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HARPERS FERRY NATIONAL MONUMENT, INDOOR
FACILITIES, AND THE PENNSYLVANIA AVENUE
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HEARING

BEFORE THE
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

S. 605

A BILL TO AMEND THE ACT OF JUNE 30, 1944, AN ACT "TO
PROVIDE FOR THE ESTABLISHMENT OF THE HARPERS
FERRY NATIONAL MONUMENT", AND FOR OTHER PURPOSES

S. 2661

A BILL TO AMEND THE LAND AND WATER CONSERVATION
FUND ACT OF 1965 SO AS TO AUTHORIZE THE DEVELOPMENT
OF INDOOR RECREATION FACILITIES IN CERTAIN AREAS

S. 3301

A BILL TO AMEND THE ACT OF OCTOBER 27, 1972 (PUBLIC
LAW 92-578)

MAY 9, 1974

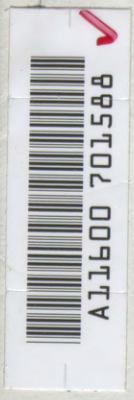


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WASHINGTON : 1974

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HARPERS FERRY NATIONAL MONUMENT, INDOOR FACILITIES, AND THE PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

THURSDAY, MAY 9, 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 presiding.

Present: Senators Bible, 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. This is the time duly noticed for an open hearing on S. 605, legislation designed to enlarge Harpers Ferry National Historical Park; S. 2661, to permit the States to use up to 25 percent of their allocation under the Land and Water Conservation Fund for indoor recreation facilities; and S. 3301, which would authorize the Pennsylvania Avenue Development Corporation to procure temporary consultants in accordance with 5 U.S.C. 3109, extend the construction moratorium in the development and, raise the appropriation ceiling from \$1 million dollars to \$1,750,000.

The first item is Harpers Ferry. In 1944 Harpers Ferry National Monument was authorized and the name was changed during the 88th Congress to Harpers Ferry National Historical Park.

The present legislation would raise the land acquisition ceiling from the present 1,530 acres to 1,600 acres. This additional acreage is apparently needed to alleviate congestion, provide parking and a staging area, and to facilitate interpretation of the area.

At this point I will insert in the record S. 605 and the Department report.

[The material referred to follows:]

(1)

93D CONGRESS
1ST SESSION

S. 605

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 1973

Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Act of June 30, 1944, an Act "To provide for the establishment of the Harpers Ferry National Monument", and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first sentence of section 1 of the Act of June 30,
4 1944 (58 Stat. 645) an Act "To provide for the establish-
5 ment of the Harpers Ferry National Monument" is amended
6 to read as follows: "That, in order to carry out the purposes
7 of this Act, the Secretary of the Interior is authorized
8 to acquire lands or interests in lands, by donation, purchase
9 with donated or appropriated funds, or exchange, within the
10 boundaries as generally depicted on the drawing entitled

1 'Boundary Map, Harpers Ferry National Historical Park',
2 numbered 385-40,000B and dated September 1971, which
3 shall be on file and available for public inspection in the offices
4 of the National Park Service, Department of the Interior:
5 *Provided*, The Secretary may make minor revisions in the
6 boundary from time to time, but the total acreage shall not
7 exceed one thousand and six hundred acres: *Provided*
8 *further*, That nothing herein shall be deemed to authorize
9 the acquisition without consent of the owner of a fee simple
10 interest in lands within the boundaries in which a less than
11 fee interest has previously been acquired by the Secretary
12 of the Interior."

13 SEC. 2. Section 3 of the Act of June 30, 1944 (*supra*),
14 is amended by striking the word "and" at the end of para-
15 graph (1) thereof; by substituting "; and" for the period
16 at the end of paragraph (2); and by adding the following
17 new paragraph (3):

18 "(3) Provide, directly or by contract, an interpre-
19 tive shuttle transportation service within, between, and
20 among lands acquired for the purpose of this Act for
21 such times and upon such terms as in his judgment will
22 best accomplish the purposes of this Act."

1 SEC. 3. Section 4 of the Act of June 30, 1944 (*supra*),
2 as amended (16 U.S.C. 450bb-6), is further amended to
3 read as follows:

4 "SEC. 4. There are hereby authorized to be appropri-
5 ated such sums as may be necessary to carry out the pur-
6 poses of this Act."



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 8 - 1974.

Dear Mr. Chairman:

Your Committee has requested the views of this Department on S. 605, a bill "To amend the Act of June 30, 1944, an Act "To provide for the establishment of the Harpers Ferry National Monument", and for other purposes."

The Act of June 30, 1944 (58 Stat. 645), authorized the establishment of the Harpers Ferry National Monument and provided that the Secretary may accept donations of land, interest in land, and improvements, not to exceed 1,500 acres to carry out the purposes of the Act. The Act of July 14, 1960 (74 Stat. 520), authorized the acquisition of an additional 30 acres of land comprising the sites of the Storer College, the original site of John Brown's "Fort", and the old Federal armory. The name of the area was changed to Harpers Ferry National Historical Park by the Act of May 29, 1963 (77 Stat. 52).

The bill would authorize the Secretary to acquire lands and interests in lands with appropriated funds and by exchange, as well as by donation. It would further increase the size of the park to not to exceed 1,600 acres, and establish boundaries by reference to a drawing, as set forth in the bill. The bill provides for an interpretative shuttle transportation service within, between and among lands acquired and authorizes the appropriation of such funds as may be necessary to carry out the purposes of the Act.

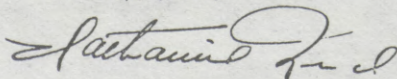
Harpers Ferry National Historical Park is located within a 2-3 hour drive of 8-1/2 million people. Via the Interstate Highway System and U.S. Route 340, the park is readily accessible and becomes a day use, weekend, and short vacation destination for an increasing numbers of visitors. In 1973, 1,207,766 people visited the area, the vast majority concentrating in the Lower Town to see the historic area and the site of the John Brown Raid. This represented an 8.8 percent increase over the previous year and the visitation projection is 1,720,000 by 1981. The existing parking facility with its limited capacity in the Lower Town creates automobile traffic congestion and safety hazards to pedestrians.



The bill would authorize the acquisition of land outside of the historic Lower Town to provide for additional visitor parking and an initial visitor contact and staging area. The National Park Service is presently reviewing existing transportation problems and needs within many areas of the Park System with an emphasis on those parks where the automobile problems are the most severe. We believe that, until a thorough study of the transportation needs and the feasibility of alternative systems has been completed for Harper's Ferry, the enactment of S. 605 would be premature. Accordingly, we recommend that the Congress defer action on this bill until such time as that study has been completed.

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

Sincerely yours,



Assistant Secretary of the Interior

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

Senator BIBLE. I am particularly honored to have with us this morning my long-time and dear friend, the father of Harpers Ferry, the Hon. Jennings Randolph. Senator Randolph, I am pleased to call upon you now for whatever remarks you wish to make.

STATEMENT OF HON. JENNINGS RANDOLPH, A U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator RANDOLPH. Good morning, Mr. Chairman, and good morning to our guests who are here from the Park Service, the Department of the Interior and the Mayor of Harpers Ferry, Bradley Nash, and others of the Harpers Ferry area.

All joined in presentations to you, Mr. Chairman, for your able chairmanship of the Subcommittee on Parks and Recreation of the Interior and Insular Affairs Committee. It is a privilege for me to testify for the bill, Senate 605, which I introduced in the Senate on January 29.

It was cosponsored by my able colleague, Senator Robert Byrd. And all of us appreciate, Mr. Chairman, your cooperation in setting this date for us to discuss this important development of the Harpers Ferry National Historical Park.

We are appreciative of the assistance, also, by the members of the staff of the subcommittee in preparing us for this hearing. It is my strong hope, Mr. Chairman, that there can be general agreement within your subcommittee, hopefully, the parent committee and then the Senate and the Congress so that this development may take place, provisions being made in the authorization bill which is before you for consideration.

It is gratifying to have present with you, Mr. Chairman, Senator Hansen of Wyoming. I know that he has visited the Harpers Ferry

area several times. I am sure that he will, if he feels it appropriate, speak of his assessment of the park and perhaps his feelings about the need to make the facility more available and attractive and worthwhile to the people who come there.

This park is situated at the junction of the Shenandoah and Potomac Rivers, in the beautiful scenic eastern panhandle of West Virginia, in what we might call a small town. I love small towns, Mr. Chairman, and I am happy to use that term.

It does extend over into a section of Washington County in Maryland. Next month we will mark three decades since President Roosevelt signed the measure which I sponsored to designate Harpers Ferry as a Historical Monument. In 1963, it was my privilege to author legislation, in which Senator Byrd joined, expanding the park and renaming it the Harpers Ferry National Historical Park.

My involvement, however, has been much more than that of a legislator. To me, as well as to many others, Harpers Ferry is a living park. Harpers Ferry tells a story, an important story. In fact, many stories. The layout of the park and the increasing number of visitors confirms the necessity for action, we hope, on the pending bill, which includes additional acquisition of land and implementation of an interpretative shuttle system at the park.

It is this combination of Harpers Ferry, alluring beauty and historic appeal which results in projected park estimates for tourist visits to increase by almost 30 percent in the next 7 years.

This legislation contains a ceiling of 1,600 acres for the park. I feel, however, that this ceiling is inadequate to handle the planned expansion, as briefly outlined in the bill. A more realistic park boundary ceiling would be 2,000 acres, an increase over the present boundary of approximately 630 acres.

Senator BIBLE. Are you modifying your bill to that effect?

Senator RANDOLPH. No, I am not doing that.

Senator BIBLE. You think a more realistic figure is 2,000, but your bill says 1,600. You are staying with 1,600?

Senator RANDOLPH. That is correct. Off the record.

[Discussion off the record.]

Senator BIBLE. Your position is that it should be 2,000 acres?

Senator RANDOLPH. That is correct.

This additional acreage would provide ample space for visitor parking lots and for visitor automobiles and a satisfactory route for the shuttle system. Also included in the expansion would be additional facilities such as a visitor's center, hiking trails, and lunch and rest areas.

Restoration of the town's buildings is progressing well but we must have improved facilities not only to educate visitors to Harpers Ferry's vital history but also to enable them to view the beauty of the town and area from the surrounding majestic hills.

One major problem which exists in the park is traffic. The narrow streets and confining space in the historic area are often filled with automobiles and buses. The parking on the sides of the street and the traffic interfere substantially with visitors' enjoyment of the historic setting and what should be the park's, I hope, peaceful atmosphere.

Trying to find a parking space, particularly on weekends, is exceedingly difficult and it creates hazards to the safety of visitors, particularly young children, walking and touring in the town.

The National Park Service has mentioned a possible tenfold increase in parking capacity, from 400 to 4,000 automobiles. There are several modes of transportation which are viable alternatives for an effective shuttle system. Mr. Chairman, utilization of the B. & O. railroad tracks, which run parallel to the Potomac and Shenandoah Rivers and meet at their junction, should be reviewed by the National Park Service as a possible part of the interpretive shuttle system.

Trains have performed a key role in Harpers Ferry for over 100 years. The tracks transcend both sides of the park and the sections to be added to the boundary. Perhaps a refurbished Civil War locomotive could serve such a purpose.

I understand that there are at least six interpretive shuttle systems in operation by the National Park Service. When I recently saw the team of horses pulling the Park Service maintenance wagon in Harpers Ferry, I thought, "Why not have horses provide the in-park transportation for visitors?"

The interpretive shuttle system at the Lyndon B. Johnson National Historic Site at the Johnson ranch in Texas has a horse-drawn system. This would be most appropriate and feasible for Harpers Ferry.

Harpers Ferry enthusiasts might not be able to ride into town on horseback but this would be close to it. It is my understanding, however, that all of the interpretive shuttle systems are automated except for the Lyndon B. Johnson Historic Site.

Some type of interpretive shuttle system is urgently needed at the park. A modern system would allow tourists to fully appreciate Harpers Ferry without needless noise and traffic congestion. Visitors would have a chance to see more of a park with such a system.

The expansion and the complimentary facilities must be in keeping with the historic and natural beauty which has made Harpers Ferry such a vital part of the National Park System. The inclusion of land bordering the Shenandoah and Potomac Rivers will help meet the needs of the park.

