage of it promptly.

—Anthony Wayne Smith



In recent years our national parks have been increasingly threatened by concessioner developments. Concessioners hold powerful contracts—often for twenty or thirty years—allowing for multimillion-dollar developments inside our national parks. Park environments are suffering from abuses caused by such intensive development. Please help us preserve natural values in the national parks by sending your renewal payment today and by sending us the names of friends who will also support this goal.

NATIONAL PARKS AND CONSERVATION ASSOCIATION
1701 Eighteenth Street, N.W., Washington, D.C. 20009

Exhibit 2

THE EVERGLADES COALITION

1701 Eighteenth Street, N.W., Washington, D.C. 20009
Telephone (202) 667-3352

CO-CHAIRMEN
Anthony Wayne Smith, *President and General Counsel*, National Parks Association
Elvis J. Stahr, *President*, National Audubon Society

PARTICIPATING ORGANIZATIONS

*National Parks Association
*National Audubon Society
*Wilderness Society

*Wildlife Management Institute
*Sierra Club
*Citizens Committee on Natural Resources
United Automobile Workers of America
American Forestry Association
Wildlife Society
American Fisheries Society
Natural Area Council
National Recreation and Park Association
Defenders of Wildlife
Anti-Pollution League
Florida Audubon Society
National Wildlife Federation
Audubon Naturalist Society
World Wildlife Fund

Garden Club of America
Friends of the Earth
United Steelworkers of America

**Steering Committee*
Names listed in order of adherence
Additional names are being added.

Stop the Jetport . . . Remove the Runway . . . Restore the Site . . . Preserve Big Cypress Swamp . . . Save Everglades Park . . . Guarantee Water for the Park . . . Protect the Miccosukee Indians!

Exhibit 3

EXHIBIT 3

The
Environmental Coalition
F·O·R···N·O·R·T·H···A·M·E·R·I·C·A

1701 Eighteenth Street, N.W.
Washington, D. C. 20009

A public service nonprofit organization established to promote consultation and cooperation among conservationists and environmentalists

BACKGROUND

The Environmental Coalition for North America was formed in response to a widely-felt need for a broad coalition to defend the environment.

It is visualized as an organization which cuts across traditional boundaries to include the environmentalist who—whatever the field of his expertise—ultimately is concerned with all of today's grave national and international environmental problems.

Unique in its scope and breadth, the Coalition is designed to promote consultation and cooperation among conservationists. It is composed of General Participants who adhere to the Coalition's objectives, plus others who adhere to specific projects. Participants are offered an opportunity to join into new projects as developed by the Coalition, but are not required to do so.

Coalition Participants are individuals associated with private, non-profit public service membership organizations, or with farm, labor, consumer, citizen or other comparable groups.

Participants serve as individuals and do not necessarily represent any other person or organization.

Important roles in the Coalition are played by unpaid consultants in various environmental fields such as forestry, river basin management and pesticides.

The Coalition is incorporated in the District of Columbia as a private, non-profit organization. Its officers serve without compensation.

ACTIVITIES

Composed of individuals associated with powerful conservation, farm, labor and scientific organizations, the Environmental Coalition for North America is a major force in dealing with critical environmental problems.

A logical outgrowth of the extremely successful coalition which made a major contribution to the defeat of the giant jetport in the Florida Everglades, the Environmental Coalition for North America has made protection of the Everglades one of its primary aims.

Other critical areas in which the Coalition has made its influence felt include the Trans-Alaska pipeline, predator control and nuclear testing on the Alaskan island of Amchitka.

The Coalition's activities on behalf of its positions are many and varied and include letters to President Nixon and Interior Secretary Rogers C. B. Morton, as well as the presentation of expert testimony before various legislative and executive committees.

The Coalition's first public action was a letter to President Nixon which urged public hearings before the Council on Environmental Quality on the proposed Trans-Alaska pipeline. Signed by 23 individual Participants, this letter was followed up by a second—again urging executive attention to Alaska's problems—signed by 27 Coalition Participants.

Subsequently, the Coalition presented testimony before Department of Interior hearings on the Trans-Alaska pipeline and it was shortly thereafter that Secretary Morton refused to grant a construction permit.

The Coalition vigorously opposes construction of the pipeline and proposes stringent safeguards for the environment. It also demands consideration of a study to determine alternative routes.

The Coalition has continued to keep close watch on progress being made in relocating the one landing strip constructed for the Florida Everglades jetport and has indicated to President Nixon its continuing interest in locating the jetport in an ecologically acceptable area. Several letters to President Nixon and Secretary Morton have urged government acquisition of some 400,000 acres of additional land to insure future protection of Everglades Park. This land—in Big Cypress Swamp—is the main source of water for the park. Representatives of the Coalition have met to negotiate with local, state and federal authorities on protective measures, and legislation to acquire the additional land is pending. This approach has received Administration support.

The Coalition has called for a halt to the government's predator control activities pending the completion and evaluation of an advisory committee study and implementation of effective controls.

The Coalition's strong stand against the Amchitka nuclear test forced the government to take a closer look at possible environmental damage resulting from the blast and to reevaluate and strengthen safeguards against damage.

The Coalition also was deeply involved in fighting dam and reservoir proposals by the Army Corps of Engineers as contained in the 1970 Rivers and Harbors bill. The Coalition urged President Nixon to veto the bill on the basis of the Corps' having failed to comply with the requirements of the Environmental Policy Act, and testified before the Subcommittee on Flood Control of the House Public Works Committee. Intensive opposition to Army Engineer type dams and reservoirs will continue to be a high priority activity of the Coalition.

The Coalition has set its sights on several other critical environmental areas and is mapping strong courses of action. The flexibility of its structure and operation will enable the Coalition to continue to deal effectively with major environmental problems as they arise.

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STEERING COMMITTEE

Anthony Wayne Smith, Chairman
President and General Counsel
National Parks and Conservation Association
W. Lloyd Tupling, Vice-Chairman
Washington Representative
Sierra Club
Sam Love, Secretary-Treasurer
Administrative Coordinator
Environmental Action
Olga M. Madar
Vice-President, Conservation
United Automobile Workers of America
Walter J. Burke
International Secretary-Treasurer
United Steelworkers of America
Mrs. W.L. Lyons Brown
Chairman, Conservation Committee
Garden Club of America
John A. Hoyt
President
Humane Society of the United States

GENERAL PARTICIPANTS

Anthony Wayne Smith, Chairman
President and General Counsel
National Parks and Conservation Association
W. Lloyd Tupling, Vice-Chairman
Washington Representative
Sierra Club
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John A. Hoyt
President
Humane Society of America
Mrs. W. L. Lyons Brown
Chairman, Conservation Committee
Garden Club of America
Mrs. Thomas M. Waller
Chairman, National Affairs Committee
Garden Club of America
Walter S. Boardman
Consultant
National Parks and Conservation Association
Mary Hazell Harris
Executive Director and Editor
Defenders of Wildlife
John H. Adams
Executive Director and Counsel
Natural Resources Defense Council
Roderick A. Cameron
Executive Director
Environmental Defense Fund, Inc.

Over please --

Richard H. Pough
President
Natural Area Council
Alan McGowan
Scientific Administrator
Center for the Biology of Natural Systems, Washington University
Richard G. Miller
Director
Foresta Institute for Ocean and Mountain Studies
John L. George
President
Rachel Carson Trust for the Living Environment
Clarence Cottam
Director
Welder Wildlife Foundation
James N. Layne
President
American Society of Mammalogists
James A. Oliver
Director
New York Aquarium
William G. Conway
General Director
New York Zoological Society
Ned C. Smith
Executive Director
Open Space Institute
Larry Bogart
Executive Director
Anti-Pollution League
Mrs. Hal Magargle
Vice-President, Conservation
Audubon Naturalist Society of the Central Atlantic States
Hal Scott
Executive Director
Florida Audubon Society
Mrs. Mark Ganopole
Secretary-Director
Alaska Wilderness Council
Edmund H. Harvey
President
Delaware Wild Lands, Inc.

PARTICIPANTS IN FLORIDA GROUP

In addition to all General Participants, the following:

Fred G. Evenden
Executive Director
The Wildlife Society

PARTICIPANTS IN ALASKA GROUP

In addition to all General Participants, the following:

Fred G. Evenden
Executive Director
The Wildlife Society
John W. Scott
Master
The National Grange

CONSULTANTS

Dr. Edward C. Crafts
Consulting Forester
Harold Green, Esq.
Counsel
Jonas V. Morris
Consultant on River Basins
Dr. Spencer M. Smith, Jr.
Consultant on Legislative Information

FINANCING

The Environmental Coalition for North America is a private, non-profit organization.

Future expansion of the Coalition's work depends to a great extent on the financial resources available to it.

The Coalition cordially invites your support of its activities.

Please address all correspondence to the Secretary-Treasurer, Environmental Coalition for North America, 1701 Eighteenth St., N.W., Washington, D. C. 20009.

Exhibit 4

ANTHONY WAYNE SMITH
ATTORNEY AT LAW
NEW YORK
DISTRICT OF COLUMBIA

1701 EIGHTEENTH ST., N. W.
WASHINGTON, D. C. 20009
(202) 667-3382

October 30, 1972

ANTHONY WAYNE SMITH

President and General Counsel, National Parks and Conservation Association since 1958.

Attorney admitted to practice in the Courts of New York and the District of Columbia.

Chairman, Environmental Coalition for North America; General Counsel, Citizens Permanent Conference on the Potomac River Basin (Citpercon); Executive Committee member, Citizens Committee on Natural Resources; President, South Central Pennsylvania Citizens Association; in all cases serving in a personal, professional capacity on personal time without compensation pro bono publico.

Co-Chairman, Everglades Coalition: for personal identification only in this respect, the Everglades Coalition protested successfully in April, 1969 against a proposed giant jetport in Big Cypress Swamp in the Florida Everglades country.

Member of and executive in conservation organizations and movements in watershed management, river basin planning, forestry, soil conservation, and wildlife management for over 20 years.

Professional student of government operations, specifically with reference to natural resources management and regional planning; specialist in the coordination of disciplines involved in such management and planning.

Graduate of University of Pittsburgh and Yale School of Law; Board of Editors, Yale Law Journal.

Secretary to Governor Gifford Pinchot of Pennsylvania 1932-33.

Practiced law in New York with Donovan, Leisure, Newton & Irvine, Two Wall Street, after graduation from Law School.

Assistant General Counsel, Congress of Industrial Organizations, 1937-56; Assistant Director of CIO State and Local Central Organizations 1941-56; Executive Secretary of CIO Committee on Regional Development and Conservation 1945-56; Committee on Political Education, AFL-CIO 1956-58.

Commercial dairyman, Franklin County, Pennsylvania since 1954. Member Farm Bureau, Grange, Milk Producers Federation, Soil Conservation District, and other farm organizations.

Senator JOHNSTON. Mr. Dickerman.

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

Mr. DICKERMAN. Thank you, Senator. I am sorry I was temporarily out when the panel was called forward.

My name is Ernest M. Dickerman, representing the Wilderness Society, a national conservation organization of some 80,000 members.

We have been studying this Big Cypress project for quite some time just as the Congress has. As we see it, essentially this is a question of, do we assure this continuing freshwater supply to assure life in this vital part of the United States—southwest Florida—or do we let it be developed in the way that has become so common in Florida and there will not then be adequate water either for people who might choose to live in the Big Cypress area or elsewhere in southwest Florida.

It has become primarily a question of what means do we take to assure the continuity, the perpetual availability of this fresh water? The Wilderness Society considers that H.R. 10088 is a very excellent instrument to accomplish the purpose.

It may be that this committee would want to make some minor changes in technicalities about the bill, but we do endorse it. We also associate ourselves with the remarks that have been made by other members of this panel in support of the project.

I would like to touch upon two points that we think are of particular relevance. The one has already been stressed. We would like to add our emphasis to it, the need for legislative taking in the bill in order that immediately the full benefits intended to be accomplished by establishment of the Big Cypress National Preserve are indeed accomplished, because if the action does not occur promptly, construction, contamination of the water supply, and other damaging effects will occur and we will get less than the full benefit that can be obtained by virtue of legislative taking.

The other point that I would like to touch on is to commend the provision in H.R. 10088 which provides for wilderness review of the Big Cypress National Preserve. It seems to us that the primary purpose of this preserve is to assure that its natural conditions do indeed continue to the extent that examination for wilderness potential ultimate action by the Congress, if it is so decided, would further strengthen the protection of the area at no cost, it would be completely consistent with the purposes of the legislation and with the purpose of the August 25, 1916 act that established the National Park Service.

Senator JOHNSTON. The chief significance of making it wilderness as opposed to what is recommended, the initial state of it here, would be to prohibit motorized vehicles and hunting as well?

Mr. EVANS. No.

Senator JOHNSTON. Motorized vehicles. What else?

Mr. DICKERMAN. There would be no logging, no other commercial operations within the area that might go into any part that was put in the wilderness system.

Senator JOHNSTON. Logging would be prohibited under any of these bills, would it not?

Mr. DICKERMAN. Yes. Now, the only thing, though, that the provision that is in the bill as written, and all that we or anyone else is asking, is that as and when the project is established, it would be reviewed by the Secretary to determine whether or not there are areas that it is worthwhile to protect as wilderness. The recommendations would be sent to the Congress. Nothing would happen unless and until the Congress in its wisdom wanted to apply the additional protection of the Wilderness Act. The review provision provides that we did not overlook this additional resource and if we do find it is of a particular value, we can at a later date examine it, and the Congress do what it will.

Senator JOHNSTON. I certainly concur that we need to have that review, but I am looking at what the significance would be. I notice that motorized vehicles, swamp buggies can be very harmful. I understand they have tracks in there that are years and years old from swamp buggies because it does not bounce back. Is there anything else anyone can think of that designation of this as wilderness area would do?

Mr. BROWDER. I certainly agree with Ernie Dickerman that the review ought to be a part of the legislation, just to be consistent, but I would like to really emphasize that recreation accompanied in many cases by motorized vehicles is a significant part of the present use of the Big Cypress and while the Park Service, I think, if this area is acquired certainly should have the authority to restrict that kind of use where it is appropriate, I think it would be very damaging to the interests of the sportsmen in Florida and I am sorry Mr. Jones was not here to speak, but I know the hunters in Florida have worked as hard as anyone else, harder than most people for the protection of Big Cypress and I wouldn't want them to get the impression that this is turning into something that is now going to exclude their participation in this project. Because I don't think that would be an appropriate thing to do.

Senator JOHNSTON. I would say to effectively prohibit the use of this as a recreation area, to prohibit any motorized vehicles in the area, would fairly effectively prohibit the use of it except along the road as a recreation area. It would be fairly consistent with what we have heard about its value as a recreation area.

Mr. BROWDER. You can walk around it. A lot of people do, a lot of hunters do. There needs to be some regulation in the use of those vehicles, but I would not want it to appear that we at least were in any way supporting something that would be like a flat out prohibition against motor vehicles within that area.

Senator JOHNSTON. Gentlemen, you have been a very excellent panel, each one of you has contributed significantly to this hearing today. I appreciate your coming and your testimony. I am sure that this committee is going to be very anxious to heed your advice on preserving Big Cypress. Thank you very much.

[The prepared statement of Mr. Dickerman follows:]

STATEMENT OF ERNEST M. DICKERMAN, THE WILDERNESS SOCIETY

My name is Ernest M. Dickerman representing The Wilderness Society, a national conservation organization of some 80,000 members. The Wilderness Society is primarily concerned with the preservation and beneficial use of wilderness and other natural areas. The protection of the Big Cypress water-

shed as proposed in H.R. 10088 is completely in accord with this general objective.

The establishment of the Big Cypress National Preserve has the full support of The Wilderness Society. This matter has been carefully studied by the Congress and by many interested groups for several years now. The intent and purpose of the legislation is well understood. We would urge this committee and the Congress to move promptly to enact appropriate legislation.

There has at various times been discussion of possible means of preserving the Big Cypress Swamp other than through direct acquisition by the federal government. The consideration of alternative means was wise. It has led to a fuller awareness of the problems involved in protecting the Big Cypress. It has shown that half-way measures cannot be relied upon to do the job. Outright acquisition of the land and waters involved has been shown to be the one means of assuring the permanent and complete protection necessary. We are here concerned not only with the protection of the Big Cypress Swamp itself but of guaranteeing that its life-giving waters will indefinitely continue to flow into Everglades National Park and into the estuarine areas of the west Florida coast which nourish the highly important commercial fisheries along that coast and into the public water systems necessary to sustain human life in that region of Florida. In our view, full legal title to the area by the federal government is the only practical and certain means of achieving these ends. H.R. 10088 provides for complete acquisition of title and we urge that whatever legislation is finally drafted by this committee shall so provide.

LEGISLATIVE TAKING

When testifying on the Big Cypress watershed on previous occasions, we commented on the need of providing for legislative taking for the Big Cypress project. We continue to believe such legislative taking to be an essential provision in any Big Cypress bill.

Portions of Big Cypress proposed to be acquired from the private owners are already being subjected to rapid development by the construction of roads and canals. Such construction both raises the cost of ultimate acquisition of the property and depreciates the area for the purposes of this legislation. Prompt action toward acquisition is needed. We endorse Sec. 2 of H.R. 10088 dealing with this topic and urge its retention by this committee. In our opinion the cost to the taxpayers of acquiring these lands will be significantly reduced and the results intended to be accomplished by the legislation markedly enhanced.

DRILLING FOR OIL AND GAS

The question has been raised at various times concerning drilling for oil and gas within the proposed Big Cypress project. It is our understanding that these minerals as known or estimated to exist within the proposed boundaries of the Big Cypress project are of low grade and in small volume. To prohibit their extraction will neither depreciate their value nor reduce their volume. They will continue indefinitely to be available should the national need ever become so extreme as to require their exploitation. Such drilling operations are contrary to the intent and purpose of establishing the Big Cypress National Preserve and would certainly have a contaminating effect on the purity of the waters, their natural flow, and the character of the area. Accordingly, we urge this committee to include a provision closing this area to all drilling for oil and gas, subject to valid existing rights. Such prohibition would be in addition to the present clause (Sec. 4(b)(2)) modified to control any oil or gas activity permitted under a valid existing right.

NEW HIGHWAY CONSTRUCTION

We note with considerable concern that H.R. 10088 under Sec. 4(b)(8) would permit the construction of one or more major highways through the Big Cypress Preserve, with, as we read the bill, the Secretary of Transportation having the dominant voice in the decision-making. We recognize that public roads will be maintained within the project area and have no objection to the maintenance of principle existing routes. However, we again find it inconsistent to think of constructing one or more major highways through a project where the fundamental consideration is to retain in an unimpaired condition the present natural water quality and flow patterns. Any new major highway inevitably will interfere with and depreciate both.

In our view it is wise and desirable to remove the proviso from Sec. 4(b)(8) giving the Secretary of Transportation a direct voice concerning any proposed

new or modified highway. Under this bill and other laws the Secretary of Interior is empowered to determine what new roads shall or shall not be built, and by this same section he is instructed to limit or control any such construction in such manner as may be necessary "in order to carry out the purpose of this Act". Inasmuch as the Secretary of the Interior carries the primary responsibility for lawful administration of the Big Cypress National Preserve, no other Secretary should be placed in an equal or greater position with respect to the making of decisions internally affecting Big Cypress. We urge this committee to give serious consideration to eliminating the proviso from Sec. 4(b)(8).

WILDERNESS REVIEW

We commend the wilderness provision as contained in Sec. 7 of H.R. 10088. Recognizing that this project encompasses some 570,000 acres of land and water, that much of it is in a wild and primeval condition, and that the basic intent of this legislation is to assure that the existing natural conditions shall continue to prevail, it is completely appropriate that the Big Cypress be reviewed for its wilderness qualities and that the Secretary of the Interior forward to the Congress via the President his recommendation of qualifying areas for wilderness designation under the Wilderness Act. Such recommendation, of course, would not become effective unless and until enacted into law by the Congress. The incorporation of a wilderness review provision in acts establishing new units of the National Park System has become standard practice. It is consistent with the policies and objectives laid down in the Act of August 25, 1916 establishing the National Park Service. We trust that Sec. 7 will be retained by the committee in this bill.

We conclude this testimony by repeating our full support for the establishment of the Big Cypress National Preserves as proposed in H.R. 10088 and consistent with the suggestions offered herein. The earliest action by the Congress to this end is needed.

Thank you, Mr. Chairman.

Senator JOHNSTON. I believe that is all, except for Mr. Bybee.

STATEMENT OF R. W. BYBEE, OPERATIONS MANAGER, EXXON CO., U.S.A., DIVISION OF EXXON CORP.

Mr. BYBEE. Mr. Chairman, thank you very much, and I will try to summarize, and what is said in my written testimony, and probably add a little additional information for the committee's consideration that is not in the testimony, regarding some of the activity, oil and gas activities, within the proposed Big Cypress area.

Senator JOHNSTON. There is considerable potential for oil and gas in Big Cypress?

Mr. BYBEE. Mr. Chairman, we think that there is oil and gas potential in the Big Cypress, that it is considerable, and that the industry should be allowed in there to explore under performance standards that would not be against the purposes of the Big Cypress.

Senator JOHNSTON. You have worked with Interior before and under Interior regulations. You can operate reasonably under those kinds of regulations?

Mr. BYBEE. Yes, we have been operating 35 years, Exxon Co., U.S.A., in this Big Cypress swamp area. We have significant production in the Sunnyland oilfield right on the very edge of the preserve area and there is an oilfield developing within the area called Beer Island at the present time. A few people understand this, but there are also around 300,000 acres, 298,000 acres of oil, gas, and mineral leases in force and effect in this 585,000 acres.

Senator JOHNSTON. Why did H.R. 10088 take the minerals? Were they just mad at Exxon?

Mr. BYBEE. This was slipped in, I think, Senator Johnston, at the last moment when people didn't understand, those that were apparently restructing the House bill 10088, didn't understand.

Senator JOHNSTON. It was not thoroughly discussed in the House?

Mr. BYBEE. No, it was not. In fact, so far as I know, the mineral rights were not under any of these—we were not there because we were satisfied with the prior bills, that they did not include legislative taking and that it would be a negotiated affair and that the mineral rights and our leases would be kept in force and effect.

Senator JOHNSTON. We haven't heard anything yet today to justify the expropriation of mineral rights. Our environmental friends essentially support your position, as I understand it, under Interior regulations that would prevent your exploration from doing environmental damage. I just can't imagine why the House put it in.

Mr. BYBEE. We can't either, and that is why we are before you today to make sure that this is remedied in any bill that you would consider.

Senator JOHNSTON. We would, I am sure, want to be sure Interior puts in all proper rules so that we don't spend all this Federal money and have it all go to nought because of exploration activities, but I know exploration can be carried on consistent with sound environmental management and I think the environmental groups are satisfied that Interior can apply such regulations. Am I correct on that?

Mr. BYBEE. Oh, yes. And as you know, the oil industry has operated compatibly on Federal lands for many, many generations, in the National Forests and federally owned lands in the Rocky Mountains areas. There is a major oil field at the Aransas Wildlife Refuge where the whooping cranes spend their winters. The oil and gas exploration there is compatible. And we operate under Interior Department rules and regulations everywhere, offshore, of course. Also I might mention to you that currently and for the past 35 years we have been operating under rules and regulations set out by the State of Florida and they regulate our operations in the Big Cypress area. I would also like to mention that in 1971 Governor Askew and his entire staff held a 2-day hearing on whether or not there should be oil and gas exploration in the Big Cypress, and after this 2-day hearing and all the testimony, they said:

> These situations demonstrated that almost 30 years of oil exploration and production in the Big Cypress area has had no known significant adverse effect on the ecology of the watershed.

So I am here today to urge you to put language in which would clearly allow the minerals to not be taken by the Federal Government.

Senator JOHNSTON. I would be reasonably confident that would be the sense of the committee, Mr. Bybee, in assuring at the same time that Interior applies rules that will protect this watershed and the environment from damage that can be done.

Mr. BYBEE. One other point that I want to make here is that we doubt seriously, we start buying these minerals, that there is enough money or that it is in the public interest and in the national interest to be buying oil and gas minerals from the private landowners when it is not necessary.

Senator JOHNSTON. Mr. Bybee, thank you. I think you are way ahead.

[The prepared statement of Mr. Bybee follows:]

STATEMENT OF

R. W. BYBEE

EXXON COMPANY, U.S.A.

(A DIVISION OF EXXON CORPORATION)

BEFORE THE

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

SUBCOMMITTEE ON PARKS AND RECREATION

MARCH 21, 1974

Mr. Chairman, my name is R. W. Bybee. I am an Operations Manager in Exxon Company, U.S.A.'s Exploration Department. Included in my responsibilities are Exxon's exploration activities in the State of Florida, where my company has been engaged in exploration for and production of petroleum for more than 30 years.

I appreciate this opportunity to express Exxon USA's views regarding the proposals to establish a Big Cypress National Preserve that your Committee has under consideration in these hearings. We have no objections to Senate 334 or Senate 920. H.R. 10088 however incorporates an approach to which we do object and, accordingly, my comments will refer primarily to that measure.

I would like to begin by summarizing the three main points in my testimony, and then expand somewhat on each of these points:

(1) Exxon USA supports establishment of the Big Cypress National Preserve for the purposes stated in H.R. 10088.

(2) We believe those purposes can be achieved without the legislative taking of mineral rights provided for in that bill. We are strongly opposed to this provision in the bill.

(3) Exxon has operated in an environmentally responsible manner in the Big Cypress area for many years, and we are confident that we can continue to operate there without harm to the natural environment.

The purposes for establishing the Big Cypress National Preserve are stated in H.R. 10088 as follows:

> "to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral, and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof."

Exxon USA believes those purposes are desirable. We have on several occasions before federal and state groups indicated our support for efforts to establish the Big Cypress National Preserve. We believe that it is a proper function of government to protect recreational and wildlife resources through the creation of parks, wilderness areas and wildlife preserves on publicly owned or acquired lands. We also recognize that some areas are particularly suited for one or more uses. In such instances it is proper for government to identify the dominant uses and prescribe performance standards that must be met by other compatible uses in order to protect the dominant uses. However, we believe all compatible uses which meet the prescribed performance standards should be allowed.

Although Exxon USA supports the establishment of the Big Cypress National Preserve, we are seriously concerned with the legislative taking provision in H.R. 10088. That provision, in addition to taking surface rights, expropriates mineral rights as well. Such expropriation would delay, if not in fact deny, future petroleum

exploration and development in the Big Cypress. Such a result would be contrary to the national interest, particularly in a period when there is a serious and widely recognized need for the development of the Nation's energy resources. This need has been recognized by both Congress and the Administration.

Furthermore, we are convinced that the stated purposes of H.R. 10088 can be accomplished without the cessation of petroleum exploration and production activities within the proposed Preserve area, and without cancellation of oil and gas leases currently in effect. We believe that exploration for and development of petroleum resources has been and can continue to be carried out in a manner that is consistent with accomplishing the surface land use purposes of H.R. 10088. Under appropriate rules and regulations that assure such consistency, the continued development of these resources is clearly in the national interest.

As I am sure this Committee knows, the Florida state government very carefully considered the question of whether petroleum exploration and production in the Big Cypress area should be permitted to continue. In May, 1971, Governor Askew of Florida convened what was called the Governors' Conference on the Big Cypress to examine all aspects of precisely that question. At that Conference data was presented on the environment of the area, the hydrologic regime, oil and gas operations within the state, and Florida's future role in providing energy supplies. Based on the evidence presented, the Governor and his Cabinet found that:

> "These sessions . . . demonstrated that almost 30 years of oil exploration and production in the Big Cypress area has had no known significant adverse effects on the ecology of the watershed."

As a consequence, the Governor and his Cabinet concluded that such operations should be permitted to continue.

To further assure that petroleum exploration and production activities continued to be carried out in a manner that preserved those same qualities of the Big Cypress that the current federal legislation seeks to preserve, the Governor appointed a special Cabinet Advisory Committee on Drilling in the Big Cypress. This Committee, which has functioned since July, 1971, is composed of: a botanist, a hydrologist, a representative from organized environmental conservation groups, the executive director of the Florida Petroleum Council, and the Director of the Division of Interior Resources of Florida, who serves as chairman. Since July, 1971 all drilling and producing activities that have been initiated in the Big Cypress area have had the Committee's express approval. The procedures established by the Committee call for site-by-site inspection of proposed exploratory and development locations. No drilling permit is approved until all environmentally sensitive aspects have been considered. It is, I believe, a matter of interest that each of the decisions that has been made by the Advisory Committee on Drilling in the Big Cypress has been arrived at by unanimous vote.

In view of the State of Florida's intense and continuing interest in the Big Cypress, we believe it is highly significant that the State concluded that petroleum operations should be permitted to continue in that area. We hope, and believe, that this record will be persuasive to this Committee.

Let me now turn to Exxon USA's operations in the Big Cypress area.

The commercial production of crude oil in Florida began in 1943 with the discovery by Exxon USA in that year of the Sunniland Field. That field is located in the Big Cypress area just outside the confines of the proposed Preserve. Since 1943 Exxon USA alone has drilled more than 50 wells in or adjacent to the proposed Big Cypress Preserve. Bear Island, a recently discovered oil field, is located within the confines of the proposed Preserve. That field still is under development.

Our exploration activity is continuing under the supervision of appropriate Florida regulatory agencies, in particular the Department of Natural Resources and, of course, the Advisory Committee on Drilling in the Big Cypress. We believe that we have demonstrated repeatedly that exploration and development activities within the Big Cypress area can be successfully conducted without harm to the natural environment or serious complaint of any such harm. We have

every reason to feel that we can continue in a manner that is in accord with the state's desire to maintain the environmental qualities of the Big Cypress.

As this Committee knows, the legislative proposal to create a Big Cypress Preserve that was adopted by this Committee in 1972 provided for the purchase or donation of land within the proposed Preserve. Similarly, the legislation submitted to the Congress in 1973 by the Administration also provided for the acquisition by purchase or donation. Indeed, each of the bills that was considered by the House Interior Committee last year provided only for acquisition by purchase or donation. None of those proposals provided for legislative taking. However, the bill actually passed by the House, H.R. 10088, provides for legislative taking of fee title, including oil, gas and other minerals and therefore would nullify all existing mineral leases.

We do not believe the legislative taking of mineral rights incorporated in H.R. 10088 is needed to accomplish its purposes; nor is there any indication that sufficient funds would be available to pay just compensation for such rights. The bill does provide a $116 million appropriation for compensation to owners whose lands are taken; however, in our view this amount of money, although possibly adequate to compensate for surface acreage taken, would not be sufficient to provide compensation for valuable minerals that also would be taken by H.R. 10088. Even if this appropriation were greatly increased to an amount sufficient to compensate for minerals taken, if mineral rights

are not needed to accomplish the purposes of this legislation (as we have endeavored to demonstrate), we question why the Federal government should make such an unnecessary purchase.

In summary, Exxon USA favors the establishment of the Big Cypress National Preserve. We are strongly opposed, however, to the legislative taking of mineral rights incorporated in H.R. 10088, and respectfully urge you to reject that approach.

Senator JOHNSTON. Our final witness for today will be Mrs. Ruth M. Van Doren, Collier County Commissioner, from Naples, Fla.

Mrs. Van Doren, would you tell me where Collier County is, how much area it takes? What is the population of the county?

STATEMENT OF RUTH M. VAN DOREN, COLLIER COUNTY COMMISSIONER, NAPLES, FLA.

Mrs. VAN DOREN. Right now about 57,856, something like that.

Senator JOHNSTON. Is most of that in Naples?

Mrs. VAN DOREN. Most of it is in coastal Collier County which includes Marco, Everglades, Naples, and the islands along the coast.

Senator JOHNSTON. You have a county commission?

Mrs. VAN DOREN. Yes, the Collier County Commission.

Senator JOHNSTON. They are unanimously in favor of this proposition?

Mrs. VAN DOREN. Yes.

Senator JOHNSTON. And you had a vote, I believe, in Collier County that was carried 2 to 1 for it?

Mrs. VAN DOREN. It was 3 to 1. Yes, that was on February 5. It was at the same time they had a regular election or something else, we had a straw vote on that question.

Senator JOHNSTON. Why did the 25 percent oppose it? Are they the same 25 percent who oppose everything?

Mrs. VAN DOREN. I suppose.

Senator JOHNSTON. I mean was there a campaign against it?

Mrs. VAN DOREN. Yes, I would say that everybody who was against it got out and voted and I would say probably that the other proportion of the voters came out and voted for it. However, I would assume from that, that with the opposition as stringent as it was, that they all managed to get out to vote. This would be my assessment of it.

I would like to offer in evidence a validated ballot of that vote.

Senator JOHNSTON. Yes, that will be placed in the record verbatim.

[The ballot referred to follows:]

Shall the Immakalee Water Sewer District, Collier County, Florida, Be Created?

Total number of votes cast was one hundred and five (105) votes.
Yes: seventy-four (74).
No: thirty-one (31).

Shall the Henderson Creek Fire Control District be Created and Constitute a Special Purpose Tax Dist., etc.?

Total number of votes cast was sixty (60) votes.
Yes: fifty-eight (58).
No: two (2).

STRAW BALLOT

No. 1—Planned growth policy.
Total number of votes cast was six thousand two hundred and twenty-two (6,222).
For: Five thousand one hundred and seventy one (5,171).
Against: one thousand and fifty-one (1,051).
No. 2—Limit county population.
Total number of votes cast was five thousand, three hundred and eleven (5,311).
250,000 people: four thousand and thirty-nine (4,039).

500,000 people: four hundred and eighty-two (482).
Unlimited: seven hundred and ninety (790).

No. 3—Would you support up to $1,500,000 bond issue to construct a county golf course and related facilities?
Total number of votes cast was fifty-eight hundred and twenty-five (5,825).
For: one thousand six hundred and eighteen (1,618).
Against: four thousand two hundred and seven (4,207).

No. 4—Would you support up to a $5,000,000 bond issue for the purchase and development of beach access and beach front and other park sites for public use?
Total number of votes cast was five thousand six hundred and sixty-eight (5,668).
For: two thousand five hundred and fifty-four (2,554).
Against: three thousand one hundred and fourteen (3,114).

No. 5—Do you favor the Federal purchase of the Big Cypress Watershed?
Total number of votes cast was fifty-nine hundred and eighteen (5,918).
For: four thousand four hundred and twenty-nine (4,429).
Against: one thousand four hundred and eighty-nine (1,489).

No. 6—Do you favor the State's efforts to regulate the Big Cypress area of critical concern?
Total number of votes cast was fifty-eight hundred and fifty-six (5,856).
For: four thousand three hundred and thirty-four (4,334).
Against: one thousand five hundred and twenty-two (1,522).

No. 7—Certain lands cannot be built upon in Collier County without causing environmental damage. Would you support up to a $10,000,000 bond issue for the initial purchase of such lands? These purchases would continue over the years and would require additional funds.

Shall the Board of County Commissioners of Collier County, Florida, issue bonds in the aggregate amount of not exceeding $10,000,000 bearing interest, payable semi-annually at such rate or rates, not exceeding the legal rate, as shall be determined at the time of the sale thereof, and maturing serially in annual installments over a period not to exceed twenty (20) years from the date of said bonds, for the purpose of financing the cost of acquiring environmentally endangered lands.

Total number of votes cast was fifty-five hundred and eighty-three (5,583).
For: two thousand one hundred and eighty-one (2,181).
Against: three thousand four hundred and two (3,402).

THOMAS T. TRETTIS, Jr.,
County Judge.
EDNA C. SANTA,
Supervisor of Elections.
CLIFFORD WENZEL,
Board of County Commissioners.
Special Election Collier County.

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA
Collier County:

We, the undersigned, Thomas T. Trettis, Jr., County Judge, Edna C. Santa, Supervisor of Elections, and Clifford Wenzel of the Board of County Commissioners, constituting the Board of County Canvassers in and for said County, do hereby certify that we met in the office of the Supervisor of Elections on the 6th day of February, A.D. 1974, and proceeded to publicly canvass the votes given for the Special Election and Straw Ballot held on the 5th day of February, A.D. 1974. We do hereby certify from said returns as follows:

Shall the Collier County Lighting District be created and constitute aspecial tax district with authority to levy ad valorem tax for district purposes not to exceed one (1) mill in any one tax year?

Total number of votes cast was three hundred and sixty-one (361) votes.
Yes: two hundred and eighty three (283).
No: seventy-eight (78).

Shall the Golden Gate Fire Control District be created and constitute special tax district with authority to levy ad valorem tax for district purposes up to a maximum of one (1) mill in any one tax year?

Total number of votes cast was three hundred and twenty-seven (327) votes.
Yes: two hundred and ninety-one (291).
No: thirty-six (36).

Shall Water Management District No. 6 be created and constitute a special tax dist. with authority to levy ad valorem taxes for district purposes up to a maximum of one (1) mill in any one tax year?

Total number of votes cast was three hundred and forty-four (344) votes.
Yes: two hundred and seven (207).
No: one hundred and thirty-seven (137).

Shall the Old Marco Water and Sewer District, Collier County, Florida be created, etc.?

Total number of votes cast was thirty-seven (37) votes.
Yes: twenty-four (24).
No: thirteen (13).

Mrs. VAN DOREN. I have been authorized by the Collier County Commission to read the resolution.

Senator JOHNSTON. Yes, I have a copy of it right here and I have read the resolution and that will be placed in the record verbatim. Would you like to read it?

Mrs. VAN DOREN. I would like to because there is a change here which I would like to bring to your attention.

A resolution by the Collier County Board of County Commissioners supporting purchase of a portion of "Big Cypress"; establishing position concerning existing dwellings, terms of purchase, compensation for lost ad valorem taxes, and building moratorium.

Whereas, the voters of the State of Florida approved the expenditure of $200 million for the purchase of "Enviromentally Endangered Land," and

Whereas, such purchase has been effectively endorsed by the Legislature of the State of Florida, and

Whereas, the highest administrative officials of our State have determined it is suitable to expend $40 million to purchase acreage in the area known as "The Big Cypress," and

Whereas, the Board of County Commissioners of Collier County, Florida do support these actions by the electorate the Legislature, the Governor, and his Cabinet, and

Whereas, dwellings exist in such area, and

Whereas, private persons have personal investments in such lands and pay ad valorem taxes thereon, and

Whereas, such lands south of Alligator Alley, east of State Road 29 currently provide ad valorem tax revenues to Collier County, Florida in an approximate amount of $1.15 per acre which tax upon the some 461,000 acres of land therein presently amounts to a total tax revenue of some $534,000 per annum——

This resolution was passed on April 18, 1973, after which our tax assessor, he was going through a reappraisal and was supposed to make a 100 percent appraisal of all property in Collier County, having done that, he assessed this property at $200 an acre and it came out to an assessed valuation of $100 million, of which $1 million, he tells me comes in as taxes on this property. So this question came up during the course——

Senator JOHNSTON. $100 million for the 500 and some thousand acres?

Mrs. VAN DOREN. Here it says 461,000, but it is really more than that, I think, in Collier County. It is 527,000, I believe.

Senator JOHNSTON. $200 an acre. That seems, frankly, rather high for land that was out there in the swamp.

Mrs. VAN DOREN. I will say. It does to me, too. And I sat on a tax adjustment board and there were a lot of people who have purchased property out in there who when they were told that their taxes were doubled, that the assessment had been doubled, offered it to us at the price they paid because they didn't think it was worth it. They, too, had bought the land over the telephone, many of them. They didn't know where it was, no one could tell them where it was, and it was the same as with the Everglades National Park. This I found out when I called Mr. Steward, the Federal Department of Interior, Parklands. He told me the same thing.

Senator JOHNSTON. They just assessed it all at $200 an acre, arbitrarily, I mean the high land and low land, the whole works?

Mrs. VAN DOREN. It is all similar, he says. He has a criteria for assessing the property in Collier County and these are the criteria he uses in assessing everything and according to him it averages out at $200 an acre.

Senator JOHNSTON. It averages out in the Big Cypress there, but it is all at $200 a acre?

Mrs. VAN DOREN. This is what he tells me. I am sorry, I am not the tax assessor, I just took his word for it.

Senator JOHNSTON. To get the record straight, Mr. Browder, I believe is shaking his head in the back.

Mr. BROWDER. That is an average figure.

Mrs. VAN DOREN. Maybe it is. This is what he told me. The average figure was $200 an acre and I don't know whether he meant it higher on the high land or lower on the low lands, but that is what the average is.

Now, therefore, be it resolved, by the Board of County Commissioners of Collier County in public meeting assembled this 18th day of April, 1973 as follows:

1. That this Board wholeheartedly endorses the purchase of these lands by the State of Florida and joins with State officials in their encouragement of additional purchased by the Government of the United States.

2. That funding be obtained adequate for the purchase of these lands and to provide payment to the owners thereof when such lands are removed from the tax rolls of Collier County, Florida.

3. That existing dwellings be allowed to remain for the life of the current owner and not to exceed 21 years, or for such shorter period determined at the option of such owner if the construction of such dwelling was officially permitted under the zoning laws, ordinances and regulations of the State of Florida and Collier County.

4. That Collier County be compensated for ad valorem taxes lost as a direct result of such purchase at the rate of 80 percent for the year following removal of such lands from the tax rolls, such percentage to be reduced to 60 percent, 40 percent, 20 percent and to 0 percent in the succeeding years.

Be it further recognized and resolved by the Board that Collier County has placed a moratorium upon zoning changes in this area in the interest of the public welfare and the Board of County Commissioners of Collier County, Florida, further resolves that it shall place a moratorium on building after declaration by the Government of the State of Florida or the United States that it is going to purchase such lands.

BOARD OF COUNTY COMMISSIONERS,
Collier County, Fla.
By: (S) Clifford Wenzel
CLIFFORD WENZEL,
Chairman.

Approved as to form and legality:

By: (S) D. E. Bruner
DAVID EMERSON BRUNER,
County Attorney.

STATE OF FLORIDA,
County of Collier:

I, Margret T. Scott, Clerk, do hereby certify that the foregoing resolution is a true and correct copy of an excerpt from the minutes of the meeting of the Board of County Commissioners of Collier County, Florida, held on April 18, 1973, entitled: A resolution by the Collier County Board of County Commissioners supporting purchase of a portion of "Big Cypress"; establishing position concerning existing dwellings, terms of purchase, compensation for lost ad valorem taxes, and building moratorium.

Dated this 19th day of March, 1974.

MARGARET T. SCOTT,
Clerk.

To Board of County Commissioners:

By BEN D. RIVER,
Deputy Clerk.

[SEAL]

Mrs. VAN DOREN. I have also been authorized by the City Council of Naples to say—and they are sending 50 copies of their resolution supporting this purchase to the committee—and I was authorized to say today that they do indeed support this.

Senator JOHNSTON. That resolution, will be placed, when received in the committee files.

Mrs. VAN DOREN. Very good.

There are other organizations that have asked me to register their support and that is the Collier County Conservancy, the president of which is Mr. Millard Maralou. He has asked me. Saul Concoran who is president of the Collier County Audubon. The Naples Civic Association has gone on record as favoring the purchase, and Mr. Charles Garrett of the Collier County Izaak Walton League.

I have a few pages of notes that I have jotted down and I hope I can read them, during the course of this hearing. They are answers to some of the questions that were asked and I would just like to mention them.

First of all, it has been estimated in Collier County that the fishing industry amounts to about $10 million per year for their commercial fisheries and that is just commercial fisheries.

Senator JOHNSTON. How much of that is shrimp that depend on this estuarine area of the Everglades?

Mrs. VAN DOREN. I am sorry, I don't know what amount is shrimp and what is something else, but this is what I am told it amounts to and a great deal of it is because in the estuarine areas the fish spawn and it is necessary for them to spawn somewhere and that is where they spawn and that is where the fish come from that are caught by the fishermen mostly in the Eerglades. Also it is an excellent place for spawning ground for the sport fishery which is very important to the tourist industry in Naples. I thought I'd mention that, too, because that is a very large portion of the economy of Collier County, as tourism is in Naples.

These people say they want to keep it just the way it is. Supposing that these 550,000 acres were broken up into five acre tracts. You would have quite a few people there. And about 100,000 people in

this area and then I think that these few people who were here today asking for this to be kept in its pristine state might be very much annoyed that there were 95,000 others who would like to be in there, too, so I really don't think that argument is too valid. But it would have to be drained, there would have to be roads and if there were not roads, there would be more tracks than you could possibly imagine from the swamp buggies in there which would indeed break up this natural sheet flow not only to the Everglades but to the estuarine areas. This is supposed to be left in its natural state and all of the regulations in the area of critical concern are aimed toward leaving it in its natural state so that it will not interfere with the ecosystem.

I would like to state that the State of Florida has not purchased the Fatahatchee Strand. It is still under negotiation with the GAC.

I would like to mention that that recent forest fire they were talking about has been said to be as a result of arson. It was put out once and started again and this is what I have read in the paper, that it was later, a day or so later started again by an arsonist.

The only regulation that Collier County has now in the Big Cypress is the moratorium on rezoning. We have no other zoning regulations there. And when we had a report from that area that—I think you might be interested in this. I am not through. I was just waiting for you to listen because this is something local and it might explain to you about some of these people out there.

We had a report that there were violations, all kinds of things going on out there. At one of our Commission meetings, I asked our planner to go out there and look into it and he said, no way would I go out there without the Sheriff. He said I would be afraid I'd be shot. And he didn't, either. He won't go out there. So we are trying to get the Sheriff to enforce what few regulations we have. They are not supposed to be—you are supposed to get a permit for any building that goes up and we have been told that there are umpteen buildings out there that have not been permitted, but there isn't anybody in our staff who has courage enough to go out and do anything. So I just thought that I would mention that.

Since this has been named an area of critical state concern, the State has stated that Collier County would be in charge of enforcement of the regulations that they have set down and if the Collier County does not do it, the State will. And the State, I heard someone else testify and it is so, that the State would much prefer for the Federal Government to take it over after purchase.

That is all I have.

Senator JOHNSTON. Why do the residents of Collier County support this? Is it because of its value to the ecosystem?

Mrs. VAN DOREN. Yes.

Senator JOHNSTON. That is the chief reason, or is it the desire to use it as a recreation area or both?

Mrs. VAN DOREN. It is a desire to keep it in its natural state as a unique portion of this whole area and because of the ecosystem and its relation to Everglades National Park and the estuarine areas. It is very important because this sheet flow continues in the dry season for 3 or 4 months into the estuarine areas, which helps to maintain that area until another rainy season begins. Otherwise, if it were

drained, and more channelized and so on and so forth, this water ran off and there wasn't anything in there, everything would die.

Senator JOHNSTON. It is mainly an environmental concern as opposed to a recreational concern?

Mrs. VAN DOREN. Yes, although there are people in Naples who do have cabins out there. Whether they came for a permit or not, I don't know.

Senator JOHNSTON. I understand you want to be compensated for ad valorem taxes lost as a direct result of such purchase at a rate of 80 percent and 60, 40 and 20 percent in succeeding years. Is that correct?

Mrs. VAN DOREN. Well, that is what they voted. I voted against that portion of it myself because I had this feeling that if we had been doing what we were suposed to have been doing and enforcing regulations out there, it would have cost us quite a little bit to do it. We have been collecting taxes on that area for sometime and not spending one thin dime out there. Actually this money has been spent, it has been in the general fund and it has not been used out there, so I really feel we owe it something and it would be to the advantage of all the people in Collier County to have this maintained in its present state. Before it gets any worse. So as far as I am concerned, I don't follow their argument at all.