The thin strip of land bordering the Potomac, the old Federal canal area, has great historical significance as it provided water source power to the late 18th century national armory. It is a beautiful location for lunch and rest areas.

The Maryland Heights section of the park, across the Potomac in the State of Maryland, will increasingly become a more active part of the park. A walking bridge, to be constructed perhaps by the local Job Corps Center across the Potomac near the junction of the two rivers, could better tie the two sections together.

Mr. Chairman, I have referred to the Harpers Ferry National Historical Park as a living park. Interpreters in mid-19th century period clothing explain to the visitors the town's history, what happened there, why and how the town contributed to our country's heritage.

Also a mechanical telesonic device provides taped messages of historic information at five locations. But the true living park is much more than this. For the first time last summer the National Park Service conducted a day camp at Harpers Ferry for mentally and physically handicapped children.

This program was a success and the camp is being held again this summer. As Chairman of the Subcommittee on the Handicapped, I am intensely aware of the therapeutic benefits for such young people to have the opportunity to see and enjoy a place like Harpers Ferry Park.

The Youth Conservation Corps is a progressive summer program at Harpers Ferry. The young men of the Job Corps Center have provided vital assistance in the restoration program of the park.

Mr. Chairman, forgive me for digressing from this discussion of the legislation but I must stress that the success of these programs can be attributed in great part to the work and leadership of Martin Conway, Superintendent of the Harpers Ferry National Historical Park.

Superintendent Conway has been at Harpers Ferry for almost 2 years and since that time he has truly made the park come alive in many ways. I submit for the record copies of my letter to the Director of the National Park Service regarding Mr. Conway's excellent work, and the Director's reply.

Senator BIBLE. Without objection that will be incorporated in full in the record.

Senator RANDOLPH. And the reply of the Director. Later this week Superintendent Conway travels to Hawaii to receive an award for his distinguished service from the George Washington Country Region of the Discover America Travel Organizations, Inc. This region includes five States and the District of Columbia.

I congratulate him on this honor. I also am grateful for the valuable counsel and assistance of National Park Service officials who have worked on this legislation with our staff. The National Park Service's recent outline for the expansion of the park is realistic and feasible and it is compatible with the provisions of S. 605. I appreciate the skillful, sensitive, enthusiastic, and earnest manner in which the Park Service personnel have approached the preservation of Harpers Ferry National Historical Park.

To have followed and shared in the progress of the Harpers Ferry Park for more than 30 years has been rewarding. It has not been an easy process. There have been many delays and obstacles. It is my strong hope that the improvements which I have outlined this morning will be brought into being for needed improvements to Harpers Ferry which uses its proud past as a basis for its future, a future dedicated not only to teaching our American heritage, but also providing a place that citizens, young and old, can enjoy.

Senator BIBLE. That is an unusually fine statement. I commend you for it.

[The prepared statement of Senator Randolph together with communications follow:]



*From the office of
Senator Jennings Randolph
of West Virginia*

UNITED STATES SENATE, 5121 Senate Office Bldg., Washington, D. C. 20510
Phone (Area Code 202) 225-6472

Remarks of Senator Jennings Randolph
Hearings on S. 605, Before the Subcommittee on Parks and Recreation of the
Senate Interior Committee
3110 Dirksen Senate Office Building
Washington, D. C.
May 9, 1974 10:00 A.M.

SENATOR RANDOLPH SUPPORTS HARPERS FERRY NATIONAL HISTORICAL PARK
EXPANSION AND DEVELOPMENT TO MEET THE PARK'S GROWING NEEDS

Mr. Chairman, I am pleased to testify in behalf of the bill S. 605 which I introduced on January 29, with the cosponsorship of my able colleague Senator Robert C. Byrd. I thank you, Mr. Chairman, for your cooperation and the assistance of the subcommittee staff in preparing for this hearing. It is my earnest hope that we can all agree on the need for the type of development which is provided in this measure.

The Harpers Ferry National Historical Park, situated at the junction of the Shenandoah and Potomac Rivers in the Eastern Panhandle of West Virginia, is located primarily in the small town of Harpers Ferry. It extends into part of Washington County, Maryland, and also borders on the State of Virginia. Harpers Ferry will be the first town to be restored, in large part, as it was in the Civil War period.

Next month will mark three decades since President Roosevelt signed the measure which I sponsored to designate Harpers Ferry as a National Historical Monument. In 1963, it was my privilege to author legislation, in which Senator Byrd joined, expanding the Park and renaming it the Harpers Ferry National Historical Park. My involvement, however, has been much more than that of a legislator. To me, as well as to many others, Harpers Ferry is a "living" park. Harpers Ferry, like many places in West Virginia, possesses a

distinctive charm and natural beauty. This town, nestled in the Blue Ridge Mountains, tells a story - in fact - many stories.

Last month, early on a Saturday morning, I strolled through the Harpers Ferry Park. I could feel the pulse of the town's history: George Washington's entrepreneurship activities; Thomas Jefferson's memorable visit; the increased commercial activity in the early 19th century due to the development of the Chesapeake and Ohio Canal and the Baltimore and Ohio Railroad; John Brown's Raid; and the Civil War battles, including the Valley Campaigns of Stonewall Jackson-- a son of West Virginia; General Robert E. Lee visited Harpers Ferry many times as did President Lincoln.

It is this combination of Harpers Ferry's luring beauty and historical appeal that is the basis for the National Park Service estimate of a 35% increase in tourist visits in the next seven years.

The current limited area and layout of the Park and the increasing number of visitors confirm the urgency for affirmative action on S. 605 to authorize additional acquisition of land and construction of an interpretive shuttle system at the Park.

This measure, as introduced, contains a ceiling of 1600 acres for the Park, but I now find this figure is inadequate to handle the planned expansion as outlined in the bill. A more realistic park boundary ceiling would be 2000 acres, an increase over the present boundary of approximately 630 acres. This additional acreage would provide ample space for visitor parking and a satisfactory route for the interpretive shuttle system. Also included in the expansion would be additional facilities such as a visitor's center, hiking trails, and lunch and rest areas. Restoration of the town's buildings is progressing well but we must have improved facilities not only to educate visitors to Harpers Ferry's vital history but also to enable them to view the beauty of the town and area from the surrounding majestic hills.

One major problem which exists in the Park is traffic. The narrow streets and confining space in the historic area are often filled with automobiles and buses. The parking on the sides of the street and the traffic interfere substantially with visitors' enjoyment of the historic setting and what should be the Park's peaceful atmosphere. Trying to find a parking space, particularly on weekends, is exceedingly difficult and it creates hazards to the safety of visitors, particularly young children, walking and touring in the town. The National Park Service has mentioned a possible ten-fold increase in parking capacity--from 400 to 4000 automobiles.

There are several modes of transportation which are viable alternatives for an effective shuttle system, not only for transporting visitors from parking lots to the Park but also throughout the entire Harpers Ferry Park area for descriptive tours.

Utilization of the B&O Railroad tracks, which run parallel to the Potomac and Shenandoah Rivers and meet at their junction, should be reviewed by the National Park Service as a possible part of the interpretive shuttle system. Trains have performed a key role in Harpers Ferry for over one hundred years. The tracks transcend both sides of the Park and the sections to be added to the boundary. Perhaps a refurbished Civil War locomotive could serve such a purpose.

I understand that there are at least 6 interpretive shuttle systems in operation by the National Park Service. When I recently saw the team of horses pulling the Park Service maintenance wagon in Harpers Ferry, I thought: Why not have horses provide the in-park transportation for visitors? The interpretive shuttle system at the Lyndon B. Johnson National Historic Site at the Johnson ranch in Texas has a horse-drawn system. This would be most appropriate and feasible for Harpers Ferry. Harpers Ferry enthusiasts might not be able to ride into town on horseback but this would be close to it! It is my understanding, however, that all of the interpretive shuttle systems are automated except for the Lyndon B. Johnson Historic Site.

Some type of interpretive shuttle system is urgently needed at the Park. A modern system would allow tourists to fully appreciate Harpers Ferry without needless noise and traffic congestion. Visitors would have a chance to see more of a park with such a system.

The expansion and the complimentary facilities must be in keeping with the historic and natural beauty which has made Harpers Ferry such a vital park of the National Park System. The inclusion of land bordering the Shenandoah and Potomac Rivers will help meet ^{the} needs of the Park. The thin strip of land bordering the Potomac--the old Federal canal area--has great historical significance as it provided water source power to the late 18th century National Armory. It is a beautiful location for lunch and rest areas.

The Maryland Heights section of the Park, across the Potomac in the State of Maryland, will increasingly become a more active part of the Park. A walking bridge--to be constructed perhaps by the local Job Corps Center across the Potomac near the junction of the two rivers--could better tie the two sections together.

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But the true "living" park is much more than this. For the first time last summer the National Park Service conducted a day camp at Harpers Ferry for mentally and physically handicapped children. This program was a success and the camp is being held again this Summer. As Chairman of the Subcommittee on the Handicapped, I am intensely aware of the therapeutic benefits for such young people to have the opportunity to see and enjoy a place like Harpers Ferry Park. The Youth Conservation Corps is a progressive summer program at Harpers Ferry. The young men of the Job Corps Center have provided vital assistance in the restoration program of the Park.

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Superintendent Conway has been at Harpers Ferry for almost two years and since that time he has truly made the Park "come alive" in many ways. I submit for the record copies of my letter to the Director of the National Park Service regarding Mr. Conway's excellent work, and the Director's reply.

Later this week Superintendent Conway travels to Hawaii to receive an award for his distinguished service from the George Washington Country Region of the Discover American Travel Organizations, Inc. This region includes five States and the District of Columbia. I congratulate him on this honor.

I also am grateful for the valuable counsel and assistance of National Park Service officials who have worked on this legislation with our staff. The National Park Service's recent outline for the expansion of the Park is realistic and feasible and it is compatible with the provisions of S. 605. I appreciate the skillful, sensitive, enthusiastic and earnest manner in which the Park Service personnel have approached the preservation of Harpers Ferry National Historical Park.

To have followed and shared in the progress of the Harpers Ferry Park for more than 30 years has been rewarding. It has not been an easy process. There have been many delays and obstacles. It is my strong hope that the improvements which I have outlined this morning will be brought into being for needed improvements to Harpers Ferry which uses its proud past as a basis for its future--a future dedicated not only to teaching our American heritage but also providing a place that citizens, young and old, can enjoy.

December 10, 1973

Honorable Ronald H. Walker
Director
National Park Service
Department of the Interior
Washington, D.C. 20240

Dear Mr. Walker:

The Harpers Ferry National Historical Park has given our Nation a community of great historical interest as well as scenic beauty. Fifty-five different buildings have been restored by the Harpers Ferry National Historical Park.

Martin Conway, Park Supervisor, has been at Harpers Ferry since August 1972. Since that time vacant historical buildings have been utilized as they were during the Civil War - the general store, model musket factory, drug store, the blacksmith shop, and others.

Martin Conway has made the Park "come alive" with the unique "Living History Program" which is being developed in Harpers Ferry. Interpreters in period clothing explain to visitors and tourists how the town contributed to our country's heritage. It is a delightful as well as an educational place to visit.

Martin Conway, in my judgment, is an excellent and enthusiastic supervisor. The local people in Harpers Ferry have advised me of the liveliness that Mr. Conway has brought to Harpers Ferry. Those who have had an opportunity to visit Harpers Ferry are grateful for Mr. Conway's efforts and ingenuity.

With best wishes, I am

Truly,

Jennings Randolph



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

OFFICE OF THE DIRECTOR

DEC 27 1973

Honorable Jennings Randolph
United States Senate
Washington, D.C.

Dear Senator Randolph:

Thank you for your letter complimenting Mr. Martin Conway, Superintendent, Harpers Ferry National Historical Park, for his dedicated and excellent work at the park.

It is always a pleasure to hear from Members of the Congress of the fine work done by so many of the employees. We are making every attempt to provide the park visitor with a quality experience in each area of the National Park System.

I am sending a copy of our correspondence to the Assistant Director of Interpretation so that he can pass your kind remarks on to Mr. Conway. These letters will also be made a part of his personnel file.

I hope you and your family will have many more opportunities to visit Harpers Ferry National Historical Park.

Sincerely yours,

Ronald H. Walker
Director

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 8, 1974.

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

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 605, a bill "To amend the Act of June 30, 1944, an Act "To provide for the establishment of the Harpers Ferry National Monument," and for other purposes."

The Act of June 30, 1944 (58 Stat. 645), authorized the establishment of the Harpers Ferry National Monument and provided that the Secretary may accept donations of land, interest in land, and improvements, not to exceed 1,500 acres to carry out the purposes of the Act. The Act of July 14, 1960 (74 Stat. 520), authorized the acquisition of an additional 30 acres of land comprising the sites of the Storer College, the original site of John Brown's "Fort," and the old Federal Armory. The name of the area was changed to Harpers Ferry National Historical Park by the Act of May 29, 1963 (77 Stat. 52).

The bill would authorize the Secretary to acquire lands and interests in lands with appropriated funds and by exchange, as well as by donation. It would further increase the size of the park to not to exceed 1,600 acres, and establish boundaries by reference to a drawing, as set forth in the bill. The bill provides for an interpretative shuttle transportation service within, between and among lands acquired and authorizes the appropriation of such funds as may be necessary to carry out the purposes of the Act.

Harpers Ferry National Historical Park is located within a 2-3 hour drive of 8½ million people. Via the Interstate Highway System and U.S. Route 340, the park is readily accessible and becomes a day use, weekend, and short vacation destination for an increasing numbers of visitors. In 1973, 1,207,766 people visited the area, the vast majority concentrating in the Lower Town to see the historic area and the site of the John Brown Raid. This represented an 8.8 percent increase over the previous year and the visitation projection is 1,720,000 by 1981. The existing parking facility with its limited capacity in the Lower Town creates automobile traffic congestion and safety hazards to pedestrians.

The bill would authorize the acquisition of land outside of the historic Lower Town to provide for additional visitor parking and an initial visitor contact and staging area. The National Park Service is presently reviewing existing problems and need within many areas of the Park System with an emphasis on those parks where the automobile problems are the most severe. We believe that, until a thorough study of the transportation needs and the feasibility of alternative systems has been completed for Harper's Ferry, the enactment of S. 605 would be premature. Accordingly, we recommend that the Congress defer action on this bill until such time as that study has been completed.

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,

NATHANIEL P. REED,
Secretary of the Interior.

Senator BIBLE. I have only several questions of you. I know you have a busy schedule, and if you have to leave I certainly understand. What are the visitation figures over the last several years, approximately? I can develop that through the Superintendent, but you may have them in mind.

Senator RANDOLPH. In 1972, Mr. Chairman, 1,110,345. If I may just take this 30 seconds, I remember at one of our meetings prior to the development of the original legislation, people were there in good purpose.

I indicated that I believe that if the park could come into being and the necessary facilities provided that we might anticipate a million visitors within a year. One dear friend of mine who is long gone said, in effect, "We are all for the park, but you do not have to exaggerate, Mr. Randolph. We are just happy to work on this project."

So the million I mentioned was in 1972. In 1973 it had risen to 1,271,000. In 1974, we have an indication that it could be 1,327,300, and these other figures will be made a part of the record, indicating, hopefully, in 1981 we could have 1,721,000 persons.

Senator BIBLE. It shows a gradual and substantial growth. Of course, it is a great area to visit. In fact I go there at least once a year, and always enjoy those visits. It is a nice Sunday's outing out of Washington, D.C. Do you have any idea how much it costs--to purchase the land--to take it up to the 2,000 acres which you are now modifying your bill to request?

I can develop that through the Superintendent.

Senator RANDOLPH. I will just give a quick figure. The land costs we would estimate would be \$1,300,000. That would be all for acquisition in the first year.

Senator BIBLE. Is that for 1,600 acres or 2,000?

Senator RANDOLPH. That is for the 2,000 acres. Then the development costs, including the shuttle system and visitor center and trails that I mentioned spread over a period of, I believe, approximately five years would run about a little over \$8¾ million.

Senator BIBLE. \$8¾ million to develop over a period of 5 years?

Senator RANDOLPH. That is correct.

Senator BIBLE. I have no further questions of you. I support these kinds of proposals wholeheartedly, and have no doubt about supporting this specific one, no matter what the OMB or what the Park Service might say. I support it.

Senator RANDOLPH. Mr. Chairman, you said that softly but I heard you.

Senator BIBLE. I really mean it. I have been handling these parks for somewhere between 15 and 20 years, and during this time I have been putting my emphasis on bringing parks to where the people are. This proposal brings just such a park into a metropolitan area. We did the same with the Gateway National Recreation Area which is located in the heart of New York City.

We are doing the same thing in San Francisco and in the Chicago metropolitan area with the Indiana Dunes. I can give you illustration after illustration.

We have great parks and wonderful scenery out in the States which Senator Hansen and I are privileged to serve. But we do not have the people that you have here. So I like to do my part in bringing the parks to the people, because those who are park-oriented and enjoy going out in the great outdoors are happier and richer individuals for the experience.

I imagine you can sense I am rather sympathetic towards your proposal.

Senator RANDOLPH. Mr. Chairman, I do not want to be misunderstood by putting in the record just a pleasantry, but Senator Han-

sen and I and all the members of the Senate, we recognize that in your service for so many years you have had a wide range of activities, constructive in nature.

But you have been so closely identified with the worthwhile extension of our parks and recreational areas of this country that, really, you have given to unnumbered millions of people not only the invitation, as it were, through the park development program, but the parks themselves have been from the standpoint of accessibility, as you have indicated, from the standpoint of facilities that have been presented increasingly attractive to millions and millions of people in this country.

I can think of nothing, perhaps, more important in a sense than the parents taking their children for a day or two to Harpers Ferry and that section, where so much history has been written, and such beauty is retained.

I know that as you retire from the Senate next January, I just hope you would not feel it presumptuous on my part to say that in these last few months of your very active career, and it is as active now as it has been in the past, no sense of retirement during the months you are here from the schedule that is arduous, that you might give, as I know you will, your leadership, the imprint of your support, joined by others, so that this legislation could be passed in the Senate, and, hopefully, in the House.

That it might go to the White House for signature during the period that you actually are here in the Senate of the United States. I sometimes think that signings of bills are more or less routine.

But in this instance I would hope that you and others might be present for the signing for this bill.

Senator BIBLE. I share that hope. After I move back to Nevada, I will be back and see how old John Brown is doing at Harpers Ferry. Senator Hansen?

Senator HANSEN. Thank you very much, Mr. Chairman. I join with you in welcoming the distinguished senior Senator from West Virginia. He has testified very eloquently in support of this proposal.

I think it is fair to say that with good reason to understand the conditions that form the background of the sort of situation that prompts our distinguished colleague in introducing this bill here today is the fact that this country has grown, the ability of people to visit areas that are as unique both historically and scenically as is this particular one, bring about a condition that oftentimes makes us ponder and consider the advisability of a change in boundaries.

I know when I was visiting in my home town of Jackson the superintendent of Grand Teton spoke about some problems that have been developing over a period of time. The desirability of moving some of the park housing for park employees from an area that is now smack dab in the middle of Grand Teton Park to other areas.

I did not have any suggestion to make to his observation that there might be some change in boundaries, but I simply suggested that perhaps he might find it advisable to call upon the National

Advisory Committee or whoever, in his judgment, he might feel best able to discharge that sort of assignment to look at it and decide what changes might be made if any were to be made.

It is in that context that I agree completely with the distinguished Senator from West Virginia in saying that, as one who has visited the area at the low point in the tourist season, it takes no imagination at all to understand full well how important it is to expand that area.

The impact of people, the impact that cars are having on the area, the desirability on the part of many people to live in that vicinity and to commute back and forth, as many do on a daily basis, to Washington, underscores the growing pressure on land use.

I think you have made an excellent case in spelling out why it is important to the nation that we give serious consideration to your proposal to increase the boundaries. Without trying to get in any more trouble with my Chairman than I am I agree with you, Senator Randolph, that he is a great guy, a great leader.

I refuse to contemplate how this particular committee shall function after next January, because a number of us on this particular subcommittee will feel a real sense of loss of leadership when Senator Bible takes on more relaxed assignments.

Thank you, Mr. Chairman.

Senator RANDOLPH. Thank you, Senator Hansen. I want the record to show this. I believe in saying something about a man when he is right in your presence, as the chairman is here today. Over and over again I hope it will be said that his service has been of the very highest order, and his attention to the duties have been certainly appreciated by his colleagues as well as his constituency.

I do want to just make this quick comment. Then I must yield to those who are here to discuss the details. Senator Hansen, you are so correct about the centers of population which are available to this park in very considerable degree.

I would just throw out a figure. I think within an hour, an hour and 15 minutes' drive of Harpers Ferry there are 5 million persons. I do not think I would be too far wrong from that. With, of course, the concentration within the District of Columbia area and Baltimore, to the northeast.

So it is accessible. There is a constant improvement of the highways and with that must go, I think, the improvement of the area. So as to accommodate and inform when they are there and make the trip entirely worthwhile those people and the generations yet to be who will find not only substance there but solace there as well.

Senator BIBLE. Thank you, Senator. Senator McClure.

Senator MCCLURE. I have no comments.

Senator BIBLE. Thank you very much. I understand you are on a busy schedule. You are welcome to stay, but I will understand if you have to leave.

The statement of Harley O. Staggers will be made a part of the record at this point.

[The prepared statement of Congressman Staggers follows:]

HARLEY O. STAGGERS
2d DISTRICT, WEST VIRGINIA
*
HOME ADDRESS:
KEYSER, WEST VIRGINIA

CHAIRMAN:
COMMITTEE ON
INTERSTATE AND FOREIGN
COMMERCE

Congress of the United States
House of Representatives
Washington, D.C. 20515

May 9, 1974

The Honorable
Alan Bible
Chairman
Subcommittee on Parks and Recreation
Interior and Insular Affairs Committee
United States Senate
Washington, D. C.

Dear Mr. Chairman:

Thank you and the Members of your Subcommittee for this opportunity to express my support of S. 605, proposing to enlarge the Harpers Ferry National Historical Park.

The bill is identical to H. R. 12972, which I have introduced in the House. It proposes to give the Department of the Interior authority to acquire land to increase the size of the park from about 1,370 acres to a maximum of 2,000 acres.

As the bill makes clear, the reason for enlarging the Harpers Ferry National Historical Park, located in my Congressional District, is to provide a Visitors' Center and parking space for automobiles.

Since the Park was established in its present form, it has had remarkable success in attracting visitors. Last year in excess of 1.2 million visitors were admitted. Most of them came by automobile, and the traffic infringed on space for pedestrian movement about the park. There are good reasons to expect an increase in visitor interest. I shall mention a few of them.

Hon. Alan Bible

May 9, 1974

1. Harpers Ferry is an interesting place in its own right. The confluence of two beautiful rivers approaching each other through towering hills presents a spectacle as beautiful as it is awe inspiring.

2. From the earliest time it has been a convenient crossing site for travel east and west, north and south. Today highways converge at the spot from every direction, including the important Interstate 81. It is also the only railroad crossing in a long stretch of the Potomac River west of Washington.

3. Nearly half the population of the United States lives within easy automobile reach of Harpers Ferry. The energy shortage has reduced cross-country motor traffic drastically. People tend to restrict their driving range, but Harpers Ferry is still within a reasonable distance.

4. The historical significance of Harpers Ferry is of increasing interest and importance to all of America. Here came to a climax the great schism which spilled more blood than this continent has ever seen; some say a more desperate struggle than the world has ever known. Material relics of the confrontation are still in existence. The steep hill overlooking the town furnishes an unique platform from which to view the whole.

5. The emotional significance of John Brown's raid remains with us. Scarcely is there an American today who cannot count among his ancestors at least one who went out to struggle to the death for what he believed with all his heart to be right. Today, that emotional content remains to color much of our politics and our social predispositions. Harpers Ferry is almost literally in sight of some of the fiercest battles of the conflict.

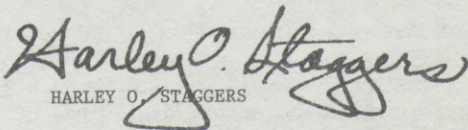
Hon. Alan Bible

May 9, 1974

It is an historic spot more vivid than Marathon or Waterloo or any other battleground we might care to name. Statues and monuments in every cemetery and courthouse square east of the Mississippi point commandingly to Harpers Ferry. People will want to visit there for generations to come.