Senator JOHNSTON. That is a very magnanimous statement. We don't usually hear people say they are not entitled to something.

Mrs. VAN DOREN. As I say, I was a minority, but I insist upon a minority opinion.

Senator JOHNSTON. I think it is a realistic statement. I am not so sure the committee would want to give the County taxes in addition to the money required to acquire the land.

Mrs. Van Doren, thank you. You have been an effective spokeswoman and we appreciate your coming.

I think that is all of the witnesses for today.

The hearing will resume at 10 a.m., tomorrow.

[Whereupon, at 5:40 p.m., the hearing was adjourned, to reconvene at 10 a.m., Friday, March 22, 1974.]

BIG CYPRESS NATIONAL PRESERVE

FRIDAY, MARCH 22, 1974

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

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, Dirksen Office Building, Hon. J. Bennett Johnston, Jr., presiding.

Present: Senator Johnston.

Also present: Jerry T. Verkler, staff director; James P. Beirne, special counsel; and Maureen Finnerty, administrative assistant for the minority.

OPENING STATEMENT OF HON. J. BENNETT JOHNSON, JR., A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator JOHNSTON. The meeting will come to order. A number of the property owners who own property in the area and have their property threatened by fire and have been requesting that they be allowed to testify first this morning—we are glad to accommodate them.

Mr. James G. Pace, who is president of Landowners' Conservation and Protective Association, will be, or has acted more or less as the coordinator of the group. I would like to ask Mr. Robert Burnett, Mr. Raymond Wooten, Mr. Nolan Popenhager, Mr. James Gaunt, Mr. I. M. Jahnig, and Mr. Dan Whichello to come to the counsel table, and we will handle them as a panel.

I would like to observe that I think most of you were here yesterday. I think you can see the issues that have been developed in these hearings. I do not want to cut anyone off.

At the same time, we want to get as much information and as little repetition as possible. We want to get to the real issues involved in the hearing. So if you will keep in mind in your testimony that by your very presence here I know that you are generally opposed.

But we want to resign these issues and get to the heart of the matter, as soon as we can. Mr. Pace, would you like to lead off, please?

Mr. PACE. Yes, sir.

STATEMENT OF JAMES G. PACE, PRESIDENT, LANDOWNERS' CONSERVATION AND PROTECTIVE ASSOCIATION, NORTH MIAMI BEACH, FLA.

Mr. PACE. We thank you for incorporating our panel here. I believe we have cut our time to about half in doing it this way. I am

James G. Pace, I am president of the Landowners' Conservation and Protective Association, which is an association of landowners owning land in the Big Cypress area.

Senator JOHNSTON. Do you live in Big Cypress?

Mr. PACE. No, sir.

Senator JOHNSTON. Do any of you live in Big Cypress?

Mr. BURNETT. Yes, sir, I do.

Mr. PACE. Mr. Burnett, Mr. Wooten, Mr. Whichello, Mr. Popenhager, and Mr. Gaunt all live in the Big Cypress area, most of them around the big town of Ochopee.

Senator JOHNSTON. Let me ask you a couple of questions. Would it be correct that you have about 513 residential improvements in Big Cypress; does that sound correct?

Mr. WHICHELLO. That sounds pretty close.

Senator JOHNSTON. The information that I have here, 513 residential, 26 commercial, 3 organizational, and 2 churches, for a total of 544 structures; does that sound right?

Mr. WHICHELLO. It is pretty close. We have about 43 businesses.

Senator JOHNSTON. OK. Excuse my interruption.

Mr. PACE. The Landowners' Conservation Protective Association has about 525 members. I am—I was admitted to practice law in Florida in 1937. I have been a realtor and appraiser along with that since 1952.

I have been flying airplanes over the Everglades and making a study of it since 1937. We would like to bring to you with this panel, roughly. Mr. Jahnig is an engineer. He is going to testify concerning the waterflow, and how this thing can be done better.

He is an oldtimer from out there, having spent many years as a consultant engineer. Mr. Gaunt is a farmer, and originally had many packinghouses and a large farming operation in the area of Big Cypress.

Senator JOHNSTON. Are you still a farmer in Big Cypress?

Mr. GAUNT. I retired, but I still have my land there.

Senator JOHNSTON. What crops do you raise?

Mr. GAUNT. Tomatoes, peppers, eggplant.

Senator JOHNSTON. How many acres did you farm?

Mr. GAUNT. 300 acres in Ochopee.

Senator JOHNSTON. That is not in Big Cypress?

Mr. GAUNT. Yes, it is. It is prairie land.

Mr. PACE. This is in the corner of your proposed taking. He is talking about 300 acres now. Formerly, there was 4,500 acres under cultivation out there, up until 1940. We will show you why the farmers left there and went to other areas.

Mr. Wooten runs a business. He runs a scenic tour business out in Ochopee. They go all over the Everglades.

Senator JOHNSTON. Excuse my constant interruption, but sometimes I forget these questions. How do you get around on your tours?

Mr. WOOTEN. This is a unique type tour. This is called the Everglades airboat tour. It is a unique craft that is flat bottomed. It usually carries about eight people. It has aircraft engines on them, and I am sure you have seen them on TV.

And they have made a lot of movies. They have been seen nationwide, so you should have some idea of what an airboat is.

Senator JOHNSTON. I would not think an airboat would be any threat to Big Cypress.

Mr. WOOTEN. It is not at all, sir, but they make a big issue out of it. It is destroying the whole thing if you listen to these radicals. It is a mode of transportation like a swamp buggy.

Senator JOHNSTON. An airboat and swamp buggy are two different things.

Mr. WOOTEN. They are. But they are a necessary mode of transportation for the Glades. But getting back to the tours I own and have been there for 21 years. I have been a taxpayer all this time, helped paying taxes to keep the county government working and such.

This is an attraction and with my property that I own and the property that I have leased, I have a long-term lease on 6 miles of this country, the Collier Co., and we afford more recreation compared to our size that the national park does. I am not saying that we do not need the park. We recognize that the national park is there to stay. It is an attraction for all of our people of our Nation.

Senator JOHNSTON. Let me interrupt you at this point. I would not think that airboats would be outlawed under any situation. Mr. Browder, do you know anything about airboats?

Mr. BROWDER. There is nothing in the proposed legislation that would outlaw airboat tours, sir.

Senator JOHNSTON. On Interior regulation.

Mr. PACE. If I may interpose, I believe the general rules of the Everglades National Park do not permit an airboat to operate anywhere in the boundaries of the park. I am talking about the Everglades National Park.

Senator JOHNSTON. Big Cypress will be different and I think it ought to be different. It seems to me we ought to have airboats in Big Cypress. We have to get in there some way.

Mr. WOOTEN. It is a necessary mode of transportation, this and our swamp buggies. But we feel, sir, that this—they have played dirty pool with us on trying to acquire this land down there. Here is what has happened. They have brainwashed the conservationists, the good hunters, and all the good people of our area, that we are going to be able to use this area for recreation for ourselves, for our children, and their children and grandchildren.

Then they are trying to slip this Wilderness Act in on us and they will shut this thing down. They will not allow us to use it. I tell you, if we have an area down there that is a beautiful area, we do not want it destroyed and turned upside down. But we are using it, kind of limited you might say, at the present.

But if they take this same area that we have paid taxes on and taken care of for all these years, small landowners, it will average out about 15 acres to the landowner down there.

I do not see any way that any large-scale developer can come in and destroy this area for that reason. If you take a beautiful area that is used by maybe several thousand people occasionally, and start bringing millions of people through it to see the area plants and this, that, and the other, you have destroyed it.

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You have destroyed the very thing you tried to save. This is what is happening. They do not have many cypress in the national park. No airplants. So they are figuring ways to come out and take ours away from us.

We have been there many years and have worked awfully hard for it. We are not destroying it. Everything we do out there, we try to go right along with keeping it natural and beautiful, and a recreational area. I cannot see just taking it and bringing all these enormous amounts of people in and destroying, or maybe in the near future——

Senator JOHNSTON. How many acres do you have there?

Mr. WOOTEN. I have 100 acres. I am buying 200 acres and I have a long-term lease on 6 square miles.

Senator JOHNSTON. You do your guiding in the 6 square miles?

Mr. WOOTEN. Yes, sir. I have eight boats I use regularly. Our tours run every 35 minutes, approximately.

Senator JOHNSTON. You are not trying to develop it and build subdivisions?

Mr. WOOTEN. I was developing through a mile there recreation-wise. This is not getting in and bulldozing it and tearing out the trees and such as that. I have a beautiful area at the end of Halfway Creek Cypress. It is a beautiful area, and a fellow would be out of his cottonpicking mind to go in there and tear something like that up. My operation is completely recreational. It affords recreation for the entire Nation that comes through.

Senator JOHNSTON. The kind of development you have: Would it have buildings in it?

Mr. WOOTEN. I have a snack shop there, a souvenir stand, and an alligator farm. My alligator farm is not complete. It was supposed to have taken 5 years to complete it, once I had it started.

I had 300 alligators that I had collected that would have been destroyed. They are nuisance alligators and had to be removed from areas where people had moved in—on golf courses and things.

They start feeding them because they think they are cute, and the first thing you know they pose a problem. Poodle dogs were being eaten up and ducks cannot be raised in their backyard, and children cannot swim in the swimming holes.

They start crying to the game department to remove this monster that they have to destroy. Last year alone, the State game department had over 8,000 calls to come and remove and try to protect the alligator, that is not even a game animal.

They spent an average of 4 hours per call. You can see how much that is costing the taxpayers for this. I have been allowed to collect these gators on my own and to take this burden off the game department.

Senator JOHNSTON. Do you have them in a fenced area?

Mr. WOOTEN. They are in a fenced-in area. I have been hamstrung and stopped for 2 years. I have not been allowed to continue fixing my operation out there. I should have it first class and it is running about a third class at present, because of this. I have spent many thousands of dollars to try to beat this thing and show the people we have been mistreated.

Senator JOHNSTON. Do you have a lot of money invested in it?

Mr. WOOTEN. Yes, sir.

Senator JOHNSTON. Do you mind saying, how much do you have invested?

Mr. WOOTEN. Overall, my holdings out there, if they come in and try to take it, I am going to tell them I do not want to sell it at all. If they take me to court, I am going to ask for $522,000.

This is a shoestring operation that I have been working on for 20 years, me and my family. We have our sweat and blood in that area. We work awfully hard at it. We are entitled to this if they come in and take it.

I will go to court with them, and when I do I have other things that I can bring in. Your oil, natural gas, and minerals such as that, I know a lot about this. I worked for several years with the oil companies and I can tell you a lot about that.

Senator JOHNSTON. That is a separate subject. We dealt with that yesterday.

Mr. WOOTEN. These are things that will come out if they take us to court on this thing. I am afraid it will cost quite a lot more than they had anticipated. They say $100 and some million to take that. They are talking foolishness. I am just afraid that they are going to run into some awfully expensive problems whenever they start. There are other ways of preserving and taking care of this.

We have good zoning. We have some of the finest zoning in Collier County that there is. We have land planning. We have coastal planning. They have everything that surpasses the State level and possibly the Federal level in our area.

I cannot see why our State has to come in and impose any rules and regulations on us when we have the finest rules and regulations going.

The only thing we have got some lopsided county commissions. As you heard testify yesterday. This 557,000 acres they are going to try to take from us down there, we have paid taxes on this, and if the Federal Government moves in and takes this, we lose the first year $1 million dollars tax.

You figure over a period of 20 years the people have been taxed for this land out there. Their money goes into Collier County and to Naples proper out there. You heard testimony here yesterday, from Mrs. Bandor, that they do not feel thy owe us a damned thing down there, for the simple reason that they have never spent any money on us.

Senator JOHNSTON. What do you propose? You do not think that those land use regulations are sufficient to preserve Big Cypress as it is, do you? They do not prevent construction, do not prevent residential subdivisions, do not prevent dredging, building up a base for a home, do they?

Mr. WOOTEN. We have zoning down there that controls this entire thing.

Senator JOHNSTON. It does not prevent dredging. Not according to the information that I received. The Constitution I think would prevent your passing a land use regulation to outlaw building of residential homes without compensation.

Mr. PACE. Senator, if I might interject, the State of Florida the year before last passed a Land Use Act in which you cannot do any dredging at any place where your scoop goes below sea level.

You cannot cut any canals that will open into the sea, and you have to have a State permit for any dredging inside or out.

Senator JOHNSTON. That would not solve the problem of Big Cypress.

Mr. PACE. I think not. I think we have better plans for this.

Senator JOHNSTON. I interrupted your train of evidence. I will let you get back to the train.

Mr. PACE. Our next man will be Mr. Popenhager, who has been a resident out there for 35 years and makes a study of the water flow, and the farming operations around, and Mr. Whichello, on the far end is the owner of the only motel in the shopping area, which will be taken in by this area.

Senator JOHNSTON. The Ochopee area is on the road there, isn't it?

Mr. PACE. I would like to show you what we are talking about as we go ahead. This area here, of course, is of course the taking that you will recognize. This area in green is the Indian reservation.

This, of course, is the Lake Okeechobee, and it feeds down into this area here, which is known as conservation area No. 1. There are 141,400 acres in that area.

Senator JOHNSTON. How does it feed down?

Mr. PACE. By this canal. These are all canals. This is a flood map and this is a contour map, too. It gives you the elevations at each particular spot. It feeds down right in here and at this point, right about here, they have one of the largest pumps in the world there.

They say they can move enough water in 1 day to furnish New York for 2 weeks. I forget the amount, but it runs up into the high millions of gallons. Then that area is blocked off. It has a feed gate down here and it feeds into area No. 2, which is 134,400 acres.

Then that area feeds into area No. 3, which is the big area here. Three is divided off by some twin dikes. There are twin dikes running across here, to keep the water from running here and into here, because we have leakage on this one.

Whereas this area holds real good. I spent some 5 hours with Mr. Gaunt out there the other Sunday. We covered this entire area by plane. We find that in this area right in here, it is about the only place there is any water standing, and there is some water standing in area No. 3 of substantial amount.

The drainage thing in this here, we have out in that country what is known as the Skogologee Divide. And that is an Indian name, but it is just as pronounced as the Continental Divide is out in Colorado.

It comes down this line here. It is not exactly straight. It wiggles around. Water on this side runs to the east. Water on this side runs to the west. It runs sharper to the west. I do not know whether you can see this map at your distance or not.

We have another map here that was made particularly for this purpose, and when we get through you can keep it.

Senator JOHNSTON. This is a written statement of yours?

Mr. PACE. Yes, sir.

Senator JOHNSTON. That statement will be entered into the record verbatim.

Mr. PACE. You will find on that map the contour land. Now, in order to determine which way the water runs, which way your hill is pointing, you look at the closeness of the lands.

Wherever you get a point where the lands are the closest, are closer together, that means that is your downhill portion. If you notice, out in the west here—if you notice out in the east, those lands spread out and are far apart.

That means it is a high spot, a flat spot, and there is no movement of water to amount to anything on those particular areas. If you look up in the northwest corner, the north, going across the north portion of your Big Cypress area——

Senator JOHNSTON. The proposed toll road?

Mr. PACE. Yes, sir. That is a toll road at this point. That is the Naples State Road 84. It is a toll road. It goes from Naples over to the area of Fort Lauderdale.

Senator HENSEN. That is Alligator Alley?

Mr. PACE. Yes, sir. The present plans of the Road Department are to put I–75. It will follow the road bed. They will just put another line on it and make I–75.

Senator JOHNSTON. That is now a two-lane road?

Mr. PACE. It is now just a two-lane road. It is a single strip of pavement. There is no median strip there now. You will notice the Tamiami Trail, running through there. If you back out at the point of Tamiami Trail, this is what we call the 40-mile bend. The Tamiami Trail, which is U.S. 41, from Tampa to Miami, leaves Miami and goes in a straight line for 40 miles.

Then it hits the first bend, and then 10 miles later on you hit another bend, called the 50–mile bend.

Senator JOHNSTON. Let me interrupt a minute. Looking at this map it appears to me that you have a hill, more or less a relative hill, up in the northern part and that slopes down in that direction.

And from the front it goes down in virtually all directions, I do not see a lot of little peaks and hills.

Mr. PACE. No, sir. There isn't any. Let me show you actually where this thing goes. Right in here you have roughly a 16, 17–foot elevation. I am starting on Alligator Alley. That is a good median point.

It is a little higher above there, but right at that point you have about 20 miles from there until you get to the sea. That means you have a drop of 15 feet in 20 miles. Don't let anyone tell you it is a quarter of an inch, or an inch, or an inch and a half.

That figure is out about 4½ inches to the mile, and that is about the drop you get. The only way you are ever going to keep the water in this area is to build a dike across it and to hold it.

If you want to keep the water in the Big Cypress area.

The reason we have the place burning up out there today, and the same thing happened in 1971, except the 1971 one it jumped over, and most of your park burned, too. At this point your wildlife is either mating or in reproductive points.

This is spring. You are burning them all up out there. There are two ways, we say, that you ought to do something about it. It is all right to criticize you, but we want to suggest a way that you can do something about it.

Our suggestion is this, sir.

This area here, that you see marked off here, is already in the park area. The park owns it at this time. It is part of Everglades National

Park. That thing is about 10 miles along Tamiami Trail, and a little bit less than 20 miles east this way.

We proposed that you should build a water reservoir, a water storage area in this place to catch the surface water that runs out from here back to the water that is running out to the sea here and the water running out to sea over here, and take care of the overload, when you get the flood conditions in the lake.

They move that stuff right on down. The south Florida flood control already has on record, that is up here somewhere and I will show it to you. Right here, Senator. You see that green line there?

That is the line that this Congress has already authorized for the flood control, to construct, to bring the water down and put it in the park.

The park does not want it. They say it is too much water. They say and they told you yesterday they want a sheet flow. All right. Let us give them one. You put the water in this area here and you can either pump it out with the low-level pumps that I am talking to you about that are very economical to run because you only get the water about 12 feet.

Or, you can put a flood gate on it and just open the gate and let it run out all by itself. You get your sheetflow all over the park. Anywhere in the park. If you turn it loose here it goes south.

Otherwise, you do not get any flow to the south, Senator, because the flow in here is sharp and direct to the southwest like that and nobody that has ever—I defy anybody to dispute that particular fact, and we must bear it in mind.

Senator JOHNSTON. You are saying, in effect, that south of the Tamiami Trail you may have a sheet flow, but north of it, the elevations are just too steep.

Mr. PACE. Yes, sir.

Senator JOHNSTON. That is what I would see by looking at this map. You have relatively steep elevation, particularly in the northern part up here. But I would be amazed if you got a sheet flow with those kinds of elevations.

But down here in the south where you have relatively flat land, I can see that you would have a sheet flow to the south of the Tamiami Trail and a little bit over there in the eastern part.

Mr. PACE. The Tamiami Trail here is about a 6–foot elevation at this point.

Mr. BROWDER. There is an engineer from the National Park Service here.

Senator JOHNSTON. I would like to clear up this point, if I may. I do not want to interrupt your presentation. But would Mr. Nix—first of all, have you seen this map?

Mr. NIX. Yes. I am familiar with it.

Senator JOHNSTON. The elevations are correct on that map?

Mr. NIX. Yes, essentially so.

Senator JOHNSTON. Would I be correct in looking at this that south of the Tamiami Trail you would have a pretty good sheet flow, but north of it the elevation is a little too steep for a sheet flow?

Mr. NIX. No, sir. I do not believe that it is too steep. It is still 3 or 4 inches per mile, which is essentially as level as this room is. Water does move in a sheet flow over this entire area.

It moves faster in the higher land——

Senator JOHNSTON. These section lines are a mile square. You have some areas up there where it looks like you have maybe 6 inches per mile.

Mr. PACE. I would agree with that.

Mr. JAHNIG. Some of it is 12 inches per mile.

Senator JOHNSTON. Yes. There are some areas there with 12 inches per mile.

Mr. JAHNIG. That water runs. It is not blocked.

Senator JOHNSTON. Mr. Nix, where you have 6 inches per mile, do you get a sheet flow up there?

Mr. NIX. We feel you do, yes, sir. That is still a very flat slope, 6 inches per mile.

Senator JOHNSTON. Excuse the interruption, Mr. Pace.

Mr. PACE. That is all right. I think I have with me some facts about the Big Cypress put out by the U.S. Geodetic Survey. I will hunt one up and give it to you. It tells you how this thing works. Before we get off the water flow, I would like you to know, sir, that over here in Miami where the development is now taking place about here, at the conservation area, that elevation is 6 feet.

This is a little bit further than that to go out to the sea. That is what we are working on, a 6–foot elevation and that water runs off. They do raise the elevation to 8 when they build on it, and 8½, and in rare instances to 9.

For your information, sir, the entire south area over here is one big honeycomb of coral rock, over which there is an overburden, not like in St. Charles and Opaloose. But this overburden runs from 4 inches to maybe 3 feet. Some of it is sandy.

Senator JOHNSTON. South of Tamiami?

Mr. PACE. All of the south Florida area here. You drill a hole down anywhere you want to and when you get from 4 to 8 feet you are going to find water and you can sit there and pump water until the old place freezes over and it circulates and runs back down into it.

Your tomato crops, we have 35,000 acres of tomato crops in Miami, but they are dwindling out because they are growing houses now, instead of tomatoes. It is going to be necessary to move the tomato crops out here.

The way they raise the tomatoes is to plough up that rock with a dozer, with a plough on it, mash it, scrape it up in a hill, plant tomatoes in there, put fertilizer on them——

Senator JOHNSTON. Plant them on the hill?

Mr. PACE. Yes, sir. Put them on a ridge. Then put fertilizer on them and then dig an 8–inch hole in the ground, put a pump on it and throw water on the stuff. That is where about 28 percent of your winter crop comes from.

Senator JOHNSTON. Over in the Miami area, you mean?

Mr. PACE. Most of your tomatoes come from the Miami area, yes. As you get up to Fort Lauderdale, 30 miles further up, they raise some tomatoes there and a little bit further you run into beans which are not as susceptible to cold. Now what we proposed to do here, sir, is also to put partition dikes in the storage area, so that we keep a depth of area at one time and we do not lose it by evaporation.

We do not get enough water by movement out here to wet your cereal. Eighty percent—72 percent they claim of the waterfalls goes out by evaporation and transplantation, going through plans.

We get from roughly 50 to 58 inches of rain in this area. That alone, if it does not move anywhere, is more water than most any of the other States get. It sits right there and sinks in. It does not runoff.

That is the reason why when you get down in here—these things get wet up here and it builds up when you have continual rain. In order to put this into agricultural use you need to put some water control which is a matter of putting a dike around it about this high, about 3 feet high, that keeps the water from rushing—from running out real fast.

It deflects the other water that comes in. You do not stop the water, you just deflect it and make it runaround.

Senator JOHNSTON. Now you are talking about agriculture. Do you want to use the entire Big Cypress area for residential?

Mr. PACE. No, sir. We want to use it for agriculture.

Senator JOHNSTON. Do you object to prohibiting residential use in Big Cypress?

Mr. PACE. No objections, other than use as necessary to carry on your agricultural use. In other words, we have nothing against development of Big Cypress. In the first place, I think people are talking through their hat when they are talking about building apartments and condominiums, and real estate development as such in the Big Cypress, because your are 60 miles from anywhere.

You are 60 miles from Miami. You are 60 miles—you have the town of Naples there, but you are 60 miles from Tampa. There are not any people around. You do not go out in the middle of a place and build a city.

But I want to say to you, sir, and we have the people here that know what they are talking about and they want to give you the facts about it, that this is all agricultural land, at least 80 percent of it.

Those pine trees up there, there has been a lot of talk about those pine trees run in contour islands. Some of them are round, some of them long, some of them 4 miles long, 6 miles wide.

Some of them are 50 acres, maybe, which would be about 1,000 feet square, or something like that. The land in between, there is not more than 6 or 8 inches, maybe. Sometimes a little bit more, a difference in the variation of the elevation.

The land in between collects twice as much water as it would if it was level, of course. It collects water and holds it, but it does not hold it long. The stuff runs off.

Senator JOHNSTON. Does everyone in your group share your view that the prohibition of residential development is a good thing?

Mr. PACE. Yes, sir. Every one of them. One other thing.

Senator JOHNSTON. Well, we are making progress.

Mr. PACE. This thing here will cost you $25 million. And let us say if the Government is going to have anything to do with it, it will cost $50. Take the $50 million, give room for a little waste and rising prices, and so on, taking $50 million, this will do the trick and this won't do the trick.

This is going to continue to burn up and you are going to preserve a place to burn up so we do not see the point in it.

Senator JOHNSTON. Excuse me. What do you have to do to that land to use it as agriculture? Do you have to do what you described with your tomatoes?

Mr. PACE. Just like you have to do with all the land in the area. You take a bulldozer out, you clear it off, like this.

Senator JOHNSTON. You mean the trees?

Mr. PACE. The vegetation, the rock, outcroppings and stumps and things that might be there. Then they go plough it. Then you take it and you build a dike around it. Two feet high is enough. You just build a dike of earth around this thing to keep the water from rushing in on you, in the higher spots when it is raining.

And you plant your crop and grow it. There is no more to it than that. The trees, the pine areas, I think it is generally the principle of most of them that they leave those, not only for shade but for windbreaks and so on.

All these areas here are below the frost belt. The frost belt runs along here somewhere. Just about halfway between there and the lake you have a frost belt. That is the only place left in the United States that is frost free in the winter that you can raise vegetables in.

They have freezes in California and they have freezes in Texas and freezes in Florida. This stuff up in here, even the lake, goes out when you have a freeze. The farmers lose it. I would like to breakoff a little bit——

Senator JOHNSTON. While you are getting ready to breakoff, let me ask another question of Mr. Nix. Mr. Nix, has a study been made of how inconsistent farming is with the preserving of Big Cypress as watershed, you might say?

Mr. NIX. I think studies have been made regarding the value of this land for agricultural purposes. It has little value at this time because there is very little farming in the area.

Senator JOHNSTON. I got that yesterday. That came through loud and clear from the testimony. But here Mr. Pace is saying he agrees with you. You ought to prohibit residential development and that sort of thing.

But he says you should not prohibit agricultural uses. He says it is valuable for agricultural use. I am wondering if we cannot—I am wondering if we really studied the question of how inconsistent environmentally agricultural use is with having a water supply for the Everglades——

Mr. NIX. Well, the word "dike" was mentioned, and the reason you put a dike up, you are restricting the flow of water. It keeps the water off the land being farmed, but it prevents the water from flowing past that point, so it is held back and does not reach the park.

Regarding the land itself in the Homestead area, which Mr. Pace referred to, they have Miami orelite in that area, a form of limestone. It is very easy to pulverize, as he indicated.

However, you have an entirely different rock formation. It is the Tamiami formation in the area he is speaking of. Agricultural experts have told me there is no method today to break this type of rock up.

It is just too hard. It is almost like granite.

Senator JOHNSTON. Well, certainly we have to preserve the Everglades and its water source. But we also need food and farmland. I am just wondering if we ought to study how we can reconcile the two interests, if that has really been studied.

Mr. NIX. With the farming operation in Florida are the use of tremendous amounts of pesticides, fungicides and other pest controls, because of the climate and rainfall. This sort of thing would get into the water supply, assuming it could move toward the park, and would lead to pollution in the estuaries and far out into the Gulf of Mexico.

Senator JOHNSTON. I am wondering whether you cannot restrict the kinds of pesticides and fertilizers to control it. I am not arguing that it can be done, I just would like to see it studied.

Mr. Browder, have you looked into this?

Mr. BROWDER. I know, sir, that other people in the Department of the Interior in their draft 102 statement and their Big Cypress Watershed Study and several other studies have concluded that there is no way that land could be commercially farmed without interrupting water supply to the farm and introducing pesticides that would change the whole life system down the estuaries.

That is the conclusion of the biologists. I do not know if the Park Service biologists are still here, but that is what they tell you, sir.

Senator JOHNSTON. If that has been studied, I wish you would submit those studies to the staff. Is that in the record?

Mr. PACE. Just one more point. I want you to see how far this water has to run from here before it feeds into the park. This is all parkland. This water in here feeds into the park.

We are saying to you, sir, I was put up as a bad-old-man yesterday here, but I represented the people who tried to put a drainage district down here. We ran into a judge that had a problem with the Government and killed himself just after that, so we let the thing drop.

But this area down here had been farmed. The people that I represented the other day consented for the State to subordinate their claims on this thing, and that the State start their purchase down here.

If you are going to have some park, you will have parks that will disrupt the fewest people and probably do the most good. Your parks should be in the Monroe County line and that is right across here.

Do that and do this and you have yourself a good park and you will leave this here. I want to move into our farmer up there who can tell you whether that stuff will grow things or not.

I just deplore the people who get so much education that they do not have commonsense. I would like to give you a practical man to tell you what you can do in this area. I ask Mr. Gaunt to give you one and then I want to get in with our engineer.

[The prepared statement of Mr. Pace follows:]

3/22

JAMES G PACE
PRESIDENT
NOLAN POPPENHAGER
VICE-PRESIDENT
LUCILLE G. JENSEN
SECRETARY
FRED W WELLER
TREASURER
ROBERT BURNETT
ASST SEC & ASST TREAS

LANDOWNER'S CONSERVATION & Protective Association

(a non-profit corp.)

15180 BISCAYNE BOULEVARD
P.O. BOX 870
NORTH MIAMI BEACH, FLORIDA
PHONE: 949-4113

PACE

PROPOSES AN ALTERNATE SOLUTION TO
THE SO-CALLED "BIG CYPRESS WATERSHED"

PROPOSED TAKING OF BIG CYPRESS

1. The Senate and the Congress has a bill to acquire approximately 540,000 acres of land owned by approximately 35,000 separate landowners; which land lies South of State Road 84, also known as Alligator Alley and would take in most of the land east of State Road 29; west of Conservation Area #3 and south to the boundaries of the Everglades National Park. (see map attached.)

2. One of these Bills is S-2465 sponsored by Senators Jackson and Chiles. The other is Bill S-3139, the Administration Bill introduced at the request of President Nixon - The Nixon Bill proposes to pay for the land over a period of Ten (10) years.

3. The announced reason for taking over this vast expanse of land is to provide a watershed to protect the Everglades National Park to the south.

4. Secretary of The Interior, claims that the cost of the land will be one hundred fifty-seven million dollars ($157,000,000.), and the Nixon bill restricts the payment to this amount. Landowners claim the cost will be more than three hundred million dollars ($300,000,000.), based on today's costs. If spread over ten years, it could be six hundred million dollars ($600,000,000.).

ALTERNATE SUGGESTION:

"THE PARK DEPARTMENT CAN BUILD ITS OWN WATER CONSERVATION AREA ON LAND THAT IT ALREADY OWNS TO GIVE THE NATIONAL PARK A POSITIVE WATER SOURCE"

1. WHERE:

Take an area ten miles wide, twenty miles deep, beginning at Dade-Monroe County line where the National Park boundary joins the Florida Flood Control Water Conservation Area on U.S.41, (also known as Tamiami Trail.) and extend eastward. Construct a water conservation area for the Park that will provide water for the Park during the dry season when much of the wildlife is destroyed by fire and thirst; as occurred in the summer and fall of 1971. The Park already owns this land.

2. WHAT:

A shallow reservoir to store the water that would otherwise be discharged into the sea during the periods of high water. Then release this water as it is needed to supplement the flow that will be received from the Conservation Areas #1, #2, and #3 as well as the flow that will be available from the 540,000 acres of the Big Cypress, which flow should be diminished very little by development of this land for cattle and agricultural uses.

This Water Conservation Area would also provide a refuge for alligator and other alleged threatened water-oriented species, against the ravages of draught, fire,etc.

3. HOW:

The "National Park Water Conservation Area" would be constructed from the spoil taken from parallel canals, to a height of approximately twelve feet; a base of approximately fifty feet in width. This dike would enclose the

Conservation Area on four sides and would have flood gates on the east side and on the south side, spaced approximately every two miles as determined by the engineer, which gates would control the amount of water to be released and where it would be released. There would be division or staging dikes parallel to U.S. 41 every four miles. This would divide the Conservation Area into five sections in order to prevent loss of water by evaporation and unnecessary seepage. Each division dike or staging dike would have flood gates which would feed from one section to the other as required by the water engineer.

Should the engineers determine that there would be a loss of a substantial amount of water through seepage under the perimeter dikes, a second canal could be constructed a short distance inside the outside perimeter dike. A portion of the spoil from this canal could be placed in the first canal and compacted, thus sealing the perimeter dike against underground seepage.

4. COST OF THE PROJECT:

We are advised by competent engineers and contractors that the cost of this type construction should be less than $30.00 per lineal foot for the perimeter dikes, plus the flood gates at approximately $50,000. each. There would be approximately ninety (90) miles of dikes at a cost of $30.00 per lineal foot amounting to $14,256,000. Eighteen (18) flood gates would amount to $900,000.00, a total cost of $15,156,000.00. Should compaction be required, this should be accomplished for less than $5,000,000. Add to this base an additional $3,500,000.00 for engineering and governmental waste, and we arrive at a maximum figure of $25,000,000.00 which is less than 10% of the proposed acquisition costs of Big Cypress land.

ECONOMIC IMPACT OF PROPOSED WATERSHED LANDS: (10 year period)

For estimating purposes we have divided the land into three catagories:

(1) Fallow or Timber - 360,000 acres
(2) Cattle - 120,000 acres
(3) Vegetables and similar produce - 60,000 acres

	1.	Estimated Cost of Cypress Watershed Land	$300,000,000.
		Maintainance @ $1,000,000. per yr. - 10 yrs.	10,000,000.
	2.	Loss in School and Ad Valorem Taxes a.-10 years at present average rate @ 20 mills	60,000,000.
Owners	3.	Loss of income from one-third of land as productive farm land -- 180,000 acres $300.00 per acre for 60,000 acres of Farm Produce = $18,000,000.	
		$10.00 per acre for 120,000 acres of Cattle = $ 1,200,000.	
		10 years =	192,000,000.
Shippers and Packers	4.	Sale Value of Farm Produce, 1/3 of productive land - 60,000 @ $800.00 per acre	480,000,000.
	4a.	Cattle from 120,000 acres @ $35.00 per ac.	42,000.000.
Labor	5.	Labor earnings in Farm Produce on 1/3 of productive land - 60,000 acres @ $200.00 per acre.	120,000,000.
	5a.	Labor in Cattle production - 120,000 acres @ $5.00 per acre.	6,000,000.
		ONE BILLION TWO HUNDRED MILLION	$1,200,000,000.
		COST TO U. S. GOVERNMENT IN INCOME TAX	??????

NOTE:*****

These figures compiled from U.S. Agriculture report as a base. They are our estimate. They do not take into consideration unknown factors; nor inflation; nor increased demand for food. They do not take into consideration that more than 35,000 owners will lose their land and will be forced to buy other land and that the law of supply and demand will inflate the price.

Purchase Price is based on comparable sales at present Jetport site; plus road frontage, improvements, damage to remainder, special use property, business loss, surveys, legal expense, appraisals, administration.

SOME FACTS ABOUT THE EVERGLADES:

1. The Everglades National Park obtains 80% of its water from rainfall. According to U. S. Geodetic survey, it obtains approximately 9% from the three large State owned Conservation Areas north of U. S. 41, known as Areas 1, 2, and 3. It could possibly obtain 9% of its water from the so-called Big Cypress Watershed. This water flows southwesterly and quickly moves to the sea. However, all of the measurements to arrive at this percentage were made from gauges at culverts and bridges on U. S. 41. This is approximately 20 miles in some areas, away from the Park and the engineers have not taken into account the water loss by evaporation and transpiration before it reaches the Park boundary.

2. The elevation of the land in the so-called Big Cypress Area is from fifteen to eighteen feet at its northern end and between six and seven feet at the Tamiami Trail; a distance of approximately 24 miles. For Florida, this is downhill. The only way that water can be prevented from running downhill is to dike it and contain it. Therefore, if Big Cypress Water is to be used to nourish the Everglades National Park, it must be diked and preserved.

3. The water flow in the Big Cypress Area on the West side of the Skogologee Divide drains primarily to the southwest whereas the water flowing on the east side of the Divide drains southeasterly and into the area known as The Shark River Valley. This is the area that furnishes most of the water to the essential parts of the Park.

4. In the dry season, which is generally from November until May, this area dries out and is subject to fire which not only burns the vegetation, wildlife and wildlife

cover, but also burns into the peat soil covering most all of this area. In 1971 many hundreds of thousands of acres were burned and the wildlife was destroyed. It is well to note that very few cultivated pasture lands were destroyed by these devastating fires.

5. Farmland below the Frost Belt is becoming very scarce. The Frost Belt is just south of Lake Okeechobee. Food for people of the world should take precedence over many lesser considerations.

5a. The South Florida Flood Control District reports that there is an abundance of water for South Florida if propertly preserved and distributed. Please refer to "In Depth Report" attached.

5b. SHRIMP - The amount of rainfall does not not affect the shrimp yield appreciably. Charts prepared from U. S. Fisheries figures indicate increased yields after dry seasons. Average yield from five dry years are more than 5000 Metric tons over average of wet years. See chart attached.

6. South Florida has three conservation areas beginning south of Lake Okeechobee and extending to U. S. 41, (Tamiami Trail) containing approximately 868,000 acres; plus 500,000 acres in Lake Okeechobee. This vast acreage added to the present area of The Everglades National Park, 1,463,000 acres, plus 94,000 acres for Islandia monument, makes an area of more than 4500 square miles; as compared to the State of Delaware of 2,057square miles; the State of Rhode Island of 1,214 square miles; the State of Connecticut of 5,009 square miles; and the State of Massachusetts of 8,257 square miles. It equals 1/3rd Connecticut, (1,738 square miles;)

all of Delaware, (2,057); all of Rhode Island, (1,214); and that doesn't include Parks like Pennycamp, Collier, Corkscrew, etc. It means we have no need for more. The law provides that a need must be shown before there can be a taking of private lands.

7. OIL:

The Big Cypress Area of Florida is a major oil production area. A substantial amount of drilling and exploration is taking place on State lands. The oil companies may find it quite inconvenient to deal with 35,000 separate owners in that particular area. It is quite possible that they would find it much easier to deal with the United States Government through some of its various agencies.

MAYBE THIS BILL SHOULD BE CALLED THE
BIG CYPRESS OIL SHED

RECOMMENDATIONS:

1. That this hearing be adjourned until the study now underway and paid for to the tune of over $1,000,000. can be completed and studied by this Committee.

2. That the Bill be amended to provide for the construction of the Water Conservation area in the Everglades National Park.

3. That Government Engineers be ordered to study the feasibility of constructing and operating such a facility - including its pro and con effects on the ecology of the Park.

4. That the U.S. Government refrain from creating a Hari Kari on the economy and future food production in the South Florida area.

5. That the Senate and Congress not inject a loaded dose of additional national debt to our present fiscal red ink.

6. That the U.S.Government pay for the land it has already taken before taking another 540,000 acres that it won't pay for. Our Government should not take land without full compensation - now or at any time. Government is as Government does

THANK YOU

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In Depth REPORT

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT

VOL. 1, NUMBER 3 MARCH, 1972

Hydrology of the Nether Regions

MANAGING SOUTH FLORIDA'S GROUNDWATER AQUIFER

By William L. Storch
Chief Engineer

Municipal water supplies for most of the nation's major cities are drawn from surface water sources, but in Florida, where groundwater of good quality is available almost everywhere, the situation is reversed.

Almost every large Florida city taps the groundwater with well fields for its municipal water supply. In the southeast coastal region, for example, West Palm Beach is the only city south of the St. Lucie Canal (Stuart area) that obtains its water directly from a surface source.

The great subsurface water source on the lower east coast is the Biscayne Aquifer (1), a sprawling mass of water-bearing formations consisting of a variety of deposits. The accompanying map of this area (Figure 1) shows the locations of major well fields which draw from this aquifer.

In the southern portion of the area, the upper layer of the aquifer is the formation known as the Miami Oolite. North of this, the upper rock stratum is the Anastasia Formation. The approximate limits of these two formations are shown in Figure 1. The indicated boundaries are an over-simplification of some rather complex geology, however.

The major municipal water supply withdrawals from the southern portion of the aquifer amount to 504 million gallons per day (MGD). From the northern portion of the aquifer withdrawals total about 72½ millions gallons per day.

Together, these supply systems serve a population of nearly two million. Tables 1 and 2 elsewhere in this publication present a breakdown of individual supply system capacities and the population served by each system.

After Evapotranspiration

SOUTHEAST COAST WATER SURPLUS SUFFICIENT

The total withdrawal by the municipalities listed in the accompanying tables is 576.5 million gallons per day (MGD), or a flow rate of about 865 cubic feet per second (cfs). One MGD is the equivalent of a constant flow of water at the rate of about 1½ cfs for one day. This total municipal use of groundwater (865 cfs) can be compared with an average annual flow rate of about 2100 cfs for the Kissimmee River near Lake Okeechobee, and about 1200 cfs for the St. Johns River near Cocoa.

The yearly withdrawal from the groundwater by major municipal systems is 210 billion gallons. This converts to a total volume of about 630,000 acre feet (AF). One MGD, or 1½ cfs, is equal to a volume of water which would cover one acre to a depth of three feet -- that is, 3 acre feet (AF). For comparison, these yearly municipal withdrawals are equivalent to 1.4 feet of water on Lake Okeechobee, which contains 450,000 AF for each foot of depth above elevation 14.5 feet.

ABOUT THIS PUBLICATION

The purpose of "In Depth" is the presentation of basic information, principles and procedures in various fields of science and technology as related to water resource management. This material can be used to assist the general public in developing some essential background knowledge of matters affecting our environment.

THIS IS PRINTED ON 100 PERCENT RECYCLED PAPER.

IN DEPTH REPORT

Published by the

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FLOOD CONTROL DISTRICT

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Another way to look at municipal water use from groundwater in eastern Martin, Palm Beach, Broward and Dade Counties is to compare it with the water which is potentially available. There are about 2,000 square miles, or 1,280,000 acres, in only that portion of the aquifer area shown on Figure 1 which lies east of the Everglades Conservation Areas and Everglades National Park. In Volume 1, Number 1, of *In Depth Report* it was indicated that this area was generally one of water surplus. *Map Series No. 32* of the Florida Department of Natural Resources was referred to for this statement.

That document shows an average excess of rainfall over potential evapotranspiration of approximately 8 inches for the area. The average volume of water which is potentially available as runoff, at a minimum, is on the order of 850,000 A.F. (1,280,000 acres X 8 inches). This is certainly not indicative of South Florida turning into a desert.

There is a reasonable sufficiency of water for foreseeable municipal uses, provided the resource is properly managed. And proper management involves reduction of waste and retention of the surplus.

Water In Mixture Of Deposits

GEOLOGIC NATURE OF BISCAYNE AQUIFER DESCRIBED

In view of the heavy reliance on groundwater for municipal requirements along the lower east coast it would seem that water management would very nearly be synonomous with groundwater management. Although true in a sense, it is not quite as simple as this.

The Biscayne Aquifer is what geohydrologists call a "groundwater aquifer." Basically, this means that it is a shallow aquifer not under artesian pressure, and that the upper surface is at, or very near, ground surface and receives its recharge from local rainfall.

As a consequence there is a very intimate connection between water in its surface and sub-surface manifestations. It's like twin brothers; when you hit one, the other one hollers "ouch." So, in actuality, one can't do anything realistic in the way of water management without considering the totality of the area's water system.

Some important principles which are involved in the hydrology and management of a groundwater aquifer can be illustrated by taking a closer look at the Biscayne Aquifer and particularly the portion in Dade County. Since this aquifer is also connected with a salt water source, its study will also furnish a look at some other classic principles.

The Biscayne Aquifer is described by Parker in *Water Supply Paper 1255*, of the U. S. Geological Survey, published in 1955 (1). This document is a good starting point for anyone desiring to develop an understanding of the hydrology, geology and geohydrology of South Florida. (Much of the same information on the Biscayne Aquifer is contained in *Report of Investigations No. 15* of the Florida Geological Survey, dated 1958).

Briefly, the Biscayne Aquifer consists of a number and variety of marine and fresh-water sediments; sands, shells, marls, limestones, etc. The major formations which comprise the aquifer are the Fort Thompson, the Miami Oolite, and the Anastasia. The Biscayne Aquifer is not described by any single geologic formation, but rather by general similarities in the hydrology of several formations or portions of formations.

It is important to understand this difference. The Fort Thompson Formation is the water producing formation in Dade County. This geologic formation extends northward to Lake Okeechobee as the floor of the Everglades Basin. However, close to the Dade-Broward County line, the hydrologic character of the formation changes markedly.

Parker states: "... this part of the formation (in the Lake Okeechobee area) makes

a very poor aquifer; its limestones are dense and hard, and the intercalated mud and fine sand layers have very low coefficients of permeability."(2) Therefore, the southern portion of this formation is, essentially, hydrologically independent of the northern portion. Groundwater levels in the northern part of the formation can be raised or lowered without affecting groundwater levels in Dade County.

The Biscayne Aquifer is wedge-shaped with a thickness of 100 feet, or slightly more, at the coast, feathering out inland. Although not in accord with Parker's designation, by more or less common usage the term "Biscayne Aquifer" generally applies to that area wherein the top stratum is the Miami Oolite, as shown on Figure 1. A very rough approximation of the location of the westerly edge of this portion of the aquifer are the interior levees in the Conservation Area: L-35B in Area 2 and L-37A, etc., in Area 3.

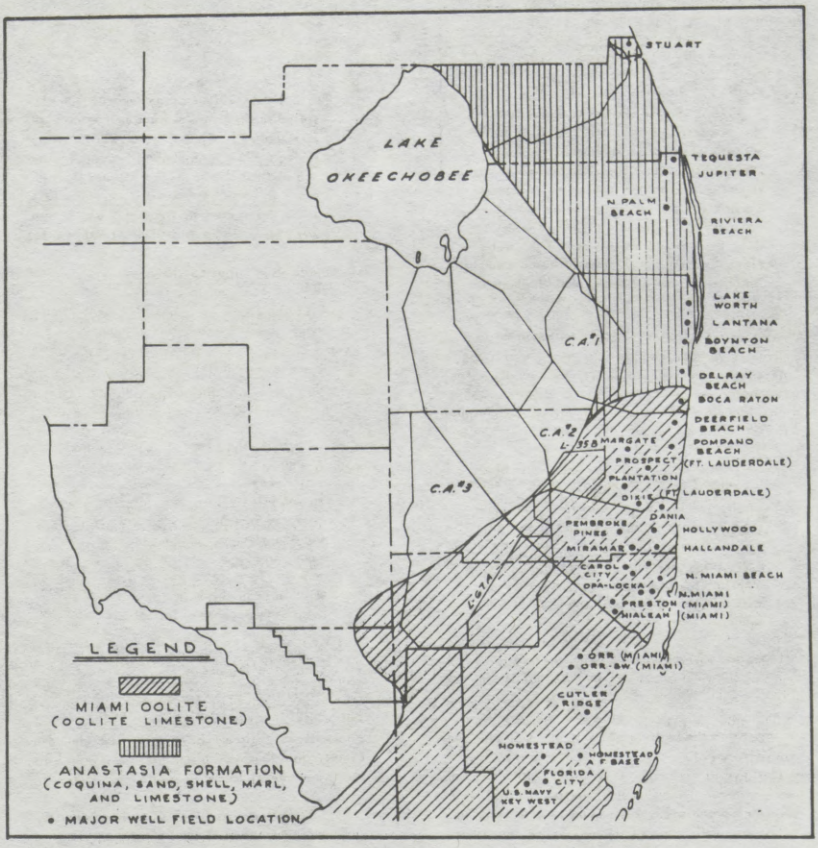

FIGURE 1. PARTIAL GEOLOGIC MAP OF SOUTHERN FLORIDA

Fresh Water "Floats" On Top

POROUS AQUIFER IS ALSO HOST TO SALT WATER

Because the Biscayne Aquifer is highly permeable, and is also connected with a salt water source (the ocean), it rather dramatically illustrates the intimate relationship between surface water and groundwater. Consideration of this relationship can best start with a look at the comparatively delicate balance between fresh and salt water.