I very much hope, Mr. Chairman, and Gentlemen of the Subcommittee, that you will see fit to approve this much needed legislation for presentation to the full Committee and, ultimately, to the Senate.

Respectfully submitted,


HARLEY O. STAGGERS

Senator BIBLE. Our next witness is the Honorable Gilbert Gude, the U.S. Congressman of the Eighth District of Maryland. Congressman Gude.

**STATEMENT OF HON. GILBERT GUDE, A MEMBER OF CONGRESS
FROM THE EIGHTH DISTRICT OF MARYLAND**

Congressman GUDE. Thank you, Senator Bible. It is a real pleasure to have the opportunity to appear before this committee this morning, to add my full support for S. 605, legislation introduced by Senator Randolph, to amend the Harpers Ferry National Monument Act of 1944.

As the committee knows, this legislation would allow for the Park Service to make a much needed change in the present operation of Harpers Ferry Park, so as to allow for improved historic interpretation and less incursion by automotive traffic into the historic areas.

These improvements can be brought about by making new provisions for handling millions of visitors to this historic site. According to the latest figures available, there are now well over 1.2 million visitors to Harpers Ferry Park annually.

And visits to the park are increasing at a rate of 7 to 10 percent every year. Yet, at present, there exist provisions for parking of only 400 cars. For anyone familiar with the limited and confined space involved, the enormous traffic congestion problems which have resulted must be apparent.

This type of congestion poses a danger to the visitor, and most certainly detracts from the full appreciation of this magnificent park. In S. 605, Senator Randolph proposes that the Park Service

be authorized to expand available parking facilities and to provide for a shuttle service which would include a tour of certain points of particular historic interest outside of the town itself.

This type of improvement is greatly needed, and will make a major contribution toward an improvement of the present conditions at Harpers Ferry, both from the standpoint of park administration and for the enhanced enjoyment and benefit of the public.

Senator Randolph is to be commended for his foresight in taking this action, particularly in light of the many millions of additional visitors expected in the Potomac region during the Bicentennial celebrations.

Providing for adequate accommodations for these large numbers of visitors can only serve to enhance the already great historic resources of Harpers Ferry. At the same time, the shuttle service tours would give visitors to the park a greater understanding and appreciation of the importance of Harpers Ferry to their national, historic heritage.

I strongly support this legislation and would certainly hope that the committee will be able to report out this needed legislation.

Senator BIBLE. Thank you very much, Congressman. I have only one question. Senator Randolph has modified his bill, to raise the land to be acquired from 1,600 to 2,000 acres. Are you in support of that?

Congressman GUDE. This is needed. Yes, sir.

Senator BIBLE. We will examine the real need for that when we meet with the Park Service's representatives. I appreciate your appearance here this morning very much. Senator Hansen.

Senator HANSEN. No questions, thank you, Mr. Chairman.

Senator McCLURE. Mr. Chairman, first I would like to welcome Congressman Gude before this committee. I served with him for 6 years in the House of Representatives. I know of his long commitment, not only to Harpers Ferry, but the great work he has done on the C. & O. Canal, an interest which we both have shared.

I have only one question. That is, since this is a park that has a section across the river as well as in Harpers Ferry itself, a relatively undeveloped section that was separated from the village by the river, a suggestion has been made that a bridge be built to connect the two.

The question I would have, is it more important to preserve the authenticity of the Civil War setting, or is it more important to provide access by way of the bridge, or do you have any opinion concerning that suggestion?

Congressman GUDE. I know work is being done to construct a pedestrian bridge across there. I was not aware that this would in any way detract from the setting of the river gorge in that part.

Senator McCLURE. You do think there is a problem concerned with that?

Congressman GUDE. No, there is no problem. I might also add, in regard to the history of this area, and landmarks outside of the park itself. I worked very hard to get an old farmhouse, which was owned by several of my constituents, established as a national historic landmark.

This is across the river in Maryland, in Washington County. It is known as the Kennedy Farm. This was just designated this spring as a national, historical landmark. This is where John Brown had his men and his guns and equipment prior to the raid on Harpers Ferry.

This might well be one of the spots that could be visited by a shuttle bus. The Kennedy Farm, where John Brown hid out prior to the raid is a national historical landmark. Just a few miles south we have Charlestown, where John Brown was tried and convicted.

So this is the type of tying together of history that is much needed.

Senator BIBLE. Thank you very much. Any further questions?

Senator McCLURE. No further questions.

Senator BIBLE. We appreciate your appearance here this morning. Our next witness will be the Honorable Bradley D. Nash, Mayor of Harpers Ferry, W. Va. Mayor Nash.

**STATEMENT OF HON. BRADLEY D. NASH, MAYOR,
HARPERS FERRY, W. VA.**

Mayor NASH. Mr. Chairman, members of the committee. My name is Bradley Nash and I am serving my second term as Mayor of Harpers Ferry, W. Va. This small community of only 500 persons, to which may be added the 1,000 population of the adjoining town of Bolivar, W. Va., is the host each year to approximately 1,250,000 visitors, at a pace which increases annually.

Remarkably, this visitation almost exactly equals the annual attendance at Mount Vernon, and exceeds the approximately one million visitors who view each year the original copies of the Declaration of Independence and our Constitution in the Archives Building in Washington.

I just want to add a word, if I may, Mr. Chairman, that is if this exists in 1974 what will be the visitation in relation to Mount Vernon, Harpers Ferry, the Declaration of Independence and the Constitution copies in the year of the celebration of the Bicentennial?

This influx of people each year is heartily welcomed. Yet the problem of these two small towns is to adequately and safely cope with those large numbers. Parking facilities simply do not exist to handle the thousands of vehicles that bring the tourists, historians and naturalists. If I may, sir, another addition, very brief.

I happen to be aware of the position taken today by the Department of Interior. I have seen their testimony and I have discussed it with member in a most friendly way, because the Department of Interior, beginning with Secretary Fred Seaton, a good friend of mine, made it possible to acquire Storer College, of which I was a trustee in 1958 which is now one of the great eastern training centers of the National Park Service.

Nevertheless, their position, as I understand it, at this time, unless it is modified, and so presented to you today is to the effect that a general study is being made throughout the Interior Department.

Therefore, this action or any action on S. 605 should be delayed until the study is completed. If you relate that to the celebration

in 1976 Bicentennial, I fear that not only would this become a critical situation, it would become disastrous.

So, from my small position as a Mayor of a small town I will simply say that and close. For this reason it is greatly, essentially desired that this committee and the Congress enact the legislation here being considered, to enable the National Park Service to accommodate these mounting numbers with safety and convenience and with due regard to the natural beauty of the area.

I think you for your attention.

Senator BIBLE. Senator Hansen.

Senator HANSEN. I had better say no more, Mr. Chairman. Thank you. I am delighted to greet and welcome the distinguished Mayor. I visited his town, as he knows, a number of times. It is always a great joy for us.

I think we take very seriously the observations you have made. I agree wholeheartedly with the points that you bring out in your testimony. Thank you, Mr. Chairman.

Senator BIBLE. Senator McClure.

Senator MCCLURE. Mr. Mayor, I have only one question. First, I want to congratulate you on your interest, and I also share with you a feeling that we do need to move things forward. It is difficult, sometimes, when we have so many things we are trying to move at the same time.

What is your view concerning the proposals that some have made that we move towards excluding motorized vehicular travel from the center of town?

Mayor NASH. I think that completely fits in with this program, Senator, the point being that if the vehicles are excluded from the town it is a three to 5-mile walk to visit the town. Therefore, parking spaces on the perimeter would bring the visitors by large vehicles, buses.

Senator MCCLURE. I understand the residents of the community—

Mayor NASH. I think they are immensely relieved.

Senator MCCLURE. They would not object to being excluded from themselves if the Greyhound buses were there?

Mayor NASH. I assume that the residents would be permitted some type of travel, as long as they had off-street parking of an adequate nature. I do not want to get into something that I am not completely familiar with.

Nevertheless, there are many ways of handling that. We have already found, in certain parts of the park downtown, the original Harper House where residents live nearby are given full permission and have the right to use it, because they are not competing with thousands of visitors.

Senator MCCLURE. In other words, you think it can be worked out to accommodate the legitimate needs of the residents?

Mayor NASH. I have no doubts otherwise. My constituency are the residents.

Senator MCCLURE. I am certain of that. That's why I asked the question. I do not know who else would speak for them, quite as directly as would you. If we are concerned, as I think we must

be, with the congestion in the downtown area, that is a matter of concern not only to the residents but also to the visitors.

The question then is not simply congestion, but also the authenticity of the experience of visiting a Civil War town. With all due respects to General Motors, General Motors was not yet there at the time of the Civil War.

If we are looking at that, then even the automobiles of residents have some impact upon the visitors' experience. So are we, then, looking at the complete exclusion of motorized vehicular travel? Or are we simply limiting it in order to get rid of some of the congestion?

Mayor NASH. We are trying to bring it down to a rational, reasonable level. It is not a difficult matter, I am sure, sir.

Senator McCLURE. Rational, reasonable levels differ in different people's minds, I have found.

Mayor NASH. A population of 500 people may represent 150 families. There is plenty of room for 150—perhaps a third of them have automobiles. We are talking about 50 or 60 automobiles in quite a large area.

Senator McCLURE. Your residents are different than most, then, if there is only one automobile per resident. That is a very low average.

Mayor NASH. We are the lowest point in West Virginia, sir. Harpers Ferry is physically the lowest.

Senator McCLURE. Thank you very much.

Senator BIBLE. Thank you, Mayor. We appreciate your presence here today. Our next witness is Curtis Bohlen, Deputy Assistant Secretary, Fish, Wildlife and Parks, U.S. Department of the Interior. Mr. Secretary, it is good to see you.

STATEMENT OF HON. CURTIS BOHLEN, DEPUTY ASSISTANT SECRETARY, FISH, WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR

Secretary BOHLEN. Mr. Chairman, Senator Randolph, Senator Hansen, Senator McClure. I appreciate this opportunity to testify on S. 605, a bill that would amend the act of June 30, 1944, establishing the Harpers Ferry National Monument.

This very worthy bill would authorize the Secretary of the Interior to acquire lands and interests in land with appropriated funds and by exchange. It would also increase the size of the park and establish boundaries by reference to a drawing.

The act of June 30, 1944, which authorized the establishment of Harpers Ferry National Monument provided that the Secretary could acquire not to exceed 1,500 acres by donation only.

The act of July 14, 1960, authorized the acquisition of an additional 30 acres of land and the name of the area was changed to Harpers Ferry National Historical Park by the act of May 29, 1963.

Mr. Chairman, since its establishment, this unit of the National Park System has been extremely popular for visitors. Via the Interstate Highway system and U.S. Route 340, the park is readily accessible, within a 2 to 3 hour drive, of 8½ million people, who

are increasingly using the area as a weekend, day use and short vacation destination.

The park offers a particular attraction in the fall when the autumn colors are at their peak. Last year, 1,208,000 people visited Harpers Ferry, the vast majority concentrating in the lower town to see the historic area and the site of John Brown's raid.

More than 20,000 people visit the park in a single day, during the peak visitation periods. By 1981, it is estimated that the annual visitation will exceed 1,700,000. The current parking facility located adjacent to the lower town is limited to 400 cars with resultant traffic congestion and safety hazards to pedestrians that significantly impairs the historic environment and detracts from the visitors experience.

S. 605 would provide for the acquisition of sufficient land outside of the historic town to provide for visitor parking and serve as an initial visitor contact and staging area.

An intrapark circulation system would transport the visitor throughout the national historical park with bicycle and hiking trails provided from the tour corridor. We recognize that the acquisition of additional lands for a transportation staging area and for preservation of historic properties and scene will be required at Harpers Ferry, however, pending the completion of the transportation feasibility study we suggest deferral of action on S. 605.

Mr. Chairman, this concludes my prepared testimony. With your permission I would like to introduce Mr. Martin Conway, the Superintendent of the Park, and ask him to explain in more detail what we have in mind.

Senator BIBLE. That would be very helpful. Mr. Conway, we are happy to have you with us. As I understand it, you have been Superintendent of Harpers Ferry for approximately 2 years. Is that correct?

Mr. CONWAY. Yes, sir, Mr. Chairman, I have.

Senator BIBLE. Why don't you go to the map? I think we have a fairly good working knowledge of the area. Please proceed with your testimony.

STATEMENT OF MARTIN R. CONWAY, SUPERINTENDENT, HARPERS FERRY NATIONAL HISTORICAL PARK, HARPERS FERRY, W. VA.

Mr. CONWAY. Mr. Chairman, Harpers Ferry is situated at the point where the Senandoah River meets the Potomac River. We are 55 miles from the city of Baltimore, and 74 miles from Washington, D.C. This map shows the boundaries of Harpers Ferry National Historical Park.

The green indicates the boundaries of approximately 1,300 acres. The yellow indicates the areas that this legislation would add to the park. If I may, for 1 minute, I would like to explain, Mr. Chairman, the difference between the 2,000 figure and the 1,600 figure that Senator Randolph mentioned.

This is the second time this bill has been introduced into Congress. The initial idea, when this was introduced in the 92d Congress, was to take the 760 acres of land in Maryland and to transfer the acreage there to the C. & O. Canal Park.

Therefore, the acreage then would be reduced back to 1600. In the meantime we found out, through our legal experts, that this could not be done. Therefore, there is that discrepancy between the 1600 acres and the 2000.

Senator BIBLE. Just transferring it from the C. & O. Canal to Harpers Ferry, is that what you are saying? That is between the 1600 and the 2000?

Mr. CONWAY. Yes, sir. That would be the transfer of this section of the park, which is now part of Harpers Ferry and transfer it to the C. & O. Canal, because it is in the State of Maryland, and immediately adjacent to the C. & O. Canal.

But we found it would take another act of Congress for this to be done.

So it was necessary to increase the acreage. That is the difference, between the 2,000 and 1,600 acres. Is that clear, sir?

Senator BIBLE. Yes, very well.

Mr. CONWAY. Mr. Chairman, the problem at Harpers Ferry is this. Even though we have 1300 acres most of this acreage is steep hillside. We have approximately 250 acres right here; 250 acres is where we have 33 historic buildings and a 400-car parking area.

In this 250 acres we are trying to serve over 1,200,000 people a year. This is the number of people that came here in 1973.

These automobiles should be removed from the lower town, because they are really destroying the town. They are strangling the town. And to move them over into this area, where we could construct a 1,000-car parking area with a 3,000 overflow.

Then the visitors could enter the park about 1 mile from the historic area. They would park their vehicles. They would go into a visitors' center where they would be introduced to the park.

Then they would board a shuttle system which would carry them down the Shenandoah River, and this is a beautiful experience, down into the lower town. There they would get in the bus to come back.

Incidentally, there would be four major stops along the way. One at Virginus Island, where we just completed a bridge to honor Senator Randolph. The second one would be the main area, the historic area.

Then, coming up here, along the Potomac River, over to the Civil War area where there would be another stop. There would also be a stop here, where we would have picnic tables and shelters.

Then, back to their cars. That, Mr. Chairman, is the essence of it.

Senator BIBLE. Tell me this. How many ownerships are involved in the land that you are suggesting be acquired to enlarge Harpers Ferry?

Mr. CONWAY. As I see it, Mr. Chairman, there are three major ones. Cavalier property here, which is really the key. This is where the visitors' center, the parking area complex could be located. I was just talking to Mrs. Cavalier yesterday. She is a lady 80 years old.

She has been waiting to sell this property to the Park Service. She told me, "Mr. Conway, the time is ripe. When I pass on my

children will get this area. It is far better to deal with one willing seller than with eight squabbling children."

Senator BIBLE. That is an excellent observation. What other property do you have?

Mr. CONWAY. Then there is the Potomac Light and Power Co.

Senator BIBLE. Pepco, you say?

Mr. CONWAY. No, Potomac Light and Power.

Senator BIBLE. Is that a private utility?

Mr. CONWAY. No, sir.

Mayor NASH. It is the Potomac Electric Power Co., one of the subsidiaries of Allegheny Light and Power.

Senator BIBLE. Well, they could improve their image by making a donation to the Park Service.

Mr. CONWAY. They own all this land here. At one time they considered a dam on the Shenandoah River. That is the reason they have acquired the land. It is of no benefit to them now. They also, Mr. Chairman, own the land along the Potomac up here.

They control most of the Shenandoah land.

Senator BIBLE. Are they the only owners besides Mrs. Cavalier?

Mr. CONWAY. Mrs. Cavalier is right over here. Then Potomac Light and Power has land here, and along the Potomac River. This section right here is WEVA Corp.

Senator BIBLE. What kind of corporation is the Weaver Corporation? What are they engaged in?

Mr. CONWAY. They are land speculators, as far as I know.

Senator BIBLE. That is what I was afraid of. How long have they held this land?

Mr. CONWAY. This is the old Martin Marietta property. I would estimate about a year now.

Senator BIBLE. All right.

Mr. CONWAY. There is a Mr. Sherwood who owns property over here, and the site of the John Brown Fort, of course, is owned by the railroad, the B. & O. Railroad. That is right down in the heart of the area.

Senator BIBLE. The longer you take to acquire this land, I assume, the more it is going to cost you.

Mr. CONWAY. Yes, sir. To give you an illustration, the value of the Cavalier property is now estimated at approximately \$3,000 per acre. The local real estate people estimate it will be \$10,000 an acre in 2 years. It is very choice acreage.

Senator BIBLE. I would not be surprised if that land's value was increasing. Tell me this. If you buy this land, will it alleviate the congestion you have in the park?

Would you agree with that?

Secretary BOHLEN. Excuse me, I did not hear the question.

Senator BIBLE. My question was, the sooner you buy the land the sooner you will alleviate the congestion in the heart of Harpers Ferry.

Secretary BOHLEN. That is correct.

Senator BIBLE. I should think that would be true. I have no further questions, Mr. Conway. Senator Hansen.

Senator HANSEN. Let me thank you, Superintendent Conway, for your very lucid explanation of the problems, that this bill addresses in Harpers Ferry. One of the peripheral concerns that I think is involved here is how can the Park Service more quickly acquire inholdings?

I share the concern that all the devotees of the National Park in this country have. I recognize the land values are going up, and we really are not keeping even, as we try to take advantage at the present moment, to set aside these areas that can best be preserved, if we act now.

We inevitably bring into the system more and more inholdings and compound the problem that has gotten almost beyond reach of resolution by the appropriations process. I was just asking Senator McClure if he would be inclined to at least examine the possibility of increasing the appropriation, that could go into the Land and Water Conservation Fund from the Outer Continental Shelf revenues.

It seems to me with the sharp escalation in these mineral values and the increased acreage that is being made available now for bidding, I forget what the figures are, but so far this year we have gotten over \$6 billion dollars in bonus bid money.

I should think we ought to expand very greatly that funding that can be used to buy these inholdings. We could start getting held up; if you would care to comment I would be interested, but I do not want to put you on the spot.

Mr. CONWAY. I agree, Senator. As I pointed out, just in 2 years from a \$3,000 an acre price to \$10,000 is an indication that the longer we delay the more expensive it will be.

Senator HANSEN. I want to make one observation, Superintendent Conway. That is, it has been alleged to meet present day prices poses an unfair burden upon the American taxpayers. But I think it ought to be noted, and I have this in mind because I just came from an earlier breakfast meeting with Dr. Milton Friedman.

The fact is that part of this increased cost actually is just a reflection of inflationary pressures. The person who sells his land today for 3 times as much as it might have been worth 20 years ago is not getting 3 times as much purchasing power as his dollars had 20 years ago.

He may just be coming out even. There may, in some cases, be instances when he does not come out even. So I think a good case can be made, to make more funds available, in order that the Park Service can be given the wherewithal to go in and acquire those inholdings. Thank you, Mr. Chairman.

Senator BIBLE. Senator McClure?

Senator MCCLURE. Let me just echo what Senator Hansen said. Of course, the whole history of the Land and Water Conservation Fund has been a history of trying to increase the amounts of money available to channel into this acquisition.

Congress has occasionally taken hold of that problem and set limits. My concern at the beginning when we first went into Outer Continental Shelf receipts for acquisition was that we were not establishing a base of appropriations, but were establishing a ceiling.

I said at that time that undoubtedly the Bureau of the Budget, which was then operative, would view that Congressional mandate as being the total national commitment to the acquisition of these lands. Indeed, that is exactly what they have done.

So whatever we put into that fund will be the total amount available for this kind of acquisition. I think Congress, in view of the increased receipts and the increased costs, ought to take another look at that funding which now stands at \$300 million.

I think the opportunity is there. I would ask this question. It seems to me on that property, which is adjacent to that portion which is now on the map in yellow on the southeast bank of the Shenandoah River, adjacent to that which is already in green, that is a hill site; is that correct?

Mr. CONWAY. Yes, sir. It is mountainous.

Senator McCLURE. Your acquisition of that land would be not so much for use as in order to prevent use; is that correct?

Mr. CONWAY. Yes, sir. And to preserve the scenic area of the Shenandoah River which would in turn preserve the historic area of the downtown area.

Senator McCLURE. The view from that mountain would be your parking lot across the river?

Mr. CONWAY. The parking lot would be situated in a ravine. You would not be able to see the parking lot, either from the road or from the area across the river.

Senator McCLURE. And the access would be by way of the one existing highway bridge across the Shenandoah River; is that correct?

Mr. CONWAY. Yes, sir.

Senator McCLURE. So access into the area would be essentially the same as it now is? You do not propose to build a new road up the Shenandoah River or a new bridge over the river?

Mr. CONWAY. Yes, sir. U.S. 340 is a 4-lane road. It stops right here. Over in Maryland is a 4-lane road. It stops right at this area here.

Senator McCLURE. On the north banks of the Potomac River?

Mr. CONWAY. Yes, sir. Now we have a gap here. We have a gap from this bridge to this bridge. We have four lanes coming this way and four lanes here. We have Harpers Ferry as one of the jewels of the Park system.

The Park Service really does not want a four-lane road through this gap. We have worked with the State of West Virginia and the States of Maryland and Virginia and have drawn up a memorandum of agreement, in which we stated this.

The State wants about 2½ acres here, to straighten up this dangerous hill. We say we will give you the 2.3 acres of land, provided that when it comes time in the future to continue through the gap the State will consider eliminating this complete road system from the park and taking it around Loudoun Heights.

In other words, do away with the road entirely through the gap. That would mean the main entrance, then, would be by coming back here to U.S. 340 and going in this way.

Senator McCLURE. Would it not be better for them to do that now than to relocate the road on the hill?

Mr. CONWAY. To do what, sir?

Senator McCLURE. You indicated that you were prepared to allow them 2.3 acres in order to straighten out that dangerous hill. But as I understand you, if they do what is suggested they would eliminate that hill entirely from the main road system.

Mr. CONWAY. No, sir. The hill would still be here.

Senator McCLURE. They would still use that?

Mr. CONWAY. Yes. If this road here was removed and there was a preliminary study made by the Department of Transportation, it is possible to go down here approximately 2 miles, and then come around 3 miles this side towards Charlestown, so the main approach would still be on U.S. 340.

Senator McCLURE. You would still need that improvement, in spite of the bypass?

Mr. CONWAY. Yes, sir.

Senator McCLURE. But the relocation would not transect any of the lands you are discussing either that are now in the park or that you propose for addition?

Mr. CONWAY. No, sir. It would not touch the parkland.

Senator McCLURE. I notice you have a mark on that map in yellow, which the key indicates is non-Federal, a crossing of the Potomac River.

Mr. CONWAY. Yes, sir. This belongs to the State of Maryland. We propose to build a walking bridge, a footbridge, to connect the C. & O. Canal with the main part of the park, as well as to connect the lower town with Maryland Heights.

Senator McCLURE. That would be adjacent and parallel to an existing railroad bridge?

Mr. CONWAY. Yes, sir. It would be on the actual foundation to the old John Brown Bridge that still remains. Visitors now use the old railroad bridge, which is illegal.