Salt water is denser than fresh water. This is readily understandable since salt water contains much larger quantities of dissolved minerals. The relationship between the densities, or specific gravities, of the two liquids is such that it takes a column of fresh water 41 feet high to balance a 40 foot high column of salt water.

So, in a very porous environment such as the Biscayne Aquifer, open to both fresh and salt water sources, if the fresh water stood one foot above sea level you would not expect to encounter salt water until you reached a depth of 40 feet below sea level. For every foot of fresh water above sea level, then, there would be 40 feet of fresh water below. Ideally, three feet of fresh water "head" would mean 120 feet of fresh groundwater.

At the shoreline, of course, since there is no fresh water head, the aquifer will be salty throughout its depth. But, under natural conditions, the elevation of the fresh water table increases as ground elevation rises and consequently there is an increasing depth of fresh groundwater as one moves inland.

At some inland point the fresh water head is sufficient in terms of the thickness of the aquifer to maintain a fresh water condition throughout the aquifer's depth. If this progressive increase in depth of fresh groundwater can be visualized, it is then easy to see that the salt water forms a wedge which intrudes into the coastal portion of the aquifer. (See Figure 2)

Under the natural order of things the location of this wedge of salt water can change temporarily. During prolonged droughts, fresh water heads would be reduced and the point of the wedge would move inland. But over the long term, the location of the wedge would be comparatively stable.

This density principle is known as the *Ghyben-Herzberg Theory*. In reality it means that the fresh water floats on top of the salt water much as an iceberg floats on the sea, with most of its bulk below the surface.

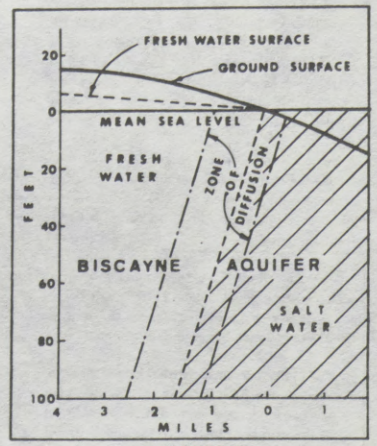

FIGURE 2
SALT WATER WEDGE & ZONE OF DIFFUSION

Avoiding Losses Through Canals

MANMADE BARRIERS RESIST SALT INTRUSION

With this principle fixed firmly in mind, it can readily be seen that salt water encroachment is not simply a matter of salt water moving up a natural tidal stream or a manmade tidal channel and being confined there. Such streams and channels lower the fresh water head in the adjacent aquifer. Thus they induce inland movement of the salt water wedge within the aquifer itself.

But natural streams are part of the natural system whereas manmade channels are not. The latter alter the equilibrium of the stable natural system. Such alterations work to reduce the volume of groundwater available for use.

First is the loss of some water received from rainfall now drained away which formerly would have gone into groundwater storage in inland areas. Second, and more grievous, is the displacement of fresh water as a result of salt water encroachment along the coast. The well-documented history of salt water encroachment in Dade County indicates the magnitude of this loss (3) (4). Such loss adversely affects municipal water supplies.

This loss can be avoided, however. By placing a barrier in the downstream reach of a tidal canal the necessary fresh water head

can be maintained. What is the necessary head? Assuming an aquifer thickness of 100 feet, the Ghyben-Hertzberg Theory says a fresh water stage 2½ feet above sea level on the upstream side of the barrier should keep the point of the salt wedge at the bottom of the aquifer in the vicinity of the barrier.

A program of salinity barrier construction in the major Dade County canals was initiated by Dade County after the severe drought of 1945. Initial work was accomplished under the direction of John C. Stephens and subsequently by F. D. R. Park, the present Dade County Water Control Engineer. A salinity barrier ordinance was adopted by the county prohibiting construction of tidal canals inland of the "salt barrier line" unless a salt barrier is provided at, or seaward of, the line. Broward County now has a similar ordinance.

Salinity barrier construction was incorporated in the FCD plan and under that plan new barriers have been, or will be, provided in all the primary canals of Dade and Broward Counties.

Monitoring The Salt Water Line

'ISOCHLOR' INDICATES CONDITION OF AQUIFER

Returning to the salt water wedge concept, common sense indicates that there would not be an immediate and abrupt change along the inclined face of the wedge from sea water to fresh water. There is, in fact, a zone of diffusion or mixing. (See Figure 2)

This means there is a gradual transition from salt water to fresh water in the aquifer over some considerable horizontal distance. Ordinary sea water has a concentration of chloride salts on the order of 20,000 parts per million (ppm). Chlorides in normal fresh groundwater in this area run about 15 ppm. Therefore, along any horizontal plane within the aquifer there will be a gradual reduction in chloride concentrations as one moves inland.

Assuming the bottom of the aquifer to be roughly a horizontal plane, at some point on this plane a chloride concentration of 1000 ppm will be encountered. Moving inland from a number of starting points along the coast, an equivalent number of 1000 ppm points will be encountered at the bottom of the aquifer.

The line connecting all these points is the 1000 ppm isochlor; "iso" meaning the same or equal, and "chlor" being an abbreviation for chlorides. It is like a contour line, on a topographic map, which connects points of equal ground elevation.

The movement of the "salt water front" is recorded by periodically preparing maps on which the location of the 1000 ppm isochlor is plotted. This is the commonly used measure of salt water encroachment. (Figure 3 shows the extent of salt water encroachment at the end of 1970).

But 'Back-Up' Source Needed In Drought

CANALS REPLENISH MUNICIPAL WELL FIELDS

Groundwater and surface water interact in another way through the manmade canal system. When a groundwater well, such as a municipal supply well, is pumped, groundwater levels in the vicinity are lowered. They are lowered most at the location of the well itself.

Depths of lowering decrease with distance from the well. In effect, a "hole" is sucked out of the groundwater by the pumping well. The hole is roughly cone-shaped and is accordingly called a "cone of depression." The size and shape of the cone is dependent on such factors as the porous quality of the aquifer and pumping rates.

If such a supply well in the Biscayne Aquifer is located close to a fresh water canal the cone of depression will intersect the water surface of the canal. When this is done, and as long as a fairly stable level is maintained in the canal, the supply well will be drawing water from the canal. A stable canal level is generally maintained by moving water from higher groundwater table areas inland to the salinity barriers near the coast. This water movement is accomplished simply by gravity flow.

Therefore, by locating a supply well near such a canal a municipality is not only drawing on the groundwater in the immediate vicinity of the well but also on the groundwater in more or less remote inland areas. The economy of this for the municipality is quite evident. Rather than locating a well field inland with the consequential cost of distribution to coastal urban centers, it is far cheaper to make use of a canal which taps that inland source and which is there for flood control purposes anyhow. This results in many canals of the flood control system serving the additional purpose of water supply.

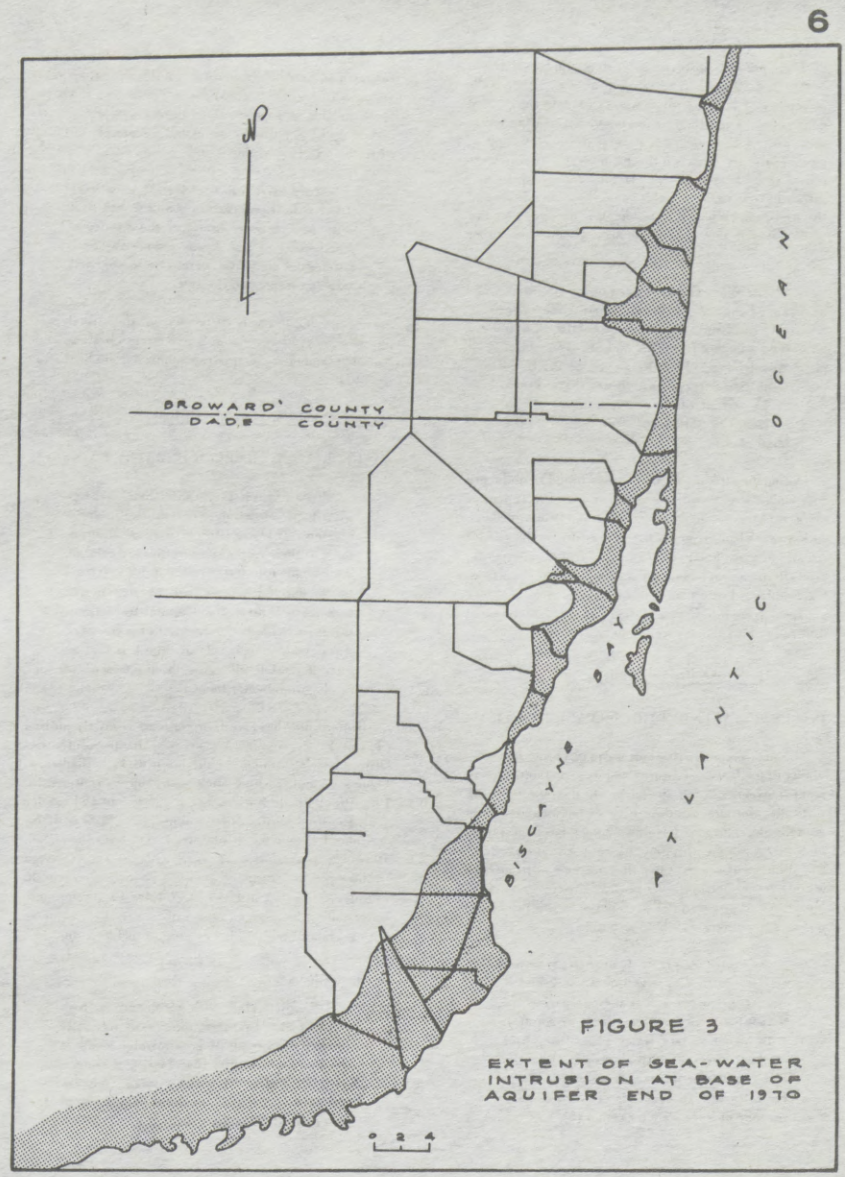

FIGURE 3

EXTENT OF SEA-WATER INTRUSION AT BASE OF AQUIFER END OF 1970

There are risks involved in locating supply wells close to the coast. If close to a source of salt water there is the possibility of inducing saline water flow into the cone of depression. Then there is the possibility, during severe droughts, of there being a general drastic lowering of groundwater levels. When this happens gravity flow from inland groundwater sources via the canal, in quantities sufficient to maintain a stable canal elevation adjacent to the wells, can no longer be accomplished. The latter risk is alleviated if the canal is connected with some other "back-up" source of water.

The Miami Canal in Dade County furnishes a good example of this sort of situation. The City of Miami's Miami Springs - Hialeah well field complex is located on both sides of the Miami Canal. Fred W. Meyer, of the U. S. Geological Survey, has suggested that as much as 75 percent of the water pumped at this location can come from infiltration from the Miami Canal.

During the 1970-71 drought it was found in mid-April that stable stages in the canal above the salinity barrier could no longer be maintained by groundwater recharge to the canal from inland areas. Therefore, surface water releases were made into the canal first from Conservation Pool 3B then from Pool 3A and eventually from Lake Okeechobee. For a period of 60 days, water in surface storage was used to maintain the necessary rates of canal infiltration into Miami's well field.

Slowing The 'Leaks' Reduces Waste

INTERIOR LEVEES RETARD SEEPAGE TO COAST

The high permeability (porous quality) and transmissibility of the Biscayne Aquifer results in a comparatively rapid movement of water through the aquifer both vertically and laterally. As with surface water, lateral groundwater movement is down-gradient -- from points of higher elevation to points of lower elevation. Rates and volumes of groundwater flow increase with increasing differences in elevation, or head, between two points. Movement of groundwater in response to this head from one area to another is called "seepage."

As shown on Figure 1, the eastern perimeter levees of Conservation Areas 2 and 3 were constructed across the top surface of the southern portion of the Biscayne Aquifer. With higher surface water stages being held in the conservation areas, seepage into the area east of the levees was increased. Seepage rates as high as 40 cfs per foot of head per mile of levee were measured (5).

Although it is desirable to maintain a seepage flow eastward to hold up groundwater levels in that area, the amounts of seepage occurring were considered excessive. Much of this seepage occurred during wet periods, was picked up by the canal system, and was simply discharged to tidewater as surplus.

Accordingly, interior levees were constructed in Conservation Areas 2 and 3 as close to the outer limits of the aquifer as practicable. These levees reduce the head differential across the perimeter levees, thus reducing seepage to the east.

The net result has been to increase the effectiveness of the conservation areas as water retention areas while still maintaining an adequate groundwater gradient from west to east.

Six-Inch Rise From One Inch Of Rain

SHALLOW AQUIFERS RECHARGED BY RAINFALL

Shallow aquifers receive their recharge from local rainfall over the aquifer itself. A common characteristic of shallow aquifers, then, is their responsiveness to local rainfall. Because the top strata of the aquifer is so close to the ground surface, and because of the high permeability of the aquifer formations, this is particularly the case with the Biscayne Aquifer. A rough rule of thumb is that an inch of rainfall will cause about a 6-inch rise in the groundwater table.

Groundwater level contour maps are regularly plotted by the U. S. Geological Survey's Miami Sub-District Office, which is under the direction of T. J. Buchanan. Figures 4 and 5 show such water level contours for June 19, 1945 and for October 12, 1947. In 1945, a dry year, the total rainfall for the months of April and May was about 3 inches at Homestead. On the other hand, 1947 was a wet hurricane year, with the June through October rainfall ranging from 50 to 74 inches over South Florida. Note that in 1945, at Florida City, the groundwater table was at an elevation of one foot below mean sea level (about ten feet below ground surface). In 1947, the water table was 7 feet above mean sea level, a difference of 8 feet.

Lack of rainfall, with accompanying high rates of evapotranspiration, result naturally in severe lowering of groundwater levels in the Biscayne Aquifer (6). The canal system, with its ability to transfer inland groundwater to the coastal area, can play a useful role in such circumstances.

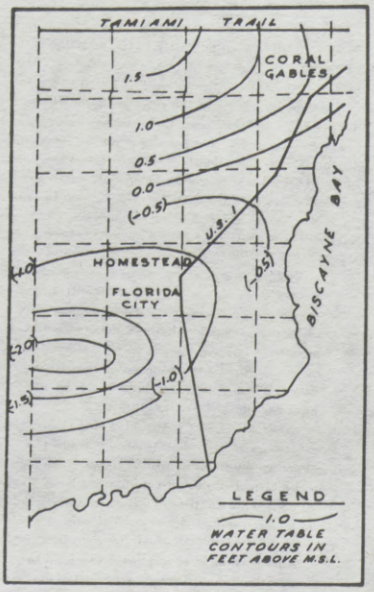

FIGURE 4
LOW STAGE WATER-LEVEL MAP OF SOUTHERN DADE COUNTY. JUNE, 1945

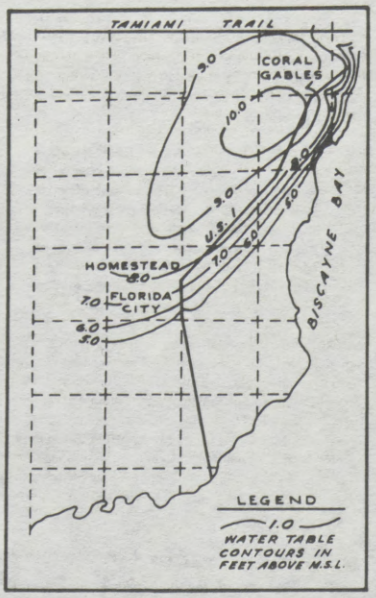

FIGURE 5
HIGH STAGE WATER-LEVEL MAP OF SOUTHERN DADE COUNTY, OCTOBER 11, 12, 1947

Leach, Klein and Hampton have stated: "The hydrograph for well F-319, near the coast south of Miami, shows the marked moderation of the height of annual water level peaks since the 1947 high and an upward trend of the minimum levels. These changes in the pattern of fluctuations are a result of water control practices in Snapper Creek Canal." And further: "The upward trend in minimum levels is the result of . . . the ability of the Snapper Creek Canal and its secondary canal system to pick up groundwater in the interior and convey it eastward and thereby maintaining relatively high levels in the coastal reach to combat sea-water intrusion . . ."(7)

However, as mentioned earlier in discussing Miami Canal infiltration, this capability diminishes under severe drought conditions. Groundwater levels both inland and along the coast recede and the threat of salt water encroachment increases. In north Dade County, the major canals are connected with surface water sources; the Everglades Conservation Areas and Lake Okeechobee. Adequate water levels for salinity control can be maintained by making water transfers from surface storage.

The situation in south Dade County is different. No connection with the reservoirs to the north exists. Presently, one of the major water management efforts is to provide such a connection and water delivery capability. This work is now in the planning stage. In addition to providing recharge for the aquifer in south Dade County, such a system will also be capable of delivering surface water flow to Taylor Slough in Everglades National Park, and to the Eastern Panhandle of the Park.

Billions Of Gallons Remain In Aquifer

WATER SUPPLY PROBLEMS LOCALIZED IN DROUGHT

The example of the difference in groundwater ele-

vations at Florida City between June 1945 and October 1947 represents a somewhat extreme occurrence. Although the normal annual fluctuation in the water table throughout the lower east coast area varies, a range of about 3½ to 4 feet appears to represent a rough average for the general area.

This change in water table elevation reflects, of course, the annual change in groundwater storage. The volume of water stored between the spring low groundwater stage and the fall high stage is substantial. But here, as with surface water storage, losses take their toll: evapotranspiration, natural outseepage to the ocean through the aquifer, and seepage into the drainage system.

Although this annual storage increase is normally more than enough to meet municipal water supply requirements (even considering the natural "losses") municipal supply wells do not tap the entire "annual groundwater storage pool." The supply wells are concentrated and therefore draw water from only a portion of the groundwater pool. As pointed out earlier, the drainage canals can and do extend the area of the pool which can be tapped. During droughts, however, critical conditions can occur because:

(a) the annual storage pool contains less water,

(b) the area of the pool which can be tapped becomes more restricted due to general overall reduced water tables, and

(c) at the supply wells the point of the "cone of depression" extends deeper into the aquifer.

When this occurs the threat of salt water contamination arises.

In most years the area is self-sustaining in terms of water supply. The annual storage increase which results from rainfall is adequate. In drought periods the problem is essentially localized in character. It is a problem which is centered around the municipal supply wells and derives from their location close to the centers of demand along the coast and their concentrated nature. It must be remembered that even during droughts there are still many billions of gallons of fresh water in the aquifer which is up to 100 feet thick over an area of more than 2000 square miles.

Adding To Extensive Studies

ELECTRONIC MODEL SIMULATES AQUIFER FUNCTIONS

Through the course of the years the hydrology of the Biscayne Aquifer has been rather extensively studied. These investigations have been conducted by personnel of the U. S. Geological Survey. They have been financed 50 percent by the Federal Government and the remainder variously by Dade County, Broward County, the Cities of Miami and Fort Lauderdale, Everglades National Park and the Flood Control District.

The purpose of every one of these investigations is to gain a better understanding of the aquifer, with the objective of improving water management. Although there is a lot more to be learned, there is now a good body of knowledge and information available. There is no reason for anyone to be ill-informed on the Biscayne Aquifer.

Conventional analytical methods are available to the professional geohydrologist which, together with necessary field information, will permit reasonable answers to be given to specific questions concerning the hydrology of the Biscayne Aquifer.

Another type of tool is now being used to support and supplement these analytical methods. In the late 1960's the U. S. Geological Survey developed and tested a model of the Biscayne Aquifer. This work was funded by the U. S. G. S. and the Flood Control District, with support from Everglades National Park. At the local level, the development work was the responsibility of Charles Apel, of the U. S. G. S. The model itself, located at Phoenix, Arizona, is now functional.

It is what is called an "electrical analog" model. It makes use of the principle that the flow of electrical current and the flow of water is analogous. The model was developed using the data gathered over the years concerning the characteristics of the aquifer (permeability, transmissibility, etc.). Electrical components are used to simulate aquifer characteristics at a multitude of points, or "nodes".

When subjected to an electrical current representing, say, a specific rainfall event, the model will produce, at each node, information as to what groundwater levels will be in response to the event. Other features, such as water supply wells, canals,

water level control structures, can be "plugged in" to the model.

The model was used to estimate the amount of supplementary water which would have to be brought into South Dade County to maintain groundwater elevations. Next year it will be used to evaluate the performance and effectiveness of inland water level control structures on Snake Creek, Biscayne and Little River Canals, which were proposed by the Governor's Conference on Water Management. Several additional tasks for the model have already been formulated.

With 'Rational' Land Use Plan

PRESERVATION OF THE RESOURCE VITAL NEED

Shallow groundwater is abundant in coastal Martin, Palm Beach, Broward and Dade Counties. The Biscayne Aquifer is an enormous reservoir of fresh water. In this area the average excess of rainfall over potential evapotranspiration is significantly greater than the current municipal requirement.

The tables below list for each municipality the present capacity of the well field, and the population served. Some municipalities furnish water to other areas. For example, the City of Miami system supplies the City of Miami Beach and the Tequesta system furnishes domestic water to an area in South Martin County. Key West gets its water from the mainland, via the Florida Keys Aqueduct.

TABLE I
(Southern Portion)

City	Capacity (MGD)	Population Served (est.)
Miami		
Preston	60.0	
Hialeah	60.0	
Orr-Southwest	100.0	915,000
North Miami Beach		
Sunny Isles	6.0	
Norwood	5.0	
Myrtle Grove	12.0	100,000
North Miami		
East Plant	3.0	
West Plant	7.0	55,000
Opa-Locka	2.5	11,000
Homestead	12.0	13,000
Carol City (private)	1.0	15,500
Key West	7.0	64,000
Florida City	1.5	5,000
Homestead AFB	2.5	5,000
Cutler Ridge, etc. (private)	1.0	12,000
Dania	3.0	8,500
Deerfield Beach	16.0	15,000
Fort Lauderdale		
Dixie	20.0	
Prospect	10.0	186,000
Hallandale	8.0	25,000
Miramar	6.0	23,000
Pembroke Pines	1.0	20,000
Pompano Beach	24.0	52,500

Table I (Cont'd.)

Hollywood	20.0	100,000
Broward County (7 sites)	17.5	58,500
Other Municipal in Broward County	4.0	15,000
Plantation (private)	6.5	22,000
Margate (private)	1.5	13,000
Other private in	10.0	10,500
Boca Raton	37.0	35,000
	504.0	1,783,000

TABLE II
(Northern Portion)

City	Capacity (MGD)	Population Served (est.)
Delray Beach	16.5	20,000
Boynton Beach	12.0	19,000
Lantana	3.0	7,000
Lake Worth	16.0	26,000
Riviera Beach	14.0	23,000
Tequesta	1.5	3,000
Jupiter	1.0	3,000
North Palm Beach Utilities (private)	7.0	17,000
Stuart	1.5	8,000
	72.5	126,000

NOTE: Data in the above tables has been adapted from basic information furnished by the U. S. Geological Survey.

This means that the area is potentially self-sustaining without the necessity for "mining" its groundwater reserves on a long-term basis of diminishment. Beyond this there are in existence back-up surface water supplies to the west and northwest. And there are the means to deliver this back-up water to much, but not all, of the area.

In terms of the resource itself, and its potential for replenishment, the picture is good. But droughts will continue to occur, and supply wells located too close to salt water sources will be threatened with saline contamination. Ill-planned, intensive development of inland portions of the area will increase runoff and thereby reduce the present margin of rainfall which goes into temporary groundwater storage. Increasing demands and usage rates for domestic water will further reduce the present "living on current income", or self-sustaining, capabilities of the system.

Government, then must continue to pursue a program of preserving the resource and its replenishment capability. Among its tasks will be those of properly locating municipal well fields, reducing waste, providing effective carryover storage for drought periods, and developing a framework for rational use of the land in relation to the needs of the resource itself as well as of those who use it. The future will very soon become the present.

REFERENCES:

1. Parker, Ferguson, Love and others, 1955. Water Supply Paper 1255, U. S. Geological Survey, pages 160 - 162.

2. Ibid., page 96.

3. Ibid., page 589.

4. Leach, Klein and Hampton, 1971, Hydrologic Effects of Water Control and Management of Southeastern Florida, U. S. Geological Survey, page 113.

5. Klein and Sherwood, 1961 Florida Geological Survey, Report of Investigations No. 24, page 21.

6. Hartwell, Klein and Joyner, 1963. Preliminary Evaluation of Hydrologic Situation in Everglades National Park, Florida, U. S. Geological Survey, page 6.

7. Leach, Klein and Hampton, page 107.

Comments on this publication from readers will be welcomed. Address the Editor, In Depth Report, Central and Southern Florida Flood Control District, P. O. Box 1671, West Palm Beach, Fla., 33402

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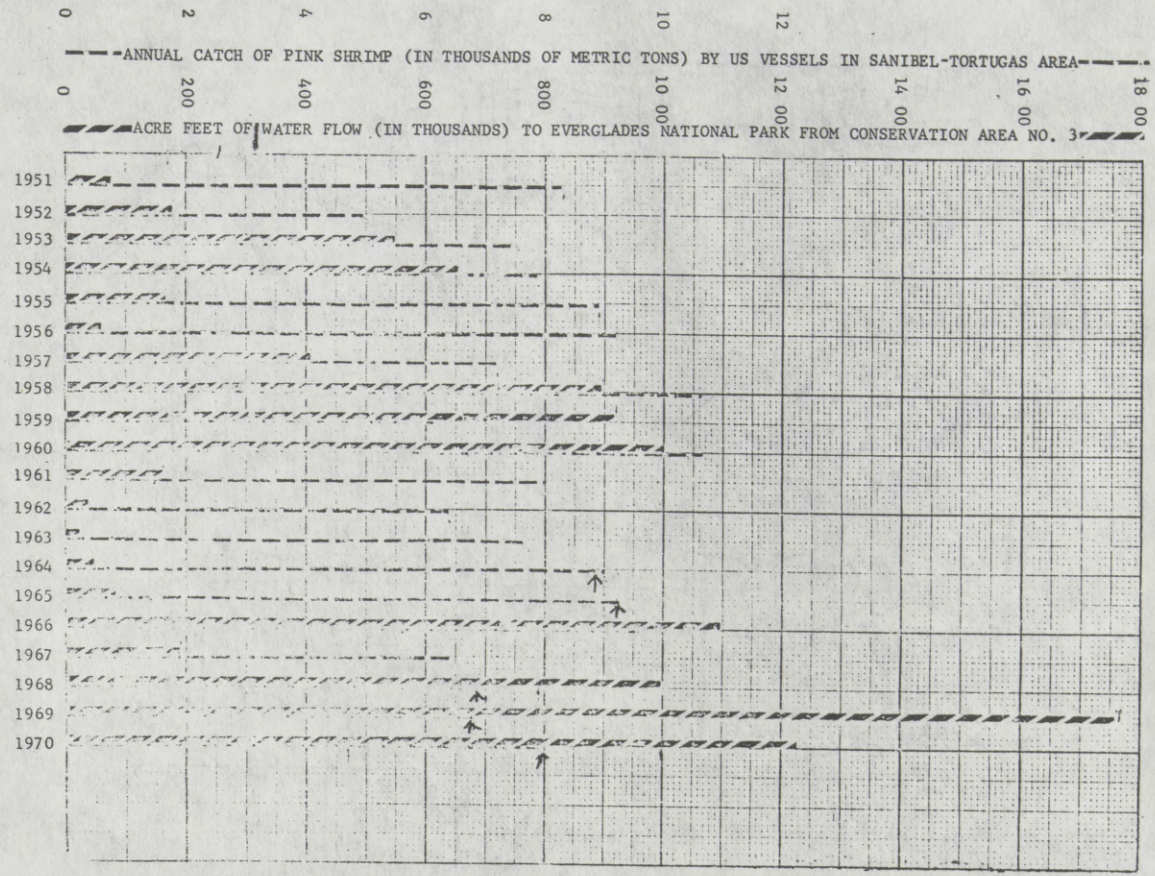
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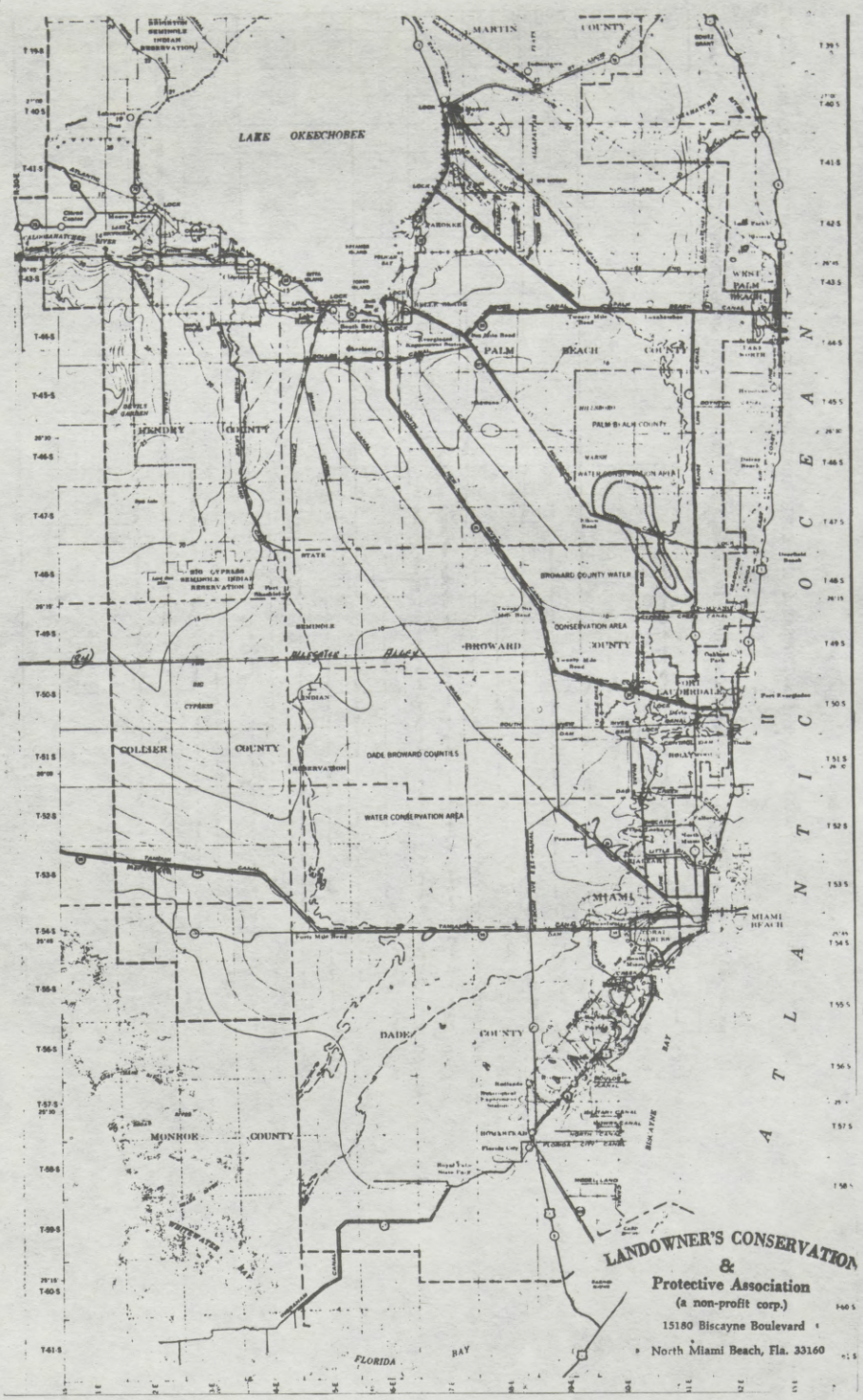
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MIAMI, FLORIDA 33166

TELEPHONE 305/885-9101

CONSULTING ENGINEERS

August 20, 1973

Mr. James G. Pace
James G. Pace & Associates
15180 Biscayne Boulevard
North Miami Beach, Florida

Dear Mr. Pace:

We have given considerable thought to your proposed Alternate Solution to the So-Called "Big Cypress Watershed". We think your proposal has merit; however, to properly analyze both the engineering and environmental considerations would require at least a year, and probably in excess of $100,000.00.

It seems more appropriate that a study such as this be undertaken by a group such as the Corps of Engineers, rather than a small, private group.

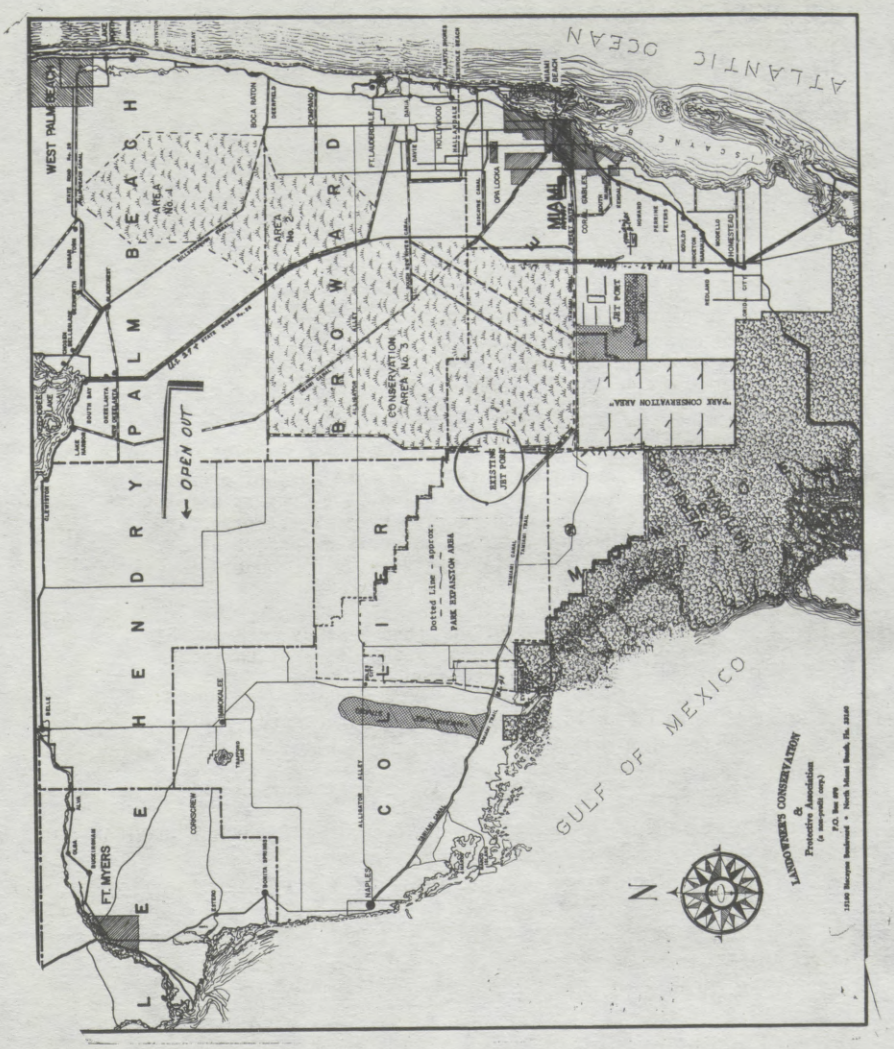
If we can help you in any way in the future, please let me know.

Very truly yours,

POST, BUCKLEY, SCHUH & JERNIGAN, INC.

Alex M. Jernigan, P.E.

AMJ:md
Enclosure


ATLANTIC OCEAN
GULF OF MEXICO
WEST PALM BEACH
PALM BEACH
BROWARD
COLLIER
LEE
HENDRY
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CONSERVATION AREA No. 3
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EXISTING JET PORT
Dotted Line - approx. - PARK EXPANSION AREA
FT. MYERS
NAPLES
CORKSCREW
HAMOKALEE
ALLIGATOR ALLEY
BOCA RATON
DEERFIELD
POMPANO
FT. LAUDERDALE
HOLLYWOOD
OPA LOCKA
MIAMI BEACH
CORAL GABLES
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STATEMENT OF JAMES T. GAUNT, LANDOWNERS' CONSERVATION AND PROTECTIVE ASSOCIATION, NORTH MIAMI BEACH, FLA.

Mr. GAUNT. Mr. Chairman, my name is James T. Gaunt. I have lived on the Tamiami Trail which is also known as U.S. Highway 41, since 1928. I am a native of Dade County, Fla., and I moved to Ochopee in June 1928 for the purpose of seeking virgin land in which to grow better and less expensive tomato crops.

At the conclusion of our 1928–29 crop, we had produced 60,000 bushels of tomatoes from 200 acres of land along the Tamiami Trail at Ochopee, Fla. In order to raise these crops, we had to build a small town to house our labor with packinghouse, store, repair shop, boarding house, et cetera.

The next year or season, H. W. Bird moved into the area and built a packinghouse near our settlement with accommodations similar to the Gaunt company's. This was 1929–30. The next year packinghouses were built in Copeland, which is north of the Tamiami Trail on State Road 29, by J. J. James and Company, E. N. Webb, Preston Lee, George Matthews and Frank McCrimmon, Captain Hardee, Sam Bethea, Frank Rouski together with Dan House and Pearce Produce Co.

All these farmers came from Dade County during the period 1930–40. Farmers also came from the Fort Myers area. Also, Ocala, Bradenton, and Wauchula. The total acreage planted during this period attained a total of 4,200 acres of tomatoes plus minor acreage of squash, peppers, eggplant, cucumbers, snap beans, and cabbage.

In addition to these crops, several hundred acres of field corn, Nassau and yellow corn, and hay crops such as German millet, oats and some rice were grown for our livestock.

From Ochopee on Highway 41 to Sunniland on State Road 29 north of the trail, there were some 12 packinghouses; most of these along the A.C.L. Railroad. The average production of vegetables from this area would average 3,500 carloads of produce per season, sometimes substantially more.

At Deep Lake in Collier County a few miles north of U.S. 41 there were 160 acres of citrus grove with a packinghouse and canning plant for citrus juice and citrus sections. At Ochopee, there was also a tomato canning plant owned and operated by Apt Brothers.

There were approximately 3,000 people employed on farms and packinghouses in the area. There was also 100 acres of sugar cane planted for many years and produced syrup in this same area.

A lack of water control and a scarcity of labor during the war years caused an abandonment of these farms and a movement to Immokalee, La Belle, Fort Lauderdale, and Miami.

But now the farmland in these areas is being used for housing. This Big Cypress area that you are talking about making a park out of is the only large area for farming left in the state of Florida that is below the frostline.

Farming above the frostline is too risky for winter vegetables. I have examined about all of the land in the Big Cypress area and it is my opinion that at least 80 percent of it can be put to profitable and productive farming use with about the same amount of water control that we have in the Immokalee area.

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These areas that are not adaptable to citrus and vegetables can be used for pasture land for cattle. The amount of money that would be put into circulation by the productive use of this land over a 10-year period would amount to a figure, even on today's prices, up to two or three billions of dollars.

Senator JOHNSTON. Mr. Gaunt, you are an engineer?

Mr. GAUNT. No, sir.

Mr. PACE. Mr. Gaunt, sir, is a farmer. He farmed this area in the thirties to the forties, and there was at one time 4,500 acres of stuff under cultivation, 12 packinghouses and about 3,000 people working in farming. Because the Colliers would not sell this land to them but would only lease it, they dispersed to other areas to do farming.

Also, the labor situation during the war. If I may present at this time our engineer, Mr. I. M. Jahnig, a professional engineer, who is also familiar with this stuff.

Mr. GAUNT. Just one thing. I would like to call the attention of the committee that the lands that we farmed, we did not disturb trees and push them down to clear this land. This is open prairie country.

We did not disturb—there were no cypress trees or pine on the land which we were farming.

Senator JOHNSTON. Did you have the dikes around you?

Mr. GAUNT. No, sir, we did not dike the land.

Senator JOHNSTON. Did you fertilize?

Mr. GAUNT. We used one and a half to two tons of fertilizer per acre. This land was not ploughed or harrowed. The only thing we did was to mow it with a mowing machine and burn the grass, the dead grass. And in those days we used all mules and ploughed it with a one-horse turn-plough, and a small one at that, because the land was shallow.

In the Immokalee area, it is a different thing. You had some open prairieland. But like everywhere, the route of least resistance takes place first. Then, when this land is used, then they go in——

Senator JOHNSTON. You say that the land you were farming is now being used for housing?

Mr. GAUNT. No, sir. I think there is a mix up there. I think I am referring to Dade County, where these people have moved out.

Mr. PACE. Sir, the farmland, I might point out, is right along here. It is in this area here and up this road here. Copeland is right in this area here, I believe. This is State Road 29. State Road 29 is not in the taking. It is just about 1 mile.

You can still see the ridges down in here, where they farmed the stuff. There are also ridges down in here in this lower part. This was farmed during the 1940's. This is what they call a loop road that runs down here.

There were packinghouses down there and you can still see the ridges where they hilled it for the vegetables. Mr. Jahnig.

STATEMENT OF I. M. JAHNIG, CONSULTING ENGINEER, MIAMI, FLA.

Mr. JAHNIG. Gentlemen, Senator, and people attending the meeting here.

Senator JOHNSTON. Do you have a written statement?

Mr. JAHNIG. Yes, I have a written statement that I will put in the record and I will summarize it in a few words.

Senator JOHNSTON. That is good.

Mr. JAHNIG. My name is I. M. Jahnig. I am a consulting engineer with offices in Miami and Immokalee. I have spent many years as a consulting engineer on agricultural projects.

I represented for 4 years the Lee-Tidewater-Cypress Timber Co. and also the Turner Corp., which is the parent corporation. They had one of the largest agricultural operations in Collier County, primarily leasing their land to farmers as Collier Co. did.

They were in timber and planted much pine, several square miles each year. My purpose with them was in connection with water control and irrigation. They converted most of their property, such as 16 sections, into cattle operations.

Senator JOHNSTON. Where was this?

Mr. JAHNIG. Collier County, in Immokalee. Immokalee is the vegetable center of Florida for winter vegetables. Dade County claims the same distinction, but both of them are relatively frost free.

They are limited in size because of growth, population, housing and other things. But I want to speak primarily as an agricultural consultant. I am thoroughly familiar with all the land in the Federal Government, that the Federal Government proposes to take, in the so-called Big Cypress area.

I have covered it all by foot many times and by buggy as a hunter or in a professional capacity. I have studied for many years the soil and drainage maps in connection with this area, and can assure the committee approximately 80 percent of the land contained in your proposed bill for taking is some of the best farmland below the frost belt in the State of Florida.

Senator JOHNSTON. Eighty percent?

Mr. JAHNIG. Eighty percent, and I can explain to you how that is arrived at. You had a soil map presented to you yesterday. They showed on that vegetation map, the dark red, the light red, the browns. You remember that map that they had.

You asked a simple question. Will anybody tell me how much is in pine? No one wanted to stick their neck out. I will tell you how much is in pine, and you can check my figures simply by getting hold of the man who made that vegetation map. whose name is McPherson.

He made the map and colored it up. He has a larger-scale original of that, which can be run on a perimeter to get the acres. The dark red or magenta that you saw in the area above the Tamiami Trail is running about 30 percent in pine and palmetto, the higher elevation.

The brown on there are the open prairies, which Mr. Gaunt was saying they farmed in the old days. The reason they did it, they did not have to do anything but mow the grass. The big prairies can grow terrific crops.

They only had a mule and a one-mule plough, that was all they were working with at the time. The soil cover is anywhere from 3, 4, 6 inches, maybe in some places 3 feet in these prairies.

I am just saying that agriculture is not incompatible with these areas.

Senator JOHNSTON. 6 inches soil cover, is that sufficient to farm?

Mr. JAHNIG. In Dade County they have areas where it is not even a 1-inch soil surface and they work it over there. I concur with Mr. Nix, this rock out there has a hard cap on it due to oxidation. Once you break the cap, the rock underneath breaks, and is soft.

When it oxidizes it turns hard. Everything is relative. Just making one statement does not solve the problem. My purpose here——

Senator JOHNSTON. Let me get this again. You say of the 557,000 acres that 80 percent is suitable for some of the best farmland in Florida?

Mr. JAHNIG. Below the frost line it is relatively frost free. There is a frost there once in a while. I have been there when it has been 28 degrees. But it is not a killing frost that comes every week or every winter.

This is relatively free of frost.

Senator JOHNSTON. We ought to be able to get to the bottom of this question. What say you, Mr. Browder?

Mr. BROWDER. Sir, it certainly is conceivable that you could take 80 percent of that country and by putting the right kinds of technology and dikes and fertilizer and farm it. But that is not, I do not think anyone would dispute that it could be done.

The question is whether it should be done.

Senator JOHNSTON. It was disputed yesterday by Interior.

Mr. JAHNIG. I am here to tell you that there is more than one opinion.

Senator JOHNSTON. Let me ask Mr. Nix again. Do you dispute what he said on that, Mr. Nix? That is not the only question involved, but that is one of the questions. Can 80 percent of this 557,000 acres be adapted into some of the best farmlands south of the frost belt?

Mr. NIX. No, sir. I do not agree with that statement.

Senator JOHNSTON. Is there any of it that can be? I understood yesterday that it is virtually unusable as farmland.

Mr. NIX. It depends on what you are talking about. Farmland for rough pasture or cattle grazing, I presume, you could operate in that regard. But to go in there and try to make a living planting tomatoes and beans and squash which they generally grow in this area only in the dry months would be a very risky proposition.

I am very familiar with the farm operation in the home State area where I live. Most people are wiped out at least 1 year out of 3 with the frost. They were wiped out a couple of times this year.

They replanted and encountered frost again. This is farther south than the area we are talking about and closer to the sea. It has a tendency to keep the land a little warmer.

Senator JOHNSTON. They do have all-year farming now in Florida?

Mr. NIX. Not in this area they do not. A few of the Cuban people who have moved into the Miami area have crops peculiar to Cuba that they are trying to adapt to the south Florida——

Senator JOHNSTON. Excuse me, Mr. Jahnig?

Mr. JAHNIG. I would like to elaborate. in that agriculture includes citrus, mango, guava, avocado tree plantings which are more resistant to frost than tomatoes. We have to plant at a certain time of the year.

Our leases on our cattle grazing go from January 1 to January 1 of any fiscal year. But the farming leases go from June 30 to June 30 because the crops are planted one in the fall and one in January.

They harvest by April and May. In June, July, and August no one farms. That is the same as winter up in the north. People take off with their children and take a vacation. They come back when the rains are over the start their fields again in August.

They replant in August and September. They plant different crops for different months of the year, and so much every week they plant 40, 50, 100 acres of wheat. They pick the same way, on a weekly picking, they try to plant the crops that will grow best, without the frost, and hope that the frost does not catch them. There are certain fields that are wiped out, but they diversify.