Senator McCLURE. Where is the location of the cabin that Congressman Gude made reference to in Maryland?

Mr. CONWAY. It is about 6 miles along the Potomac, up in this area.

Senator McCLURE. It is not the kind of thing you walk to across that bridge?

Mr. CONWAY. No, sir.

Senator McCLURE. What is the nature of the development in the Potomac Heights area?

Mr. CONWAY. This, of course, is park property. But along here it is pretty well preserved. In fact, the C. & O. Canal has just purchased an extensive amount of land in this bend.

Senator McCLURE. The area on the Maryland side of the Potomac River is quite different from the character, in large measure, totally unrelated to Harpers Ferry, is it not?

Mr. CONWAY. You have to realize, Senator, that we do have the extensive C. & O. Canal.

Senator McCLURE. Yes, I understand.

Mr. CONWAY. It is relative to Harpers Ferry. This is the point where John Brown approached Harpers Ferry from.

Senator McCURE. I am not referring to that. I am referring to the bulk of the property on the Maryland side of the Potomac River, which is outside the face of the bluff. It is really outside the view of Harpers Ferry and is not a part of Harpers Ferry, or the setting; is that not correct?

Mr. CONWAY. Yes, sir. You cannot see any of this area from here.

Senator McCURE. If the acquisitions are authorized, and you actually go ahead with them you will have virtually surrounded the town of Harpers Ferry with Government-owned property and park property?

Mr. CONWAY. Yes, sir.

Senator McCURE. The main access to the park will remain through parkland. That is also the only access to the town.

Mr. CONWAY. Yes, sir.

Senator McCURE. That leads to the question, what will be done with respect to control of vehicular traffic for the people who live there, as well as those who visit the park? What is your proposal?

Mr. CONWAY. I had a meeting 2 nights ago, with the people of Bolivar, our good Mayor Brad Nash was there and about 75 citizens. I had a map and was telling them exactly what this legislation proposes as far as the boundaries.

We did not have one adverse criticism. We had a few comments about the noise of the shuttle bus. But if we get horses in there, there will be no noise at all.

Senator McCURE. It will be a different kind of pollution, but perhaps we can stand that.

Mr. CONWAY. They mentioned about access to some of the shopping areas. As we pointed out, once they leave the park there would be no reason at all why people could not come and visit their shops.

The Park Service would in no way infringe upon or duplicate anything that the local people were doing.

Senator McCURE. What about vehicular travel and parking within the park area itself?

Mr. CONWAY. Now, sir, or in the future?

Senator McCURE. In the future.

Mr. CONWAY. In the future the main entrance would be right here. There would be a 1,000-car parking area right here. That is where they would stay.

Senator McCURE. Local residents' cars, too?

Mr. CONWAY. If they wish.

Senator McCURE. I do not mean if they wish. I am sure they could if they wish. But would that be required of them?

Mr. CONWAY. No, sir. We have no control over Harpers Ferry or Bolivar. We only have control over our own land.

Senator McCURE. That is what I am trying to get to. What kind of control do you intend to impose?

Mr. CONWAY. I think the kind of control would be very similar to that which Williamsburg has so well done with the citizens of that community. In periods of real heavy visitation the roads would be closed. In the evening hours or early morning hours, certainly, private residents could go in there and park.

Senator McCLURE. I might make one other suggestion just for the record, for whatever it is worth. You can now purchase and operate electric buses which are entirely silent, if noise is a problem, and if you do not like the speed or consequences of doing it all with horses.

I am not sure I know which is better. But we had a symposium on electrical vehicle travel here in Washington this spring. One of the vehicles demonstrated was an electrical bus, a 25-passenger bus that operates very nicely and completely silent.

So if noise is a problem that is one way you might get away with that, you might get around that. But I am concerned, and I think your answer that the Williamsburg pattern which compromises and harmonizes the necessities of the residents with the desires of the visitors is a very good suggestion.

I appreciate your statement. I hope we can get something done for you.

Mr. CONWAY. Yes, sir.

Senator BIBLE. Thank you, Senator McClure. You have been an excellent witness, Mr. Secretary. Thank you for being with us today.

[The prepared statement of Mr. Conway follows:]

PREPARED STATEMENT OF MARTIN R. CONWAY, SUPERINTENDENT, HARPERS FERRY NATIONAL HISTORICAL PARK, HARPERS FERRY, W. VA.

MR. CHAIRMAN, as Superintendent of Harpers Ferry National Historical Park, I consider this legislation of the highest management priority if we are to continue to carry out the Congressional mandates when the Congress established this park in 1944 and the National Park Service in 1916.

Our basic problem is auto congestion—a problem that is destroying the park and eliminating any meaningful visitor park experience.

Although the park consists of over 1,300 acres, most of it is steep mountain terrain and wooded areas situated across the rivers from the historic area. Only 250 acres containing 33 historic buildings and a 300 car parking area is where we are now attempting to provide an enjoyable and educational experience to over 1,200,000 people who last year visited Harpers Ferry.

The fact is, it is an impossible situation and will only succeed in getting worse if this bill fails to pass.

We absolutely must have this Congressional authority to acquire additional land in order to remove the automobile from the historic area and thereby allow the National Park Service the means to fulfill its mission through the enhancement of visitor enjoyment and the enrichment of park interpretation.

Thank you Mr. Chairman.

Senator BIBLE. I have several more questions. Your recommendation, as suggested, is that the bill be deferred until the transportation study is completed. When will that study be completed?

Secretary BOHLEN. Mr. Chairman, we have done the preliminary work, enough to know what additional land is needed. We believe the rest of the study could be completed at a cost of not more than \$20,000.

Senator BIBLE. When will that be finished, assuming funding of \$20,000. I handle appropriations, and I am not beyond sweetening it up. That is such a modest request it scares me, but if another \$20,000 was available, when would you complete the study?

Secretary BOHLEN. As you know, Mr. Chairman, we have in the fiscal 1975 budget \$4.6 million for the completion of ongoing transportation studies at specific parks and for operating transportation

systems now established. To answer your question precisely, the study for Harpers Ferry could be done in fiscal 1975.

Senator BIBLE. When in fiscal year 1975? That is a long time. Would it take a whole year to do it?

Secretary BOHLEN. If OMB would give us clearance to make this particular study—

Senator BIBLE. I thought you said it was in the budget.

Secretary BOHLEN. Well, they have allowed money to go into the budget, but have not allowed us the clearance to begin particular studies. In fact, they have issued an interesting edict, which says "No new studies, development or operation of transportation systems will be undertaken in 1975."

That does restrict what we can do with the \$4.6 million dollars we have in the budget now before you. So if we can get them to alter that edict, we would proceed right away with this.

Senator BIBLE. I have had enough contact with you to know you are one of the most persuasive men in the administration. I do not think you would have any difficulty there. It does not make any sense to me to not move forward, at least in the transportation studies, and finish it.

I know you will lend your strong voice to that effort.

Secretary BOHLEN. In that case, Mr. Chairman, it would take us 2 or 3 months to complete.

Senator BIBLE. Very well. We will put you down on a 3-month timetable. Let's see, we should finish at the Appropriations Committee by July 1. That is our target date. We hope to have it down to the White House by then.

Giving you 12 additional days, that would take you to October 12, the old historic Columbus Day. We will expect this study to be concluded by October 15.

That disposes of that. The additional matter is I cannot see why you cannot go ahead and acquire the land. Why would you have any problems about that, even if the study is pending? There is no doubt that you need more lands.

You need growing room and parking room. So I would think that rather than holding back on this bill until the study is completed you would go ahead with it.

Whether or not you put in a transportation system, you will have to have parking there, will you not?

Secretary BOHLEN. We certainly will.

Senator BIBLE. I take it that your reservations on this bill are minimal; would that be correct?

Secretary BOHLEN. I would say that would be very accurate.

Senator BIBLE. Then, with that, I have no further questions of you.

Secretary BOHLEN. I would say, Mr. Chairman, that the land values are increasing about 12 percent a year. We figure that if we buy the land now it will cost \$1.3 million.

If we wait 1 year it will cost \$1.45 million and in 2 years \$1.6 million. If we wait 3 years, \$1.8 million. All of these costs assume no additional private development. From what we have heard from some of those landowners, if we do not move in very rapidly, we can expect—

Senator BIBLE. And I imagine they are not kidding. I would think they are telling you the truth.

Senator McCLURE. I have forgotten what the reason was for acquiring the property that, I think you said, Mr. Conway, is owned by the Weaver Corp.

Mr. CONWAY. Yes, sir. That would be part of the road system, to connect Bolivar Heights with the Cavalier property.

Senator McCLURE. You have to acquire all of the property in order to have a road?

Secretary BOHLEN. That piece up in the northwest there, if the alternate transportation system, as now planned, takes a circular route it would pass through that. That land also, I understand, is where Gen. Stonewall Jackson bivouacked the night before he attacked Harpers Ferry.

So it does have some historical significance.

Senator McCLURE. I am not necessarily opposed to it. I just think you ought to justify if you are going to buy a piece of property why you want to buy it. I am not sure that just because you want to run some buses through you have to buy the whole tract of land.

Secretary BOHLEN. As I say, it has historical significance, as well.

Senator BIBLE. We will give you one more chance on rebuttal, Mr. Conway. Persuade the Senator.

Mr. CONWAY. Senator, this area up here is Bolivar Heights. The reason the Park Service preserves this site, this is where, prior to the Battle of Antietam, Gen. Stonewall Jackson captured 12,000 Union men.

That was the largest surrender of American forces, up until the time of Bataan and Corregidor. It happened right here. There were a lot of ifs. If that General or if Colonel Miles held out and given Stonewall Jackson more resistance, the Battle of Antietam may have been different.

As soon as Jackson had his men, he took off immediately to Antietam and there he saved the day. So there are a lot of ifs. So that is a very vital part. In this area here, as Mr. Bohlen pointed out, there was a considerable amount of troop movement.

Stonewall Jackson particularly. The main reason, quite frankly, was to get this line up here. But it does contain a lot of historical significance.

Senator McCLURE. I assume that would be true of the other lands surrounding that.

Mr. CONWAY. This land is built up. They have little railroad cars going in here. They have the Harpers Ferry Caverns. The integrity just is not there as it is here. We feel that if we did not acquire all of this land and just acquired a little strip of land for the road, pretty soon you would have trailers and campsites and all other type of conditions that now exist at Gettysburg, and which we are trying to fight and overcome.

If we can get at the problem before it happens—

Senator McCLURE. Is it open land now?

Mr. CONWAY. Yes, sir. It is wooded area.

Senator McCLURE. Is it subject to zoning control of the local authorities?

Mr. CONWAY. There is no zoning control, as of now.

Senator McCLURE. Could it be imposed if they desired? Mayor Nash, could you respond to that?

Mayor NASH. I did not quite get the question.

Senator McCLURE. Is the land to which he refers subject to the zoning control?

Mayor NASH. A portion of it. The county has no zoning yet that is effective. The towns of Harpers Ferry and Bolivar both have, for example, ordinances against trailers. The town of Harpers Ferry forbids the further extension of commercial enterprise within their limits.

Only a week ago Bolivar commenced work on a similar resolution. It has to be piecemeal. I am sorry to say we have to rely on the county health authorities to prevent much development which would be done much better by a planning commission.

Senator McCLURE. Mr. Conway, what would be your plan for the development of that land?

Mr. CONWAY. My plan would be a one-way road system through the park, and leave it as it is, natural.

Senator McCLURE. So we would not be looking at Jackson's bivouac.

Mr. CONWAY. Yes, sir. There are trails now. There are roads and trails. There would be an interpretation of that.

Senator McCLURE. Do you know what the corporation paid for that land a year ago?

Mr. CONWAY. No, sir.

Senator McCLURE. I wonder if you could provide for the committee's personal perusal the estimated cost of that land.

Senator BIBLE. If you do not have this information now you may supply it for the record.

Senator McCLURE. If you would like to keep it from the public record for purposes of negotiation with the owners, I would not object to that, but I would like to know.

Secretary BOHLEN. We estimate there is 60.16 acres involved on the two adjacent tracts. We estimate the cost of acquisition to be \$134,000.

Senator McCLURE. I have no further questions.

Senator BIBLE. Senator Hansen?

Senator HANSEN. Mr. Chairman, I would just like to say a word in defense of the Park Service presentation. Although I think it speaks eloquently for itself. That is, when we talk about the tool of zoning, in order to accomplish a long-term goal, such as this, I think that is an inappropriate use of that tool.

Not to get into a land use argument, but it seems to me that most of the people with whom I have spoken regard zoning and land use planning as a means towards orderly development, and not really to dedicate or restrict over an extended period of time the use to which land can be put.

I would say, on behalf of the land owners there, that if I were one of them and they said, "We are going to permanently zone you" I think I would go to court and say, "You have taken my land." Maybe everyone would not agree with me, but that would be my position.

I think, in this instance, where we are setting up or expanding a park, as Senator Randolph so eloquently put it, that it could be

here we hope for a long, long time. We ought not to think about the use of that particular tool, which I think would be an inappropriate use.

I think it would be far better to say this is part of the picture. I know all of us have been at Williamsburg. I suspect there is not a person in the room who has not been down there, and appreciates the control that Colonial Williamsburg has over that area, and being able, at certain times of the day, to shut off traffic, to permit the horse-drawn vehicles to traverse the streets. I contemplate, from what you said, that the same situation—maybe not the same situation but a similar situation could occur, which would provide a very delightful experience for people in the area, if you do have these horse-drawn vehicles.

With that in mind, I would just say to my good friend from Idaho that if this is contemplated to be a long-range use, then I think it is very appropriate that the park ought to buy the land and let it be paid for and become part of the park land.

Senator McCURE. Would the Senator yield?

Senator HANSEN. Happy to.

Senator McCURE. I do not disagree with you if its use is to keep it in its natural state. But if your goal is to exclude trailer camps the local zoning can say that is a residential area, and if a residential area was permitted and houses built and tour buses could go down—through the center of the area so that it did not obstruct traffic, if that is compatible with the park development, that is an appropriate use of zoning.

But if you want to take the entire tract and leave it in its natural state, then I would agree zoning is not an appropriate way of handling it. I was trying to find out what the Park Service wanted to do with the tract, and what their reason for buying it might be.

Senator HANSEN. Not to belabor that point further, I would say this. If you are contemplating a circular route there which would be traversed by horse-drawn vehicles, I would imagine there would be a good argument made that it would complement that transportation concept, to have control of the area in the manner that could restrict vehicular traffic.

We have horse-drawn vehicles in my little home town of Jackson.

Senator BIBLE. Do we have further questions?

Senator BURDICK. Mr. Chairman, I would just like to commend the witnesses from the Park Service for their presentation made here this morning. As one who lives in the western land of this country and, of course, I am not too familiar with the locality, but we read about Harpers Ferry in the school books.

It remains indelibly in my mind and I think we should do everything necessary to preserve and protect this historical spot.

Senator BIBLE. That is the feeling of this committee and if you had not left it you could have voted that way. However, you went to Senator Randolph's committee. I think you are just buttering him up. We have two more witnesses and then we will go to another bill. Mr. Bruce Geyman, Washington Street, Harpers Ferry. If he is not here, his statement, without objection, will be incorporated in the record.

[The prepared statement of Mr. Geyman follows:]

STATEMENT

BEFORE THE PARKS AND RECREATION SUBCOMMITTEE
OF THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE

CONCERNING PUBLIC HEARINGS ON S. 605
TO AMEND THE ACT OF JUNE 30, 1944, AN ACT TO PROVIDE
FOR THE ~~E~~STABLISHMENT OF THE HARPERS FERRY NATIONAL MONUMENT

9 MAY 1974

3110 DIRKSEN SENATE OFFICE BUILDING

BY

BRUCE AND JUDY GEYMAN

AS PRIVATE CITIZENS

PREFACE

Gentlemen, I should like to begin my remarks by stating that while I am an employee of the National Park Service (NPS), I testify today as a private citizen concerning private matters. In no way have I sought to use my position of employment to influence my private interests. Pursuant to this, I have prefaced similarly all official communications dealing with these matters.

In making private decisions however I have maintained the interests of the NPS and of the Harpers Ferry National Historical Park (HFNHP). Specifically I have tried to avoid adversely affecting the integrity and objectives of the HFNHP Master Plan as it has been presented to me. In contrast to any notion of obstruction of the Master Plan, I continue to view this negotiation as a process of refinement. Having been informed recently that our farm¹ has been deleted entirely from the Master Plan and with due respect for your time, nonetheless I wish to make this statement in furtherance of mutual interests.

1

HFNHP Proposal, Preliminary Drawing 02-104, dated July 1973
 Note: Geyman owns only that portion of land designated 02-104 west of West Virginia Secondary Route 27. See enclosure 1.):
Deed survey drawing

ABSTRACT

Briefly stated our case is as follows. My wife and I own two pieces of real extate which may be affected by the expansion of HFNHP, namely a small farm of approximately 18 acres adjoining West Virginia Secondary Route 27 to the west² and a lot of approximately three-tenths of one³ acre situated on the bluffs known as Cavalier Heights.

We propose selling in fee title to the NPS a portion of the farm adjoining Route 27 and the entire lot on Cavalier Heights.

Furthermore having satisfied in our minds the objectives of the HFNHP Master Plan presently under consideration, we wish to record our intentions regarding the property that we would retain, that is the remainder of the farm. So recorded before this body, and assuming agreement, we would hope to be able to proceed with restoration of this property, a rather formidable undertaking, with the tacit assurance that we would be able to continue to hold it without having to be concerned that it might be taken in the future after having invested so much of our lives in the project.

²
Ibid., 02-104 (west)

³
Ibid., 03-107B

BACKGROUND

I came to Harpers Ferry from Detroit, Michigan, in November of 1972, to begin employment with the NPS as a planner/designer in the Division of Exhibits of the Interpretive Design Center. During the course of our first year, my wife Judy and I developed a great fondness for our adopted state of West Virginia and for the historic town and countryside of Harpers Ferry. We see it as the fulfillment of a dream that began as we courted and married in Williamsburg, Virginia, during my military service as a naval officer.

Deciding to make our home in Harpers Ferry, we bought
⁴ the lot with the intention to build. Shortly after that however we found an antique stone cottage perched on top of a mountain overlooking the Potomac River. We have been told by historical architects that it was probably built in the late 1700's. While not presently habitable, its basic structure, roof, floors, and woodwork are in remarkable condition. In June of 1973 we negotiated to buy the house together with a barn and silo on an eighteen
⁵ acre corner of the original farm fronting on Route 27 opposite Bolivar Heights. Since then we have devoted

⁴ Ibid., 03-107B

⁵ Ibid., 02-104 (west)

our time toward tidying up the grounds, doing research, and developing a plan to restore the house true to the eighteenth century. We have begun a collection of period furniture. We have also designed the landscaping and have begun transplanting. To keep the hillside bluegrass in good trim, I have gotten a tractor with a sickle bar. In short, the project portends of a lot of delightful hard work.

You can probably imagine our disappointment upon learning that our little farm was to be taken from us to be included at the edge ^{to} ~~at~~ the proposed expansion of HFNHP even though we empathize with the problems of congestion that expansion is intended to solve.

We immediately established communications with concerned parties and began to seek out the reasons. At last it seemed that we could work out an equitable compromise by selling that portion of our land adjoining Route 27 which could be seen from the road while retaining the remainder which includes the house and barn.

PROPOSAL

02-104 (west) Despite the recent decision to delete the entirety of our farm from the Master Plan, we wish to point out certain shortcomings of such an arrangement. We hope to show how they could be avoided by NPS purchase of a designated portion of that land.

It is our understanding that the primary objective involved with NPS acquisition of the Marmion⁶ and Manuel⁷ properties⁸ along Route 27 is control. This objective is otherwise consistently applied along the Harpers Ferry Tour (HFT) route. Omission of a portion of our land approximately as deep as the Marmion and Manuel properties adjacent to it results in a discontinuity which we feel has certain drawbacks.

Considering the flow of people past this point, especially those hiking and bicycling, the casual visitor will not be aware of private ownership of that unique segment along the HFT. We foresee a control problem of our own whereby visitors might trespass, although unwittingly. Even with a barrier, which might prove to be obtrusive if effective, we can still foresee a problem of people walking all over

6 Ibid., 02-106 and 02-107

7 Ibid., 02-108

8

our property. On the other hand, with NPS control by
⁹
 acquiring the proposed portion, we would in turn reinforce
 natural topological features at the back line of that portion
 so as to provide an unobtrusive barrier. We believe this
 would avoid inviting visitors by challenging them with
 an abstacle as would otherwise be the case. This would
 more clearly accomplish the "delineation of an authorized
 boundary [which] will more clearly define areas of cooperation
¹⁰
 with private interests adjoining the park."

Anticipating a planner of the future, the discontinuity
 would probably be noticed immediately. Since this might
 cause this whole issue of acquisition of our property
 to arise again with the possible added incentive of including
 what would then be a restored eighteenth century farm, we
 would like to eliminate the discontinuity, and to that
 extent the attention, now.

A central goal of the Master Plan is to forestall
¹¹
 "haphazard and random development." A management objective
 of cooperation includes within its definition assistance
 to "individuals in efforts to preserve sites of historical
¹²
 significance." The Master Plan aims to a "homeostasis
¹³
 of man and environment."

⁹
 See enclosure 2.): Proposed portion of 02-104 (west) offered
 for acquisition

¹⁰
 Environmental Impact Statement for HFNHP, dated 1972; p. 26,

After reading the documents cited (and finding out what¹⁴ homeostasis means according to the dictionary), we believe that our personal intentions relating to the farm are consistent with the Master Plan: We believe also that by allowing for a mixture of ongoing private development consistent with the cultural goals of the proposed governmental development that history will continue and that culture will live in Harpers Ferry rather than being totally suspended in the nineteenth century.

03-107B Since our goals lie with the farm we intend to sell the lot. We would prefer to sell it to the NPS in furtherance of its plans.

11

Ibid., p.24

12

HFNHP Master Plan, p. 35

13

Ibid., p. 35

14

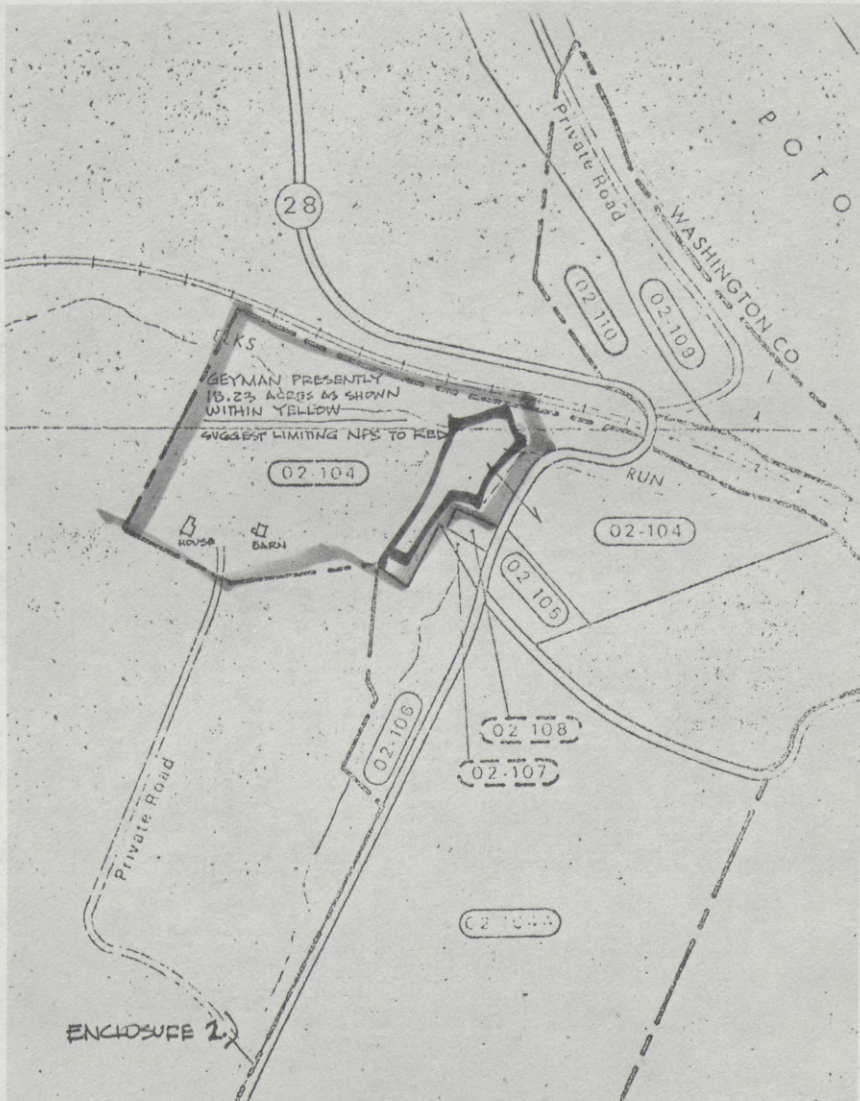
Webster's Collegiate: "A relatively stable state of equilibrium..."