They have cucumbers, squash and various other things they plant, in addition. But the tomatoes are the most susceptible. So unless you take the whole concept and study it thoroughly you do not get the complete answer.

A man that is in tomatoes and nothing but tomatoes would be wiped out, but he has to diversify. He has to grow pole beans, he has bush beans, et cetera. My purpose here today is to ask the committee to please consider a little further the possibility of this area as a critical area for agriculture in the United States as of today.

Let me finish this quickly and I will get on. The land shown as Perrine, Ochopee, Marle Association soils are well suited for vegetables. We are talking about the 80 percent suitable for farming. Much of it would be in pasture for cattle.

They have cattle out there the like of which you would not believe. They have had several man-run cattle in the Everglades. They finally gave up during the war. There is a cattle operation going there now that is fenced.

The cattle that was out there did beautifully. There are two types of cattle ranges. One is native pasture, which gives you one cow for 20 acres, or improved pasture where you put in fertilizer and you can raise one cow and a calf per year per acre and they are doing that.

Now I just raised that. It is also suitable for citrus and with small exception the balance of the land is suitable for cattle raising, grazing.

Senator JOHNSTON. When you say 80 percent is suitable for farming, does that include cattle?

Mr. JAHNIG. That includes cattle, citrus growth and mango.

Senator JOHNSTON. If you take the pastureland out, how much?

Mr. JAHNIG. Fifty. All the open areas you can farm, plus not the Big Cypress area, but the pine can be put into citrus groves, mango groves and avocado. I can only say this, sir. If you were to look at the map that was colored, showing vegetation, if trees and grass will grow other things will grow, like grass for cattle and trees for vegetables or fruits.

The place is verdant with the growth on it now. It is unbelievable to see the pines. Some of those pines that were never able to be gotten to. It took me and another man holding hands and we could not reach around the girth of a big pine up there which was native.

And in fact I personally planted 6,800 trees with my own foot. I put in 3,000 trees in slash pine, because I had a bad burn 1 year on my property. I also planted some 3,000 acres of what we call—I say 3,000 seedlings of what we call the red cedar, the Florida red cedar. I was trying to put in a little red cedar which come up very quickly and are beautifully shaped.

I hoped to have something for Christmas trees in the Miami area, because Christmas trees have been going like crazy and we had to get them from Canada. The prices have gone out of sight.

And I planted these red cedars. But again the fires got them out there, because I was not able to be there to control them. The matter of water control can be handled on a local basis, down to tracts as small as 40 acres.

Water control does not prevent the natural flow of water. It retains the water in the dry season, and deflects the flow of water during the wet season. It has come to my attention from the many fires that range through this area periodically that a small extent of the land under water control is never subjected to fire.

The area is in pasture and under conservation and is managed in such a manner that devastating fires do not occur in these areas. I would like to call your attention that there are several engineer studies, by very competent engineers, that could provide the necessary water in critical times at the Everglades National Park, more efficiently and at a much more reasonable cost, thus accomplishing the end result desired.

Senator JOHNSTON. Who commissioned these studies?

Mr. JAHNIG. I would say the central and southern Florida Flood Control for one and the Corps of Engineers for another. Gee and Jensen made one. I would strongly suggest that the committee——

Mr. BROWDER. South and central flood control is on record as supporting Federal acquisition of the Big Cypress.

Senator JOHNSTON. How about the Corps of Engineers?

Mr. BROWDER. They are not taking a political position.

Mr. JAHNIG. Different people have every right to their own personal opinion. The weight of the evidence determines the verdict, as you know. I am only asking, and I strongly suggest, that the committee consider building a water storage area to conserve the extra rain flow during the wet season, and discharging it into the park by sheet flow during the dry season.

I am just saying there are other suggestions that have every bit as much merit and maybe even better than what you have already considered. The people they have not contacted are people who have some practical experience in the area.

They are talking to every other agency in the United States, except the people that live there. I just want to take a moment here to enter this in the record. This is called the Caloosa Belle. It is a newspaper put out in La Belle.

It is dated March 14, 1974. I will read you here, in fact I had best give it to you, I do not want to belabor the time at this moment. It is all for the record. My only purpose——

Senator JOHNSTON. We will enter this into the record.

[The article and full statement follows:]

I. M. JAHNIG ENGINEERING ASSOCIATES,
Immokalee, Fla., March 22, 1974.

The CHAIRMAN,
Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

Re: Big Cypress Preserve—Florida.

MR. CHAIRMAN: My name is I. M. Jahnig, a Consulting Engineer, with offices in Miami, Florida. I have spent many years as a Consulting Engineer on agricultural projects in the Immokalee area of Collier County. I represented the Lee-Tidewater-Cypress Timber Co. and the Turner Properties, the largest agricultural operation in Collier County, Florida; and perhaps, the largest in the State, in connection with water control, irrigation, etc.

I am thoroughly familiar with all of the land which the federal government proposes to take in the so-called Big Cypress area. I have covered it all by foot many times, either as a hunter or in a professional capacity. I have also studied for many years the soil maps and drainage data in connection with this area and I can assure this committee that at least 80% of the land contained in your proposed bill is some of the best farm land below the frost belt in the State of Florida.

The land shown as Perrine, Achopee, Marle Association soils are well suited for winter vegetable crops. It is also suitable for citrus and with a very small exception, the balance of the land is suitable for pasture and cattle raising.

The matter of water control can be very easily handled on a local basis down to tracts as small as 40 acres. Water control does not prevent the natural flow of water. It retains the water during the dry season and deflects the flow of excessive water during the wet season.

It has come to my attention from the many fires that rage through this area periodically that a very small percentage of land under water control is ever subjected to fire. The areas in pasture and under cultivation are managed in such a manner that devastating fires do not occur in these areas.

I would like to call to your attention that there are several engineered studies by very competent engineers that would provide the necessary water in critical times to the Everglades National Park more efficiently and at much more reasonable cost, thus accomplishing the end result desired.

I would strongly suggest that the committee consider building a water storage area to conserve the extra rain flow during the wet season and discharging it into the park by sheet flow during the dry season.

Respectfully submitted,

I. M. JAHNIG.

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT,
West Palm Beach, Fla., September 2, 1971.

Mr. NOLAN POPENHAGER,
Coconut Grove, Fla.

DEAR MR. POPENHAGER: The following information has been procured as a result of your request yesterday while in this office.

The municipal treatment plants of the City of Miami treat approximately 200 million gallons per day. This amount=310 cubic feet per second=615 acre-feet per day=225,000 acre-feet per year. This is presently estimated to be 70 percent of the water treated in Dade County, or approximately 320,000 acre-feet per year total. The 225,000 acre-foot figure checks that which you procured from Tom Huser, namely that one foot of storage on Lake Okeechobee would supply the City of Miami with water neglecting conveyance losses, for two years. We trust this information will be helpful to you.

I enjoyed talking with you yesterday and picked up a great deal of both interesting and helpful information to this District. Do not hesitate to inquire if you feel we can assist you further.

Yours very truly,

ROBERT L. TAYLOR,
Chief, Hydrology and Hydraulics Division.

Levee 29 was constructed in 1962 just north of and parallel to the Tamiami Canal from 40-Mile Bend to Levee 30, obstructing southward overland flow. After Levee 29 construction, flow through the Levee 30-Levee 67A section was reduced to seepage through Levee 29, an average of about 66,200 acre-feet per

runoff year. Levee 67A, which separates Conservation Areas 3A and 3B, was completed in 1963, routing considerable water westward through the 40-Mile Bend-Levee 67A section. Therefore, the annual average seepage discharge of about 66,200 acre-feet in the Levee 30-Levee 67A section should continue. (See table 9 in the appendix.)

In summary, the flow before 1961 southward toward the Everglades National Park and south Dade County, based on the 1941–61 record, averaged 251,100 acre-feet per runoff year through the Levee 30 to Levee 67A section, 127,800 acre-feet per runoff year through the Levee 67A to 40-Mile Bend section, and 199,500 acre-feet per runoff year through the 40-Mile Bend to Monroe section of the Tamiami Canal outlets. (See table 4 for comparison of flow between the calendar year and runoff year for the three sections of the Tamiami Canal outlets.) The trends of discharge shown on figure 19 indicate that the average for 1962–68 through the Levee 30 to Levee 67A section has been reduced to about 66,200 acre-feet. Although the annual discharge in the Levee 67A to 40-Mile Bend reach has ranged from 0 to 1.1 million acre-feet, the average for 1962–68 was 341,900 acre-feet per runoff year, about 214,100 acre-feet greater than the 1941–61 annual average, and discharge through the 40–Mile Bend to Monroe section has remained about the same.

[From the Progressive Farmer, March 1974]

THE IMPERATIVE NEED FOR A U.S. FOOD AND AGRICULTURE POLICY

There is an acute need for a sound, carefully planned U.S. food and agriculture policy.

Hopefully, the mistakes we made in 1972 and 1973 insofar as food and agriculture are concerned have taught us a lesson.

But we may not be so fortunate in the future. Food is the best single weapon we have in our economic arsenal. It is our most powerful strategic military force. We must learn to use it to serve our best national interests. Proper use of a U.S. food and fiber strategy might have prevented or averted the seriousness of the Mideast fuel embargo.

A Food Crisis may be the next world crisis. Famine in Africa has already cut down hundreds of thousands. It still threatens an immense number there. Wheat supplies worldwide are frighteningly low. World population is increasing by leaps and bounds and has almost outrun food production.

In the long run, the United States can't feed the world. But, at present, the productivity of U.S. farmers is the *one* most important deterrent to a worldwide Food Crisis.

Progressive Farmer thus believes it is imperative that the United States establish a National Food and Agriculture Policy or Strategy. It should be forged during 1974 by Congress and the Administration. To delay is to court disaster.

We believe that such a policy should embrace the principle that stability and abundance of agricultural products are essential to continued U.S. economic growth, and are in the direct interest of world consumers and peace. It should recognize that a self-reliant, risk-taking, hard-working agricultural producer, free of unreasonable restraints, is the basis of our efficient agriculture. In determining national policies, high priority should be given to U.S. agriculture because of its national contribution and because it ensures us against a foreign trade deficit.

It is high time we got our national priorities and strategy set to enable us to meet future crises promptly and wisely. A sound U.S. Food and Agriculture Policy would do much to help us do that.

HOW MUCH ENVIRONMENTAL PROTECTION CAN WE AFFORD?

The environmental improvement program is in trouble. Currently it looks like it may be steamrollered by the energy crisis. Last year pollution of the environment was the big bear of a crisis that faced the American people.

You no longer hear a great deal about environmental improvement. The current sentiment seems to be running in the other direction.

The big question now is: "Can the United States meet the urgent needs of a fuel shortage without doing still more violence to the environment?" People must face up to the cost of environmental and ecological programs. If they want cleaner air, they must be willing to pay the costs in higher energy

prices. If they choose lower fuel costs, they can burn cheaper, dirtier fuels. The people rather than the bureaucrats should make the decision.

Agriculture is vitally involved in the issue. Higher food prices and more farm exports have encouraged the notion that the farm production throttle should be opened wide with every possible tillable acre brought under the plow. Much of the acreage now in grass and other cover crops is highly erodible. If put back into row crops, wind and water erosion could mean a return of the disastrous dust bowl days of the 1930's. As Tony Dechant of the Farmers Union says: "We must strive for a careful balance of emphasis between farm production, on the one hand, and protection of our soil and water resources on the other."

With an energy shortage and the need for more food in many parts of the world, it seems likely that from now on ecologists will find it harder to sway the public with emotional fanaticism. There is no possible way for people to live in the modern world within a "no-risk" cocoon. Too often in the past, emotion has swayed the decision in spite of scientific evidence to the contrary. The energy crisis has made it clear that pollution abatement has a definite cost to society. Only by understanding the costs can we choose how much protection we can afford.

[From the Miami Herald, July 8, 1972]

FRESH WATER

A BILLION A DAY, PURE PROFIT

(By Jeanne Bellamy)

Nearly a billion gallons a day can be added easily to Greater Miami's store of fresh water.

How? By backpumping, according to engineers advising Dade County on water management.

This nugget is the big news in their three-inch-thick interim report.

"Of all the counties in Southeastern Florida below the St. Lucie Canal," they write, "only Dade County wastes to sea all of its excess storm rainfall, returning none to storage.

"This excess storm rainfall is equal, on average, to about 16 inches of rainfall in normal years. It is the best quality water available for supplemental supply. On a long-term average, it is equal to almost one billion gallons a day in Dade County alone.

"The runoff is dumped through a series of 12 man-made canals. This amount of relatively clean runoff, which is wasted, is about 10 times as great as all the sewage flow now discharged to the Atlantic Ocean from Dade County, and about three times as great as the sewage flow projected for Dade County in the year 2000—320 million gallons a day.

"This water, to the extent its dumping can be prevented and its storage achieved for timely return for use during annual or cyclical rainfall deficits, would be a net gain."

Would the pumping help during long droughts? Yes, say the engineers: "Even in the driest years, there are limited periods of intense excessive rainfall."

And it would be cheap, they add, costing less than $1 for a million gallons. By contrast, they calculate that reuse of wastewater from sewage would cost $80 per million gallons, while desalting sea water would run around $65 per million.

To put their finding in perspective, the consultants remind that rain is the sole source of Dade County's drinking water. They say rainfall averages 59 inches a year, and goes to these five purposes: surface evaporation, 19 inches; storm excess discharged to bay and ocean, 16 inches; irrigation, evapotranspiration and private wells, 16 inches; seepage to bay, five inches; consumptive water use, three inches.

Thus, the one-time use of water by householders, business and industry takes the smallest segment of the supply. The next smallest—seepage to the bay—isn't preventable at reasonable cost and is necessary to hold out salt water.

The 16 inches of yearly rainfall being dumped to tidewater amount to an average flow of 880 million gallons a day.

One backpumping station already has been authorized for Dade County as part of the federal-state Central and Southern Florida Flood Control Project.

It is to be built on the Tamiami Canal, which runs alongside the Tamiami Trail west of Krome Ave.

The consultants—Greely & Hansen of Chicago and Connell Associates, Inc., of Miami—think two more big pumps should be built in that vicinity. They would be like the pump station west of Hollywood, Fla., which has been draining the Davie area westward for some 20 years.

The engineers got into the problem while tackling their main assignment: to design a countywide sewage disposal system to abate water pollution.

They wanted to find out whether recycling the effluent of sewage plants would be necessary now or in the future. They concluded it could be done but there were better, safer and cheaper ways to augment the water supply.

They went on to consider about 70 different ways of handling the metropolitan area's sewage over the last 25 years of this century. Their 15 top choices were run through elaborate computer tests. They recommend Alternate G1, which calls for three regional disposal plants at first, then a fourth in 1985 which could recycle up to 180 million gallons of wastewater daily.

The recommended plan would cost $258.296 million to start.

The report is a product of machinery set in motion nearly two years ago by federal-state enforcement conferences on water pollution abatement. The conferees ordered Dade County to build a regional sewage system by Jan. 1, 1974, and halt all waste discharges into canals by next January 1.

The conferees demanded 90-percent treatment of sewage and its discharge at sea through ocean outfalls unless deep-well disposal also proved satisfactory.

[From the Caloosa Belle, Mar. 14, 1974]

AGRICULTURE TILTED NATION'S INTERNATIONAL TRADE SCALES

Florida Commissioner of Agriculture told over 150 greater Lake Okeechobee area farmers that agriculture had tilted the nation's international economy scales to a favorable position when everything else had failed. Conner was speaking at an appreciation dinner in his honor held at The Clewiston Inn Monday night.

Commisioner Conner noted that this particular area is the food capitol of the state and the most diversified producing area of the state.

"Time was when people were not concerned with food producing areas and food production but now following the recent scare buying of foods and the resulting shortages 200 million people recognize the position that you people in agriculture are in," he said.

People across the nation and the world for that matter, now realize that food comes from God's good earth and that some one like you must take care of it. The high standard of living that we enjoy as a nation can be directly attributed to people like you who tend the crops.

"In all my life, I have never heard a person say he wanted to work in agriculture for the return from the crops. Young people look to professional areas like doctors and lawyers that offer security. Because these masses of people have looked to professional areas, the country is now beginning to suffer. However, it is not too late for the year 1973 brought a new experience. People pushed the high price card aside and rushed to the store to hoard merchandise and to realize that crops were rotting in the fields down south," Conner continued.

With the world population expanding, in 1973 the food production was 7 percent less than the year before . . . people began to feel a new appreciation for the farmer.

The political question arose as to whether to continue to export food at higher prices or retain them in the country for lower prices. The American soybean was worth more on the world market than an American dollar.

The free world has benefited in the past from a strong and proud America, but in 1973 they smirked at us after two years of deficit trading. It was the effective American agriculture industry that provided the means to secure a favorable world trade balance.

"Most people thought that industry, possibly the auto industry, would have been called upon to save the nation . . . but it was the men and women of the soil who got the job done," Conner continued.

It was the 5 percent of the population who stayed in agriculture who responded when they needed, it was American agriculture that saved our national economy.

"Hopefully the remaining 95 percent of the population will some day express an appreciation to a forgotten segment of our American life . . . the men and women of the soil, for theirs is the greatest contribution to our nation in producing food and fiber," he said.

We have capabilities in agriculture that are unexcelled in research. America is sobering up to the fact that there is not enough fuel and not enough food. We are finally realizing we must continue to research ahead of population; that the law of supply and demand must come into play; that the price of food will continue to creep upward as the cost of fuel, fertilizer and other supplies continue to cost the farmer more.

We need more effective leadership in our elected offices such as Senator Phil Lewis who is chairman of the Senate Agriculture Committee. We need wisdom in leadership and distribution. If it were not for American agriculture and exported food items the fuel situation would be much worse than what it is . . . soybeans, wheat and corn are worth more than the dollar.

"It is difficult for the average citizen to give credit to you in agriculture in time of plenty . . . but in the time of need . . . the American farmer is gaining his rightful recognition," Conner concluded.

Nelson Fairbanks, vice president and general manager of the Florida Sugar Cane League, presented Conner with a chrome plated cane knife.

Pat Wilson, president of the Florida Cattleman's Association, presented Conner with a "Cypress Knee" in appreciation for his individual stand in the Florida cabinet against the purchase of the Big Cypress.

Bill Hunter, public relations director for the Sugar Cane League, served as master of ceremonies during the evening. John B. Boy, president of United States Sugar Corporation introduced Commissioner Conner. Other special guests at the head table included Miss Sunflavor Carlene Jones of Jacksonville; Rev. and Mrs. David Woerner, pastor of the First United Methodist Church; Mr. and Mrs. Fairbanks, Mrs. Doyle Conner and Senator Phil Lewis.

Jack Fry was committee chairman for the appreciation dinner, being assisted in arrangements by Bob Lee. Residents from Glades, Hendry, Collier and Palm Beach county attended the $25 a plate appreciation dinner for the popular commissioner of agriculture.

Mr. PACE. We have two men who could not be here today. One of them was under subpoena and that is Colonel Gee of Gee & Jensen, our engineers in Palm Beach, who were consultants on most all of this flood control, dikes and dams, and canal systems, and so on.

His letter is attached in there and he says that if you go ahead with the recommendation that has already been made in 1969 and you raise the head of Lake Okeechobee another 2 feet, that that will prevent—that will recharge all of your aquifer, and will prevent a great number of the fires.

He also said that this thing down here will work, but if you raise the lake you might not need this at all. We have one other engineer that is Post, Buckley, Shoe & Jernigan who studied this thing that I have in the presentation before you.

It says:

We have given considerable thought to your proposed alternate solution to the so-called Big Cypress Watershed. We think your proposal has merit. However, to properly analyze both the engineering and the environmental considerations would require at least one year, and probably in excess of $100,000 in money.

It seems more appropriate that a study such as this be undertaken by a group such as the Corps of Engineers rather than a small, private group. If we can help in any way, let us know.

We do not have the $100,000 and we did not have the year's time to do this before we came to you. Therefore, we ask that this committee hire an independent outfit. If there is a dispute between us, send somebody out there who knows what they are talking about, and report back to this committee and let us not destroy an agricultural area.

If you are saying we do not know what we are talking about send somebody out who does know what we are talking about, an independent outfit, or send your own Agriculture Department, your own Corps of Engineers.

We will work with them.

[The letter referred to above follows:]

GEE & JENSON,
CONSULTING ENGINEERS, INC.,
West Palm Beach, Fla., March 15, 1974.

The CHAIRMAN,
Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I am informed that a hearing will be held by your committee in Washington on March 2., 1974 concerning the Big Cypress Preserve, Florida.

I am prevented by virtue of a subpoena in Federal Court to appear as a witness from attending the above mentioned hearing. For that reason, I am sending this letter which I ask be included in the record of the hearing.

I am thoroughly familiar with the area of south Florida which includes the Big Cypress Watershed. I know that the Big Cypress Watershed performs an important function as part of the water supply of the City of Naples and immediately surrounding area and that it makes a contribution of relatively small magnitude to the overall water supply of the Everglades National Park. The principal source of outside water for Everglades National Park, which can be relied upon in periods of drought, are the three major conservation areas of the Central and Southern Florida Flood Control Project. These areas are capable of delivering water to the Park during extreme drought conditions.

The Congress authorized a modification of the Central and Southern Florida Project in 1968 which provides for the raising of the level of stored water in Lake Okeechobee by two feet initially and ultimately by as much as five feet. The works required to permit the initial raising of the Lake by two feet are progressing rapidly. There remains to be built a spillway and navigation lock at Port Mayaca where the St Lucie Canal leaves Lake Okeechobee. With the completion of this element of the essential works surrounding the Lake, it will be possible to add 880,000 acre-feet of additional storage in the system of the Central and Southern Florida Project.

While the Okeechobee works have been progressing, other work has been undertaken to permit transfer of water from Lake Okeechobee to Everglades National Park by way of man made canals without the attendant high evaporation losses of flow through the wild Everglades. Consequently, it will soon be possible for a very dependable water supply for Everglades National Park to be assured through the works of the Central and Southern Florida Project. The total costs involved are far less than the estimated costs of the Big Cypress purchase.

It is my opinion, as a consulting engineer having practiced for the past twenty-four years in south Florida, that the sound procedure is to expedite completion of the works of the Central and Southern Florida Project aimed at insuring the adequacy of the water supply to Everglades National Park with whatever federal funds are available before making any major commitment for land acquisition such as that proposed for the Big Cypress Watershed.

It is recommended that the start of acquisition of lands in the Big Cypress area be deferred until such time as the above described works of the Central and Southern Florida Project which were authorized in 1968 can be completed.

Very truly yours,

H. C. GEE, P. E.

Mr. JAHNIG. The only think that I would like to add to that is would they please talk to the Commissioner of Agriculture in the State of Florida. Would they please talk to Phil Louis, the Senator from Florida, who is head of our Agricultural Committee.

That article in the newspaper I gave you shows that the Cattlemen's Association of the State of Florida, all of those people are not

concurring with Senator Gurney and Senator Chiles. It is the story of the blind man and the elephant.

Everybody takes hold of it but they all come up with a big story. You happen to be in a very enviable position. You can hear the whole story.

Mr. PACE. Our State of Florida is not solid behind this thing. The Governor has been pushing and pushing and pushing.

But we have an independent cabinet system in Florida. Each cabinet member is elected by the people, and has the same vote on all internal matters as the Governor. So when you are talking about the cabinet of the State of Florida, you are talking about seven, independently elected officers.

They do not turn over when the Governor does. If I may proceed, Mr. Popenhager.

STATEMENT OF NOLAN POPENHAGER, LANDOWNERS' CONSERVATION AND PROTECTION ASSOCIATION, NORTH MIAMI BEACH, FLA.

Mr. POPENHAGER. Senator Johnston, I appreciate the opportunity to clarify some of these facts. In listening to some of these people yesterday, it seems that maybe we are talking about two different areas.

Primarily, I understand this acquisition of the 557,000 acres is to protect the Everglades National Park. Some of these people yesterday are using the same tactics that land promoters used in selling this land.

They tell you what they want you to hear, but they do not tell you all of the story. In this area, the entire 547,000 acres, by a finding of the U.S. Geological Survey, supplies approximately 10 percent of the water to Everglades National Park.

The rest of the water comes from the east side. Of course, when the State gets through with the acquisition, this map should be changed. The State has already authorized an acquisition that will close up the gray area and defer the protection of the park.

The steady flow of water that you hear about, I would like for you to glance at this chart, that is figures from the U.S. Geological Survey. This ecosystem cannot be so fragile if the water will fluctuate when the flow is going into Everglades National Park, if it will fluctuate from 75 to 100,000 acre-feet one year to over a million acre-feet the next year.

That little chart you have there——

Senator JOHNSTON. Conservation Area No. 3 is one immediately contiguous to Big Cypress?

Mr. PACE. This is Conservation Area 3, sir, right here. It is about 50 miles long.

Senator JOHNSTON. Let me ask you, Mr. Popenhager, what is your business?

Mr. POPENHAGER. I am retired. I was a small contractor. I acquired some acreage in this area 14 years ago with the intention of starting a ranch, at about the time I retired Mr. Browder appeared and this whole thing started.

Senator JOHNSTON. How many acres do you have?

Mr. POPENHAGER. Over 2,000 acres.

Senator JOHNSTON. And you want to use this for a ranch?

Mr. POPENHAGER. I want to use it for a ranch. I am probably one of the few and probably the only that do not hunt. I am probably the only one who goes to great length to feed wildlife in this area. I have been in south Florida since 1929. I have been familiar with this area, for more than 35 years.

I would like to substantiate one figure that Mr. Frank Nix gave you yesterday. I observed the high and the low longer than anybody else. In the Big Cypress the flood criteria—I have observed it for more than 4 years.

It would probably be 1 foot in the Big Cypress and in the conservation area it would be about 30 inches. There is a distinct difference between the conservation area. That is the Everglades.

I find my own people using the description of Everglades where we are. There is a distinct dividing line. You can see it from the air or from the highway. The Everglades are grass, very few trees.

Part of the water from this area flows into the Everglades. It does not all flow south. There is a distinct difference. I would also like to clarify one thing. You might have gotten the impression from Mr. Wooten's statement that airboats should be used in this area.

He is in a particular small location, right next to the mangroves where airboats can be used. In 95 percent of the Big Cypress area you do not use airboats. I am talking about the land north of the trail.

To get to my place I have to travel 13 miles. I use an ordinary pickup. I can make it any time of the year, with the standard four-wheel-drive pickup. From about November until the rains start in April, May, or June, there are automobiles up there every week.

This does not constitute a swamp. What these people are trying to do, they are trying to put the values, we only have one big swamp and then some smaller ones. The Fakahatchee Swamp is a true swamp.

This is what you expect to find when you go to a swamp. The Fakahatchee should be preserved. We have never fought that. We agree with the State. They should preserve the Fakahatchee strand and any of the large strands, Roberts strand.

But in this area that we are in north of the trail, much of it is good for farmland. According to the Geological Survey, it is dry sometimes. I think there was 6 years in the 1940's when it was dry for 9 months of the year.

At the present time in the center of this the water runs from 4½ to 6 feet below sea level. I would like to also touch on another thing here. I believe you had one of these little charts yesterday.

At every one of these hearings, and I have attended them all, you hear much talk about the shrimp and the fish. In the area of the Big Cypress, in one particular area, the waterflow is undisturbed. It is the same as it always was.

Man has never created as much variation of the waterflow as nature has. If you look at this little chart here, these are figures from the U.S. Geological Survey. I went back the second time to make sure these were correct.

If you would take a glance across there you would see that this water went from 100,000 acre-feet or less than 100,000 acre-feet up to 500,000 and 1,800,000 acre-feet in 1969. The first little chart I gave you goes back to 1940.

There were 6 years that the park received less than 100,000 acre-feet and it still survived. I would like to say that the park today—I am more familiar, over a longer period of time, than anyone connected with this group.

Senator JOHNSTON. This is in the Tortugas area?

Mr. POPENHAGER. This is all the shrimp caught, that has anything to do with the shrimp from Tampa all the way around south Florida. We only have one big shrimp bed. All the studies of the shrimp are based on the Tortuga shrimp.

I got these from the U.S. Fisheries, talking at great length with the people who made the study. They have kept this chart. If you will observe on here, water does not make shrimp. The dry years that we had the shrimp catch was going up each year.

Whatever affects shrimp also affects fish. As far as the fish industry, if you look at the catches made off of that coast over here, there is nothing wrong, except we are catching too many fish. The last visit I made to U.S. Fisheries, they had just returned from a flight over the gulf coast, and counted 80 Cuban boats bottom fishing almost within sight of Naples, on the west coast.

You cannot take millions of pounds of fish and still expect to have fish. I believe that whatever affects the shrimp also affects the fish. I would like you to take this chart to anybody you want to and check it out, as far as the figures on the water and the figures on the shrimp, and I would like to lay this shrimp thing to rest for all time.

Mr. PACE. May I point out where the gentleman is talking about? The Fakahatchee strand we are talking about is about 2½ miles wide.

Mr. POPENHAGER. About 6 miles wide.

Mr. PACE. And about 20 miles long?

Mr. POPENHAGER. About 23 or 24 miles long.

Mr. PACE. It terminates right down here, where 29 runs into U.S. 41.

Mr. POPENHAGER. You are in a different world in the Fakahatchee strand.

Mr. PACE. The other strand that he was talking about was the Roberts Lake strand which is over here on the loop road. It comes over this way and runs into the park. There is one that comes on this curve, and a little sister strand that merges on the other side in that contour line where your land flattens out.

Mr. POPENHAGER. Another thing that I would like to mention. I notice that Senator Gurney and Senator Chiles both keep bringing up the rights of the Indians in this area. As I said before, I am familiar with this area for over 35 years, probably more than any other person.

In the last 25 years I have met one Seminole Indian in the Cypress area off of State Road 41. This Indian drove up to my place when I was mowing the grass. He drove up with his wife in a standard pickup.

All he wanted to know was the quickest way to get back to U.S. 41. He was slightly lost. That does not sound to me like the Indians

make use of this area. The Seminoles back 100 years ago did not use this area extensively.

Most of their travel was done by canoe. You cannot travel by canoe in this area. Most of it was done in the conservation area. The proof is almost all of the villages were along the Dade County line, where they can go up and down as the water fluctuated during the season.

The Indians do not use this. They are directly on the trail and have businesses there. I would say the majority of them who live in this area—we are not talking about the Indians in the conservation area—are against the purchase.

Mr. PACE. Senator, we would now like to call on Mr. Burnett, who has a place out there that is about to be burnt up. He has a very short statement.

STATEMENT OF ROBERT BURNETT, LAND OWNER, OCHAPEE, FLA.

Mr. BURNETT. Senator, I have a prepared statement for you. It is based around using my land as a farm. I am not a dirt farmer. I am in the process now of clearing 10 acres for orange trees and such as that.

I have been under this cloud for 3 years. I want to use my land. I own 140 acres. Taking these points into consideration, it is my feeling that you should move this bill out of committee immediately with a negative attitude.

However, if you feel that this bill is a good one, please expedite your decision, so that we may get it into court, and prove the facts as we are stating them here today. I believe in the State of Florida I am entitled to a 12-man jury, and I am ready for it.

[The prepared statement of Mr. Burnett follows:]

PREPARED STATEMENT OF ROBERT BURNETT, OCHAPEE, FLA.

Gentlemen: My name is Robert L. Burnett, Jr. of 6731 Stonehaven Road, Miami Lakes, Florida 33014. I am also speaking for my wife Mrs. LaVerne Burnett, Star Route Box 10A, Ochopee, Florida 33943.

After attending hearings held both by the State and Federal Government over the past three years regarding the Big Cypress Area, we both agree on the following points and wish these to be carefully considered before the Senate makes its final decision.

1. We feel that enough true facts from surveys and studies indicate there is not a definite need for the purchase of an additional 557,440 acres to save the Everglades National Park. Other alternatives less costly have been suggested.

2. The area in question (Big Cypress) should be left for agriculture including citrus, vegetable farming and cattle. Very little farm land is left to the east and south of Dade and Monroe Counties. The west or Gulf Coast is fast disappearing with shopping centers and condominiums. We neeed this land to feed the people in this Nation.

Taking these points into consideration it is our feeling you should move this Bill out of committee immediately with a negative attitude.

However, if you should feel this bill is a good one please expedite your decision so that we may get it into the courts to prove the facts as stated. Thank you.

[From Naples Daily News, Mar. 7, 1974]

AGRIBUSINESS HITS HIGH OF $82.8 MILLION

(By John Tippins)

Agriculture in Collier County has grown so much in recent years that it's getting a new name—Agribusiness.

Stretching over the vast areas of the interior of the county is an agricultural empire that covers more than 400,000 acres.

Last year's harvest was "the biggest we have ever had" according to Donald W. Lander, County agricultural agent.

Crop sales totaled just under $55 million and when beef cattle and the satellite industries around farming are added the figure reads $82.8 million.

Immokalee, the center of the agribusiness industry, is known as the "The Watermelon Capital of Florida" but that crop only ranks third in sales and fourth in acreage in the county.

According to the Collier County Extension Service, tomatoes lead in both acreage, with 8,205, and in total sales, with $24.6 million.

Following in order are pepper, cucumbers, watermelons, squash and potatoes.

Other crops include cabbage, lettuce, eggplant, corn, beans and okra.

Northern markets eagerly await the Collier County harvest each year as crops are shipped from Immokalee to all states along the Eastern Seaboard, into Canada and West to California.

The state farmers market in Immokalee is ranked as the second largest in the state.

Flowers also have a place in the county's agribusiness empire. The extension service estimates there are 800 acres of gladiolis grown in the county resulting in total sales of $800,000.

While many visitors may think that Florida's citrus industry is an exclusive resident of the state's hilly midsection, Collier County gets its share of the market.

The extension service estimates that about 7,000 acres in the county is taken up with citrus growing with crop sales registering at $2.5 million annually.

There are 44,000 head of cattle on 375,000 acres in the county. The total livestock value is $16.5 million while sales totaled $4.7 million last year.

The county also has a growing ornamental nursery section of the agribusiness industry. The nurseries have gross sales of $600,000 on 110 acres.

The agricultural related industries such as trucking, packing, chemical suppliers, tractor and farm equipment dealers pump about $20 million annually into the county's economy.

Satellite industries in the county include 19 packing houses, six agriculture chemical and seed companies and three aerial spray and dusting services.

The labor force used in agriculture totaled 8,500 persons last year and the total family members supported by agricultural labor was 34,000. Many of these are migrant farm workers and their families.

The industry is active from early August, when the planting starts, to late May when the last of the crops is harvested.

Farmers, using the latest technology, stagger planting dates to insure the crops are just ripe enough when its time to take them to market.

Unfortunately, farming is not always the rosy picture it would seem. Of particular concern this year is the energy crisis.

County agent Lander has predicted there will be about a 25 per cent cutback in agriculture this year because fuel shortages will prevent many trucks from transporting crops to market.

Farming is always at the mercy of the weather and one bad cold spell can wipe out a year's crop.

Many visitors to Collier County have no conception of the scope of the agricultural operations within the county. The average sightseeing tourist who rides through the area never sees the larger farm operations.

However, for those who venture off the main highways and go deep into the heart of the county, the trip will be well worth it.

The sight of a level stretch of verdant planting, with colorful buses parked at an end, and large groups of harvesters spread throughout the field, is an unforgettable added Florida experience.

Mr. PACE. And now Mr. Whichello. Mr. Whichello owns the motel in Ochopee. Ochopee, as we say again, is right down here on the

corner. By the way, Senator, that has the smallest post office and I think one of the oldest post offices in the United States. It is 6 feet by 8 feet.

STATEMENT OF DAN WHICHELLO, OCHOPEE, FLA.

Mr. WHICHELLO. Sir, my name is Dan Whichello of Ochopee. I am president of the Everglades Chamber of Commerce. I represent one-quarter of our county, its people, and 43 businesses in this immediate area. We have, of course, a larger membership.

Senator JOHNSTON. How many people?

Mr. WHICHELLO. Total in our area, in this one area we are talking about, 550 people, 2,700 in the total area. First I would like to comment on the straw vote held in Collier County on the Big Cypress issue, as well as other questions, like "Would you like population growth limitations of 250,000, 500,000, or unlimited growth?"

Or questions on the bond issue for a county golf course, a bond issue to build a golf course. Or, "Would you support up to a $10 million bond issue to purchase beach areas in Naples itself and preserve these and turn it into parks?"

They were voted no, 3 to 1. But on the issue to buy the Big Cypress and to have the United States and State regulation on this quarter of the county, the vote was 3 to 1, yes. Quite frankly I consider these hyprocrites. It sounds like it is all right to buy anything as long as it does not cost me.

Of course, Naples turned out 64 percent of the voters, which is pretty good. The county turned out only 14 percent. But then Naples was having a municipal election, not just a straw vote.

I personally helped deliver to the Governor of the State of Florida over 18 percent of the total population in signatures, against the Big Cypress issue. This is a matter of record.

Senator JOHNSTON. Do you concur that you should prohibit residential development?

Mr. WHICHELLO. To a great extent, yes, sir. As far as having homes for the people who live, who work there, having a community where we can buy a loaf of bread for the same price you do, no, sir, I do not concur.

Senator JOHNSTON. To that extent you are at odds——

Mr. WHICHELLO. To some extent, yes. I would like to be able to buy a pair of blue jeans and a loaf of bread at the same price you do in Washington and not at a premium. The total signatures was in excess of 4,800 signatures.

This outnumbers the total vote, both pro and con in the county and the city. Next, I would like to address you on a very short statement on the sheet water flow concept, or the issue of water for all and land for a few, as has been stated by the present county commission.

This seems to be the underlying problem with our congeniality of the two areas.

Senator JOHNSTON. They just sounded the bell for a vote. How much longer do you need, Mr. Pace? Do you want to finish it up now in the next 3, 4 or 5 minutes?

Mr. PACE. Yes, we do. I would like to give you my recommendations, and then we have one man——

Senator JOHNSTON. I am coming back after the vote. If you want to finish it up then.

Mr. PACE. We will not be able to wait, sir. I just want to say this thing. We would like to recommend two things for your committee. No. 1, please send somebody to make a study before you act.

No. 2, you do not need all of this land. Cut your thing down to the area south of the Tamiami Trail, if you feel you must have a park. That has some merit. And the other thing is, Senator, it is unfortunate that when 27 people are going to vote on this and you are the only one that will have the facts.

So we thank you very much. If you have to run——

Senator JOHNSTON. Your statement will be entered into the record. If you would like to wait and present it after the vote, that is fine.

Mr. WHICHELLO. Not unless it would be better to talk to you on this.

Senator JOHNSTON. We will have it actually in the record.

Mr. WOOTEN. I am grateful for appearing on the panel, but I have not finished mine in its entirety and I would like to reserve a spot this afternoon, if it is possible, sir.

Senator JOHNSTON. I am coming back after the vote.

Mr. WHICHELLO. The two of us could wait.

Senator JOHNSTON. Well, the subject of sheet flow of water——

Mr. WHICHELLO. I will put it simply. The State Land Planning Board now has abandoned the words "water flow" and now call it "water at ground level," which we know as water table.

Senator JOHNSTON. I will be back in just a little while, sir. Thank you very much, gentlemen.

[Whereupon, a short recess was taken.]

Senator JOHNSTON. I promised to let the last two witnesses briefly finish up if they wanted to make any further presentation. Do they have any further presentation? All right. In that case, Mr. Herren, I think, has to catch a plane. Mr. Herren? Is Mr. Herren here?

Mr. CHISM. I am sure he will be right back, Senator.

Senator JOHNSTON. All right. Then Mr. Tom Kimball, Executive Vice President, National Wildlife Federation.

Mr. KIMBALL. Mr. Chairman, if I might submit for the record my testimony and that of the Florida Wildlife Federation and just make a brief remark summarizing it?

Senator JOHNSTON. That would be fine, Mr. Kimball. Your full statement will be submitted into the record.

STATEMENT OF TOM KIMBALL, EXECUTIVE VICE PRESIDENT, NATIONAL WILDLIFE FEDERATION

Mr. KIMBALL. Mr. Chairman, I am Thomas L. Kimball, Executive Vice President of the National Wildlife Federation. I think the issue before this committee and the Congress is fairly simple.

That is, whether or not we should preserve the natural plant and ecology of the Everglades Park and attendant watersheds, or

whether it should be developed for agriculture and other residential and commercial uses. I think the people of Florida are pretty well on record.

I am sure it is not unanimous, from the testimony you have already heard. But I think by far the great majority of the people of Florida would like to see this unique natural system preserved.

The reason we are interested in it nationally is that it is a national treasure, this type of ecology of both the plants and animals, I do not believe, is found anywhere else in the world.

The Governor of Florida, the Chief Executive, is for this. The elected representatives of the State legislature have appropriated $40 million as their share to help acquire it. It has been designated as an area of critical State concern which, in effect, was an attempt to stop the development until such time as this ultimate decision could be determined.

I am sure, Mr. Chairman, that agriculture can be developed in that area. But it is a question of what adverse impact it might have on the best objective we are seeking. I am quite sure that you could not do it without tremendous amounts of application of fertilizer and pesticides.

That would have, in my view, and I think this has been borne out by the studies that have been made and are available to your committee staff——

Senator JOHNSTON. We will look at those studies, as you say to what degree is it incompatible. I can well imagine that pesticides, fertilizers and extensive diking might be totally inconsistent. But we just have not had that issue addressed in these hearings, to the extent I would have liked to have had it.

It may be there in the studies and we will look at those studies in depth, to determine whether the issue has been adequately developed.

Mr. KIMBALL. There are a couple of other comments that I would like to make. One is the designation of I–75, the interstate highway through Alligator Alley. In its design I am hopeful there will not be too many—there really should not be any interchanges in that highway.

Senator JOHNSTON. We are not dealing with that at this point. I would think that would be rather inconsistent with it as well. Let me ask you, how about the wilderness provision in this act?

Mr. KIMBALL. We are against that, too, Mr. Chairman, because this would eliminate the motorized vehicles, the swamp buggies.

Senator JOHNSTON. You are against inclusion of the wilderness provision?

Mr. KIMBALL. That is correct. I think the intent was to preserve the watershed and allow as many compatible recreation uses of the land as possible.

Senator JOHNSTON. I think yesterday the environmental panel, most of the panelists were in favor of the wilderness study provision; am I correct on that?

Mr. BROWDER. Sir, just to be consistent with having a wilderness review in any park area, but just in favor of the study, as done with any park area. The Wilderness Act provides for that. But we did not testify in favor of putting the area in wilderness.

Senator JOHNSTON. Right. But you would be against the study provision because it might lead to the possibility——

Mr. KIMBALL. Yes. I do not think it should even be studied. If it were included in wilderness, after a study is done this would eliminate, I would say, most of the recreation uses. How else could you get in there, if you did not go by airboat or swamp buggy?

You would have to build roads into there or wait until it was dry enough to go in there. That would be about 10 percent of the time. In view, it would really not be compatible with the ultimate objective of preserving the Everglades ecosystem, but in so doing not to eliminate any of the traditional recreation activities that have gone on in that area.

Senator JOHNSTON. That does not appear to me to be an overriding consideration. We have already created a sui generis situation here. It is not a public park. It is not the usual recreation area.

We are forming our own bill for our own kind of area. I do not know that we need to be consistent, necessarily.

Mr. KIMBALL. No. But I think the primary purpose was to preserve the watershed and the unique system, and to permit as much traditional recreational activities as is possible, consistent with that primary objective.

That, again, was a simplified statement of our understanding of what the objectives of the bill would be. So we would certainly like to support that. We would like to support the taking provisions.

I think that this is essential——

Senator JOHNSTON. Legislative taking?

Mr. KIMBALL. Legislative taking. I think that this is the only way you will be able to accomplish the purpose, and in that taking to pay the just compensation to those who may be injured by it.

But unless you do it that way, I do not think the development can be stopped, nor can the prices be nailed down to the point where even the Federal Government can afford to acquire.

Senator JOHNSTON. Right.

Mr. KIMBALL. With that, Mr. Chairman, unless you have additional questions, that concludes my testimony.

Senator JOHNSTON. Mr. Kimball, we appreciate your coming very much. You have added to the already impressive case in favor of preservation in this area. I might add, in general, that the environmentalists' testimony has really been of excellent quality, yours and the others throughout this hearing.

It has been very helpful to us. Thank you very much, Mr. Kimball.

Mr. KIMBALL. Thank you, sir.

[The prepared statement of Mr. Kimball and the Florida Wildlife Federation follow:]

STATEMENT OF THOMAS L. KIMBALL, EXECUTIVE VICE PRESIDENT, NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Thomas L. Kimball, Executive Vice President of the National Wildlife Federation, which has its national headquarters at 1412 Sixteenth Street, N.W., here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. The Federation has Affiliates in all 50 States, including Florida, and Guam, Puerto Rico, and the Virgin Islands. These Affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation number an estimated 3½ million persons.

We welcome the invitation to participate in this hearing and to express our fervent hope that the Subcommittee can join the House in approving of a proposal to protect the invaluable Big Cypress area. We regard H.R. 10088, establishing the Big Cypress National Preserve as a proper and acceptable vehicle to accomplish this purpose.

As a longtime admirer of the Everglades National Park and the wetlands of South Florida, I have been personally concerned with the progress of this proposal. After having been over a good portion of the area, I am well aware of the natural and wildlife values it contains in its own right and because of the close relationship to the Everglades National Park. I also am well aware of the threats being posed to both areas through unwise and unregulated development and, in our opinion, protection of the watershed of Everglades Park and the unique natural values of the region is the prime justification for establishment of the Big Cypress National Preserve. The Preserve must be established as soon as possible.

I might add here that it also is our opinion that the acquisition of areas such as Big Cypress is in perfect accord with the concepts anticipated by this Committee and the Congress when the Land and Water Conservation Fund Act was enacted. I would not be fair if I did not say that we feel that many of the present uses of Land and Water Conservation Fund monies, such as rooftrop recreation areas and reclamation of stripped areas, are unwise and improper diversions of Land and Water Conservation Fund money. These developments, while laudatory, should be funded through other appropriations rather than diverting these dedicated monies away from the acquisition of badly-needed natural areas.

I might add here that we are convinced that the Federal Government well may be entering into a highly significant new approach with this bill (H.R. 10088), a provision which can result in substantial reductions in the cost of protecting the area. This, of course, is the provision (Sec. 2(b)) to revest title. Under this new device, accompanying the "legislative taking", the Secretary must restrict the use of the land to ensure its compatibility with protecting and preserving the hydrologic, natural, and environmental values of the area. Under this procedure, the Secretary can allow former owners to retain use of the land in conformity with these restrictions. These restrictions, in perpetuity, go with title to the land and will be applicable to any subsequent heirs or assignees.

We are pleased that the bill provides that hunting, fishing, and trapping will be continued under applicable state and federal laws, and we believe that provisions for safety zones and periods are reasonable. We also feel it is reasonable that the Secretary be authorized to develop rules and regulations to control the use of motorized vehicles, the exploration for and extraction of minerals, grazing, drainage, agriculture and new construction of any kind, as outlined in Section 4(a).

We hope and trust that interests of the Indians in the area concerned are provided for and safeguarded.

We are in agreement with Section 7, allowing for review of the area for possible inclusion within the National Wilderness Preservation System provided this designation does not impair water and habitat management for the benefit of wildlife.

In summary, Mr. Chairman, we recommend speedy approval of H.R. 10088.

In conclusion, I should say that officials of the Florida Wildlife Federation could not appear here today as planned and I ask permission that their remarks, which are attached, be associated with my statement.

Thank you again for the opportunity of appearing here today.

JOINT STATEMENT OF JOHN C. JONES AND CALVIN STONE PRESENTED ON BEHALF OF THE FLORIDA WILDLIFE FEDERATION

Mr. Chairman, we are John C. Jones, Executive Director of the Florida Wildlife Federation, of West Palm Beach, and Calvin Stone, Chairman of the Big Cypress Committee and President of the Florida Wildlife Federation, of Miami.

The Florida Wildlife Federation is one of 50 State Affiliates of the National Wildlife Federation. Our organization is composed of 53 member clubs and some 20,000 individual members.

We appreciate this invitation and opportunity to appear here today to speak out on behalf of protecting the Big Cypress area.

On November 30, 1971, we appeared at the Congressional hearing in Miami and supported protection of the Big Cypress Swamp. On April 21, 1972, it was our privilege and pleasure to appear before this Subcommittee to speak out in support of the concepts expressed in S. 2465, establishing the Everglades-Big Cypress National Recreation Area. Today we reiterate our support of the principles expressed in H.R. 10088, establishing the Big Cypress Fresh Water Reserve in Florida, as passed by the House 10/3/73 by a vote of 376 to 2.

As we indicated in our earlier testimony, many people use the Big Cypress area for recreational purposes. Only a small number actually reside in the Swamp but many use it as vacation or weekend retreats. Some few landowners have constructed lodges or cabins; others pitch tents and camp. Some fish or hunt or watch birds only during daylight periods, and do not remain overnight on their properties. Thus, many people have a common love for this unique area and hope to maintain it as it now is. This common bond cuts across all economic and educational strata of persons.

It was for this basic reason that the Florida Wildlife Federation exerted a major effort on behalf of securing State cooperation in the joint program to acquire lands within the Preserve. As the Subcommittee knows, obstacles to this cooperative program have been overcome and we are confident that the State of Florida now stands ready to join the Federal Government in establishing this badly-needed Preserve. We pledge our support in endeavoring to ensure that the State participates fully in the execution of the cooperative agreement with the Federal Government.

Protecting the area from unlimited and unwise development is the prime concern of all of us. However, the area can continue to be used for many recreational purposes and we are in accord with the language requiring that the Secretary of the Interior permit hunting, fishing, and trapping under appropriate State and Federal laws, but permitting the establishment of safety zones where, or when, these activities may not be allowed. As indicated earlier, we hope and trust that vehicular access will be permitted for these purposes.

We are in agreement with the basic concept of a "legislative taking", whereby title to nearly all of the privately-held lands will pass to the United States as soon as the cooperative agreement is signed. This provision expressly exempts taking residential properties up to three acres of land. Most significant, however, is the provision which allows the Secretary, with the owners consent, to revest title to any lands where he feels that the full fee title is not necessary to accomplish objectives of the legislation. We feel sure that many property owners will agree to restrictions on the use of the land to asure its use in a manner compatible with preservation and protection of the hydrolic, natural, and environmental values of such great importance to the Everglades National Park as well as to the Big Cypress area itself.

In conclusion, Mr. Chairman, we urge speedy approval of this proposal in order that it may become a major conservation-environmental accomplishment of the 93rd Congress.

Senator JOHNSTON. Did our friend who want to check on his airplane show up?

Mr. HERREN. Yes, sir.

Senator JOHNSTON. This is Mr. Norman Herren. You were to testify for or against?

Mr. HERREN. It will be somewhat against.

Senator JOHNSTON. Your full statement will be entered into the record.

Mr. HERREN. Thank you, sir.

STATEMENT OF NORMAN HERREN, NAPLES, FLA.

Mr. HERREN. Senator, I notice we have a number of maps which all outline the area in question. This one I will leave with my statement, because I have it marked and identified on here for a specific purpose.

My name is Norman Herren. I am a native Floridian, having been born in Miami, Fla.

Senator JOHNSTON. Excuse me, Mr. Herren. I notice the statement is rather long.

Mr. HERREN. I do not intend to read it all. I will skip the qualifications here. It is merely to point out that I have been a resident of our county for some 35 years. I have served in public office in various capacities.

I was chairman of the school board. I am a member of the board of forestry for 8 years including 2 years as president. I have served as chairman of the Collier County Coastal Area Planning Commission for a period of 7 years.

Senator JOHNSTON. The holdings of your company comprise 400,000 acres of land?

Mr. HERREN. Our company owns some 400,000 acres.

Senator JOHNSTON. How much of that is in Big Cypress?

Mr. HERREN. About 80,000 acres of it in Big Cypress.

Senator JOHNSTON. What do you want to use that for if there were no restrictions?

Mr. HERREN. I wanted to point out one portion of it here, Senator, that we feel definitely should be excluded from the area. The reason for that is that it has been used for many, many years for cattle ranching. It is now being so used. There is also a new oil field that has been brought into there, identified as the Bear Island field, which today has three producing wells that are producing now at the rate of 152,000 barrels a year.

There is a permit ready to be followed up on to drill a fourth well in this field. We look for that field to become quite productive. There is also some lime rock quarrying being investigated in this area.

There are lime rock investigations immediately to the north and west. We feel this area will definitely affect both agriculture as well as the petroleum business. But I am not sure whether the mineral rights are going to be considered or not in this.

I only have two points. One deals with this area, and the other deals with the mineral. It will not take but about 5 minutes to touch these, I believe.

Senator JOHNSTON. We have heard testimony on the mineral rights. I do not know that there is anything in particular to be added on that. We heard from both the environmentalists and the oil companies.

Your other point was——

Mr. HERREN. I did want to point out in connection with that, I do not know whether it has been mentioned. But practically all of the minerals in this entire area are under mineral leases at the present time.

In addition, a great number of those are severed from surface ownership. They are in two different categories. Many of them are with the owners of the surface, and many of them are not. Those were the two major points in connection with the minerals.

I would like to point out, sir, that in connection with this area lying north of Alligator Alley, that happens to be Forest State

Road 84 on the maps, but it is known locally as Alligator Alley, and referred to in some of the reports as the Everglades Parkway.

It runs from Naples to Fort Lauderdale. But I feel quite strongly about this, and would like to quote, if I may, from a part of the U.S. Geological Survey Report. This was entitled "Some Hydrological and Biological Aspects of the Big Cypress Swamp Drainage Area, Southern Florida, 1970".

This is on page 4 of my statement. The statement I would like to read into the record appears on page 74 of that report.

Senator JOHNSTON. It is in the record already. Your whole statement.

Mr. HERREN. Both of these canals border this property. It is pointed out in that report that most of the water when it is present there, which would be in the heavy rainy season is intercepted by these two canals which flow southward and enter into Chokoloskee Bay. It is also pointed out that this one canal, Barren River Canal, has been there 40 years. The Turner River Canal has been there, I am sure, 15-odd years.

The USGS report also points out that this has not had any effect in lowering the water levels. It has been relatively small. It also points out that the water levels in the vicinity of these canals has been stabilized.

It further points out there are control points up and down this canal.

Senator JOHNSTON. What do you want to use this land for, Mr. Herren?

Mr. HERREN. For continued agricultural purposes.

Senator JOHNSTON. When you say "agricultural purposes" you mean cattle ranching?

Mr. HERREN. Right. There is also some winter vegetable farming in here.

Senator JOHNSTON. On your 80,000 acres?

Mr. HERREN. I am speaking only of the area north of Alligator Alley.

Senator JOHNSTON. Is that your 80,000 acres?

Mr. HERREN. Our 80,000 acres comes on south below Alligator Alley. We do not have much agricultural activity on it. We do on some parts of it. There are some seven sections involved, south of the alley, which we own.

Senator JOHNSTON. Do you have to fertilize the cattle ranching?

Mr. HERREN. It all depends. If you are using improved grasses, you do. If it is native range, you do not.

Senator JOHNSTON. What do you use? Native range?

Mr. HERREN. We are mixed.

Senator JOHNSTON. Excuse me. Go ahead.

Mr. HERREN. Those are the main things that I wish to point out. I say here it is obvious any excess water that may accumulate in the area lying north of Alligator Alley will, for the most part, find its way into these two canals and therefore would not reach much of this land that is contained within the proposed Big Cypress Preserve.

I have already mentioned the fact of two canals flowing south into the bay. Also, if this area north of the alley would be an

extremely expensive one to acquire for the reasons I have stated, the fact that it is being used in cattle.

Also, of course, the oil fields. I do not go on to discuss the mineral rights but you say this has already been fairly covered, so I will not take up more time with that. Those are the two main items that I am concerned with.

This area does not cover the entire 80,000 acres, the area that I am talking about, but I am vitally concerned with this, because it is in use by people dependent upon it for their livelihood.

This is not within our own ranch. We have a large ranch of our own.

Senator JOHNSTON. How many head of cattle do you have?

Mr. HERREN. We have 8,500 head of cattle.

Senator JOHNSTON. All in the Big Cypress?

Mr. HERREN. No, the main ranch we have, the 8,500 head of breeding cattle is north of this area. It starts immediately north of it.

Senator JOHNSTON. How much in Big Cypress?

Mr. HERREN. In this area of acquisition?

Senator JOHNSTON. Yes.

Mr. HERREN. We do not have any in this area of acquisition.

Senator JOHNSTON. No cattle in Big Cypress?

Mr. HERREN. Not ours. Our land in this area has been leased to others for many, many years, some 30-odd years. These people have been dependent upon it for their livelihood. Our ranch begins right at the northern border of the Big Cypress and goes north.

We have citrus groves and there are a number of winter farms in the area. Since these farms move about every year, it is impossible to make up a map that would show the same each year.

This map shows where the farms were located in 1973.

Senator JOHNSTON. Very good. Mr. Herren, we just had another vote call. I am wondering here if it would be necessary to come back this afternoon. Mr. Charles Lee, is he here?

Mr. LEE. Yes, sir.

Senator JOHNSTON. Did you want to make an oral presentation?

Mr. LEE. Yes, sir; I did, if possible.

Senator JOHNSTON. Mr. Alexander Friedman, did you want to make an oral presentation.

Mr. FRIEDMAN. If I can, sir.

Senator JOHNSTON. I want to give everyone a chance to make an oral presentation. I would say in this connection that we have had an excellent presentation on behalf of environmental groups. I do not know if you were here yesterday.

But we had a whole panel on that. I know your groups are in favor of it, and the question is, can you present any new material? If you can I would certainly like to hear it.

Mr. FRIEDMAN. Mr. Chairman, what I did want to do is respond to some of the comments I heard this morning. I would be pleased if it could be entered into the record, to submit it in writing following the hearing, after I get back to Miami.

Senator JOHNSTON. Would you prefer to do it that way?

Mr. FRIEDMAN. I would be willing to do it that way, sir; either way, if it is more convenient to the committee I would certainly be willing to do it.

Mr. LEE. Sir, if it is more convenient to the committee, I believe it would be proper to submit our testimony for the record in writing. There was one brief comment I would like to make in relation to agriculture.

I was provided this morning with a document that indicates some of the problems that are indicated from agriculture. It is a study that was prepared by the U.S. Geological Survey in their south Florida environmental project.

I would like to quote one brief line from that statement to indicate the problem that agriculture presents, besides the clearing of land. That study, from March 1973, shows, quote, "Metal concentrations in canals adjacent to actively cultivated fields were two to six times higher—"

Senator JOHNSTON. I am sorry, that is the 5-minute bell. Was there anyone else who wished to testify in person who could not submit their——

Mr. CHISM. Yes, sir. Were you not planning to hear mine? I am Ellis Chism, chairman of East Collier County Landowners Improvement Committee.

Senator JOHNSTON. Would you like to make an oral presentation?

Mr. CHISM. Yes, sir.

Senator JOHNSTON. Anyone else? What is your name?

Mr. POGLITSCH. John Poglitsch. Number seven on the list.

Senator JOHNSTON. Are you for or against?

Mr. POGLITSCH. I just want to present my view on it.

Senator JOHNSTON. Is it for, against, or mixed?

Mr. POGLITSCH. It is against the taking, unless they come up with enough money. That is my position.

Senator JOHNSTON. I will come back after the vote.

[Whereupon, a short recess was taken.]

[The prepared statement of Mr. Herren together with statement before House Interior Committee at Fort Myers, Fla., follows:]

STATEMENT OF NORMAN A. HERREN PRESENTED TO THE PARKS AND RECREATION SUBCOMMITTEE OF THE UNITED STATES SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO CONSIDER MATTERS PERTAINING TO ACQUISITION BY THE FEDERAL GOVERNMENT OF A PORTION OF THE SO-CALLED BIG CYPRESS AREA. HEARING CONDUCTED MARCH 22, 1974, IN ROOM 3110, NEW SENATE OFFICE BUILDING, WASHINGTON, D. C.

My name is Norman A. Herren. I am a native Floridian having been born in Miami, Florida. I received all of my formal education in Dade County and graduated from the University of Miami with a degree of Bachelor of Science in Business Administration.

Shortly after graduating from the University, I moved to Collier County and became associated with the Barron Collier organization in November, 1938. Except for almost four years service in the United States Navy during World War II, I have continuously resided in Collier County. For the past 20 years I have served as the resident manager for two corporations and three partnerships of the Collier organization which are based in Naples, Florida. Our holdings presently comprise approximately 400,000 acres of land, practically all of which are located in Collier County.

In addition to my duties and responsibilities in the management of these lands, I have also served in public office as Chairman of the Collier County School Board, member of the Florida Board of Forestry for eight years, including two years as President, and Chairman of the Collier County Coastal Area Planning Commission for a period of seven years.

The above statements are entered into the record merely to show my qualifications as being thoroughly familiar with the overall general conditions as they have existed in our County for the past thirty-odd years.

I appeared before the Parks Subcommittee of the United States House of Representatives Committee on Interior and Insular Affairs at a public hearing conducted by that Subcommittee on February 15, 1972, in Fort Myers, Florida, on this same subject. In the interest of time I shall not repeat today my statement made at that hearing, but have appended a copy of it to this statement for ready reference and convenience to you. My views concerning the area of the so-called Big Cypress National Preserve remain the same as those stated at the hearing February 15, 1972, namely that the Big Cypress Swamp is a misnomer, as more than 400,000,000 board feet of pine timber was logged and removed from this area in the eastern half of Collier County, whereas approximately 380,000,000 board feet of cypress timber was also logged from Collier County with practically all of it coming from the western half of the County. You will, of course, observe that the proposed Big Cypress National Preserve is located entirely within the eastern portion of Collier County and the northern part of Monroe County.

However, as stated above, this matter is covered in great detail in my statement of February 15, 1972.

In addition to the points covered in the attached 1972 statement, I wish to point out to this Committee two very important aspects which should be given studied consideration by this Committee in reaching a determination as to the final boundaries of the area to be acquired by the Federal Government for the Big Cypress National Preserve. These two aspects are:

1. It is my strong conviction that no lands lying north of Florida State Road 84, sometimes referred to as Everglades

Parkway and known also as Alligator Alley, should be included within the boundaries of the proposed Big Cypress National Preserve regardless of whatever area it may finally encompass.

2. It is also my strong conviction that any lands acquired by the Federal Government or the State of Florida, acting in its behalf, should exclude all mineral and subsurface rights not presently owned by any governmental agency and that these mineral and subsurface rights should remain in their present status.

A. With respect to item No. 1 above, you will observe from the map of Collier County that all of the lands lying north of Alligator Alley and within the present boundaries of the proposed Big Cypress National Preserve are used for agricultural purposes. This is also true for a number of sections lying immediately south of Alligator Alley. These lands are now being used (and have been used for many years) for cattle ranching. In addition, some portions of it are also used for the farming of winter vegetables. Some of these areas are now under consideration for the quarrying of limerock. An oil field has recently been discovered and now is being further developed within this area. This field consists of three wells with a fourth well approved for drilling at a very early date. While this field is relatively new, the three wells are presently producing approximately 152,000 barrels of oil annually.

In addition to the various uses described above, I call your attention to the fact that very little, if any, water from the area lying north of Alligator Alley reaches the remainder of the proposed Big Cypress National Preserve. You will note on the map of Collier

County a canal running parallel to Florida State Road 29 (referred to as Barron River Canal), and another canal five miles further to the east (Turner River Canal). As one of the stated reasons for the creation of the Big Cypress National Preserve is the movement of water in and through the Preserve to the Everglades National Park, I think it is most fitting and pertinent that I call your attention to a publication entitled "Some Hydrologic & Biologic Aspects of the Big Cypress Swamp Drainage Area, Southern Florida 1970" prepared by the United States Geological Survey. The following appears on page 74 of that report:

"Barron River and Turner River Canals

The Barron River Canal excavated during the 1920's to obtain fill material for Road 29, extends from Everglades City northward to Immokalee. Similarly, the Turner River Canal, 5 miles east of the Barron River Canal, excavated during construction of Road 840A, extends from the Tamiami Canal northward to the Everglades Parkway. The two canals form the basis of a drainage system for the western part of subarea C south of the Everglades Parkway. The effect of the canals on lowering water levels has been relatively small."

Again, the following appears on page 76 of this report:

"The flow of the Barron River Canal is controlled through a series of stop-log controls at seven sites north of U.S. Highway 41. In general, all boards are removed from the controls during the rainy season, and, as water levels decline after the rains cease, the boards are replaced to limit drainage from the shallow aquifer. Flow

exceeds 100 cfs for several months, (see fig. 19), suggesting continuous contribution of water from the shallow aquifer. As the dry season persists, the water table continues to decline because of evapotranspiration and seepage to the canal. In the upper reaches, the canal goes dry when the water table declines to levels below the canal bottom. The Barron River and Turner River Canals receive substantial quantities of water from the Okaloacoochee Slough. Because the Barron River Canal is more than 40 years old, water levels in the vicinity have been stabilized."

It is obvious from the above that any excess water which may accumulate in the area lying north of Alligator Alley will, for the most part, find its way into these two canals and, therefore, will not reach any of the land areas contained within the proposed Big Cypress National Preserve. For your information, the Barron River Canal alongside Florida State Road 29 connects into the Barron River at the Town of Everglades, which river flows into Chokoloskee Bay. The Turner River Canal, as the name suggests, connects into the Turner River which also flows into Chokoloskee Bay.

For the above reasons, it would appear that the area lying north of Alligator Alley will indeed be an extremely expensive one while, at the same time, it is obvious that no real benefit will inure to the Big Cypress National Preserve as presently proposed.

B. With respect to item No. 2 above, it is essential that continued exploration and production of oil and related petroleum products within this country be encouraged as much as possible. My concern in

this matter stems from the Energy Crunch which has been inflicted on the citizens of this country by a series of events including an embargo imposed by the Middle East against delivery of oil and related petroleum products to the United States.

Obviously, this Nation should take every step available to insure a future supply of petroleum products which will eliminate such great dependence on one foreign source such as the Middle East, where some of the large oil-producing nations apparently hold us in such disdain as to help induce an energy crisis. We should be making every effort to increase the production of petroleum products within our own territorial limits.

In this connection, Florida has now moved into a ranking position as an oil-producing state. Some of you may be aware of the large production of oil and gas from the Jay Field in Northwest Florida. I should like, however, to call your attention to the fact that extreme Southwest Florida is a very important segment of the oil-producing industry in our State. At the present time, statewide oil production exceeds 33 million barrels per year of which more than 4,700,000 are now being produced in the Counties of Collier, Hendry and Lee in Southwest Florida.

For your information, there are presently seven oil fields consisting of 66 commercially-producing oil wells in these three counties, making up the production of 4,700,000 barrels of oil annually, as referred to above.

I should also like to point out that the Sunniland Field, in Collier County, and which area immediately adjoins the northernmost

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limit of the proposed Federal Acquisition Area, has been in continuous production of oil for more than 30 years. The first discovery well was brought in in the summer of 1943. This field now contains 15 producing wells -- all without damage to the ecology and environment of this area. I should also like to point out that the exploration and production of oil within the boundaries of the proposed Federal Acquisition Area is supervised by the Big Cypress Oil Advisory Committee. This five-member Committee represents the environmental interests and the oil industry and is chaired by the State Geologist of Florida. All of its members are appointed by the Governor and Cabinet of the State of Florida. Very strict regulations were prepared for the guidance of this Committee and before any drilling permits are granted within the proposed Federal Acquisition Area, this Committee makes on site inspections in the field. During the past two years that this Committee has been functioning, its work apparently has met with the approval of the environmental interests and has proven to be livable for the oil industry.

As stated under item No. 1 above, an oil field consisting of three wells with a fourth well approved for drilling at a very early date has recently been discovered in the proposed Federal Acquisition Area. Separate inspections are made by this Oil Advisory Committee before <u>any</u> wells are drilled in this area.

I strongly urge this Committee to give every consideration to the importance of continued exploration and production of oil from all of Southwest Florida and particularly with respect to the proposed Federal Acquisition Area. For this reason, I urge you to omit the taking of oil and mineral rights in any acquisition area which may be

approved, leaving these oil and mineral rights in their present status. Most of the oil and mineral rights in this area have been and are presently under long-term oil leases. It should also be noted that many of the mineral and subsurface rights are held by others than the surface-owners. The recognition of this situation will permit further exploration and hoped-for production of oil within our own State and under proper controls to insure no damage to the ecology of this region.

Your considered approval of these two recommendations is respectfully requested.

NORMAN A. HERREN

THE COLLIER COMPANY
110 Tamiami Trail, South
Naples, Florida 33940

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STATEMENT OF NORMAN A. HERREN PRESENTED TO THE PARKS SUBCOMMITTEE OF THE UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO CONSIDER MATTERS PERTAINING TO ACQUISITION BY THE FEDERAL GOVERNMENT OF A PORTION OF THE SO-CALLED BIG CYPRESS AREA. HEARING CONDUCTED FEBRUARY 15, 1972, AT EDISON JUNIOR COLLEGE, FORT MYERS, LEE COUNTY, FLORIDA.

My name is Norman A. Herren. I am a native Floridian having been born in Miami, Florida. I received all of my formal education in Dade County and graduated from the University of Miami with a degree of Bachelor of Science in Business Administration.

Shortly after graduating from the University, I moved to Collier County and became associated with the Barron Collier organization in November, 1938. Except for almost four years service in the United States Navy during World War II, I have continuously resided in Collier County. For the past 18 years I have served as the resident manager for two corporations and three partnerships of the Collier organization which are based in Naples, Florida. Our holdings presently comprise approximately 400,000 acres of land, practically all of which are located in Collier County.

In addition to my duties and responsibilities in the management of these lands, I have also served in public office as Chairman of the Collier County School Board, member of the Florida Board of Forestry for 8 years, including two years as President, and am presently Chairman of the Collier County Coastal Area Planning Commission.

The above statements are entered into the record merely to show my qualifications as being thoroughly familiar with the overall general conditions as they have existed in our County for the past thirty-odd years.

I wish to make it very clear that I am NOT appearing in behalf of the Collier County Planning Commission. I have not been requested nor authorized by the County to do so. Instead, I am here today as a resident citizen of Collier County and as representative of a landowner within the affected area.

Although Collier County is a rather young county (having been founded in 1923), and has a population of less than 40,000, it is considered to be more progressive than a great number of counties throughout the United States and which are much older and far more populous than Collier County. For example, Collier County has established a Water Management Board which has created Water Management Districts within the county. These Water Management Districts, through the Board, have in turn conducted studies, adopted certain rules and regulations and implemented plans for the proper use and protection of our fresh water supply. The County has also created an Environmental Council to study the effect of continued development within our County and to make recommendations for solutions to air and water pollution problems, proper disposal of waste matter, and related problems resulting from an increasing population. Also, the County has established Planning and Zoning Boards, which, in turn have adopted a Comprehensive Plan for the development of the County. This Comprehensive Plan has been implemented by the adoption

of Subdivision Regulations, Zoning Regulations and Building Codes -- all of which must be adhered to by any developer in our County. To properly administer all of the various programs, to ensure that required regulations are complied with, and to see that the elected officials are kept fully informed, the County Commission has employed a County Manager.

I have enumerated the above to show that our County has taken the positive approach in an attempt to solve problems resulting from growth. I am a firm believer that man can and will solve any problems which Man himself has created, if Man devotes sufficient thought and energy to finding such solutions. This policy, however, calls for positive thinking with an approach of confidence -- an attitude that says: "We can find the right way"; not negative thinking with an approach of defeat -- an attitude that says: "Stop everything, there is no solution."

I wish to take this opportunity to emphasize most strongly that the area enclosed within the line presently used to describe the Big Cypress Swamp is a misnomer and is indeed a very loose application of an ill-defined term to a huge area of Southwest Florida.

When I first came to Collier County in 1938, there were six sawmills operating within the area designated as the Big Cypress Swamp. Every one of these sawmills was engaged in the logging and milling of pine timber. Some years later, during World War II, the Lee Tidewater Cypress Company began logging the Fahkahatchee Strand. It is estimated that that Company logged approximately 330 million board feet of Cypress mainly from the Fahkahatchee Strand and from an area immediately adjoining it to the West. All of this Cypress

timber was logged from the western half of Collier County -- none of it came from the area east of State Road 29. In addition, approximately 50 million board feet of Cypress timber was logged by others from widely separated Cypress Strands in Collier County, -- making a total of approximately 380 million board feet of Cypress timber cut and removed from Collier County, practically all of it coming from the western half of the County.

As stated above, when I came to Collier County in 1938, six sawmills were engaged in logging pine timber within the so-called Big Cypress Area. The logging of pine timber continued through 1956, during which time more than 400 million board feet of pine timber was logged and removed from the so-called Big Cypress Swamp. It is indeed an unusual circumstance that a Cypress Swamp would produce more pine than Cypress timber.

This same Big Cypress Swamp area provides excellent pasture for approximately 65,000 head of cattle. These cattle are located on ranches which utilize a total of some 440,000 acres for grazing. Again, this is considered to be very good utilization of a Cypress Swamp.

Although this area under discussion today has only recently gone into the development of citrus groves, nevertheless, there are presently some 2,000 acres of citrus located within the boundary of the Big Cypress Swamp and an additional 7,500 acres of citrus groves immediately adjoining this line and lying fully within Collier County. These citrus plantings have occurred within the last few years and additional grove land is being considered for this area.

Finally, this area produces an average annual acreage for all winter vegetable crops of some 40,000 acres. This means that the actual land prepared and farmed is about 20,000 acres as two crops are generally grown from the same land each year. It is interesting to note that within the Big Cypress Swamp area more than 150,000 acres have been farmed for winter vegetables in past years. Our Company agricultural leases require that the County Engineer approve the location, number, size and rate of flow of all farm irrigation wells located on our lands prior to the execution of such leases by us. The normal practice for farmers in this area is to farm the same land for a period of two years then move to a new location. The old farm land is then converted into improved pastures for the grazing of cattle, and may even be refarmed after four or five years. All of the above production casts considerable doubt as to the label being applied to this area, namely the Big Cypress Swamp.

Much has been said about the building of roads in this area and the damaging effect such roads may have on the general ecology of South Florida.

I should like to point out that for the past 40-odd years South Florida has been crossed from Coast to Coast by two highways, namely State Road 80 from Fort Myers to West Palm Beach, following a route south of Lake Okeechobee; and U. S. 41 (better known as the Tamiami Trail) from Naples easterly to Miami. More recently a third highway (popularly known as Alligator Alley) has been constructed from Naples to Ft. Lauderdale. In addition, hundreds of miles of State, County and private roads have been constructed within this area over the past thirty years. Private roads include logging roads

as well as roads constructed by farmers and ranchers. To our knowledge, no adverse effects have resulted from the construction or use of any of these roads.

So much for the past and present uses of much of the so-called Big Cypress Swamp. Let us now examine the role being considered for a major portion of this area.

At this point, I think it may be fitting for me to point out to the Committee that the Collier organization has long been aware of the growing need for good conservation practices and the setting aside of areas in the best interest of the public good. For example, the Collier families have made outright gifts (among others) of land as follows:

> Fifty square miles, or 32,640 acres, of coastal lands and many of the Ten Thousand Islands, to the United States for inclusion in the Everglades National Park;
>
> Nine square miles, or 5,760 acres, in Southern Collier County to the State of Florida for the Collier-Seminole State Park;
>
> Five square miles, or 3,200 acres, in Northwestern Collier County to the National Audubon Society, for a portion of the Corkscrew Sanctuary.

(Incidentally, the formal dedication of the Everglades National Park by President Harry Truman, took place in the Town of Everglades in Collier County in December 1947.) Obviously, with this background, the Collier interests do not wish to see the Everglades National Park damaged or destroyed. In other words, it is our firm conviction that, if it is shown that additional lands are in fact required for and are

essential to the future wellbeing of the Park, then certainly those lands should be acquired by the Federal Government. By the same token, lands not so required should not be acquired by the Government but left in private ownership.

However, there is some question in my mind as to what lands, if any, may be required. Unfortunately, misinformation has even found its way into some of the proposed legislation wherein it is erroneously stated that "...Everglades National Park ... is dependent for more than half its surface water supply on water flowing from the Big Cypress Swamp..." According to the U.S.G.S. report entitled "Some Hydrologic & Biologic Aspects of the Big Cypress Swamp, 1970" (page 10):

> "The Everglades National Park annually receives an average of 541,500 acre-feet of water from subarea C, 56 percent of the total received by the park from outside sources. Water from subarea C, however reaches 16 percent of the park area."

Officials of the Department of the Interior have also stated that 85% of the total water available to the Park comes from rainfall within the Park itself. This leaves 15% to flow into the Park from elsewhere. As stated above, 56% of the <u>total</u> received by the Park <u>from outside sources</u> comes from subarea C. Fifty-six percent (56%) of 15% is roughly 8.4%. However, the U.S.G.S report also points out that <u>this</u> inflow reaches only 16% of the park area. It therefore follows that NONE of the water from subarea C in Collier County reaches the remaining 84% of the Park.

Further in this connection, it is understood that measurements of the flow of water from subarea C into the Park were taken from gauges placed in openings at U.S. 41 (Tamiami Trail). As U.S. 41 is

located at distances varying from three to sixteen miles north of the Park boundary, it is felt that, very little, if any, of the water measured at U.S. 41 would ever reach the Park due to evaporation, transpiration and absorption into the ground between U.S. 41 and the Park boundary.

It is entirely possible that the placing of additional gauges at intervals along the present northern boundary of the Park may indicate that sufficient water is available in the area between the Park and U.S. 41 to meet the needs of the Park. If this be true then U.S. 41 should become the northern boundary of the Park and no land lying north of U.S. 41 would be required.

It is our understanding that the Federal Government, through the U.S. Department of Interior, is currently conducting a study entitled "South Florida Environmental Project," at a cost of about $3,000,000. I believe that this study is now in its second year and is scheduled for completion at the end of the third year. In view of certain questions, still to be resolved, it would appear to be the better part of wisdom to await the completion of this "South Florida Environmental Project" before taking further action with respect to the acquisition of any part of the so-called Big Cypress Swamp.

If, however, it is the considered judgement of the Congress that some additional buffer zone is urgently required and cannot await the completion of the Environmental Project, then it would appear that U.S. 41 (Tamiami Trail) should be the northern boundary (as suggested above) and the area lying between the present Park boundary and U.S. 41 should be acquired in fee simple by the Federal Government. In any

event, whatever lands may be deemed necessary should be acquired in fee simple and NO lands should be made subject to Compensable Land Use Regulations.

I wish to thank the Committee for the opportunity of appearing before you today to discuss the complex question of the so-called Big Cypress Swamp. If I can furnish additional information, please do not hesitate to call on me.

Respectfully,

NORMAN A. HERREN

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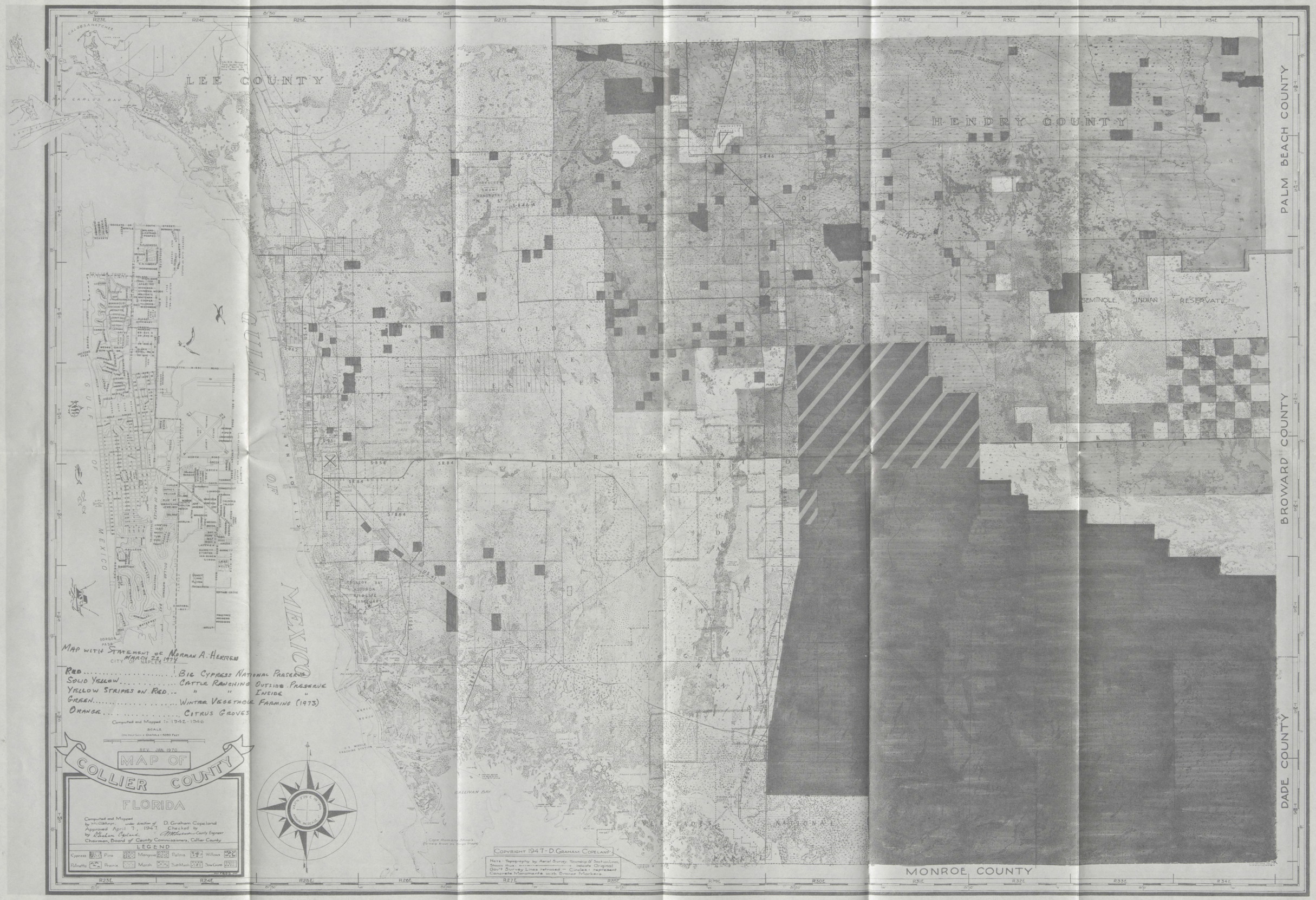

LEE COUNTY
HENDRY COUNTY
PALM BEACH COUNTY
BROWARD COUNTY
DADE COUNTY
MONROE COUNTY
GULF OF MEXICO
CITY OF NAPLES
GOLDEN GATE ESTATES
EVERGLADES NATIONAL
SEMINOLE INDIAN RESERVATION
MAP WITH STATEMENT OF NORMAN A. HERREN
MARCH 22, 1974
RED ..... BIG CYPRESS NATIONAL PRESERVE
SOLID YELLOW ..... CATTLE RANCHING OUTSIDE PRESERVE
YELLOW STRIPES ON RED ... " " INSIDE "
GREEN ..... WINTER VEGETABLE FARMING (1973)
ORANGE ..... CITRUS GROVES
Computed and Mapped in 1942-1946
SCALE
REV. JAN. 1970
MAP OF
COLLIER COUNTY
FLORIDA
Computed and Mapped by H.M. Oldhamp, under direction of D. Graham Copeland
Approved April 7, 1947. Checked by
by D. Graham Copeland, M. Thiessen County Engineer
Chairman, Board of County Commissioners, Collier County
LEGEND
Cypress
Pine
Mangrove
Palms
Willows
Palmetto
Prairie
Marsh
Salt Marsh
Saw Grass
COPYRIGHT 1947 - D. GRAHAM COPELAND
NOTE: Topography by Aerial Survey. Township & Section Lines, Shown thus: indicate Original Gov't Survey Lines retraced — Circles represent Concrete Monuments with Bronze Markers.

Senator JOHNSTON. The hearing will come to order. Mr. Charles Lee was going to testify.

STATEMENT OF CHARLES LEE, FIELD REPRESENTATIVE, FLORIDA AUDUBON SOCIETY

Mr. LEE. Yes, sir. As I was indicating before you went to vote, I am Charles Lee, field representative of the Florida Audubon Society. I am here today to represent not only the Florida Society but the National Audubon Society. Dr Elvis Starr, who is president of the organization.

Dr. Starr was here this morning and would like to extend his greetings to the committee. He would have said a few words, but the main position of the National Society was to endorse our written statement which has been presented to the committee.

Sir, my remarks this morning will be brief. I would like to note in the area of agriculture simply that, No 1, I believe that from our experience in this area which has been rather extensive over the past number of years, that the agricultural value of the area which is proposed to be acquired in Big Cypress is somewhat overstated by the opponents that presented their positions this morning.

Contrary to what was indicated, the Secretary of Agriculture of Florida, Doyle, Conner, voted in favor of the Big Cypress acquisition this last Tuesday at the cabinet meeting which approved the beginning of the State of Florida's expenditure of the $40 million.

The Secretary of Agriculture did oppose certain land use controls which covered a far broader area than the Big Cypress because they extended up into the Immokalee zone, which is ten to 15 miles north of the acquisition area.

There is extensive agriculture going on. The agriculture which took place in the Big Cypress area, I think, its success pretty well speaks for itself. There have been numerous attempts in the Ochopee area to establish truck crops.

But the abandoned furrows are more or less mute testimony to the fact that those efforts have failed. The gum slough drainage system which was proposed was to drain the land for agriculture. There the court ruled it was uneconomic because it would benefit only a minor percentage of the larger landholders.

I think the issue of agriculture has been pretty well covered. I would like to refer you to one further publication which indicates the lack of agricultural importance of the lands in the Big Cypress acquisition area, as they presently are.

The New Florida Atlas, published by Trend Publications of Florida, Library of Congress No. 72-696324 is a publication which will show very graphically the fact that the acquisition area is a very, very minor importance in terms of both its agricultural potential and its agricultural production to date.

Senator JOHNSTON. Did they make a study of that particular area?

Mr. LEE. It showed the economic data and soil data and compared them, more or less, on a mapping basis. There is no question as has been stated earlier that with a large amount of money and a

lot of development and a lot of drainage you could turn the Big Cypress into the same kind of marginally productive agricultural area as you have in south Dade County.

But that kind of agriculture, sir, is more hydroponics than it is agriculture, due to the amount of chemical fertilizers and pesticides that have to be used, because the soil, per se, is not that suitable for the growing of the kind of crops that they want to produce.

Senator JOHNSTON. How about cattle raising?

Mr. LEE. I think the cattle raising has been pretty well described by Mr. Herren, who indicated that his cattle raising in the area of the Big Cypress acquisition was very minimal.

In fact, I think he indicated that he did not have any cattle there at all. There are cattle north of Alligator Alley, but as far as any extensive cattle raising south of the alley, it simply is not present.

There are numerous people who have small homesteads who have a cow or two or maybe half a dozen or a dozen. But as far as any major commercial agriculture, I think it would be pretty safe to say, in general, it is limited entirely to the area north of Alligator Alley and for the most part to the area north of the acquisition, as indicated on the map before you today.

We are pretty convinced that the agriculture that is potential in the Big Cypress is the kind that would cause such horrendous environmental changes there that the water quality, quantity and seasonality required by the estuaries would not be available, should it be developed in that way.

For that reason, we would refer you to the publication of the U.S. Geological Survey, in their report on the south Florida environmental project, entitled, "Influence of Big Cypress Land Development on the Distribution of Heavy Metals in the Everglades Estuaries; USGS survey data from the month of March 1973, shows clearly that heavy metal concentrations in canals adjacent to cultivated fields were two to six times higher than those in canals draining uncultivated land.

Of course, heavy metal is one of the principal, environmental problems, an indicator of——

Senator JOHNSTON. Mercury?

Mr. LEE. The metals mentioned in this case, I believe, were iron, lead, cadmium, and zinc. Mercury was not one of those that I saw mentioned in this report. But I had this morning an abstract of the report.

I am certain that the full report, which is available to you and may already be in the record, in fact, would detail in obvious quantities what is in there. The main point is the levels of heavy metals were 2 to 6 times higher, near the cultivated fields than they were in areas that were not cultivated.

Another point which I think is important to note in looking at the Big Cypress as it is today is the fact that when you develop in the Big Cypress you foreclose options for the protection of the park forever.

Should the national food situation, as it is portrayed by these other people, ever get so bad that the section of the State is ab-

solutely necessary for production in a high intensity agricultural sense, you could always go back to it.

On the other hand, when it is not that bad yet you are foreclosing the option of keeping it national and protecting the park by going to that use prematurely.

Senator JOHNSTON. Should we build something into the statute that would allow the Interior Department to issue regulations for development under agricultural use, when as and if needed?

Mr. LEE. Sir, I think the statute as it is already constructed provides ample ability of the Secretary of Interior to regulate the use of the land which would be allowed for those people who will retain a life tenancy or 25-year tenancy, at their option.

I do not think, at this point, that the option to convert this land to high intensity agriculture is so urgent. Certainly, the facts and figures in the State of Florida, the economic data in the State of Florida, do not indicate that.

I think that is a matter, if it ever cropped up in the future in an extreme case, certainly the Congress would be able to act upon it in this area as they would in other areas, without major problems.

Senator JOHNSTON. You concur with the environmental panel of yesterday which stated that there was no need to acquire the mineral rights under the land provided Interior properly policed the oil and gas drilling and production activities?

Mr. LEE. Sir, in the case of hydrocarbons, yes. Oil and gas, we believe, under regulations that have been operating by the State of Florida have demonstrated themselves to be extractable from the Big Cypress area with a minimum of damage provided the Department of Interior follows a system of controls that would provide for the removal of extraction facilities, once this job was done.

However, the question of minerals, per se, the issue brought up a little earlier by Mr. Herren of lime rock, I believe, is another matter.

Senator JOHNSTON. The environmental panel is against extracting lime rock.

Mr. LEE. If the mineral rights are left in present ownership and are limited to hydrocarbons, there would be no problem with that on that with us whatsoever.

Senator JOHNSTON. Mr. Lee, we appreciate your testimony very much. Did you have anything else to add?

Mr. LEE. I would like to add one thing in closing. We rest on our statement, submitted for the record, and the data which is compiled in the four major studies which the Department of the Interior and the Geological Survey, a division of that Department, have compiled, with literally hundreds of man years of field work of people who are experienced in south Florida like Dr. McPherson, Arthur Marshall, who prepared the Leopold report.

People who have been Florida residents for years and who have not only that residency and a familiarity with the land, but scientific credentials, besides. These reports which are already in the record are available to you, the Big Cypress Watershed, Florida, the hydrologic and biological aspects of the Big Cypress Swamp area,

southern Florida, by the USGS and the synoptic survey of limnological characteristics of the Big Cypress, Florida.

All of these are detailed in our written comments and by the Department of Interior and they contain, we believe, the most vigorous and comprehensive environmental analysis of the area ever prepared for the proposal of a national park or a national acquisition of any kind.

We think that these facts, this data, or the volume of it speaks for itself in terms of the competency of the Department of the Interior as far as the availability of data to justify the proposed acquisition is concerned.

So the one point in closing, I would like to urge is this, Senator. That is the urgency of the acquisition itself. We have, in our written testimony, a series of aerial photographs that demonstrate the encroachment upon the Big Cypress environment by development at a rapid pace.

We feel, very clearly, the legislative taking method of acquisition is a very urgently needed option in this case. If you look at land values in Florida, which the Florida Department of Transportation as it is detailed in our testimony through its extensive condemnation experience in building highways, are increasing on an average of 18 percent per year.

We feel legislative taking is an urgently required option in the area of the Big Cypress. Even if the Big Cypress could only increase at 9 percent per year, the increasing price over a 10-year period acquiring 10 percent of it per year could be greater than originally anticipated.

If we are going to buy it at a price of $156 to $170 million dollars, I think the Collier County Tax Assessors' Office in coming up with the average of $200 an acre now is quite accurate.

If we want to look at that figure in terms of costs, then we are looking at legislative taking. To draw it out over a period of 10 years will increase costs. But if the committee's decision is that it be bought over a 10-year period, then we would certainly urge that they go ahead with the acquisition, regardless.

Because even if the entire long-range price is double what is projected now without the legislative taking, we feel the implications for the park in south Florida are so great that they justify it, even over and above the increased costs.

Senator JOHNSTON. Thank you very much, Mr. Lee. If you would like to add anything in writing to your testimony, we would be glad to receive that.

Mr. LEE. I do believe that I will submit a copy of the Florida trend analysis of the agricultural implications of the Big Cypress area.

Senator JOHNSTON. I would like very much to have that.

[The full statement and the Florida Trend Analysis follows:]

STATEMENT OF THE FLORIDA AUDUBON SOCIETY

Honorable Chairman, distinguished Committee Members, I am Charles Lee, Field Representative of the Florida Audubon Society, speaking on behalf of the Society's Board of Directors and Executive Director, Hal Scott. I have

also been authorized to represent the interests of the National Audubon Society in the matter under discussion here today.

Both Societies wholeheartedly endorse the Department of Interior's proposal to acquire the lands and waters of the Big Cypress Watershed within the area of the map entitled "Boundary Map, Big Cypress National Fresh Water Reserve, Florida" Numbered BC–91001, and dated November, 1971. The Societies stand resolute in the conviction that immediate federal purchase and protection of this area is crucial to the survival of the ecosystems and endangered wildlife of Everglades National Park, the fresh water supply of all South Florida, the marine resources of Florida's southwest gulf coast, and the maintenance in general of an acceptable quality of life for Florida's future generations. In evidence of these facts we present for the record a paper entitled, "Big Cypress Watershed, A Synopsis and Bibliography of Factual Information".

There has been much discussion about the desires of the residents of the counties which will be affected by the Federal purchase. The results of a straw ballot poll held during Collier County's county wide election of February 5, 1974, should once and for all put to rest all claims that there is any significant opposition from the public at large. When asked the question "Do you favor the federal purchase of the Big Cypress Watershed?" Collier County voters responded affirmatively by a margin of 3 to 1.

The staff of the Florida Audubon Society has been maintaining intense surveilance over development activities in the Big Cypress Watershed area for approximately three years. During this period we have witnessed first hand the effects of rapidly increasing development pressures that threaten the ecological integrity of natural systems now encompassed by the proposed purchase area. The Big Cypress Jetport and the Gum Slough Drainage District received widespread national publicity as a result of their imminent threat to the Big Cypress and Everglades National Park. With the decision of the Federal Government to relocate the airport and the decision of a Florida Circuit Court to deny the developer's drainage district petition much of the national publicity faded away and the general public had little opportunity to learn of additional threats enveloping the area.

When the petition for the formation of the Gum Slough Drainage District was denied, the developers and Miami realtor, James Pace, went forward with their drainage plans, financed by private funds rather than the special tax levying powers that the formation of a district would have provided. To date, approximately 7 miles of canals and levees have been constructed, and litigation efforts by a coalition of state agencies and conservation organizations have thus far provided no relief.

Land use regulations recently imposed by the State of Florida grandfather in existing developments and totally exempt operations asociated with agriculture. Nothing today exists by way of police power regulation in the state of Florida to effectively prevent Mr. Pace and Gum Slough Landowner interests from forging ahead to clear and drain thousands of acres directly adjacent to the boundary of the National Park and crucial to the maintenance of its water supply. At this very moment tall cypress trees are crashing to the ground on a ten acre tract deep in a cypress strand off the loop road south of the Tamiami Trail, which is being cleared ostensively for agriculture. The history of real estate speculation in south Florida is replete with examples of "Agricultural" developments which blossom almost overnight into rowcrops of housetrailers and quarter acre lots.

Exhibits A and B attached to this testimony show respectively the broad extent of areas subject to an immediate threat of development and areas which suffer from existing development damage. These maps have been prepared through the interpretation of high altitude aerial photographs taken by the United States Geological Survey; through low altitude aerial photography and surface inspection. Exhibit C, consisting of eight (8) numbered aerial photographs and attached identification material provides a representative sample of the various kinds of development activity currently taking place within the proposed acquisition area. The highest intensities of development occur in the southwestern corner of the proposed acquisition area, in association with U. S. Highway 41 and State Road 840–A and 837. Dredging activity located immediately south of the Tamiami Trail between State Road 840-A and State Road 29 currently threatens to destroy a large part of the last remaining habitat of the critically endangered Cape Sable Sparrow, one of 17 endangered species known to inhabit the Big Cypress.

Secretary of the Interior Rodgers Morton, speaking before the House Committee on Interior and Insular Affairs Subcommittee on National Parks and Recreation in May 1973, framed the issue concisely when he said, and I quote;

"Delays are costly—not only in terms of dollars, but more critically, in our ability to halt the draglines from further ravagement of this fragile land."

President Nixon, in his 1973 State of the Environment Message urged, and I quote;

"Prompt passage of federal legislation which would allow the Interior Department to forestall private and commercial development and inflationary pressure which will build if we delay."

In light of these statements it is obvious that speed in acquisition is of the essence. We fear that the proposed ten year acquisition schedule detailed by Assistant Secretary of the Interior, Nathaniel P. Reed at the House National Parks and Recreation Subcommittee hearings last May is far too lengthy to beat those draglines or the astronomical cost increases that their disasterous work and the rapid escalation of land prices in Florida will inexorably occasion. The Florida Department of Transportation has calculated from data compiled in its extensive condemnation experience that land values throughout the state are currently rising at approximately 18% per year. If land values in the acquisition area only rise by half that much, the total purchase cost could easily increase to *almost 240 million dollars.*

We submit that the legislative taking proposed by the House of Representatives is not an option . . . it is a necessity.

On behalf of the members, and the Board of Directors of the Florida Audubon Society and the National Audubon Society, I thank the Committee for the privilege of presenting testimony here today and conclude urging this Distinguished Subcommittee to take prompt favorable action on legislation creating the Big Cypress National Fresh Water Reserve.

The Big Cypress Watershed

A SYNOPSIS AND BIBLIOGRAPHY OF FACTUAL INFORMATION, FLORIDA AUDUBON SOCIETY, MAY 1, 1973

I. Introduction

"Facts", said Winston Churchill, "are better than dreams." He might have noted also that *facts* are essential to the synthesis of a a wise decision.

The information set forth below is the result of a careful search of the available scientific literature dealing with the Big Cypress.

II. What is the Big Cypress Watershed?

The Department of Interior's publication, *Environmental Impact of the Big Cypress Swamp Jetport*, (the "Leopold Report") describes the area as

". . . a wilderness area of sloughs, cypress strands, pine islands, and hammocks, roughly 30 by 40 miles in extent and located west of the Everglades, principally within Collier County. It is an intricate mosaic of marsh and lowland forest types. The pattern of this mosaic is determined mainly by length of the hydroperiod and the frequency of fire at a given site.

"The major forest types are bald cypress, clash pine, cabbage palm, and mixed hardwoods." [1]

It refers to the Fahkahatchee Strand as—

". . . the major drainage slough of the southwestern Big Cypress and supports a mixed strand of cypress and native royal palm, a forest type which is unique on earth." [2]

Interior's latest publication, *Big Cypress Watershed*, refers to the

". . . almost imperceptible slope of the land. This results in exceedingly slow drainage, which extends the "wet months" well beyond the period of actual rainfall. The unrelieved flatness of the area's topography makes sheet flow the predominant drainage rather than flow in well-defined channels or courses. Thus, a water level change of only a few inches of times affects thousands of acres. In a year of normal rainfall, much of those areas still experiencing natural drainage stands underwater for as long as four months after rainfall ceases." [3]

"The biota of the Big Cypress is in delicate balance with the seasonal fluctuations in water level. These fluctuations control the growth and concentration of organisms in the freshwater environment and determine the brackishness of the estuaries, which, in turn, controls the estuarine ecosystem, a vital nursery and feeding area for many marine animals. The Fahkahatchee Strand, in particular, is a unique water-dependent area rich in semitropical plants and in wildlife. The biota of the Big Cypress is interrelated with that of the Everglades National Park; many species migrate betwen the two areas." [4]

The "Leopold Report" notes that the swamp

". . . may well be thought of as an aquatic rather than a terrestrial environment. Water levels are above the ground surface about 70 percent of the time in low-lying areas, and over most of the areas 3–4 months in the normal year. The surface drainage features convey hot water to the estuaries that lie to the west and southwest of the Big Cypress." [5]

III. The ecology of the Big Cypress Watershed

Because it is water dominated, the plants and animals frequenting the area have adapted to fluctuating seasonal water levels.

Plant communities represented are:

(1) pine-palm-palmetto forest,
(2) wet prairie and marsh,
(3) freshwater swamp,
(4) hammock forest,
(5) cypress forest,
(6) tidal marsh, and
(7) mangrove swamp.[6]

The "Leopold Report" indicates that nearly every wildlife species native to semitropical Florida can be found in the swamp.[7]

The variety of habitat available encourages aquatic species utilizing fresh water and others which invade the estuaries to feed and reproduce.

The numerous species of amphibians, reptiles, birds, and mammals include 17 classified as rare or endangered by the U.S. Fish and Wildlife Service, including the alligator, Wood Ibis, Florida Everglade Kite, Southern Bald Eagle and Florida panther.[8]

A Synoptic Survey of Limnological Characteristics of the Big Cypress, Florida, states:

"The biotic components . . . are generally part of a delicate food sequence: plants—invertebrates—fish—birds—etc. If the food chain is altered, the ecosystem becomes unbalanced and certain forms are threatened by extinction. Development of the Big Cypress Swamp for man's use will break this chain *and will* inevitably destroy the south Florida ecosystem." [9]

IV. Hydrology

The highly erratic seasonal rainfall and runoff characteristic of the Watershed is produced by summer thunderstorms which are of marine origin. Leopold called attention to the 75 to 95 percent evapotranspiration loss which is a very significant climatological—ecological factor in the Big Cypress Basin.[10]

During the wet season a sluggish, overland sheet flow dominates the runoff pattern of the swamp and south Florida.[11]

The shallow aquifer in the Big Cypress supplies *all* fresh water for Naples and adjacent areas.[12]

The Floridian aquifer, located at depths greater than 400 feet, yields large quantities of highly mineralized water which could only be rendered potable through an expensive desalination process.[13]

Tests performed by the United States Geological Survey led to the conclusion that the water of the Big Cypress is relatively unpolluted. Concentrations of nitrogen, phosphorous, total organic carbon and persistent pesticides are considerably less than those in nearby urbanized areas.[14]

V. Influence on other areas

The Big Cypress Watershed is the vital underpinning of the ecosystem which provides critically important esthetic and economic benefits to the South Florida Gulf Coast.[15]

The *Everglades National Park*, which is dependent upon a plentiful supply of *high quality water* flowing through the region in an overland sheet pattern for up to 8 or 9 months of the year, gets a major portion of its water supply from rainfall over the park. The Big Cypress Watershed accounts for *56 percent* of all outside water entering the park.[16]

The Watershed is a source of fresh water and nutrient supply to the *estuaries of the Park and the Ten Thousand Islands.* It is the key to survival of the far-reaching fishing enterprises that depend upon these estuaries.

"The quality and quantity, and the timing of its (water) delivery into the park, must remain much the same as it is at present if the Everglades ecosystem and its wildlife is to survive." [17]

". . . without the seasonal fresh water runoff from Big Cypress Watershed, the mangrove-dominated estuarine zone along much of the Gulf Coast would, for all practical present economic and ecologic purposes, cease to exist." [18]

VI. The economic importance of the Big Cypress

A. Water

"The Big Cypress Watershed, in effect, is a *natural* water conservation area. As such, it could continue to *insure an adequate water supply source for the coastal communities*, the marine resources of the dependent estuaries, and Everglades National Park and would, if properly coordinated, contribute significantly to a comprehensive water management program for all of South Florida. The watershed can fulfill the role of a water conservation area similar to those in the adjacent Central and Southern Florida Flood Control Project, *without the construction of retention facilities*, and its great recreational and scientific values could be realized fully, consonant with this usage." [19]

As a natural "water conservation area", it recharges the shallow aquifer from which the rapidly growing communities of southwest Florida draw their fresh water.

B. Everglades National Park

Because of its unique plant and animal communities, the Everglades National Park attracts hundreds of thousands of visitors to Florida each year. The food chain relationship that supports a major segment of these communities is dependent on maintenance of the continuing flow of Big Cypress water.[20]

C. Estuaries

An estuary can be defined as a semi-enclosed coastal body of water which has a free connection with the open sea and within which sea water is measurably diluted with fresh water drained from land drainage. Estuaries are the most productive environments on the earth.

"*The Coastal-Mangrove Zone.*—The seasonal fresh water runoff from the Big Cypress passes into a broad mangrove-dominated estuarine zone along the coast. This zone comprises about 430 square miles, including its mangrove forests, prairies, and estuaries, as compared to the 1,200 square miles of the Big Cypress tributary area." [21]

"The coastal zone is characterized by levels of productivity and species diversity as high as can be found within the continental United States. In addition to its very large bird populations which have been treated elsewhere in this report, the area produces or maintains hundreds of species of aquatic organisms." [22]

In terms of the gulf states 97.5 percent of all commercial marine species harvested spent part, or all, of their lives in estuaries.[23]

Dr. Clarence P. Idyll of the Institute of Marine Science at Pollution Study that the shrimp industry in Florida in 1966 had 16½ million dollars income.

Shrimp, he noted, spend at least half their total lives in estuaries.

Leopold, commenting on the pink shrimp as an example of enormous productivity of the estuaries served by the Big Cypress, reported:

"The importance of the mangrove estuarine zone is dramatically illustrated in the life cycle of the pink shrimp which supports the commercial fisheries of the Sanibel and Tortugas grounds. Extensive research conducted by the Institute of Marine Sciences, University of Miami, and the U.S. Bureau of Commercial Fisheries has shown that the pink shrimp spawn on the fishing grounds and that the newly spawned larvae migrate to the coastal estuarine areas. Here, because of the abundant food and the protection afforded by estuarine conditions, the larval shrimp develop through the post-juvenile stages and then migrate seaward to the above mentioned fishing grounds where they support the valuable commercial fisheries present there. An interruption of this life cycle through a loss of the coastal estuarine areas will severely deplete if not totally eliminate the 6.36 million dollar (1967) shrimp fisheries. This knowledge demonstrates a direct ecological link of the coastal zone with thousands of square miles of the Gulf of Mexico." [24]

The dockside value of the pink shrimp referred to by Leopold demonstrates what kind of long-term profit is at risk. The Florida Bureau of Marine Science and Technology, (and the agency which preceeded it), reported the following *dockside* values for Tortugas shrimp: [25]

Year and dockside value

1965, $6,780,372
1966, $8,511,068
1967, $6,059,147
1968, $6,694,877
1969, $7,488,603

In an article published in the proceedings of the Gulf and Carribean Fisheries Institute, November, 1965, Dr. Durbin C. Tabb, University of Miami, noted:

"At the 14th Session of this Institute Dr. Eugene P. Odum of the University of Georgia read an important paper on the role of marshes in estuarine productivity (Schelsky and Odum, 1962). He showed how marshes recycle phosphorus and nitrogen continuously, and how the vital plant food is produced

throughout the year. He showed how marshes, often foul smelling, often slimy with algae, normally teeming with sandflies and mosquitos, are nearly 7 times as productive as the open sea, nearly twice as productive as the best corn land, and about equal in basic production of organic material to the annual production of sugar cane or rice land.

"The astonishing thing about all this is that man does not have to turn a hand to make this great crop ready for harvest. There is no fertilizer bill to pay; the food is produced free for the taking. But it can be taken away by destruction of the factory—the factory which relies upon abundant light and a dependable supply of nutrient material. Production depends upon the rise and fall of the tides to transport the raw product to the waiting consumers." [26]

D. Recreation

In an area already experiencing explosive growth, in a state in which the existing parklands are being subjected to ever increasing pressures, the Big Cypress Watershed offers important recreational opportunities. Here one can find a wildernes landscape whose flora and fauna are beautiful and unique. The area's mild climate provides recreational opportunities almost impossible to find elsewhere.

In the Big Cypress hunters, fishermen, photographers, camping and boating enthusiasts and those who simply enjoy the wilderness can find a wide variety of challenges and experiences.

The need to provide healthy, exciting and meaningful activities for our citizens and for tourists can be admirably met by wise use of the Big Cypress Swamp! To attempt at a later date and at far greater cost to provide far less adequate recreational areas would be economically and esthetically short sighted.

VII. Threats to the Big Cypress and related resources

That irrepairable harm will probably result from any major development in the Big Cypress Watershed is made clear in each of the four reports published by the U.S. Department of Interior:

A Synoptic Survey of Limnological Characteristics of the Big Cypress Swamp, Florida, pages 7–10.

Some Hydrologic & Biologic Aspects of the Big Cypress Swamp Drainage Area, Southern Florida 1970, pages 77–90.

Big Cypress Watershed, Florida, pages 10–12.

Environmental Impact of the Big Cypress Swamp Jetport, pages 58–123.

The "Leopold Report" notes,

"Any construction or development activity in the Big Cypress Swamp which leads to its drainage will alter the hydroperiod in the coastal zone. This would result in faster run-off during the wet season, and an extension of the dry period. Even if the annual volume of run-off passing through the coastal zone is unchanged, the seasonality of flow would be drastically altered.

"All of the organisms in the coastal zone are adapted to a long period of brackish water conditions that extend beyond the rainy season. If these conditions do not continue, spawning periods and estuarine nursery activities will be out of phase with the artificially created hydroperiod. The rapid degradation of mangrove detritus that occurs under brackish conditions will also be reduced and the detrital food chain markedly disrupted. With these disruptions, the estuarine and offshore Gulf waters would probably be unable to support the high population levels of aquatic species that they now do." [27]

The potential hazards arising from oil pollution have been referred to in a number of reports and in statements made to the panel considering issuance of permits to explore and drill for oil in the Big Cypress.

Big Cypress Watershed notes, ". . . the threat of oil pollution has arisen." [28]

A Synoptic Survey of Limnological Characteristics of the Big Cypress Swamp reported, ". . . a potential oil pollution hazard exists near Sunniland, Florida." [29] And again refers to "Half dozen pumping wells have clean operation but represent an ever present oil pollution hazard." [30]

The same report also calls attention to the fact that road access, (which will accompany oil exploration and drilling), permits clandestine disposal of solid wastes *in an area where unpolluted water is essential!* [31]

"The Big Cypress has been exploited by man in many ways. The western portion is lacerated with canals as to place it beyond practical restoration. The

area around Naples has been extensively drained and developed. Of Collier County's total population, more than 60 percent live in and around Naples, and drainage east of Naples is underway for furthering residential expansion. The population increased about 2½ times in each of the two preceding decades and will probably continue to rise at about the same rate for several years.

"The principal occupation of Collier County has been truck farming. Much of the swamp from the vicinity of Sunniland north has been drained for agricultural development. The most important crops are tomatoes, cucumbers, peppers, and watermelons. Cattle raising is carried on also." [32]

VIII. Probable damages if the Big Cypress is not protected

The Department of Interior's draft environmental impact statement submitted to the Council on Environmental Quality in 1972 stated that:

"Should the reserve not be established, the present uncoordinated development of the area, which does not recognize ecological relationships, is expected to continue. As demonstrated in other areas of South Florida, the land will be drained and developed for residential, industrial or agricultural uses and, in so doing, the existing water quality, quantity and flow regimen will be altered. During the wet seasons, canals will rapidly drain fresh water to the sea or to artificial storage areas, altering the esential quality, quantity and seasonality of flow in the swamp and to estuaries. This would be especially critical during the dry season.

"As development increases, the demands on the fresh water supply will overwhelm the requirements of the biota including those of Everglades National Park. Not only will the quantity be reduced, but the quality will be impaired as pollutants and excess nutrients are introduced. The low flow is likely to concentrate some chemical constituents to unsatisfactory levels. With low flows, salt water intrusion will be encouraged and wells for domestic and public supplies may have to be relocated.

"The ecological response will be dramatic. Shortened periods of inundation will reduce aquatic animal populations and threaten the higher forms that depend on them. Biological populations would change as woody vegetation spreads into the drained marsh areas replacing wet prairie and habitats. The resulting ecosystem in the presence of a lowered water table is very vulnerable to severe fires which may consume the peat and make it incapable of supporting indigenous climax vegetation. Smoke from fires would be hazardous to traffic and health.

"In the aquatic habitats, the species composition would shift to favor forms tolerant of pollution and less water. Complex biotic associations would trend toward simplified ones, and the number of species would be reduced. Persistent pesticides would be concentrated by biological magnification in the food chain. Reductions in reproductive rates would follow and would be most pronounced in predatory birds and reptiles. Pesticides are responsible for reduced numbers of eagles and pelicans in Everglades National Park and this trend will become more severe as the area is developed. Economic losses would be a consequence in the estuarine habitats as these are the spawning and nursery grounds for commercial and game fishes.

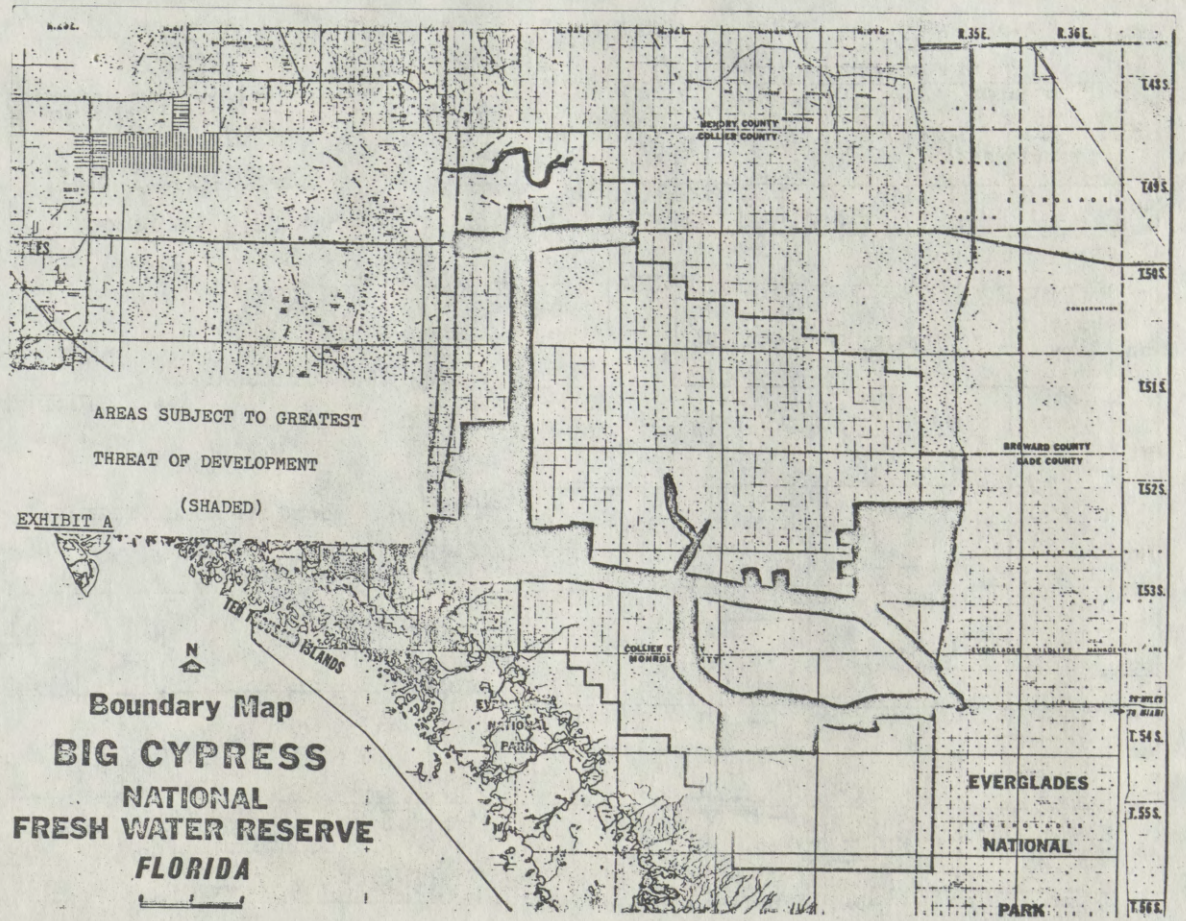
"Environmental degradation will not only be a direct consequence of pollution but also of reduced habitats. Animals and plants whose ranges are limited to the Big Cypress may become extinct. Should the flow in the Watershed be altered, the ecosystem in the northwestern portion of Everglades National Park will be replaced by one which is new and undesirably different.

"As the resources of the area are depleted some or all of the Seminole and Miccosukee Indians, aside from being overwhelmed by the non-Indian cultures developing around them, will need outside support for their survival. Under the expected pressures, the cultures of these peoples, dependent on a natural environment, will give way and cease to exist.

"The history of drainage in South Florida has shown that the huge short run economic returns derived from public works projects for drainage and flood controls are offset by longer ranged losses. Drainage enable a rich farming economy to develop in South Florida but it is also resulting in its demise for drainage drives the soil, and with tilling, causes its oxidation, subjects it to fire and wind removal, and permits its compaction and subsidence. The resulting soil loss rate, averaging almost 1¼ inches per year, is so great that crop farming at some places is estimated to end by the year 2000." [33]

BIBLIOGRAPHY

1. *Environmental Impact of the Big Cypress Swamp Jetport*, "Leopold Report", U.S. Dept. of Interior, September, 1969. p. 19–20.
2. "Leopold Report", p. 21.
3. *Big Cypress Watershed, Florida*, U.S. Dept. of Interior Everglades Jetport Advisory Board, April, 1971, p. 6.
4. *Some Hydrologic and Biologic Aspects of the Big Cypress Swamp Drainage Area, Southern Florida*, U.S. Dept. of Interior, Geological Survey, May, 1970. p. 12.
5. "Leopold Report", p. 23–24.
6. Some Hydrologic and Biologic Aspects, p. 22.
7. "Leopold Report", p. 22.
8. Some Hydrologic and Biologic Aspects, p. 23.
9. *A Synoptic Survey of Limnological Characteristics of the Big Cypress Swamp, Florida*, U.S. Dept. of Interior, May, 1970. p. 63.
10. "Leopold Report", p. 17–18.
11. A Synoptic Survey of Limnological Characteristics, p. 18.
12. Some Hydrologic and Biologic Aspects, p. 40.
13. Some Hydrologic and Biologic Aspects, p. 43.
14. Some Hydrologic and Biologic Aspects, p. 46.
15. Big Cypress Watershed, p. 6.
16. Big Cypress Watershed, p. 19–20.
17. Big Cypress Watershed, p. 29.
18. Big Cypress Watershed, p. 12.
19. Big Cypress Watershed, p. 9.
20. Big Cypress Watershed, p. 29.
21. "Leopold Report", p. 108.
22. "Leopold Report", p. 109.
23. "Statement to National Estuarine Pollution Study", Dr. Walter A. Glooschenko, Florida State University, March 12–13, 1968.
24. "Leopold Report", p. 112–113.
25. Summary of Florida Commercial Marine Landings 1965–1969, Florida Dept. of Natural Resources, Division of Marine Resources.
26. "Treasure Those Estuaries", Dr. Durbin C. Tabb, University of Miami, 1965.
27. "Leopold Report", p. 115.
28. Big Cypress Watershed, p. 11.
29. A Synoptic Survey of Limnological Characteristics, p. 9–10.
30. A Synoptic Survey of Limnological Characteristics, p. 23.
31. A Synoptic Survey of Limnological Characteristics, p. 8.
32. *Draft Environmental Impact Statement, Big Cypress National Fresh Water Reserve, Florida, U.S. Dept. of Interior, National Park Service*, February, 1972.
33. Draft Environmental Impact Statement.


AREAS SUBJECT TO GREATEST
THREAT OF DEVELOPMENT
(SHADED)
EXHIBIT A
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Boundary Map
BIG CYPRESS
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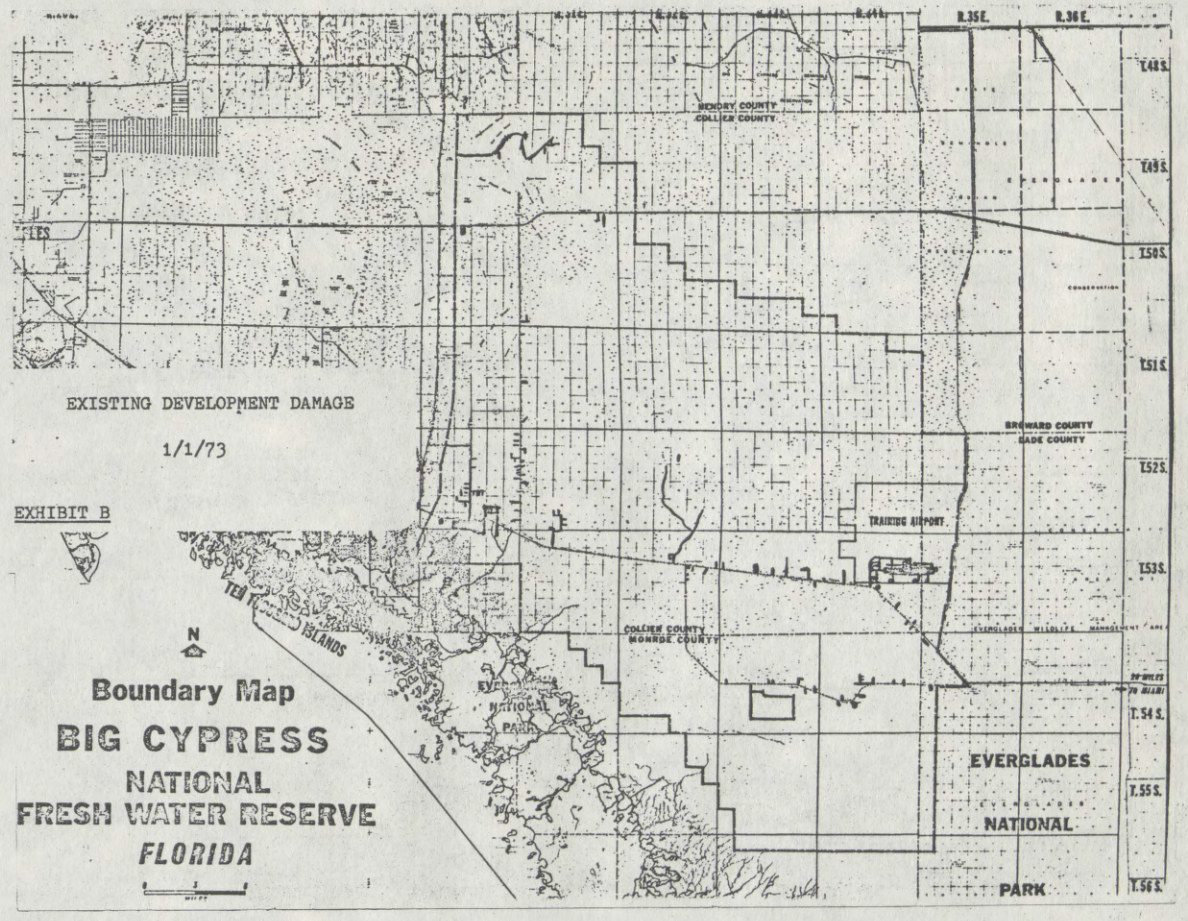
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MONROE COUNTY
TEN THOUSAND ISLANDS
EVERGLADES NATIONAL PARK
EVERGLADES
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EXISTING DEVELOPMENT DAMAGE
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Boundary Map
BIG CYPRESS
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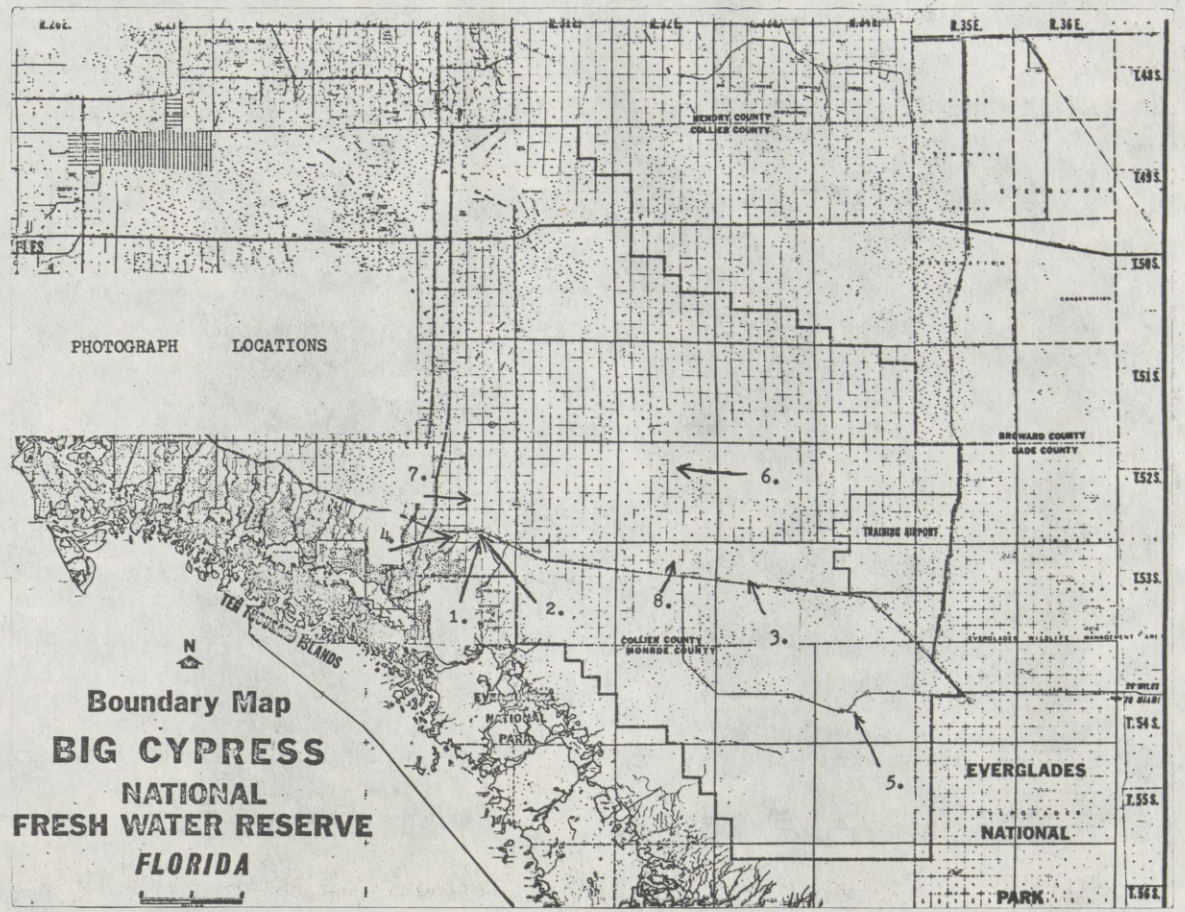
FRESH WATER RESERVE
FLORIDA


PHOTOGRAPH LOCATIONS
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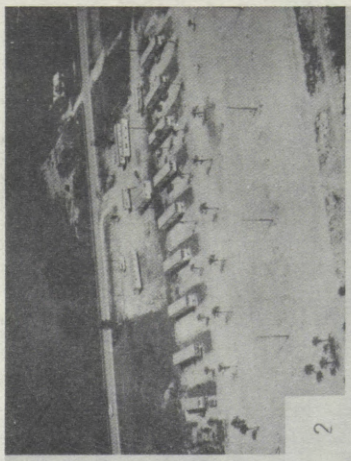

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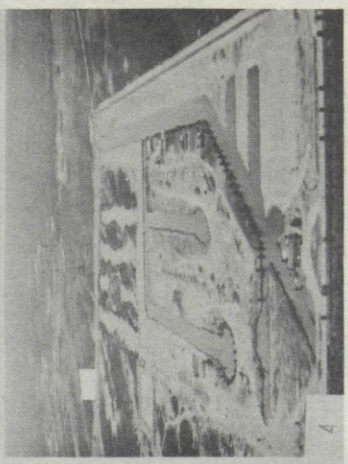

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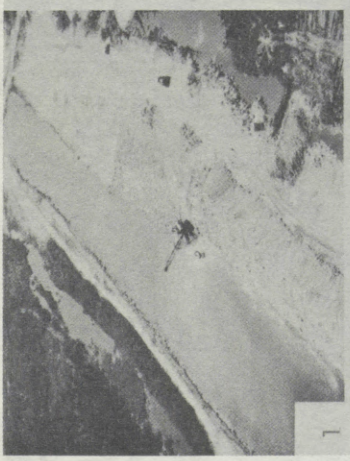

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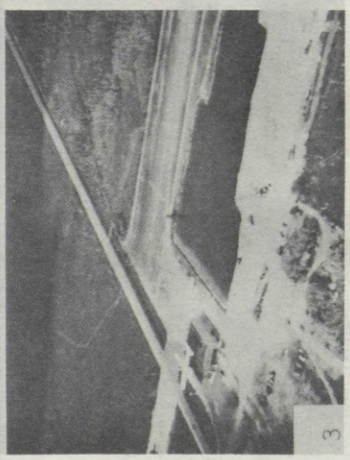

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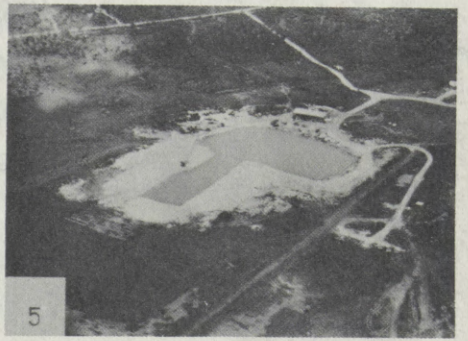

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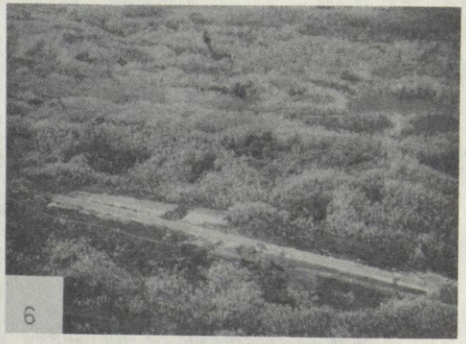

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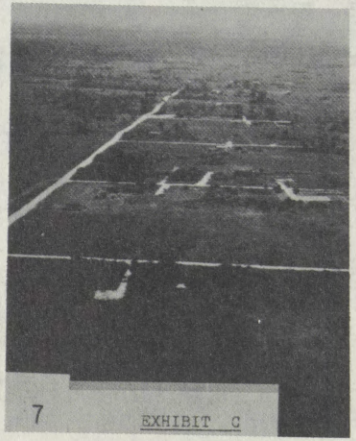

7 EXHIBIT C



8

1. Limerock Mining Operation and landfill operation near Ochopee, Sections 34 and 3, Range 30 East, Townships 52 and 53 South, Collier County.
2. Trailer Park Development near Ochopee, Section 34, Range 30 East, Township 52 South, Collier County.
3. Private airport, Junkyard, Limerock excavation and filling station Section 17, Range 33 East, Township 53 South, Collier County.
4. Dredge and fill development near Ochopee, Section 33, Range 30 East, Township 52 South, Collier County.
5. Limerock excavation and private airport near Pinecrest, Section 28, Range 34 East, Township 54 South, Monroe County.
6. Private airport, Section 10, Range 32 East, Township 52 South, Collier County.
7. Recreational trailer park development, Section 22, Range 30 east, Township 52 South, Collier County.
8. Monument Road, Constructed by landowners groups to provide automobile access to new areas for the encouragement of development activities, Sections 3 and 10, Range 32 East, Township 53 South, Collier County.

Senator JOHNSTON. I think we have two witnesses left. Mr. Poglitsch and Mr. Chism; is that correct?

STATEMENT OF JOHN POGLITSCH, MIAMI, FLA.

Mr. POGLITSCH. Mr. Chairman, ladies and gentlemen of the audience, I submit a prepared statement prior to my arrival here. Rather than read that, I would like to make some comments in addition to that.

I must say that I was surprised and shocked at what I saw and heard presented here yesterday. How many members are there on this committee? This is a subcommittee, right?

Senator JOHNSTON. Right.

Mr. POGLITSCH. How many members are there actually on the committee, sir?

Senator JOHNSTON. Are you here to ask questions or to give a statement?

Mr. POGLITSCH. This is my first time in Washington. I am concerned about the way these things are being handled. I have seen it happen in day camp——

Senator JOHNSTON. We would be glad to have your statement, but I will not sit here and listen to criticism of the committee. I am trying to get to the facts of this matter as thoroughly as we can.

If you would like to present a statement, I would be glad to ——

Mr. POGLITSCH. I would just like to comment there have been two or three members here off and on. I do not see how they could properly evaluate testimony being given directly. In other words, we could have submitted this in writing from Miami or anyplace else, and have obtained the same effect.

You are in a position to ask questions. The other members are not in a position. They have different ideas. They come from different parts of the country.

Senator JOHNSTON. Let me say this. You have a right to ask about why the other members are not here. The U.S. Senate is involved in all matters concerning the United States, and, indeed, the world.

The Big Cypress, as important as it is, is not the only thing we have to be involved in. I have other committee hearings myself going on at the same time which I may miss. Witnesses in other committees may ask the same question about where is Senator Johnston?

Why is he not here in the Banking Committee, or why is he not here in the Small Business Committee that are also meeting. So the other members of this subcommittee, Senator Bible has already conducted hearings and has been down there.

Senator Jackson has been down. They are generally familiar with the issue. We have the staff here. It would have been preferable had they been here, but there are just so many things we are involved in and so many issues and so many bills that sometimes you cannot be here.

I know you came from Florida. It is frustrating, sometimes, for witnesses in your position, to have only one Member of the Senate present to hear your testimony and then to have it cut off where you cannot present as much evidence as you would like.

That simply is the system. With 100 Senators we cannot spread ourselves around that far. But I will be glad to hear your testimony and listen to it and hear your ideas.

Mr. POGLITSCH. I appreciate that, Mr. Senator. Since we are not sworn before testimony there have been opinions expressed, all the way from black to white, and shades of grey in between.

You have even had a witness tell you what opposition witnesses were going to tell you on the following day. In other words, he could have saved his time and our time by letting the people get up and express their own opinions, rather than tell you what they were going to tell you.

This is something that I have observed. I also have a question as to how much or what that figure actually was that was mentioned yesterday, relative to oil royalties and lease money put into a certain fund.

Do you have figures on that? I believe you made a notation on it.

Senator JOHNSTON. In the water conservation fund?

Mr. POGLITSCH. I believe that was it. Do you have any idea of what the balance is at the current time on that?

Senator JOHNSTON. No. Money is put into that yearly.

Mr. POGLITSCH. There must be a balance. I wonder if the Government representative might have some idea.

Senator JOHNSTON. I do not know. But I would like to hear your testimony on what your ideas on this are.

Mr. POGLITSCH. This is leading up to my feeling on this thing. I heard the quick figure, something in the billions of dollars. I know the Exxon Corp. paid $211 million just to buy the lease on the Gulf of Mexico. We are talking about billions and billions of dollars.

Here we are now quibbling about $116 million to buy over half a million acres of land that belongs to people who have spent their lives trying to develop it. I do not believe the amount presented is equitable.

Senator JOHNSTON. You see the amount appropriated or the amount authorized in the bill will only be an estimate. The amount paid for each tract, for each acre will be set either by agreement between the Government and the landowner or by the court.

We could appropriate or authorize $10 billion and that would not affect, really, the amount that each landowner will get. That is to be set, as I say, by negotiation or the court.

Mr. POGLITSCH. My understanding was this would be the maximum amount. They said $116 million, and the State put up $40 million and that was $156 million. This is the reason I am concerned about this thing.

Senator JOHNSTON. If it did not stretch far enough the Congress would have to go back and appropriate some more.

Mr. POGLITSCH. In other words, it is elastic, then, it will stretch.

Senator JOHNSTON. Within certain limits. If it stretches too far we will have to go back and decide whether we wanted to take the whole thing. In other words, no property owner in this country can be dispossessed from his property without receiving full value.

The fifth amendment to the Constitution protects you on that.

Mr. POGLITSCH. This still does not answer my question. But to get back to what you said about being dispossessed, when you pass a law and you say "This is taken", this is something I became involved with in the national parks.

They established the northwest boundary of the national park and I have property there. They are still trying to buy that. This is going back to 1958. Are we going to get involved in the same sort of machinery here?

I heard the Secretary Reed get up and say they are projecting this over a 10–year period. I have already been involved in one of the 10–year periods. Must I go through another one?

I have a larger tract in Monroe County. Am I to sit back now and anticipate the same sort of treatment that I am getting from the National Park Service?

Senator JOHNSTON. In your other tract, you have a tract contiguous to a park——

Mr. POGLITSCH. It is inside the national park. When they established the northwest boundary of the park——

Senator JOHNSTON. You still own it? They have not taken it? But you are not able to use it?

Mr. POGLITSCH. Legally they have taken it, but I still have title on it. I have the benefit of paying taxes on it. This is something I do not want to get involved in again. I also own property in the conservation area No. 3. There is a different deal there.

When I bought it I bought it with the understanding it would have flood easement rights. I have title to the property, but they have a flooding easement.

Senator JOHNSTON. Do you have any judgment on whether this—pro or con, on whether we should create the Big Cypress on the Government recreation area?

Mr. POGLITSCH. Under the circumstances, I say let us keep it. Do not acquire it.

Senator JOHNSTON. If you could get prompt and just compensation for your land, would you have any opinion on it?

Mr. POGLITSCH. I do not believe that the Government is in a position——

Senator JOHNSTON. Your objection is on prompt and reasonable compensation and not the question of environment or need.

Mr. POGLITSCH. That is pretty well established by other people I am sure who are more competent.

Senator JOHNSTON. Mr. Poglitsch, I have a lot of sympathy for your view that if the Government is going to act and expropriate land it ought to be done promptly and justly. That is one of the big issues that we have to deal with in this legislation, to determine how best it can be done, how best to reconcile all of the competing interests.

Your testimony to this effect will be very seriously considered.

Mr. POGLITSCH. I would like to make another comment on one of the county commissioners from Collier County appeared here and seemed to offer no objection at all. As a matter of fact, they were in favor of this taking.

I pay taxes to Collier County and we get no benefit at all from these taxes we are paying, even though they have increased them a hundredfold. This smells to high heaven of just plain old politics.

They got together between Browder County and Collier County. They agreed to put Alligator Highway through, which is Highway 84. They bonded themselves for something better than $15 million.

Senator JOHNSTON. Does this relate to the legislation we are considering?

Mr. POGLITSCH. Yes, it does, very much. They bonded themselves for over $15 million to put this two-lane road through there. We have a bill in Congress to extend the Interstate Highway system by enough mileage to continue I–75 from Tampa to Miami.

It was to come down the Tamiami Trail. Through some finagling there they now tell us that it is going up alongside Alligator Alley. In other words, you are talking about a water flow coming down across that area.

They already have a highway through there. Now they are talking about four-laning that highway.

Senator JOHNSTON. We are not considering that legislation.

Mr. POGLITSCH. But you are talking about the flowage. When you talk about—start building highways across there you are restricting the flowage. You also had testimony yesterday that when they build roads in Florida they must evacuate the rock to build the road.

When they built up the Tamiami Trail they put a canal up there. They increased the property on the north side of the trail into Dade County. I have a canal in front of me. You cannot tell me that the water flowing across my property is going to cross that canal and go into the park. It just will not do it.

You have two roads, plus a number of canals interrupting this flow, and I cannot see taking it.

Senator JOHNSTON. Did you have anything else to add?

Mr. POGLITSCH. Yes, sir. Must you go again?

Senator JOHNSTON. No, but I do have to eat lunch.

Mr. POGLITSCH. We all do that. I would also like to call your attention to Public Law 85–482. I believe the young lady gave you a copy of it when she gave you my statement. This is an act of July 2, 1958. It pertains to the taking of a national park.

This is page 6. There is a little item here known as reservations whereby the Federal Government has agreed to permit the people in the park under the extension of the park to retain their mineral rights up until 1967.

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After that it was extended until 1985 if they had royalty rights.

Senator JOHNSTON. There is another vote. How much more time would you need?

Mr. POGLITSCH. I will not take very much more. Mr. Chism still has a presentation.

Senator JOHNSTON. How much more. Two minutes?

Mr. POGLITSCH. A few minutes, yes, sir. I would like to point out this thing in the park runs until 1985 on the oil royalties. In the event they find oil and produce it in commercial quantities this thing will be extended from then on, as long as the oil is in production.

My contention is the land in the Big Cypress is potential oil country, just like the Exxon man said yesterday. Exxon has already paid $2,000 an acre for the stuff they bought out in the Gulf, just to drill on it.

My potential there is at least $2,000 an acre. This is my position. I would like to recommend that these three bills or four bills being considered have this amendment attached to them, Public Law 85–482, whereby the owners would be permitted to retain their mineral rights.

It is already established procedure. It is not something new.

Senator JOHNSTON. Yes, that will be my recommendation.

Mr. POGLITSCH. That is all. Thank you, sir.

Senator JOHNSTON. Thank you very much, Mr. Poglitsch.

[The prepared statement of Mr. Poglitsch follows:]

MIAMI, FLA., *March 18, 1974.*

SENATOR ALAN BIBLE, CHAIRMAN, COMMITTEE MEMBERS, LADIES AND GENTLEMEN: I am a land owner in Monroe and Collier counties and am here to protest the Taking of the Big Cypress under false pretense, for surface water isn't the real reason—rather it is for the OIL under the surface. The water table is dropping because the water is being pumped, used and then dumped into the Atlantic or Gulf rather than conserved. The water should in fact be recycled. I wish to submit copies of clippings, Florida Exploration & Production Summary (Exxon Company), letter from Sun Oil dated May 3, 1973, letter from Representative William Lehman's office dated January 17, 1974, Letter to Richard M. Nixon dated January 19, 1974 and a letter from Ocean Oil Weekly Report dated March 5, 1974.

The State of Florida has sold oil leases to Shell Oil in the Conservation Area which is West of Palm Beach and *East* of The Big Cypress, U.S. Interior has sold leases in the Ocala and Apalachicola National Forests, which are *North* of Big Cypress, and in the Gulf of Mexico which is *West* of Big Cypress. I haven't heard of any sales of leases thus far in The Everglades National Park which is *South* of Big Cypress.

The University of Miami and I have both sold leases to oil companies right smack in the middle of the Big Cypress Area.

Please reference article from Palm Beach Times of February 25, 1974 in which Jim Williams, director of Florida IIF's Land Records Division says Bonuses for state-owned land usually amounts to $5 to $15,000 an Acre.

I implore the Senate not to follow in the tracks of the House to steal our land so that the Administration can turn it over to the Big Oil Companies. Exxon U.S.A. paid Interior Department over $211 Millions of dollars just for the right to drill in the Gulf off Floridas West Coast.

If this body should find it necessary to Take our land then I must remind you that Exxon feels it worth over $2000 dollars an acre just for the right to drill in the Gulf, so our land must be worth a good deal more than the average of $330 suggested in HB 10088.

At the excellerated rate of water withdrawl (without recycle) in just a few years the water table in the Glades will have dropped to the point where

there will no longer be any surface water to support the excuse for taking under HB 10088.

Please send me a complete report of this hearing when it is prepared.

JOHN POGLITSCH.

PS—I don't know how much Orange Juice we produce, but Florida is now producing better than 3,000,000 barrels of OIL per month.

[From the Miami Herald, Oct. 6, 1973]

A GOOD DEED

A total of 1,142 acres of federal land will be turned over to Virginia for public park development at ceremonies in Quantico, Va., Tuesday.

State Parks Commissioner Ben Bolen will accept the land from Julie Eisenhower Nixon on behalf of Gov. Linwood Holton, who will be unable to attend.

Mrs. Eisenhower, the younger daughter of President Nixon, will give Bolen the deed to two parcels of surplus federal land in Prince William and Stafford counties that is part of the vast Quantico Marine Base.

[From Miami Herald, Feb. 16, 1974]

SHELL WINS OIL RIGHTS NEAR SOUTH BAY

(By Tom Fieldler)

WEST PALM BEACH—Shell Oil Company's uncontested bid for oil rights in extreme southwestern Palm Beach County was accepted by the Central and Southern Florida Flood Control District's governing board Friday, clearing the way for exploratory drilling.

The company offered the FCD $10,020.34 for the right to drill for oil on seven tracts in western Palm Beach County and two others in nearby Hendry County, all lying about 15 miles south of South Bay.

In addition to the lease purchase, however, Shell agreed to pay the FCD one-eighth of all the gross earnings any succesful oil well might produce.

The bid covers approximately 3,400 acres straddling the Palm Beach-Hendry County border, most of which is privately owned.

Woodson Oglesby, State Division of Interior Resources assistant administrator of oil and gas, said four companies are producing well fields in southern Florida—in Lee, Collier, and Monroe counties—but none are of significant size.

FCD Executive Director G. E. Dail Jr. told commissioners Friday that several oil companies hold leases with private landowners throughout the district, but Shell is the only one that has bid on lands directly controlled by the FCD.

The Board tacked on an amendment proposed by Commissioner R. W. Padrick limiting Shell's mineral right to those found below 200 feet. Padrick said the company was "only interested in oil" and therefore would not object to a restriction preventing them from extracting minerals down to that level.

[From the Palm Beach Times, Feb. 25, 1974]

OIL-ROYALTIES STUDY ORDERED

TALLAHASSEE, FLA.—A state environmental official says the time has come to take a new look at the bargain price paid by petroleum companies to drill oil in Florida.

"It needs to be investigated because I'm not sure the public is getting a proper share of the exploitation of what it owns," said Joel Kuperberg, director of the Internal Improvement Trust Fund.

Kuperberg was directed by the Cabinet last week to study the possibility of increasing the state's take on oil drilling on public lands.

"I don't have any magic answers," he said in an interview. "I just think that we need to take a complete new look at the way the public's interest in nonrenewable resources is being disclosed of."

Jim Williams, director of the IIF's land records division, said Florida now averages about $1 million in leases, royalties and bonuses paid for oil rights on state-owned land. That figure could skyrocket if Florida allows oil drilling on 8.5 million acres the state owns off the coast.

Oil companies pay royalties of one-eighth to one-sixth of the value of oil produced on lands where the state holds mineral rights. Williams said one-eighth royalties are generally collected on wildcat oil wells and one-sixth on productive wells in fields such as at Jay.

He said leases usually go for $1 an acre a year. Bonuses paid by oil companies to explore state-owned land usually amount to $5 to $15,000 an acre, Williams said.

But Williams has reservations about his boss's plan to raise the one-sixth maximum royalty.

"When you get higher than that you may be pricing yourself out of business," he said. "You make it too unattractive."

Robert Vernon, a state geologist, said, "Any land owner is entitled to try to get the greatest value for his rights that he can. In reality, a fifth or a fourth ought to be considered."

However, he warned that oil companies "are going to oppose it because they want to get it as cheap as they can."

Kuperberg said the solution may be a joint venture arrangement, with the state sharing some of the costs of oil exploration and reaping a larger hunk of the rewards.

[From the Miami Herald, Mar. 16, 1974]

FOREST WELL COMES IN DRY

TALLAHASSEE—A $2.2 million exploratory oil well in the Apalachicola National Forest came in dry, Justiss Mears drilling superintendent M. M. Thompson said Friday.

"We got down 12,236 feet through the salt into red shale without hitting anything and there's nothing below that according to our geologists," he said.

The forest well was located in Wakulla County 13 miles southeast of here.

Thompson said Mears, an independent drilling company, moved its equipment to a spot near Natural Bridge in Leon County and will begin another exploratory well Monday.

It will be the first well in Leon County.

The site is on leased St. Joe Paper Co. land. Phillips Oil Corp. has the permit for the well.

The well in the national forest is under lease to Placid Oil Co. of Texas, a subsidiary of Hunt Oil. It has leases on 503,947 acres and Thompson said after the Leon County well is down, another one will be drilled in the forest.

FLORIDA EXPLORATION & PRODUCTION SUMMARY, EXXON CO., U.S.A.

This information applies to Exxon Company, U.S.A., activities only. Other companies have operations in most of the fields.

Sunniland.—Oil was discovered in the *Sunniland Field, Collier County, in 1943.* Exxon USA is the sole operator of the Sunniland Field and 17 of the field's 24 wells which have produced oil are still producing a total of *1,550 barrels a day.*

West Felda.—Exxon USA's first well in the *West Felda Field, Hendry County,* was the Lee Cypress A–12–1, completed in December, 1969. Exxon USA in the operator of 9 wells in West Felda producing approximately *3,850 barrels a day.*

Lehigh Acres.—In May, 1970, Exxon USA completed Lee County's first producing oil well, the *Lehigh Acres Development, Inc. No. 1.* There are now 3 wells in Lehigh Acres producing approximately *450 barrels a day.*

Jay.—The *Jay Field in Santa Rosa County* was discovered by Exxon USA in *June, 1970.* Since then Exxon USA has drilled *40 successful wells* which are tied into processing facilities and are either producing or are capable of producing. Exxon USA has no drilling activity in Jay Field at this time.

Little Escambia Creek (Alabama).—The *Little Escambia Creek Field,* which shares a common reservoir with the Jay Field, was discovered by Exxon USA across the Alabama line shortly after the Jay discovery. Exxon USA has *3 producing wells* there.

Blackjack Creek.—The *Blackjack Creek Field* was discovered by Exxon USA in *February, 1972* with a wildcat drilled some 9 miles southeast of the Jay discovery. Oil was found in both the Smackover and Norphlet formations. The Norphlet oil contained no hydrogen sulfide and the well completed in that formation was produced at the rate of *153 barrels a day.* The production is now complete and the Norphlet well has been plugged. Smackover production will require extensive processing facilities similar to those at Jay. The Rosasco 19–2, S–19, T–4–N, R–28–W, reached total depth at 16,191'. Now prepped to run casing.

Bear Island.—The *Bear Island Field* was discovered in *December, 1972* by Exxon USA, Tribal Corporation and Exchange Oil & Gas Company. The discovery well, Exxon (Tribal) Gulf Coast Realties No. 2–4, is located in Collier County, some four miles southeast of the Sunniland Field. Drilled to a total depth of 11,817 feet and completed in the Sunniland formation, the well pumped *132 barrels of 25.0° API gravity oil on a 24–hour test.* Exxon-Tribal 2–3 reached total depth at 11,880' and is now being tested.

Wildcat.—Lehigh Acres Development, Inc. 25–3, S–25, T–44–S, R–26–E, Lee County northwest Lehigh Acres area was *spudded 3/27/73.* Now at 10,135' and drilling.

SUN OIL CO.
Philadelphia, May 3, 1973.

Mr. J. P. POGLITSCH,
Miami, Fla.

DEAR SIR: In response to your postal card of April 28, 1973, I am pleased to enclose a copy of our Annual Stockholders Report for 1972.

In response to your specific question concerning our exploration operations in Florida, I quote from a recent report by John H. Douma, Vice President, Production of the North American Exploration and Production Division:

"In the Jay Field, *perhaps the most significant onshore field discovered in the Lower 48 States during the past ten years,* we have completed *six Sun-Operated wells and have an interest in 30 additional wells operated by others.* Sun's share of production there is *more than 5,000 barrels per day.* Our 6,500-barrel-per-day facility to remove sulphur from the Sun-operated production was designed and installed in a remarkably short period of time, helping to bring these wells on production at the earliest possible date and to maximize our competitive position in this field."

We thank you for your interest in our Company.

Very truly yours,

WM. R. NAYLOR,
Manager, Wholesale Sales.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 17, 1974.

Mr. JOHN POGLITSCH,
Miami, Fla.

DEAR MR. POGLITSCH: In the absence of Congressman Lehman from Washington during the Congressional recess, I am taking the liberty of acknowledging your recent letter regarding the Big Cypress Swamp.

I was informed by the Department of Interior that portions of the watershed are under mineral lease by the oil companies. The Department believes that careful oil exploration could take place without being inconsistant with the reserve.

It will be up to Congress to decide if it wants the Interior Department to acquire the oil rights. The House version of the bill provided for legislative taking. As yet, the Senate version, which is still in committee, has no similar provision.

For a better understanding of the problems involved, I have sent a copy of your letter to the Interior Department and asked for their comments. As soon as a reply is received, this office will be back in touch with you.

Per your request, I am sending under the same cover a copy of my resolution calling for an investigation of the oil companies and a copy of my solar energy legislation.

You can be sure that I will bring your letter to the Congressman's attention upon his return to Washington.

With best wishes, I am

Sincerely,

JOAN M. KUNKEL,
Administrative Assistant.

MIAMI, FLA., *January 19, 1974.*

RICHARD M. NIXON,
President, White House,
Washington, D.C.

MR. PRESIDENT: It isn't very likely that you will even see this request, much less answer it—but there is always a chance that you might do both.

Several years ago on one of your trips to Florida you were quoted in The Miami Herald as saying you were going to close the Dade-Collier Jet Port and take The Big Cypress, this was even before your Daughters went flitting around the Country giving away land which did not belong to you or them.

I own some land in Big Cypress Area and in vicinity of Jet Port, part of which is under lease to an Oil Company. The Florida Legislature has passed a Bill in which they offer $40,000,000 and 29,000 acres of land toward the BC takeover and the U.S. House has passed HB 10088 which sets $116,000,000 as the price of establishing "Big Cypress National Preserve in the State of Florida, and for other purposes." Which of your supporting Oil Companies are most interested in the 570,000 acres?

I have directed my Senators to conduct an investigation into this whole operation, have had response from one thus far. Requested my Representative to reconsider his contribution to lopsided vote of 376 to 2. What is target date for BC lease sale?

Sincerely,

J. J. POGLITSCH.

OCEAN OIL,
March 5, 1974.

MR. JOHN POGLITSCH
Miami, Fla.

DEAR MR. POGLITSCH: Thank you for your letter of March 2 and the Exxon Company U.S.A. report you sent along with it. *I would say there is a very good chance of hitting a large oil reservoir on several of the new offshore Florida tracts leased last year.*

Of particular interest is the tract purchased by Exxon for $211 million. As you may know, Exxon is making preparations to begin drilling this block and several others as soon as possible. *It is believed to contain a very large geologic structure which could hold significant amounts of hydrocarbons.* If so, your prediction that Florida will some day become an oil-producing state would quickly be proved correct.

The usual time between drilling a well and start of production is about 2–3 years. The most rapid production I have seen offshore was begun in about 18 months. It is doubtful, however, that production could begin that quickly off Florida since there are no pipelines to tie into, and the company would have to first install a production platform, lay a pipeline to shore, and build onshore facilities before production could begin. *My personal opinion is that oil or gas production offshore Florida probably won't begin before late 1976.*

Thank you for your interest in the newsletter. If I can be of any help in the future please feel free to ask.

Sincerely,

ELDON R. BALL, Editor.

Senator JOHNSTON. We have one more witness. How long will you require?

Mr. CHISM. Senator Johnston, I would like to ask how long will it be before you have to vote?

Senator JOHNSTON. Right now.

Mr. CHISM. Would you be so kind, because I am chairman of the oldest landowners group in Collier County——

Senator JOHNSTON. How long would you require?

Mr. CHISM. Senator Bible listened to me for 45 minutes and never did ask me to hush.

Senator JOHNSTON. We do not have that much time, I am sorry.

Mr. CHISM. I gave him facts that were valid. I probably made more study of this area than any other human has in 12½ years. I have the facts, and if you would like to go vote, Senator——

Senator JOHNSTON. I will go vote and go to lunch and come back around 2 o'clock.

Mr. CHISM. That would be wonderful. I appreciate it so very much.

[Whereupon, at 1:05 p.m., the subcommittee recessed, to reconvene at 2 p.m.]

AFTERNOON SESSION

Senator JOHNSTON. Mr. Chism, are you about ready to do your little thing?

Mr. CHISM. Yes, sir, Senator Johnston.

STATEMENT OF ELLIS CHISM, CHAIRMAN AND DIRECTOR OF RESEARCH, EAST COLLIER COUNTY LAND OWNERS IMPROVEMENT COMMITTEE, HIALEAH, FLA.

Mr. CHISM. This is a delightful privilege, and I am so proud that you are handling the hearings. You are doing such a wonderful job and I appreciate this opportunity to speak before you.

Senator JOHNSTON. Thank you.

Mr. CHISM. Before I start, I should bring you a little bit of material to show you what I will be talking about. I would like to give you a copy of this map here, Senator Johnston, to keep, if you will.

This is an exact copy as made between 1942 and 1947 by aerial view shots. This coincides with the waterflow which coincides with all of the other maps on the waterflow and shows where the cypress swamps are.

Senator JOHNSTON. Do you live in this area?

Mr. CHISM. I spend a great part of my time out there and have for many years. In fact, I have gone out there as long as 3½ months at a time.

Senator JOHNSTON. Where are you now?

Mr. CHISM. I live in Miami.

Senator JOHNSTON. How much property do you own there?

Mr. CHISM. 115 acres. This is where I plan to build a cattle ranch and a vegetable farm and some citrus trees. This, right here, is some of my land. Over there is some of it, and this could be a part of my land and a part next to it.

This is on my land where years ago I planned to build a home. It is so beautiful and it is rich, top soil. The other pictures that you saw, I took a great part of those pictures.

I traveled last Sunday for 17 miles at least round trip from the Tamiami Trail up through this area to my land. I did not see in the deep holes where they built Monument Road about 20 years ago, I did not see any water in those deep holes until I got to this place here.

I had gone about 8½ miles. You can see how important water is for wildlife and cattle. This shows the same waterflow, taken from these other maps. It shows here is the watershed for the park coming down through the Everglades, which all of these geological maps coincide with this.

Here is the elevation of the land. This right here shows the elevation of the land that the Senator that introduced the bill in Tallahassee, that is an elevation of about 3,000 acres of land that he is developing in Miami.

Senator JOHNSTON. I am not interested in——

Mr. CHISM. All right, sir. Here is where my land is. Twenty-five acres in this area, 80 acres there, and then all the other is paid for and this I am paying for. In this right here—you were asking about the Ochopee area.

Here it is right here. Below the Ochopee area, where Mr. Wooten runs his airboats, which is a well-developed area through there, where Dan Whichello has his property, that is in that area there.

This is close to the saltwater inlets and the saltwater backing in there, and that is where he runs his airboats. That is where the excellent farming country is. Back for many years they were farming that.

Over this area you can see miles and miles of where they used to farm. Then the water control got so bad that it flooded them out. But you can see the rich top soil which I can ride over in my truck where there is no road and see it.

Right here is the Everglades, which is the watershed from Lake Okeechobee to the park. This high elevated land, naturally this water cannot flow on this high ground, so it is this rainwater up here in Lake Okeechobee cannot come over 30–foot, 25– and 22–foot elevations.

As you can see, this water flowing in this direction could not benefit the park, because it flows down an area of Everglade City which I will show you.

Senator JOHNSTON. Everglade City is part of the park.

Mr. CHISM. But Everglade City is not the place that needs the water. That is the new addition of the park where the saltwater inlets are, and there is no water on top of the ground or under the ground on this high elevated land.

They do not need water here. They need it down in this part. They cannot get it from here unless they bring a grade canal from Lake Okeechobee through here, with a dike on that side, that could be used with a highway to go to the Naval Air Station here in Key West, which is one of the greatest needs of this day for our security.

But I will attempt to show everyone very briefly. You will notice this is a map of the central and southern Florida flood control districts and the Army Corps of Engineers which, on the other side of this map, tell you that it is central and southern Florida flood control district.

It is operated and maintained by the Central and Southern Florida Flood Control District. It says "Design and Construction by U.S. Army Engineers Districts, Jacksonville, Corps of Engineers".

Right here is one of the best maps that I used to show Senator

Bible. Right here is Lake Okeechobee. Here is Conservation Areas 1, 2, and 3. All together it is around 12 to 1,300 square miles. I am not certain how many square miles in these two.

But in this one here, as everyone interested knows already, there are 914 square miles. That is the direct watershed for the park. This area right here is the jetport, which all of you know was stopped after $13 million dollars was spent.

This right here is very vital to this thing here, because as Mr. Browder said, this is what started the whole business. After 20 years of study and search of 17 sites and the spending of I don't know how many millions, they found that this was the best site of all, because it would not block the waterflow to the park.

There is a high ridge above it, about a mile wide, and as these maps all show, this water flows into Conservation Area No. 3 above, and this area in here, there is no water blocked to flow into the jetport site in here.

Coming out from under the jetport, this water flows toward a little below Everglade City. As you can see, this water comes across here to the new addition of the Everglades National Park.

It stands to reason that this high elevated land which goes to 25, 30, and 31 feet, that water coming out from underground will feed those saltwater inlets. I have never heard anyone say that that area was suffering for the need of water.

As long as there is water anywhere in that area, it will get the underground flow through that forest country. Now, for several years I have been reading in the papers, and it was well known everywhere, that people were complaining, friends of the park, that the Tamiami Trail was blocking the flow of water to the park.

It was blocking the flow of water over here in this area, east of the jetport area, because L–28 canal which extends 9 miles northward——

Senator JOHNSTON. Let me ask you, what is the point of this Mr. Chism. I think the flow has been pretty well documented. I think the Park Service is fairly well in agreement with your flowchart, here. Is that correct, Mr. Nix?

Mr. NIX. Yes.

Senator JOHNSTON. We have heard this testimony and now what does this prove?

Mr. CHISM. This water does not go where it is needed. Here is your watershed for the park. The L–28 canal, when it was built about 10 or 10½ years ago, the Army Engineer, Mr. Phillips, I talked to him at different times. He was living on the dike in a trailer.

He said they offered L–28 canal to the park and they refused it. He said it needed to go on into the park. That is when the great crowd across the Nation was for more water in the park.

Senator JOHNSTON. Your position obviously is against the recreation area. It is against the national preserve, as it is presently envisioned. What do you propose?

Mr. CHISM. I propose that they do what Congress has already approved and the Army Corps of Engineers has already approved, which shows on this map in green, that this 20–mile extension of L–28 canal which comes to within 2 miles of the park which was never finished, it shows finished on this map but it was not.

It came to the Tamiami Trail small canal and stopped. That was approved about 7 years ago. When it was approved it was so much needed and had been fighting for so many years for water in the park that it was headlined in the newspapers that Congress had approved of this extension into the park; 10 miles south and 10 miles west, and then the feeder ditches and feeder canals could water the entire park.

Senator JOHNSTON. How about the proposal of Mr. Pace?

Mr. CHISM. This other is a new proposal of his, but you see, you already have all of this in the conservation area. His would have some merit, but we have enough conservation area here to hold the water.

We need to get this beyond the conservation area and take I–28 canal 10 miles south and 10 miles west, with control gates and not flood the park. But this water and L–28 canal comes from overflow of the land and underflow, and it will only be a matter of about 2 or 3 hours to get that water on down to this other 20 miles of canal.

Then it will immediately become overflow water again. Now I have had several years' experience working in farms in Alabama, Mississippi, the delta of Arkansas and in south Florida. You cannot get water to 20 or 30 miles south of the Tamiami Trail when it is dry weather.

When there is no water anywhere and when the thousands of ponds and lakes in the park have gone dry and hundreds and millions of fish completely die. Right now, you travel maybe for several miles through the park and not find water in certain areas.

Any farmer that said "I do not want a canal to come close to my farm" he would be considered off of his rocker. You have to have a canal if you are going to get water there fast. Then you control where you want it to go in different directions, at whatever speed at different times you hold it back completely or you let it go.

Senator Holland fought for this L–28 canal, and for years he fought for a canal to get water into the park. A friend of his who is a friend of mine who is a former county commissioner, Milton Thompson, who is vice chairman of our association went with me out there to see that area after Mr. Phillips told me that it should be extended and the park would not let it. I showed him how it could be done, and he said, "If I had only known this a few days before, because I was with Senator Holland all day." So I drew out the diagrams and everything.

He came to Washington, saw Senator Holland, got $400,000. They turned it over to the parks department for a canal and a road for which Milton Thompson, a well-known conservationist, and he has fought for years for the park, but anyway he got the $400,000 for the road and the canal to go from the 40–mile bend area into the park.

I read in the paper where what they were doing with that $400,000 and I investigated and found they were not digging the canal. They were digging three gravel pits. One of our board of directors who dug it for them after the other company they contracted with, the Weber Construction Co. could not dig it, those gravel pits.

Earl Ball, the builder of Oasis Airport, went and dug it for them.

And he told me he could just as well have dug a canal into the park. I read about this in the paper, so I called Mr. Thompson. I said, "Is that the $400,000 you got?" He said "yes."

So I called up Stanley Joseph, who was then superintendent of the national parks. That was about 9½ years ago. We went down to see Stanley Joseph, to see why that money was not being used to get water to the park.

They were blaming all of the Central and Southern Florida Flood Control District. The Army Corps of Engineers was not getting water into the park, when all of the time it was the parks department's fault, and nobody else's.

Mr. Joseph told me. He said, "We do not want any canals into the park". Since then this brochure, we sent out several thousands of these 8–page brochures into Washington and over the Nation, showing the truth about all of this.

The Congress—after we did this we showed there were 3,000 families that had not been paid for their land after many, many years.

Senator JOHNSTON. Is that in the Everglades?

Mr. CHISM. That was the Everglades National Park, yes, sir. So Congress immediately approved a sum of $20 million dollars to help pay off this land in the park. At the same time they approved $25 million for Central and Southern Florida Flood Control District, and included in this, they aproved money for three canals to get water to the park.

This L–28 canal that has been approved by Congress and the Army Corps of Engineers, they asked me, with Mr. Hartung 2 years ago, to prepare questions to ask the Interior Department, that afternoon, why they would not let L–28 canal come into the park.

We prepared the questions, and Mr. Nat Reed's answer was this. We do not want that canal because it will bring too much water too fast. He said, "We do not want that quality water." I sent Senator Bible a note. I said "millions of fish live in L–28 canal." I said "I wonder how the hundreds of millions of fish that die every year in the park would feel about this quality of water."

Senator Bible looked at me and smiled.

Senator JOHNSTON. What do you think the land in the proposed acquisition ought to be used for?

Mr. CHISM. For agriculture and very limited development which our association— I lived there since 1940, with the exception of 16 months in Key West. I do not want to live in a city. I will be 65 next week.

I am retiring. I want to move out there. As I said, where I plan to build a cattle ranch and farm it. It should be used to get people out of these crowded cities and a lot of them will be on 20 acres, some 40, some 10.

Some of these poor colored people, I notice, on the tax rolls, which are about 3,000 families that own land out there are colored people. There are over 5,000 about 3 years ago of Cuban refugees that own land out there.

The Cubans are raising hogs right now. They are doing a wonderful job. Then there are some up in there that have small citrus groves. But with Miami, it is such a nightmare to live in that town with all of the pollution, with all of the crowded traffic.

Senator JOHNSTON. Residential would be the use——

Mr. CHISM. I say this. It should be limited. We are holding that no one can live on less than an acre and a quarter. Where I live in Miami it is one-sixth of an acre. It is just too crowded.

We prefer to see it 5 acres or 10 acres or 20 acres or a rural area. That is what I like. It is what I prefer. It is what I want my children and grandchildren to have. I think if we could get these crowded cities—if we could get the legislatures, Federal and State, to make everywhere in the world, to get our families with children out on 5- and 10-acre tracts and teach them how to raise hogs and chickens and teach them all types of raising food, I think it would be one of the greatest things in the world, to help take care of our problems which are so many among young people today.

I was raised in a small town. A great part of my people were farmers. When I travel that area, sometimes I travel it all day and I may not see but one or two people in that area. And the thrills and blessings that I get when I think about how close it is to this great city of Miami that has so many problems.

Here it is just a few miles from an area where they are building great development now. This area out here is so superior. This shows what is growing. This is pine, and beautiful prairie acres, where a lot of it you do not have to clear. You can just go out and start farming. Here is your Cypress swamps here. Here is the Fakahatchee Strand, which is a real swamp. The water that comes down here which the parks department and everyone is so concerned about is draining through the Fakahatchee Strand, which, by the Gulf American Land Co., it is carrying great big canals and flowing right out into the ocean.

That is what we are against. We do not want it. We want water control. We want to bring this water over here in conservation area No. 3 and hold it as high water level as we can with the gates that are already there now.

With that high water level, it will benefit the east coast of Florida so much because if you hold a high water level your underground flow will penetrate and keep the salt water away. It will also build limited ditches throughout the Everglades National Park.

I have proposed in another 4 or 5 years to go in there and dig every lake and every pond deep enough, ten or 12 feet deep, so that when the dry seasons come there will be plenty of circulating water through there, that those fish and alligators and all of them can get water without dying.

They can multiply into millions and millions every year and feed the other streams and out into the oceans. Instead they are dying. It is foolish. It is heartless. It is not right. It is ungodly. It is very wrong.

I say it is a crime. It is particularly a crime to take 35,000 families, as best we can figure, down in Monroe County and western Dade. They have not told you, but there are several square miles of land in western Dade that is in this take-over area.

Also, in Collier County. If they get that, they will try to go into Hendry County. Now Hendry County is in the watershed of the part that needs water. That is this water coming down through here.

This water can be brought, and I have talked to many people who know something.

This water can be brought down into here, and the water that is wasting in the Fakahatchee Strand—there is a pumping station right in here, and that can bring this water that is wasting through the Fakahatchee Strand.

It can bring it, with proper controls, all the way over here easily into this conservation area No. 3. I do not believe in dry seasons we would ever have to open the gates of the conservation area No. 3 to get this water into the park, because if you hold a high water level and just have the L–28 canal feeding and then you dig ditches and feeder canals to all parts of the park.

I know Senator Holland, in one of his last letters I got from him, he called me his dear friend, because he knew that I and Milton Thompson, who had been a friend of mine for several years, he knew that we had fought for years for the Everglades National Park.

I believe that Senator Holland and great saints of God like him that have fought in Washington for us, I believe they know what is happening today. I think this would be a great monument to Senator Holland, and all of the other great Senators that have gone before us, if we could put water, the L–28 canal and water control throughout the park.

Then this land that they want to steal from us people could be used to bring in billions for taxes and for food, for our people. I think today that most of us are concerned about saving Washington and saving our Nation.

That is my concern. I would not fight like I have fought for land all these years. I am fighting for principles. I am fighting for your children, your grandchildren and your mothers and fathers that have fought to make this a great Earth, and Joe Browder there and his son.

I am hoping they will be neighbors of mine out there some day. I have never been able to get mad at the man, in all of these years that we have been fighting. You saw him yesterday, he was trying to ridicule me and he was doing me so much good.

I was so thankful he was helping me out so much. But I have never been able to get mad at him. Now this fellow, Nat Reed, I am having a hard time to keep feeling good towards him. [Laughter.]

I tell you, he was the worst enemy we had in Florida, that Reed was. He qualified for the Interior Department because he proved that he would turn against his own State, and he was fighting so hard to take our land that your Governor, and I guess the Gulf American Land Co. which changed their name to cover up their reputation, the GAC Corp., Richard Warner, one of the vice presidents told me that Nat Reed was a good friend of his.

They have been trying to get our land taken away from us for many years, this big land company. Mr. Warner says we are not trying to hide it. He says "we are trying to take it", from us.

They did own, their holdings in Collier County, they have purchased something like 300 square miles, which would be about 200,000 acres. They have built hundreds of miles of roads throughout the county, which is good.

It is needed for people. I am not criticizing that. But they have sold little, small lots at such terific prices. They know if our acreage is good on the market it will just destroy their land.

Senator JOHNSTON. Mr. Chism, let me say, I hate to interrupt you, but I have given you a little more latitude than some of the other witnesses because you are making a very good presentation.

But can you wind up in about 4 or 5 minutes?

Mr. CHISM. I will if you say so. But I can talk——

Senator JOHNSTON. I can see you getting wound up now.

Mr. CHISM. I tell you what I wish you would do. I invited Senator Chiles, when he was there, when Senator Jackson walked out on us, he was getting all the truth and all the newsreels were there, but he was running for President and it was going out all over the Nation.

Senator Jackson walked out about 4 o'clock and Senator Chiles had to take over. Senator Chiles promised me he would come out and look the land over. He did. He went to the 2,000–acre spread and he told us it did not look like a swamp to him.

Mr. Marlow and Mr. Kennedy, who are the same age as Senator Chiles, they were there. The newsmen were there. They were amazed, and they said "anybody ought to be glad to live out there."

Senator Chiles also, according to the Miami Herald, in the next day, a big headline article and pictures stated that it would cost $600 million to purchase this land. He was against it, unless they apropriated the money at the same time to pay off the people.

Six hundred million dollars would not even start to buy it.

Senator JOHNSTON. What is your land worth in there?

Mr. CHISM. My land has the same potential. I do not want to sell it. It is not for sale. It has the same potential as all of the land in south Florida. Recently, I do want to get this in the record, recently I saw over television where lowland in the Miami area was being filled in with rock, and they were selling it for $150,000 an acre. That is right close to where Mr. Nixon sold two lots at Biscayne, Key Biscayne, for $150,000.

And shortly after he sold it for that it sold for $185,000.

Senator JOHNSTON. Your land is higher than that?

Mr. CHISM. My land is higher elevated and much better. You could amaze Congress if you would come up there and get the facts, when you get there, and see the area you would say, "Oh, I wish this Senator and that Senator could see it." So bring half a dozen of them with you.

We will show you the most delightful trip. It will be such a service to mankind. You can help uncover this fraud that is about to be perpetrated against Congress, and I believe if I was a Congressman I would not like some rascals coming up and giving me lies to get me, a Member of Congress, to make a sad mistake.

I would want the truth. I would get the truth. If you do not come up there, Senator Johnston, and get these facts, if the people, if they could see these lowlands down there below the Tamiami Trail, even though they are only 5 or 6 feet elevations, they have a solid rock foundation which is ideal.

But they have several inches of top soil which is ideal for farming.

This will probably be, in years to come, the most fantastic desired area in the United States to live. They cannot take it from us. They just cannot do it. It is wrong.

I believe it is not God's will. The gentleman here, Mr. Popenhager, Mr. Wooten will tell you, they have never known a single man to work as hard as I have worked for the last 12½ years on this land.

I felt the Lord called me to do it. I felt that was my calling in life. I used to think he called me to preach, but I have never felt worthy to preach the Gospel of the Lord, so I did the best I can.

Senator JOHNSTON. I believe you would make a pretty good preacher.

Mr. CHISM. If I live many more years, if I live 20 more years I might someday feel worthy to preach the saving Gospel of the Lord Jesus Christ, which gives me so much happiness and so much joy.

Senator JOHNSTON. I think that is probably a good point to end on. No one can disagree with that. The 5 minues are——

Mr. CHISM. Would you let me say one thing? This is so important. Mr. Clarence Mitchell, who is the legislative leader for the NAACP, a friend of mine who is a minister in Florida, who knows some of these colored landlords, suggested I get in touch with him, which I did. He was here yesterday listening to some of the testimony.

He told me then, and today I called him, and he said, "You can tell them they will receive a letter. You will receive a letter. Senator Bible will receive a letter. The Interior Secretary will receive a letter stating that they do not believe they need this land to get the water. They can take the water and leave the people on their land."

I would like to say this one think as I walk on out. They will never be able to take it. I will die or go to jail before they ever take this land from me, and these poor widows and poor people. So many of them I have known so many years.

I will not have to fight alone. The people of our Nation, the colored people, they will help me. Senator Johnston, it has been delightful to talk to you. I appreciate it.

Senator JOHNSTON. Mr. Chism, I thank you. You have very passionately presented your point of view. We, in the Senate, want to do what is right for the most people and for the very sacred natural resources we have in this country.

Whatever decision this committee makes will be made in that spirit, and not in the spirit of trying to take anything from anyone, but in the spirit of trying to preserve the most valuable resources for the most people.

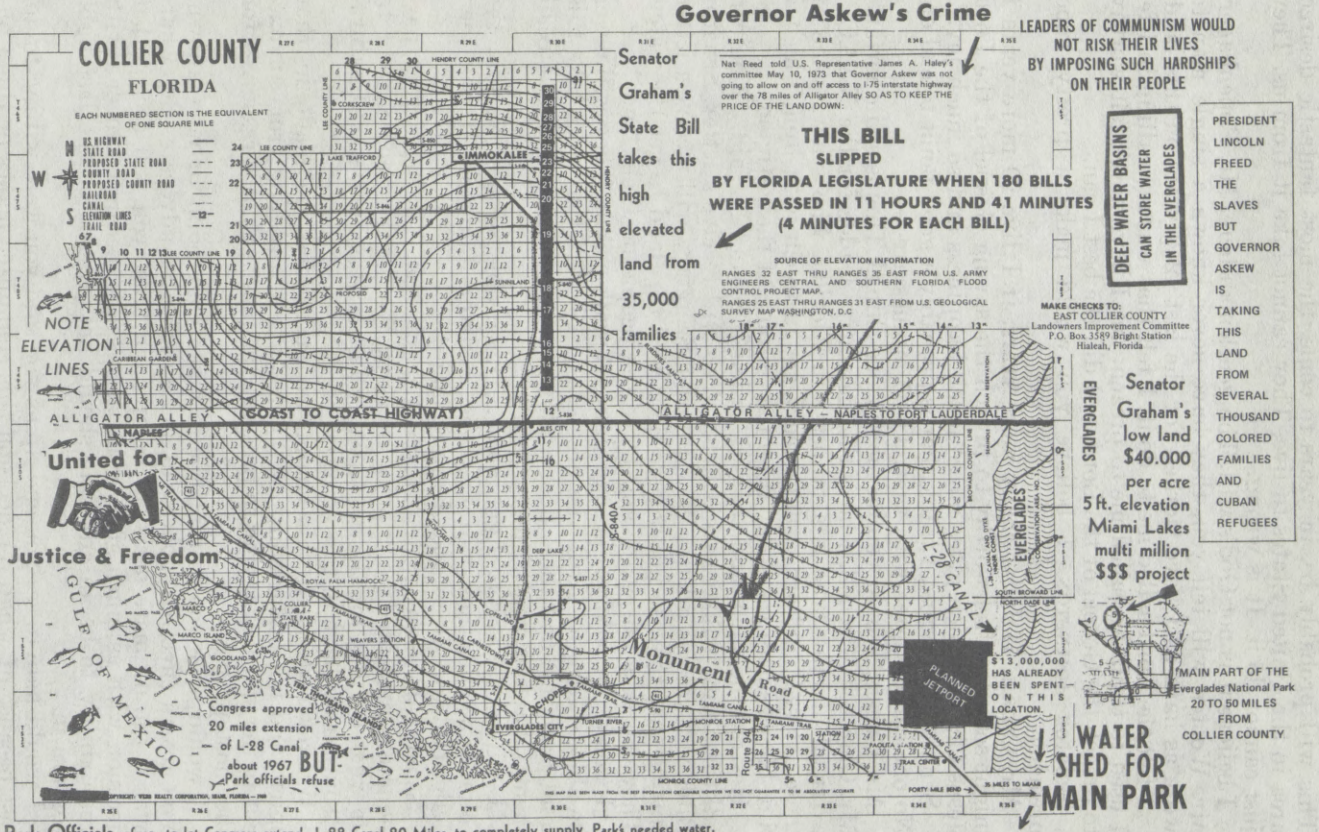
I would urge you to continue to make your point of view known. You are an effective spokesman and an effective advocate. But whatever is the ultimate decision, I hope and trust you will accept that decision with as much good grace as possible, because someone with your ability to be an advocate should not let this be the last fight you are in.

I would hate to see you end up as you said you were willing to do, just because of whatever decision this committee makes or this Congress makes. I would like to see you around to advocate another cause on another day.

I appreciate your testimony very much, Mr. Chism.

Mr. CHISM. I appreciate you so much.

[The map follows:]


Governor Askew's Crime
LEADERS OF COMMUNISM WOULD NOT RISK THEIR LIVES BY IMPOSING SUCH HARDSHIPS ON THEIR PEOPLE
COLLIER COUNTY
FLORIDA
EACH NUMBERED SECTION IS THE EQUIVALENT OF ONE SQUARE MILE
US HIGHWAY
STATE ROAD
PROPOSED STATE ROAD
COUNTY ROAD
PROPOSED COUNTY ROAD
RAILROAD
CANAL
ELEVATION LINES
TRAIL ROAD
NOTE ELEVATION LINES
Senator Graham's State Bill takes this high elevated land from 35,000 families
Nat Reed told U.S. Representative James A. Haley's committee May 10, 1973 that Governor Askew was not going to allow on and off access to I-75 interstate highway over the 78 miles of Alligator Alley SO AS TO KEEP THE PRICE OF THE LAND DOWN:
THIS BILL SLIPPED BY FLORIDA LEGISLATURE WHEN 180 BILLS WERE PASSED IN 11 HOURS AND 41 MINUTES (4 MINUTES FOR EACH BILL)
SOURCE OF ELEVATION INFORMATION
RANGES 32 EAST THRU RANGES 35 EAST FROM U.S. ARMY ENGINEERS CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL PROJECT MAP.
RANGES 25 EAST THRU RANGES 31 EAST FROM U.S. GEOLOGICAL SURVEY MAP WASHINGTON, D.C
DEEP WATER BASINS CAN STORE WATER IN THE EVERGLADES
MAKE CHECKS TO:
EAST COLLIER COUNTY
Landowners Improvement Committee
P.O. Box 3589 Bright Station
Hialeah, Florida
PRESIDENT LINCOLN FREED THE SLAVES BUT GOVERNOR ASKEW IS TAKING THIS LAND FROM SEVERAL THOUSAND COLORED FAMILIES AND CUBAN REFUGEES
ALLIGATOR ALLEY (COAST TO COAST HIGHWAY)
ALLIGATOR ALLEY – NAPLES TO FORT LAUDERDALE
EVERGLADES
Senator Graham's low land $40.000 per acre 5 ft. elevation Miami Lakes multi million $$$ project
United for Justice & Freedom
GULF OF MEXICO
Congress approved 20 miles extension of L-28 Canal about 1967 BUT- Park officials refuse
L-28 CANAL
Monument Road
PLANNED JETPORT
$13,000,000 HAS ALREADY BEEN SPENT ON THIS LOCATION.
MAIN PART OF THE Everglades National Park 20 TO 50 MILES FROM COLLIER COUNTY
WATER SHED FOR MAIN PARK
Park Officials refuse to let Congress extend L-28 Canal 20 Miles to completely supply Park's needed water.

Senator JOHNSTON. We have one final witness, who is from the Park Service, Dr. Curry.

STATEMENT OF RICHARD C. CURRY, ASSOCIATE DIRECTOR, LEGISLATION, U.S. NATIONAL PARK SERVICE

Dr. CURRY. Thank you Mister Chairman, I just wanted to put in the record a statement to cover the issue of the jury trials. For the sake of brevity, I will read it. Based on our experience in other land acquisition projects in the National Park System we expect to acquire 75 to 85 percent of the properties by negotiated purchase.

The balance will be referred to the Department of Justice for condemnation. In the event of a legislative taking of the Big Cypress, we would similarly expect to achieve negotiated settlements with 75 to 85 percent of the owners.

The remainder would be referred to the Federal district court for adjudication as provided in H.R. 10008. Our experience also indicates that only a small portion of those tracts referred for condemnation ever reach trial.

The majority of cases are settled by the U.S. attorney before trial. Trials in Federal condemnation cases are conducted in three ways. By a judge, by a judge and jury, or by hearing before a panel of commissioners appointed by the judge.

Of course, that is only when both parties consent to that procedure. Either side can demand a jury trial, but it is up to the discretion of a judge whether a motion for a jury trial is to be granted.

The Department of Justice decides which method of trial the Government should request. When there are a large number of cases to be heard, judges often appoint commissioners to hear the cases.

This would probably be the case, as in the Big Cypress, where we have 35,000 owners of record. This could possibly be the case, let me say that. The commissioners' findings in an instance like this are then referred to the judge for decision.

Senator JOHNSTON. You say that it is discretionary with the judge whether to grant a jury trial?

Dr. CURRY. Whether a motion for jury trial is to be granted.

Senator JOHNSTON. Isn't there a recent decision that under the seventh amendment a jury trial is required, in that West Virginia case? What is the basis for the judge's decisions? What factors——

Would you do some research on that to determine what factors——

Dr. CURRY. What criteria the judge uses to select a jury trial or decide himself?

Senator JOHNSTON. Yes. *Barron* v. *Blue Ridge Electric* is a decision relating to the right to a jury trial. It may or may not pertain to a condemnation proceeding. You might just give us a memorandum on what the options are. I think you have recommended the expropriation procedure; did you not?

Dr. CURRY. Our statement, Departmental Report, says that the general procedures that we normally follow in a situation which calls for a declaration of taking is what we would prefer to go to.

Senator JOHNSTON. We refer to it as expropriation in Louisiana.

Dr. CURRY. We did say in our statement, however, if the committee chooses to elect legislative taking there were certain safeguards or

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areas that we felt ought to be corrected. We have already stated that in the record.

Senator JOHNSTON. All right, fine. Thank you, Doctor.

Dr. CURRY. The only other point, if I may, is there has been a considerable amount of testimony on agriculture and its impact. If you would like us to just make a point for the record here, we would be glad to do so, but if you would rather have us defer, that would be fine.

I have a short comment.

Senator JOHNSTON. Why don't you make the comment?

Dr. CURRY. Thank you, sir.

We see two major threats to the estuary of the western part of Everglades National Park if large-scale agriculture were to develop in Big Cypress. One is the likelihood of serious disruption of the normal seasonality of water flow into the estuaries because of the system of drainage work which we feel extensive agriculture would require.

The major effect of such change, seasonality flow is to expose estuarine plant and animal communities to abrupt variations in the salinity regime. Few species could tolerate an environment characterized by rapid salinity changes and if estuarine productivity is reduced sharply.

Our second concern is that the quality of water entering the estuary will deteriorate over a period of years. Drainage from agricultural lands carry small amounts of chemicals applied as pesticides or fertilizers.

These materials tend to accumulate in the estuaries. Studies carried out for the Department of the Interior, by Dr. Robert Harris and his associates at Florida State University show that elements of various heavy metals are 1.5 to three times higher in the Collier County estuary that receive some drainage from agricultural areas about 35 miles inland than in nearby estuaries that receive no runoff from agricultural lands.

Several of the metallic irons detected are known to be toxic to some forms of life at very low concentration. We believe the accumulation over a time of chemicals from a large agricultural area immediately upstream would lead inevitably to serious deterioration of estuarine areas in the western part of Everglades National Park.

These statements were prepared in the first instance by Mr. Kriss, of our Land Acquisition Office, and in the second instance by Mr. Bill Robinson, who testified yesterday before this committee.

We just wanted to restate these concerns for the record.

Senator JOHNSTON. Thank you very much, Doctor.

We may or may not need additional testimony. If we do we will request a further hearings or send you a letter to expand on the record. I would like to thank all of you who have stayed here through these 2 days of hearings.

You have all been very helpful and hopefully by the time we finish our field trip and read further parts of the record we will be in a final position to make recommendations.

Thank you very much.

[Subsequent to the hearings the following information was received:]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 29, 1974.

Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: At the hearing on March 21 and 22 before your Subcommittee concerning S. 334, S. 783, S. 920, and H.R. 10088, similar bills to authorize the acquisition of the Big Cypress area in Florida, this Department's witness was requested to provide certain additional information for the record. We are pleased to provide the information requested herewith.

1. *Shrimp values related to the estuarine area affected by the Big Cypress Watershed.*— Data published by the Technical Information Division, Environmental Science Information Center, National Oceanographic and Atmospheric Administration, place the value of pink shrimp taken commercially from areas dependent upon estuaries in South Florida from 1966 through 1970 at $7,340,327. The total value during this period of all estuarine-dependent species taken commercially was $10,183,401.

2. *Right to a jury trial in condemnation actions.*—The Solicitor's Office of the Department of the Interior advises that it is well established that a landowner who is the subject of a Federal condemnation action has no absolute constitutional right to have a jury trial. The question of jury trials is the subject of rule 71A(h) of the Federal rules of civil procedure. This rule recognizes two exceptions when a jury trial will not be available: (1) When there is a tribunal specially constituted by an Act of Congress for the trial of the issue of just compensation that does not afford consideration by a jury, and (2) when a District Court, in its discretion, orders that the issue of compensation be determined by a commission of three persons appointed by the court.

3. *Constitutionality of limiting interest in legislative taking to 6 percent per year.*—The Solicitor's office also advises that it is ths Department's position that a limitation of 6 percent per annum on unpaid compensation is constitutional. However, there are a number of proceedings in which this position is now being considered by the courts on the theory that the determination of just compensation is a judicial question and that interest is one element of just compensation. Any such ruling would, of course, serve to modify a statutory 6 percent rate.

4. *Effect of Flood Disaster Protection Act of 1972 on proposed construction within Big Cypress.*—Subsections 202(a) and (b) of the Flood Disaster Protection Act of 1973 (87 Stat. 975) provide that no Federal officer shall approve financial assistance for acquisition or construction purposes after July 1, 1975, in any area having special flood hazards, unless the local community is then participating in the national flood insurance program, and that each Federal instrumentality responsible for supervision, approval, regulation, or insuring of banks or similar institutions shall by regulation prohibit such institution after such date from makng or renewing any loan secured by improved real estate or a mobile home located in an area that has been identified as an area having special flood hazards, unless the community is then participating in the national flood insurance program. The Department of Housing and Urban Development, which is the Agency responsible for administration of the act, advises that areas "having special flood hazards" have been generally defined to be those below the 100-year flood level. Further, that Department advises that all of Monroe County has already been designated a special flood hazard area, and much of the Big Cypress area within Collier and Dade Counties is also below the 100-year flood level. Final designation for the last two counties have not been made however.

Under section 202 of the act ,therefore, the effect of a designation by the Housing and Urban Development of much of the Big Cypress as a special flood hazard area would be to prohibit after July 1, 1975, any further federally insured or federally assisted loans or grants for acquisition or construction purposes within the Big Cypress, unless the county or community involved is participating in the Federal flood insurance program. Generally under section 102 of the act, this means that to be eligible for a federally approved or insured loan within an area having special flood hazards, insurance must be carried on the property in an amount at least equal to its development or project cost. To some extent, this would affect the construction of individual homesites within the area, because it would tend to make insurance more costly. However, as was brought out at the hearing, we do not feel that this provision would discourage major subdivision development by entities having large amounts of capital.

Moreover, the act would probably have little effect on the dredging and filling necessary to provide road access to individual lots, which is a major deterrent to the continued sheet flow of water across the Big Cypress that is so necessary to perpetuate the estuary.

We hope the foregoing information will be useful in the Subcommittee's consideration of the Big Cypress legislation. We appreciate this opportunity to supplement our testimony.

Sincerely yours,

JOHN M. POWELL
(for Ken M. Brown),
Legislative Counsel.

[Whereupon, at 3:10 p.m., the subcommittee was adjourned.]

APPENDIX

Under Authority Previously Granted, the Following Statements and Communications Were Ordered Printed

LOU FREY, JR.
9TH DISTRICT, FLORIDA

OSCAR F. JUAREZ
ADMINISTRATIVE ASSISTANT

COMMITTEES:
SCIENCE AND ASTRONAUTICS
INTERSTATE AND
FOREIGN COMMERCE

Congress of the United States
House of Representatives
Washington, D.C. 20515

OFFICES:
214 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
AREA CODE 202, 225-3671

210 BREVARD AVENUE
COCOA, FLORIDA 32922

500 NORTH HARBOUR CITY BOULEVARD
MELBOURNE, FLORIDA 32935

1040 WOODCOCK ROAD, SUITE 222
ORLANDO, FLORIDA 32803

SENATE INTERIOR COMMITTEE
RECEIVED
MAR 18 1974
WASHINGTON, D. C. 20510
MAR 15 1974

March 12, 1974

Honorable Henry M. Jackson
Chairman
Senate Interior & Insular Affairs
Committee
Washington, D. C. 20510

Dear Mr. Chairman:

Thank you for your letter of March 8 advising me of the hearings to be held by the Parks and Recreation Subcommittee on the Big Cypress National Preserve.

I do not wish to testify in person, but would appreciate the enclosed statement being included in the hearing record.

Most sincerely,

Lou Frey, Jr.

LFjr/ap

Statement of Lou Frey, Jr., Congressman, 9th District, Florida
Before the Parks & Recreation Subcommittee, Interior & Insular
Committee, U. S. Senate, March, 1974.
Big Cypress National Fresh Water Reserve

Mr. Chairman: The bill which this subcommittee is now considering will establish the Big Cypress National Preserve in the State of Florida. This legislation passed the House on October 3, 1973, and its passage by this Committee, the full Senate and enactment into law is important in many ways. It will protect a significant portion of the Big Cypress Watershed which is critical to the stabilization of the Everglades National Park. It will protect the ecosystems and environment of one of our Nation's most treasured natural areas. It will set a precedent in establishing a new vehicle by which to protect other natural areas. And it marks an encouraging and cooperative spirit between the Federal government and a state government in working toward these ends.

Big Cypress lies adjacent to the Everglades National Park, and the two form a nearly complete hydrologic unit together. The Everglades Park is considerably dependent upon the Big Cypress Watershed for its supply of fresh water. A vital factor is that the land within Big Cypress is flat and thus serves as a natural water storage area. Any change could seriously disrupt the ecosystems of Everglades Park, and therefore Big Cypress must be protected.

Second, Big Cypress in itself contains unusual and highly valuable environmental assets, both in terms of scientific study and individual enjoyment. Thousands of migrating birds come each year to this area; species of fish and animals -- many of which are on the Endangered Species

list -- inhabit this unique area. In addition, a wide variety of plant life is seen, including many species not found anywhere else outside the tropiecs. The Big Cypress - Everglades offers many recreation activities in a true wilderness area -- camping, hiking, sightseeing, nature studies, etc.

Third, this bill -- H.R. 10088, as passed by the House, carefully states its purpose is to establish the Big Cypress National Preserve. Preserve is a new word being chosen to define something being kept or safeguarded and basically protected and perpetuated for an intended, stated purpose. This is the case with Big Cypress. Management of "preserves" may be different from management of reserves, the primary responsibility being to protect the area for its stated purpose.

Last, the State of Florida, I am proud to say, has certainly been a vanguard in preserving and protecting its natural areas of beauty and value. For example, in 1934 the Federal government authorized the establishment of the Everglades National Park. The State of Florida was instrumental in acquiring through donations 935,000 acres for the Park. With the exception of 4400 acres, no federal funds were spent to buy any parklands until 1966. Again, with the Big Cypress, Florida has taken the lead among states in the protection of its environmentally treasured areas. The State has made $40 million available this year to begin purchase of lands and has designated it as an "area of critical State concern" which subjects it to strict environmental controls.

Though water is the main resource of the Big Cypress, it is certainly not the only one. For many reasons, it is imperative that this area be protected as a National Preserve and I urge the Committee's favorable consideration.

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S. Pierne

CHARLES E. BENNETT
MEMBER
3D DISTRICT, FLORIDA

ARMED SERVICES COMMITTEE
CHAIRMAN OF SEAPOWER SUBCOMMITTEE
SENIOR MEMBER OF MILITARY INSTALLATIONS AND FACILITIES SUBCOMMITTEE

AUDREY W. STRINGFELLOW
ADMINISTRATIVE ASSISTANT
IN CHARGE OF JACKSONVILLE OFFICE
352 FEDERAL BUILDING 32202
TELEPHONE 904-791-2587

BRENDA TAYLOR

NICK VAN NELSON
ADMINISTRATIVE ASSISTANT

ROGER HILKERT
LEGISLATIVE ASSISTANT

SHARON H. DAVIS
SHIRLEY BRYANT
BECKY ADAMS
HELENA STRAUCH
JEAN MANN
SECRETARIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 14, 1974

SENATE INTERIOR COMMITTEE
RECEIVED
MAR 18 1974
WASHINGTON, D. C. 20510

Honorable Henry M. Jackson
Chairman
Senate Interior and Insular Affairs
Committee
3105 Senate Office Building
Washington, D. C. 20510

Dear Scoop:

Thank you for your recent letter regarding your scheduled open public hearings on the Big Cypress National Fresh Water Reserve bill. I am enclosing herein 10 copies of my statement and will appreciate your inserting it into the record. When the hearings have been printed, I will greatly appreciate having three copies for my files.

With kindest personal regards, I am

Sincerely,

Charles E. Bennett

CEB/ba
Enclosures

CONGRESSMAN CHARLES E. BENNETT

THIRD DISTRICT OF THE STATE OF FLORIDA

BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION

SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE

March 21, 1974

I very much appreciate this opportunity to testify in favor of legislation to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida. I am a cosponsor of the legislation which passed the House, as is every member of the Florida Delegation. I cosponsored identical legislation in the 92nd Congress and testified on it in the House.

The Big Cypress National Fresh Water Reserve in South Florida provides an excellent opportunity for the federal government to work with the State of Florida and with interested citizens in an effort to preserve an important natural resource and to help insure a healthy environment for the people of South Florida. The Big Cypress today provides 55% of the water that flows into the Everglades. The Jetport Advisory Board wrote in its report on the Everglades:

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

The loss of the delicate natural balance would go still further. I again quote from the report by the Jetport Advisory Board:

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

In addition to the human needs which the Big Cypress Watershed satisfies, there are also many types of flora and fauna and animal communities which thrive in the Big Cypress. It is a highly complex, very fragile ecosystem kept in balance by a unique watershed flow, southward, down the almost imperceptible two inch per mile slope from Lake Okeechobee to the Gulf of Mexico.

Big Cypress serves as one of the last refuges for a number of endangered species, including the Florida panthers, the Everglades' mink and the southern bald eagle. There are stands of cypress trees, hardwood hammocks, forests of pine and various kinds of plam. In the United States, the Big Cypress is a unique area which must be preserved. It could be carelessly exploited by a few or preserved for all. But if the area were to be developed, the damage would spread to the Big Cypress trees and the eagles and to many citizens in the Southern area of our state.

I am informed that the Interior Department has agreed to provide funds for the acquisition of the Big Cypress in the FY75 budget. The Big Cypress National Fresh Water Reserve is well on its way to becoming a reality. I hope this committee will act quickly on the enabling legislation so that this matter can be brought before the Senate for approval at the earliest date possible.

STATEMENT OF CONGRESSMAN J. HERBERT BURKE (FLORIDA)

BEFORE THE SUBCOMMITTEE ON PARKS AND RECREATION OF THE SENATE

INTERIOR AND INSULAR AFFAIRS COMMITTEE

MARCH 21, 1974

H.R. 10088, to establish the BIG CYPRESS NATIONAL PRESERVE in the State of Florida.

MR. CHAIRMAN, and distinquished members of the Subcommittee on Parks and Recreation, I want to thank you for holding hearings on H.R. 10088, to establish the Big Cypress National Preserve in the State of Florida, and for inviting me to participate.

I first introduced legislation on September 20, 1971 to establish an Everglades-Big Cypress National Recreation Area in the State of Florida. Since that time I have worked hard for passage of this legislation as have many other members of the Florida Congressional delegation.

Time is our enemy in this battle to preserve Big Cypress especially since it is continguous to the northwestern portion of Everglades National Park with its center only 60 miles west of Miami. South Florida is a very fast growing area and the demands placed on the land grow daily. South Florida is the only natural habitat in the continental United States for a wide variety of subtropical flora and fauna. To safeguard the wildlife within this unique ecosystem from poachers and land speculators, Congress, in 1934, authorized the Everglades National Park which today provides millions of Americans with unparalleled opportunities to observe firsthand a pristine subtropical wilderness.

The western portion of the Park depends exclusively on Big Cypress for its surface water inflow and this supply is threatened by potential development. If a Big Cypress National Preserve is established by the 93rd Congress the watershed critical to the supply of the western portion of Everglades National Park as well as the domestic supplies for Florida's southwest coast cities would be similarly protected. Federal acquisition of this land would also provide greater protection for the ancestral home and the traditional ways of the Miccosukee and the Seminole tribes of Indians who have inhabited the region for centuries.

It is my fear that if action is not taken soon the charm and character of South Florida will be altered so much that future generations will never experience the beauty of the only subtropical area of the United States as we know it now. Certain endangered species found nowhere else in the world may cease to be, and certain flora and fauna may fade away.

Regrettably, the influx of people, concrete, asphalt, high rise buildings, and air-conditioned houses displace trees, fields, birds, and animals. Man has an instinctive need to relate to nature. Looking at the peace, serenity, and beauty of God's handiwork gives man a sense of kinship with all living things, and a sense of identity with regard to his place in the universe and in time.

Since H.R. 10088 was passed by the House on October 3, 1973, it is my hope that your subcommittee will recommend swift passage of H.R. 10088 to the full committee and to the Senate, so that before another year goes by Big Cypress will be a National Preserve.

STATEMENT

By

HONORABLE BILL CHAPPELL OF FLORIDA

Before

Parks and Recreation Subcommittee

Senate Interior and Insular Affairs Committee

March 21, 1974

Mr. Chairman, it is a pleasure for me to voice my strong support for legislation to authorize the acquisition of the Big Cypress National Reserve in the State of Florida. I join with my distinguished colleague and friend, Congressman Jim Haley, and the entire Florida delegation in urging the favorable consideration of this bill. The support for this bill by the entire delegation and the willingness of the people of Florida to contribute $40 million to acquisition costs are testimony to the profound interest of the people of Florida in the preservation of this vital area.

With the overwhelming rate of growth in the State of Florida today, it is imperative that we preserve areas such as Big Cypress - one of the last monuments of wilderness in Florida. Generations of Americans have visited Big Cypress and it is our duty to ensure that future generations of Americans are not deprived of the opportunity to enjoy this area.

Big Cypress is a natural habitat for wildlife, fish and scenic beauty and its acquisition will protect the fresh water supply as well as the estaurine areas so important to South Florida. Over twenty endangered species of wildlife are found in Big Cypress - nearly every wildlife species native to semitropical Florida. In addition, Big Cypress is the ancestral home of the Miccosukee and Seminole tribes whose lives and culture remain bound up in the natural history of this area. This natural history must be preserved.

Any further development of this area would seriously threaten the ecological balance of Big Cypress. This area is essential to the livelihood of the Everglades National Park and without the protections outlined in this bill, would be subject to commercial, industrial, agricultural and recreational development, seriously damaging

not only the environment of Big Cypress itself, but also the environments of the many areas that depend on it.

Mr. Chairman, this legislation has been formulated for over two decades. The people of Florida and the entire delegation are firmly and substantially committed to the protection of this area and for these reasons I urge your favorable consideration of this bill.

STATEMENT OF THE HON. JAMES A. HALEY OF FLORIDA BEFORE THE PARKS AND RECREATION SUBCOMMITTEE OF THE SENATE INTERIOR COMMITTEE IN SUPPORT OF H.R. 10088, A BILL TO ESTABLISH THE BIG CYPRESS NATIONAL PRESERVE IN THE STATE OF FLORIDA, MARCH 1974.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE: It is a pleasure for me to express to you my support for H.R. 10088, a bill to establish the Big Cypress National Preserve containing 570,000 acres of the most important remaining undeveloped portions of the Big Cypress Watershed in the State of Florida. This bill was a longtime in the making, has widespread support in Florida as well as throughout the nation, and is a fine example of what can be accomplished through the joint efforts of the executive and legislative branches of federal and state government, private citizens, environmental organizations, and local government.

In the way of background, in 1934 Florida donated 900,000 acres of land to the United States for the creation of the Everglades National Park. In addition, the State gave $2 million to acquire lands in the Park and was instrumental in securing the donation of an additional 35,000 acres of land in the Park. Last year, Florida approved the commitment of $40 million of State money toward the Federal acquisition of the Big Cypress. While federal funds have been utilized over the years for the Everglades National, I think that it is fair to say that the federal government is the beneficiary of one of the best bargains in the world in its receipt of Florida's contribution of this national ecological treasure the Park and the Big Cypress represent to the people of the United States.

In the House we started actively working on the development of legislation to preserve the Big Cypress in 1970. In 1971, various alternative methods of protecting the watershed were developed by the Interior Department and early in 1972 the Florida Congressional Delegation introduced its first Big Cypress bill. Field hearings were held soon thereafter by the House Subcommittee on National Parks and Recreation and later in 1972 the Subcommittee held hearings in Washington, D. C. In 1973, after the Florida Delegation and others had re-introduced Big Cypress legislation and after further hearings on the proposal, the Subcommittee unanimously reported the bill to the full committee. And, on October 3, 1973, the House passed the bill you have before you today by a vote of 376 to 2.

In Florida there has been some controversy over the size of the State's designated "buffer zone" around the Big Cypress which was delineated under the Florida land use law to provide this area additional protection. However, that debate is distinct from any that may arise over this bill. On February 5, 1974, Collier County voters, in whose county approximately 75 percent of the Big Cypress Preserve is located and who stand to lose hundreds of thousands of dollars each year in tax revenues once this bill is enacted, nevertheless voted by a margin of 3 to 1 in favor of the federal acquisition of the Big Cypress watershed.

The primary reason for establishing this Preserve is to insure the continuation of the Everglades National Park which is dependent upon the Big Cypress for over 50 percent of the ground water feeding the Park each year. But, there are other important reasons to protect the Big Cypress. The Preserve area is in itself the home of numerous and diverse species of flora, fauna, and wildlife. It constitutes a large water collection system which helps stave off salt water intrusion, supplies water and nutrients to sustain the forms of life in the Big Cypress, and recharges parts of the underground acquifers of southern Florida. Furthermore, it provides a large backcountry area so important for the enjoyment today of all the people of the nation and is a crucial factor in the make-up of the environment of southern Florida.

This legislation represents the combined efforts of many people genuinely interested in the preservation of a vital part of the United States. I hope the Members of this Committee, whom I know are very familiar with the Big Cypress from their past work on similar legislation introduced in the Senate, will work their will soon on this legislation so that we can get a bill approved by the Congress and to the President thereby clearing the way for assuring the preservation of the high quality natural environment found in the Big Cypress and the Everglades National Park.

TESTIMONY OF THE HONORABLE C.W. BILL YOUNG

In support of H.R. 10088, to establish the Big Cypress National Preserve

Parks and Recreation Subcommittee, Senate Interior and Insular Affairs Committee, March 21-22, 1974

MR. CHAIRMAN, I would like to express my strong support for H.R. 10088, a bill to establish a Big Cypress National Preserve in the State of Florida. One of my first acts in the 93rd Congress was to cosponsor, along with other members of the Florida delegation, H.R. 46, to authorize the acquisition of the Big Cypress National Fresh Water Reserve. On May 10, 1973 I testified on behalf of this legislation before the House Interior and Insular Affairs Committee, and was subsequently proud to cosponsor H.R. 10088, the clean bill reported by the Committee. As you know, this legislation passed the House on October 3, 1973 by a vote of 376-2.

The Big Cypress watershed is a vital natural resource that must be preserved not only for its own rare beauty, vegetation, and wildlife, but also because it supplies much of the high quality fresh water flowing into Everglades National Park from the north. Passage of H.R. 10088 by the Senate will serve the dual purpose of preserving a unique ecological system for future generations of Americans, and also protecting the water supply of the magnificent Everglades National Park.

Let us look at the many assets of the Big Cypress watershed. It is a 2,450 square mile wilderness area of marsh and lowland forest containing several major strands covered with the cypress which gives the area its name. The Fakahatchee strand, for example, is a major slough draining the southwestern Big Cypress; it contains rare growths of cypress and royal palm, and is considered one of the most unusual and beautiful strands in the world.

Nearly every wildlife species native to semitropical Florida can be found in Big Cypress. Seventeen species found in the area are designated as rare, endangered, or threatened by the Secretary of the Interior. These include the American alligator, Florida panther, Everglades mink, mangrove fox squirrel, wood stork, and roseate spoonbill. Likewise, the plant life of the swamp is abundant and often unique. Seven species of orchids found nowhere else in the world grow in the Fakahatchee strand portion of the swamp.

The proposed Big Cypress National Preserve is a 900-square mile microcosm of the original watershed, containing most of the features of the larger area but as yet remaining mostly undeveloped. But encroaching development from all sides threatens the delicate ecosystem. Residential growth is moving eastward from the Naples area toward the Fakahatchee strand. The northern portion of the watershed has been extensively cleared and drained by truck farmers and cattlemen. Continued residential and agricultural development would alter the important drainage patterns and pollute the water supply of both Big Cypress and the Everglades National Park.

The Big Cypress watershed is also an important source of domestic fresh water for Florida's southwest coastal cities; if development were permitted and the watershed drained, Collier County and surrounding areas would not have an available water supply. In addition, creation of the preserve will save the ancestral home of the Miccosukee and Seminole Indians who have inhabited this region for centuries.

H.R. 10088 establishes a new concept in wilderness preservation - the national preserve. Under this legislation, the watershed area would be protected from further development which could harm its ecosystems. However, existing property owners could retain their interests and residence for up to 25 years; hunting, fishing, and trapping would be permitted within the preserve so long as it did not interfere with the ecology.

The people of Florida have already expressed their desire to protect Big Cypress by allocating $40 million in State funds to assist the Federal Government in land acquisition. This offer was contingent upon congressional passage of the preserve legislation and authorization of Federal funds for land acquisition. Failure to approve H.R. 10088 could spell the destruction of Everglades National Park as well as Big Cypress.

I urge the Senators [redacted] to give expeditious approval to H.R. 10088 and thereby lend support for protection of an important segment of America's environmental heritage.

Statement of Alexander J. Friedman, President
The Tropical Audubon Society

Mr. Chairman, members of the committee, I am Alexander J. Friedman, President of the Tropical Audubon Society of Miami, Florida. The Tropical Audubon Society is one of the largest chapters of the National Audubon Society with a membership of over 3,500 individuals.

I am appearing before you today representing my organization, as well as the five other Audubon Society chapters from the Florida Keys to Palm Beach.

We are thankful of this opportunity to appear before you in support of federal acquisition of the proposed Big Cypress National Preserve.

The reasons for supporting acquisition of this invaluable watershed are numerous:

The Everglades National Park is dependent upon sheet-water flow from the north. Fully 56% of the surface water flowing into the Park is from the Big Cypress. This water affects more than 320,000[1] acres of the Park. If the Big Cypress is developed and "plumbed" with canals, much of the plant and animal life of the Park will either be drastically reduced or destroyed.

Undoubtedly, this was recognized when in the 1934 plans for the Everglades National Park, this supporting watershed was included in the proposed boundaries. Because of the depression, the land north of U.S. 41, the Tamiami Trail, was omitted from the original acquisition area.

While one of the principal objectives of the Audubon Society is the preservation of wildlife, in these times we are committed to the protection of the environment not only for wildlife, but for man himself.

Much of the water flowing through the Big Cypress supplies the marine estuaries of southwest Florida with the fresh water necessary to create the conditions where these areas become the nursery for marine life such as shrimp, crabs and fish. It has been estimated that the monetary value of these estuaries is $30,000,000[2] per year. That is, the income developed from commercial and sport fishing.

The importance of the Big Cypress to the residents of Naples and developed Collier County cannot be overstated. The fresh water for this area is drawn from a shallow acquifer which is recharged by rain water falling in the Big Cypress drainage basin. The covering of the land in the Big Cypress by roads, homes, and parking lots will result in both an increased demand and a decreased supply of fresh water.

For these three reasons, and others, we have concluded that the Big Cypress must be permanently protected from development. To insure

this, we believe that acquisition is essential.

We are in general accord with the report of the U. S. House of Representatives Committee on Interior and Insular Affairs concerning H.R. 10088,[3] and respectfully draw your particular attention to page ten of that report in regard to cost:

"Because speculation in lands in this area has been widespread, land costs will be substantial. Land prices will undoubtedly continue to escalate unless prompt acquisition action is taken. Furthermore, thousands of absentee landowners living throughout the world have purchased relatively small tracts so that the administrative costs of tracing title and contacting them constitute a significant portion of the total land acquisition costs. To halt the escalation and reduce the administrative costs, as well as to assure the prompt purchase and protection of this important area, the Committee has included in its recommendations a provision which has the effect of passing title to the lands immediately upon the execution of an agreement between the Secretary of the Interior and the Governor of the State of Florida to donate to the United States the State lands and any remaining unencumbered funds which have been dedicated by the State to the acquisition of lands within the preserve."

"It is estimated that the total land costs for this project could reach $156 million. Of this amount, the State of Florida has agreed to donate lands and/or funds equivalent to $40 million; thus, bringing the Federal share down to the $116 million recommended in the bill. Because the bill provides for the immediate acquisition of title, rather than spacing the acquisition program over a period of ten or more years, a significant reduction in land costs should be effected."

We believe that the commendable action of the Governor and Legislature of the State of Florida, by appropriating $40,000,000 for acquisition of lands within the Reserve, demonstrate the support of our state. We also applaud the Cabinet of Florida for making the Big Cypress the first area in the State to be declared an area of Critical State Concern, and approving strict development guidelines for the privately owned lands within the Reserve.

However, proposed amendments to Florida's Big Cypress Conservation Act of 1973, should serve to remind us all that only by acquisition can this area be protected.

We are grateful to the entire Florida Congressional Delegation, including our two Senators, all of whom have voiced their support of federal acquisition proposals.

In summary, we believe that if the area is not acquired, not only would the ecology of a large part of the Everglades National Park be destroyed, but a water crisis would be precipitated which, in the words of a well-known biologist, Mr. Arthur Marshall:[4] "...would bring south Florida to its knees."

Thank you.

Alexander J. Friedman, President
Tropical Audubon Society
5981 S.W. 81 Street
South Miami, Florida 33143

References

1. Information obtained from the Office of the Superintendent, Everglades National Park.

2. Florida Department of Natural Resources.

3. Report No. 93-502, "Establishing the Big Cypress National Preserve in the State of Florida, and For Other Purposes," United States House of Representatives.

4. Statement of Arthur R. Marshall, Director, Division of Applied Ecology, University of Miami, Florida. Serial No. 92-33, "Hearings Before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs, House of Representatives."

DANTE B. FASCELL
15TH DISTRICT, FLORIDA

COMMITTEES:
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CONSERVATION AND NATURAL RESOURCES SUBCOMMITTEE

JOHN R. BUCKLEY
ADMINISTRATIVE ASSISTANT

Congress of the United States
House of Representatives
Washington, D.C. 20515

April 16, 1974

Mr. James Beirne
Subcommittee on Parks and Recreation
Senate Interior and Insular Affairs
Committee
Room 3106 DSOB

Dear Mr. Beirne:

Mr. Alexander Friedman, President of Tropical Audubon Society, Miami, Florida, testified before the Subcommittee on March 22 in support of Big Cypress legislation. I understand that he requested and was granted permission to submit material in addition to the prepared statement which he presented to the Subcommittee on that day.

The additional material has been submitted to Senator Johnston in letter form. Enclosed is a copy. Your assistance in having Mr. Friedman's letter of March 29, 1974 to Senator Johnston included in the printed record of the hearings would be greatly appreciated.

Thank you for your help.

Sincerely,

Dante Fascell

DANTE B. FASCELL
Member of Congress

DBF/E

5981 S.W. 81 Street
Miami, Florida 33143
March 29, 1974

The Honorable J. Bennett Johnston, Jr., Acting Chairman
Committee on Interior and Insular Affairs
Subcommittee on National Parks and Recreation
U. S. Senate
Washington, D. C. 20510

Dear Mr. Chairman:

On March 21-22, 1974, landowners and representative of landowners in the proposed Big Cypress Water Preserve testified that almost eighty percent of the Preserve is suitable for agriculture. If this is true, and since the land is presently in private ownership, one must wonder why the land is not presently being used for this purpose?

In the matter of preparation of the land for farming, the Committee was told that the brush would have to be cut and burned, the underlying rock broken-up, the area diked, and 1 to 1.5 tons of fertilizer applied per acre, per year. Regarding land preparation, I wish to call the Committee's attention to the Hearings before the Subcommittee on Natural Parks and Recreation of the Committee on Interior and Insular Affairs, House of Representatives, Ninety-Second Congress, on HR-10410, 13017, and 13115 (Serial No. 92-33, U.S. Government Printing Office).

STATEMENT OF NATHANIEL P. REED, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U. S. DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY DAVID D. THOMPSON, JR., DIRECTOR, SOUTHEAST REGION, NATIONAL PARK SERVICE; JACK E. STARK, SUPERINTENDENT, EVERGLADES NATIONAL PARK: JAMES H. HARTWELL, HYDROLOGIST, UNIVERSITY OF MIAMI; FRANK NIX, HYDRAULIC ENGINEER, EVERGLADES NATIONAL PARK; WILLIAM B. ROBERTSON, JR., RESEARCH BIOLOGIST, EVERGLADES NATIONAL PARK; HARDING L. SMITH, APPRAISER OF REAL ESTATE; R. K. GRISWOLD, CHIEF, DIVISION OF LEGISLATIVE COORDINATION AND SUPPORT; AND PHILIP STEWART, CHIEF, DIVISION OF LAND ACQUISITIONS

The value of the Big Cypress must be measured in much more than its worth to the Everglades National Park, even though that critical significance can never be overlooked. The uniqueness, the beauty, the recreational value, and the ecological significance of Big Cypress can stand alone. The Big Cypress has great variation in soil types, terrain, and moisture conditions, and consequently, is an area of rich and varied plant and animal life. A large number of endangered species of birds, mammals, reptiles, and rare plants are found there. The list includes the American alligator, Florida panther, Florida Everglade kite, southern bald eagle, and the great white heron. Seven species of orchids, found nowhere else in the world, grow in the Big Cypress area.. .

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Environmental degradation will occur not only as a consequence of pollution but also of reduced habitats. Animals and plants whose ranges are limited to the Big Cypress may become extinct in the United States.

The wood stork provides an excellent and well documented example of this possibility. This large wading bird nests in the United States only in Florida, where, under the impact of habitat destruction by drainage, its population has decreased by more than 90 percent. Breeding adults numbered in excess of 50,000 in 1970; fewer than 4,000 last year. Most of the surviving wood storks are critically dependent upon feeding grounds in the Big Cypress during their nesting season. Failure to protect this habitat almost certainly means the extinction of the species in the United States...

STATEMENT OF RANDOLPH HODGES, EXECUTIVE DIRECTOR, FLORIDA DEPARTMENT OF NATURAL RESOURCES

As an entity in itself, the Big Cypress watershed is a distinctive environmental community consisting of a wide variety of flora and fauna, including some endangered species. Nearly all of the wildlife species native to semitropical Florida are found within the Big Cypress watershed. The area provides important feeding, nesting, and wintering area as well as serving as a resting stop for many birds migrating to and from Central and South America. Approximately 17 animal species found in the watershed area have been designated as rare or endangered. Included among these so designated are the American alligator, Florida panther, Everglades mink, mangrove fox squirrel, wood stork, and Roseate Spoonbill...

STATEMENT OF ARTHUR R. MARSHALL, DIRECTOR, DIVISION OF APPLIED ECOLOGY, UNIVERSITY OF MIAMI, FLA.

To most conservationists and scientists, the wildlife of south Florida and the Big Cypress is an essential unit of the regional ecosystem. Seventeen species that are officially listed as rare and endangered - 4 mammals, 12 birds, and the alligator - inhabit the Big Cypress and its downstream estuaries during at least part of the annual cycle. These include some of the most characteristic wildlife of south Florida, such as the roseate spoonbill, and species such as the brown pelican and bald eagle which have been extirpated from much of their former range in the United States. A number of these, including the Florida panther and wood ibis, are virtually certain to disappear from Florida if the Big Cypress habitat is diminished and destroyed by drainage and development...

The above statements from national and state officials as well as a well-known biologist leads to the conclusion that the land utilization proposed by the agricultural interests would be highly destructive with a severe negative impact upon the Big Cypress flora and fauna.

The application of fertilizers, insecticides and herbicides, all normally used in the South Florida agricultural areas, would have a profound effect upon the quality of the ground-water which flows to the Everglades National Park and the southeast Florida estuaries.

The Committee's attention is drawn to the PROPOSED BIG CYPRESS NATIONAL FRESH WATER RESERVE, FLORIDA. SUMMARY-DRAFT ENVIRONMENTAL STATEMENT, DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, as reproduced in the U.S. House of Representatives Hearings (op. cit.) page 16:

Nitrogen and phosphorous levels in the Big Cypress are low in most cases. Generally, the organic nitrogen content is consistent throughout the area. Nitrates are low with highest concentrations in the places developed by man. Major sources of ammonia are from organic decomposition and animal wastes. Relatively high ammonia concentrations are found where birds and other wildlife are abundant and aquatic plants are profuse.

The phosphate content of swamp waters is affected by (1) phosphate content of the natural marl soils, (2) fertilizers used in the agricultural areas, and (3) wastes from the animal population. Probably, the high phosphate concentrations in some areas are related directly to animal populations...

page 21:

As development increases, the demands on the freshwater supply will overwhelm the requirements of the biota including those of Everglades National Park. Not only will the quantity be reduced, but the quality will be impaired as pollutants and excess nutrients are introduced. The low flow is likely to concentrate some chemical constituents to unsatisfactory levels. With low flows, saltwater intrusion will be encouraged and wells for domestic and public supplies may have to be relocated.

The ecological response will be dramatic. Shortened periods of inundation will reduce aquatic animal populations and threaten the higher forms that depend on them. Biological populations would change as woody vegetation spreads into the drained marsh areas replacing wet prairie and habitats. The resulting ecosystem in the presence of a lowered water table is very vulnerable to severe fires which may

consume the peat and make it incapable of supporting indigenous climax vegetation. Smoke from fires would be hazardous to traffic and health.

In the aquatic habitats the species composition would shift to favor forms tolerant of pollution and less water. Complex biotic associations would trend toward simplified ones, and the number of species would be reduced. Persistent pesticides would be concentrated by biological magnification in the food chain. Reductions in reproductive rates would follow and would be most pronounced in predatory birds and reptiles. Pesticides are responsible for reduced numbers of eagles and pelicans in Everglades National Park and this trend will become more severe as the area is developed. Economic losses would be a consequence in the estuarine habitats as these are the spawning and nursery grounds for commercial and game fishes.

Environmental degradation will not only be a direct consequence of pollution but also of reduced habitats. Animals and plants whose ranges are limited to the Big Cypress may become extinct. Should the flow in the watershed be altered, the ecosystem in the northwestern portion of everglades National Park will be replaced by one which is new and undesirably different...

The above leads to the conclusion that the land preparation for agricultural use and the degradation of water quality and quantity which would result from this use, would result in the environmental destruction of the Big Cypress and the area of the National Park dependent upon the Big Cypress for its water.

I appreciate the opportunity to add the above to my statement presented to the Committee.

Sincerely yours,

TROPICAL AUDUBON SOCIETY

Alexander J. Friedman
President

AJF:bj

STATEMENT OF BUFFALO TIGER, CHAIRMAN
MICCOSUKEE TRIBE OF INDIANS OF FLORIDA
ON S. 334, S. 783, S. 920 and H.R. 10088

March 21-22, 1974

My name is Buffalo Tiger. I am Chairman of the Miccosukee Tribe of Indians of Florida. On behalf of the Miccosukee Tribe I have previously testified on November 30, 1971 before your Committee in connection with the predecessor of these bills, S. 2465. In that testimony I urged that certain provisions be included in the bill for the protection of Indian rights.

Some of these provisions are included in the bills which you are now considering, and our Tribe is appreciative of that fact. However, there are still two points on which we ask for clarification.

1. Continuation of Customary Uses. All three bills contain provisions allowing the continuation within the Big Cypress area of the traditional uses which the Indians have made of this area for many years. However, S. 334 and S. 920 only allow such traditional uses to be authorized by the Secretary of the Interior. We read this to mean that he could decide to exclude the Indians entirely if he chose to do so. We don't believe that the present Secretary would do that, but we don't know what might be done many years down the road.

H.R. 10088, the bill passed by the House of Representatives, provides that the Indians "shall be permitted" to continue their traditional uses, subject to reasonable regulation by the Secretary of the Interior. This gives us much better protection, and we ask you to accept the House language.

Secondly, the three bills specify "hunting, fishing, trapping on a subsistence basis and traditional tribal ceremonials" as the traditional uses. As I pointed out in my testimony on November 21, 1971: "Miccosukee Indians have lived for many years in residential campsites inside the proposed recreation area. The rights of these Miccosukees to continue to occupy their traditional campsites just as they have in the past could easily be protected by adding the phrase 'and residential campsites' in this section of the bill."

The House Interior Committee Report does state in the section-by-section analysis: "In addition they [the Indians] are to be permitted to continue their present residential occupancy of lands within the preserve along the Tamiami Trail which they have occupied for a number of years."

We would be reassured if the continuation of the Indian right to maintain these residential campsites is expressly mentioned in the law, itself.

2. Right of First Refusal on Revenue-Producing Concessions. In our previous testimony and in a letter from our attorney to

Congressman Roy Taylor, dated May 16, 1973, and included in the record of the House Hearings held on this bill on May 10 and 11, 1973, we have asked that in view of the historic identification of our Tribe with this reservation, the Tribe, as such, should have a right of first refusal on new revenue-producing visitor services within the area.

All three bills give a right of first refusal to individual Indians to continue providing visitor services similar to those in which they are presently providing. However, there is no specific mention of any tribal rights in this regard.

In the House Report on H.R. 10088 there is the following statement on this point: "In the event that all applicants are qualified, then equity would suggest that the local tribal groups or individuals should be given first preference in contracts to provide visitor services."

We understand from the National Park Service that this language would permit the Secretary of the Interior to give the Miccosukee Tribe and the Seminole Tribe a right of first refusal on new revenue-producing visitor services (beyond those for which individual Indians would be entitled to preference as noted above), and we have a written assurance from the Assistant Secretary of the Interior that such a right of first refusal would be extended to the two tribes under the language in the House bill. See attached letter from me to the Secretary of the Interior, dated September 26, 1973, and the attached letter from Assistant Secretary Nathaniel P. Reed to me, dated November 8, 1973.

Since we understand that the intention of the House of Representatives and the Secretary of the Interior is to provide such a tribal right of first refusal, we ask that this right be expressly provided for in the statute, in the following form:

> "Notwithstanding any other provision of law, before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both Tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary shall allow the tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide visitor services. If the Tribes have not entered into an inter-Tribal cooperative agreement by the end of the ninety day period which satisfies the terms and conditions established by the Secretary, then the Secretary shall enter into a contract with the Tribe whose proposal best satisfies, in the judgment of the Secretary, the terms and conditions established by the Secretary. No such agreement may be assigned or otherwise transferred without the consent of the Secretary."

Section 7 of S. 783 contains a provision similar to the foregoing, and we are very appreciative that Senator Chiles and Senator Jackson included this provision in their bill. The language which I am suggesting has been reviewed with the National Park Service and is acceptable to it.

I would like to add just a word as to why we are asking for this particular provision. In the Eighteenth Century, our Tribe, the Miccosukees, lived in Northern Florida. We had an important town on the shores of Lake Miccosukee near Tallahassee, Florida. In 1818, soldiers came to our town and destroyed it.

We were forced to move to the central part of Florida around Silver Springs. Then, between 1835 and 1842, the Army came and told us that we had to move to Oklahoma. We resisted and our people found refuge in the Big Cypress area and in the Everglades. After 1842 we were pretty much left in peace there. We adjusted to a new way of life gaining our livelihood from the wildlife and plants of the Everglades area. Your people did not bother us, and for a century we lived on in that area without learning anything of your way of life.

When the Everglades National Park was established in 1934 many of our people had to move north into the area which is now going to be included in the Big Cypress Preserve.

We know now that we are going to have to adjust again to a new way of life. While making this adjustment we must continue to practice our traditions and culture. We see the non-Indian world pressing in all around us. We are now learning more about your type of life. For the last few years we have had a school where our children can learn the skills needed in this new world. We know that we are not going to be able to go on forever with a subsistence type of economy.

That is why we believe that we are entitled to the right to make a living from these lands and waters where we found a home more than a century ago. We support the establishment of the Big Cypress Preserve, and we do not want to do anything which would hurt the plant and animal life of this area. Our

people have lived in the Big Cypress and the Everglades for all this time without harming them. But we believe that jobs which may be created in the Preserve by this bill, jobs and income which are consistent with our common purpose of saving the Everglades area, should be made available first to the Indian people whose refuge it has been for so long.

That is why we ask for the inclusion of this additional provision in the bill.

Thank You.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
L58-MH
SCSO-S-55189

Big Cypress

NOV - 8 1973

Dear Mr. Tiger:

Secretary of the Interior Morton has asked us to thank you for your letter concerning the proposed Big Cypress National Freshwater Reserve. As you know, the Big Cypress bill passed the House by the overwhelming vote of 376 to 2, and we are sure that your interest was one of the helpful factors. This will also acknowledge the copy of your letter to me.

Although the language of the draft bill and its report was discussed with the House Committee, it was in the final analysis clear to us that the language the Members of the Committee preferred provided the latitude needed by the Secretary with respect to first refusal rights for new revenue-producing services in the Reserve. We could see that nothing would be gained by pressing for alternative language. The Secretary's position in support of the Miccosukee Tribe and the Seminole Tribe is clear, and as H.R. 10090 does not diminish the Secretary's intentions and as the accompanying House report adds supporting direction, we see that the objectives of the tribes are essentially met.

We must add a few words of qualification: the assurance given here must be conditioned on the action taken by the Senate. Unless otherwise precluded by specific language in the bill as enacted, you can be assured that the right of first refusal for new revenue-producing services in the Reserve will be extended, by priority, to the two tribes.

Sincerely yours,

(sgd) Nathaniel P. Reed

Assistant Secretary of the Interior

Mr. Buffalo Tiger
Chairman, Miccosukee Tribe
of Indians of Florida
Post Office Box 44021
Tamiami Station
Miami, Florida 33144

cc:
Secretary's Reading File (2)

FWP:MMorris:mfv:10-25-73
Final Retyped: mjw: 10-26-73

BIA, Mr. Abbott w/c of inc.
Regional Director, Southeast Region (2) w/c of inc.
(2)
(2)
(2)



Miccosukee Tribe of Indians
of Florida

P. O. BOX 44021, TAMIAMI STA., MIAMI, FLORIDA 33144

COUNCIL
BUSINESS & GENERAL

BUFFALO TIGER
CHAIRMAN
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ASS'T. CHAIRMAN
BOBBY BILLIE
SECRETARY
WILLIAM CYPRESS
TREASURER
HENRY CLAY
LAWMAKER

September 26, 1973

The Honorable Rogers C. B. Morton
Secretary of the Interior
18th and C Streets, N. W.
Washington, D. C. 20204

Re: Big Cypress National Fresh Water Reserve

Dear Secretary Morton:

As you know, the House of Representatives is considering legislation to establish the Big Cypress National Fresh Water Reserve. In discussions with officials of the National Park Service and members of the House Interior Committee, the Miccosukee Tribe and the Seminole Tribe have requested the inclusion in this legislation of a provision which would give these respective tribes a right of first refusal to provide new revenue-producing visitor services within the Reserve. I understand that the House Interior Committee Report on this bill recommends that the Secretary give this right.

We feel that our tribes should be given this opportunity to benefit economically from any permitted development in the Reserve because of our historic relationship to the area. The Miccosukee and Seminole Indians have lived in Florida for over two hundred years. The Indian Claims Commission has held that our lands were taken by the United States without paying us a fair price.

During the Seminole War in the 1830's our people found refuge in the Big Cypress and Everglades areas and many of our people have lived in the Big Cypress ever since. Furthermore, the increasing urbanization of Southern Florida has cut into the ways by which we have traditionally supported ourselves in the Everglades and the Big Cypress. Therefore we are having to learn new ways of supporting our families.

We understand that the language which we requested has not been included in the bill as reported by the House Committee but that it might be possible to amend the bill on the floor of the House. We also understand that, under the law, you would be able to give our tribes the right of first refusal which we have requested without any change in the language of the bill.

Since we do not want to do anything which would jeopardize the enactment of this worthwhile legislation, we are interested in exploring the possibility that you could give to our tribes a letter expressing your intention, as Secretary, to give the Miccosukee Tribe and the Seminole Tribe a right of first refusal for the provision of any new revenue-producing services in the Reserve.

In our discussions with your Department at the time that the Reserve bill was under consideration in the House Interior Committee we indicated that we would not object to the modification of language already approved in subcommittee so that the Interior Department would have the right to regulate our continued use and occupancy of the Reserve. At the same time we were assured that the Department would do its best to secure the inclusion in the final bill of language which would require that a right of first refusal for new revenue-producing services be given to our tribes. We understand that your efforts on our behalf in the Committee were not successful, although you did succeed in arranging for the inclusion of the language subjecting our continued rights in the Reserve to Departmental regulation.

In view of your willingness to support our requested modification in the bill, we are hoping that you will be willing to give us this written assurance. Such an assurance would mean a lot to us as we face an uncertain future in South Florida.

Sincerely,

Buffalo Tiger

Buffalo Tiger
Chairman
Miccosukee Tribe of Indians
of Florida

cc: Mr. Phillip Martin, Chairman, Mississippi Band of Choctaw Indians
Mr. John Crow, Chief, Eastern Band of Cherokee Indians
Mr. Dante Fascell, Florida Representative, Washington, D. C.
Congressman Claude Pepper, Washington, D. C.
Mr. Osley Saunooke, Executive Director, U. S. E. T.
Mr. William Bailey, Attorney
Senator Edward J. Gurney, Winter Park, Florida
Mr. Bill Byler, Executive Director, AAIA
Mr. Harry Rainbolt, Director, Southeast Agency, BIA 303-5552

Prepared statement of Raymond Wooten.

Sir, for the record, my name is Raymond Wooten, a resident of Collier County for more than 20 years, and the balance of my life only 33 miles from Collier County in a small town called LaBelle. This being so, I can speak with much more authority than most people, particularly the radicals from out of state that have moved to Collier County and have their home established and a retirement income, and, being greedy, wishes to stop other people from moving into the area to enjoy the same good things in life that they have. This is exactly what is happening and is a very dangerous way of thinking, and, very unconstitutional.

The general idea was to take 570,000 acres and join it with the Everglades National Park, which at present time consists of more area than the state of Delaware, and taking in the entire southern end of the state of Florida. This is outrageous when you realize that less than 3% of this vast area can be used by the public to walk on, camp on, or drive on, leaving 97% area lying dormant, and going to rot because of bad park rules and regulations. At the time they took this large area, meaning the Everglades National Park, they removed this land from the tax roles of the counties in which the park lies, therefore hurting the countys badly.

The Everglades National Park, we all know, is there to stay. We all know that and will accept it, but we will not set idly by and see 570,000 more acres of our prime agriculture and citrus lands be gulped up by the federal government in the name of conservation and preservation, and in later years see cities raise in the same areas they have taken from 35,000 tax paying, law abiding citizens, and these cities being state and federally controlled, instead of our present county form of government. We can live with our county form of government very nicely, We all know we need zoning laws, but when we see our county rights being shoved aside for state rights, and then the states rights being shoved aside for federal rights, its a bad day.

We all know condemnation laws are good laws where used properly and not abused. In this case, they are being badly abused. Florida depends on tourism and agriculture more than any other industry. We have enough parks in south Florida at present, most are not being utilized to their capacity, as I have already pointed out; example: Everglades National Park, 3%. Now, please, we beg of you, drop this insane idea of taking 570,000 acres of our good agriculture and living space from the people of our nation.

And, keep in mind, any time the federal government takes over new lands, it immediately becomes a liability to the federal government, and at the same time becomes determental to the counties in which the land is removed from the tax rolls.

We all like to believe in free enterprise, but more and more we see the state and federal government going into direct competition with private enterprises. This is not good. State parks and national parks are subsidized each and every year, and also charge fees, and get by without having complete hookups for trailers, and, in many areas no drinking water. If private citizens tried this, he could not very easily get away with it. Another thing we would like to point out, if this 570,000 more acres are pulled off Collier County tax rolls at present, our county loses one million dollars in the way of taxes and the amount will double and triple in years to come. We cannot afford it. Also this area, as agriculture land, may well help our nation

to prevent a food shortage, this being an area relatively frost free and produces when most of the nation is frozen out.

Please, take all the things you have heard at this hearing, and all the other hearings, study them carefully, and may God be with you in making a right and just decision.

Thanks for the opportunity to be heard.

I thank you.

Raymond R. Wooten