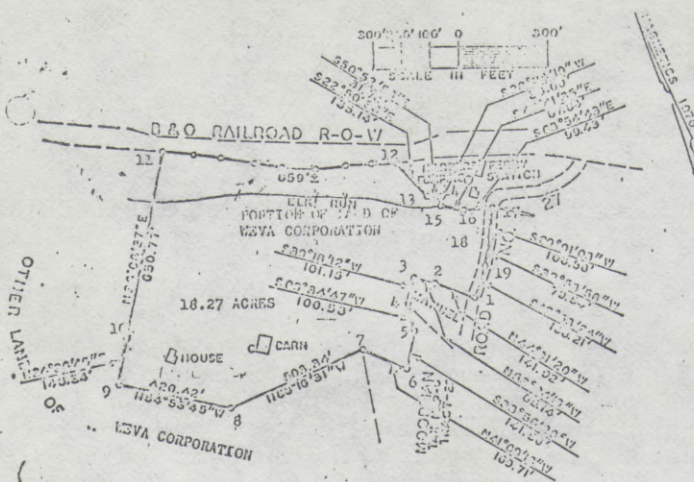
REQUEST

Kindly consider our proposals and inform us of your decisions at your earliest convenience. If you should decide not to buy our lot, ¹⁵ we wish to have a written declaration of whatever easements will be imposed upon it so that we may apprise another potential with complete and authenticated information.

Address correspondence as follows:

Bruce and Judy Geyman
Washington Street
Harpers Ferry, West Virginia
25425

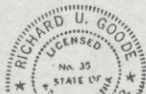




The above tract of land, located on the West side of Secondary Road No. 27 and on the South side of the B. & O. Railroad right-of-way, a short distance East of Engle, and situate in Harpers Ferry District, Jefferson County, West Virginia, is bounded as follows:

Beginning at (1) a point in the center of Road No. 27 opposite an iron peg on the Northwest side of the road and corner to the land of Manuel; thence with Manuel for the following 3 courses N 44 deg. 01 min. 20 sec. W 111.52 feet to (2) a post; thence N 53 deg. 04 min. 16 sec. W 85.14 feet to (3) an iron peg; thence S 39 deg. 18 min. 12 sec. W 101.15 feet to (4) an iron peg; by a post; thence with Mcorman for the following 3 courses along an existing fence line S 08 deg. 34 min. 47 sec. W 100.53 feet to (5) an iron peg; thence S 33 deg. 58 min. 28 sec. W 141.56 feet to (6) an iron peg; thence N 41 deg. 09 min. 18 sec. W 169.71 feet to (7) an iron peg; thence with 4 new division lines through the land of WVA Corporation N 88 deg. 16 min. 31 sec. W 503.34 feet to (8) an iron peg; thence N 54 deg. 53 min. 45 sec. W 420.42 feet to (9) an iron peg; thence N 34 deg. 36 min. 40 sec. E 148.34 feet to (10) an iron peg; thence N 36 deg. 03 min. 37 sec. E 650.77 feet to (11) an iron peg on the South side of the B. & O. Railroad right-of-way; thence with the South side of the B. & O. Railroad right-of-way for a distance of 859 feet more or less to (12) an iron peg; thence with a fence and with the Harpers Ferry Pumping Station lot for the following 5 courses S 22 deg. 50 min. 33 sec. E 135.14 feet to (13) a tree in a fence corner; thence S 50 deg. 52 min. 55 sec. E 31.70 feet to (14) a gate post; thence S 28 deg. 24 min. 12 sec. W 33.00 feet to (15) a point in the center of Elk Run opposite a gate post; thence with the center of Elk Run for the following 2 courses S 49 deg. 41 min. 35 sec. E 87.84 feet to (16) thence S 63 deg. 54 min. 43 sec. E 99.43 feet to (17) a point in the center of the bridge over Elk Run; thence with the center of Road No. 27 for the following 3 courses S 29 deg. 01 min. 03 sec. W 103.54 feet to (18) thence S 32 deg. 53 min. 58 sec. W 77.54 feet to (19) thence S 42 deg. 53 min. 24 sec. W 108.21 feet to the point of beginning, containing 18.27 Acres, of which 0.1 acre is in Road No. 27, leaving a balance of 18.17 Acres, more or less.

Richard U. Good
Richard U. Good, C.L.S.
June 18, 1973.



ENCLOSURE 1)

Senator BIBLE. Our next witness is Mr. Grant Conway, Brookmount, Md.

Mr. CONWAY. Thank you, Senator Bible.

Senator BIBLE. We have two Conways.

Mr. CONWAY. I say this hesitantly. We are not related, but we have formed a mutual admiration society.

Senator BIBLE. Very fine.

STATEMENT OF GRANT CONWAY, POTOMAC APPALACHIAN TRAIL CLUB, BROOKMOUNT, MD.

Mr. CONWAY. I make my statement for the Potomac Appalachian Trail Club in support of S. 605, introduced by Senator Jennings Randolph, for himself and Senator Byrd. The Potomac Appalachian Trail Club with a membership of approximately 2,200 members has maintenance responsibility for the Appalachian Trail from Rockfish Gap, Va. to Pine Grove, Pa., or a trail mileage of 226.

This includes the vicinity of the Harpers Ferry National Historical Park. Volunteers of the club cleared and marked the trail through what became the Harpers Ferry Park in the winter of 1931 and spring of 1932.

A major relocation within the park was made after the completion in 1948 of the Sandy Hook Bridge for Interstate Route 340. The Maine to Georgia Trail within the park is limited to 1.7 miles on the Loudoun Heights side across the Shenandoah River from the town of Harpers Ferry.

The Appalachian Trail also passes through the Great Smokey Mountains and Shenandoah National Parks and segments of the Blue Ridge Parkway and C. & O. Canal National Historical Park. It is our hope that at some future date a segment of the trail south of the Harpers Ferry National Historical Park will be included within this park to provide better protection for a trail corridor of 200 feet on each side.

My name is Grant Conway, 6032 Broad Street, Brookmont, Md., with a second home on Washington Street, Bolivar, an incorporated enclave within the municipality of Harpers Ferry, W. Va. A past President of the Potomac Appalachian Trail Club, I have been authorized to represent that organization at these hearings.

The bill, S. 605, amends the enabling act of 1944 to establish the Harpers Ferry National Monument. The principal purpose of the amendment is to provide additional motor vehicle parking outside the congested downtown portion of the park.

The present parking area on the flood plain between Shenandoah Street and the river cannot be extended into adjacent areas without severe environmental damage and destruction of historical structures.

Because of the close proximity of the park to metropolitan areas, energy crisis and outstanding living history exhibits, initiated by the present superintendent, visitation has increased above one million annually.

Visitors must be turned away during weekends when good weather prevails. They put up a roadblock at the edge of Shenandoah

Bridge and Route 340, not in this statement, but we question the need to defer action for a transportation study.

This has been studied and restudied. The Park Service people have a pretty good idea of what they want to do, how to relieve the situation. The evidence is self-evident, by observation. It is my understanding that a corridor would be acquired along the Shenandoah River above the present boundary to a location once known as Shenandoah City, where the once main road turned inland, a road reportedly used to transport John Brown to and from Charles Town, where his trial was held.

It has been my privilege to enjoy the acquaintance of the lady who owns most of the land where the new parking area would be located for approximately 35 years. She has been a supporter of the historical park during this period.

She is a willing seller and hopes the transaction can be consummated during her lifetime. She is becoming impatient with delays, and reports other offers in recent years. One option concluded during the lifetime of her husband, has expired.

Her property also extends to Interstate Route 340 to which direct access to the new parking area could be installed. The concept of locating parking away from main centers of attraction within a national park and operating shuttle transportation service has also been urged by National Parks and Conservation Association, a national private organization for which I have served on the Board of Trustees since 1960.

I note that the chairman of that organization is in the room today. Within the increase to 2,000 acres as amended, other purchases from willing sellers are planned by the Park Service. Due to lack of familiarity with the details, specific comments are not being made.

Two caveats to the amended bill need comment for the record. First, it is hoped that the authority to acquire "or exchange, within the boundaries" would not be interpreted as authority to exchange the present Government rights south of the present boundaries along the crest of Loudoun Mountain where the Appalachian Trail is located on land once used by the Federal Army for the production of charcoal for its hearths for metal working.

It is my understanding that charcoal was replaced by coking coal in the 1840's and a coking plant was constructed on Virginus Island. However, sale of surplus lands at and in the vicinity of Harpers Ferry did not occur until the years following the War Between the States, after provisions were made by act of Congress.

The tract outside the present boundary also includes ruins of minor fortifications constructed by the Union Army. After it was occupied by General Walker, part of Jackson's forces, after it took the town.

The timber tract on Loudoun Mountain dates back to a deed executed by Fernando Fairfax in the 1700's which retained subsurface rights probably in the hope of finding iron ore for his Keep Tryst

Iron Furnace. The present owners of timber rights, Tighe Woods, and surface rights, a Mr. Warner of Washington, are shown on county tax maps as "Government land," and are not subject to property tax, according to the Superintendent.

The plea is for the U.S. Government not to sell or exchange its rights to these lands at some future time, but take steps to acquire clear title for a corridor of 200 feet on each side of the existing Appalachian Trail, or 50 acres to the mile, for a distance of at least 1.6 miles to the Government Road shown on old maps, which was used to transport charcoal to Harpers Ferry forges, or a total of 80 acres, and add this trail corridor to the boundaries of the Harpers Ferry National Historical Park for administration.

Under the National Trail Act of 1968, for which the National Park Service has primary administrative responsibility for the Appalachian Trail, the Park Service has recognized difficulties in administering isolated segments which are not part of an existing national park.

The planning to implement this amended bill does not include an addition to protect an Appalachian Trail Corridor.

The gist of the testimony is to call attention for future planned expansion of the Harpers Ferry Park to include an extension of the trail corridor, by including this testimony in the record.

In other words, it is full speed ahead now, rather than asking for a delay for planning purposes to keep this in mind for the future. The second caveat concerns the limitation of acquisition without consent of the owner. There may be willing sellers who cannot convey a clear title to their property, and friendly condemnation suits may be necessary.

And it is hoped that the amended bill will be interpreted to allow for this procedure.

Senator BIBLE. We have that in many of our bills. We can certainly build something into the report that says that that particular sentence has no reference where a friendly and voluntary suit is brought for the purpose of clearing title.

Mr. CONWAY. Thank you. Therefore, I will delete the rest of my testimony. Thank you, sir. In conclusion, as an organization, we consider ourselves as friends of the Harpers Ferry National Historical Park, and endorse S. 605, as amended. We have had mutual good associations since the park was established.

We all owe a debt of gratitude to Senator Jennings Randolph for his leadership in the establishment of the park and its legislative involvement. It has also been my personal privilege to know most of the early supporters of the park in the area in 1944 when then Congressman Randolph sponsored the enabling park legislation, as well as enjoying a personal cordial relationship with all of the superintendents assigned there, including the first caretaker assigned, Mr. Willet.

If it is permissible, I would like to supplement one of the questions that Senator McClure asked.

Senator BIBLE. Go right ahead.

Mr. CONWAY. Senator McClure, you asked about the part of the Harpers Ferry National Historical Park on the Maryland side and its relationship to the park. The part, of 400 acres, is on a higher ridge. The part next to Harpers Ferry is called Maryland Heights.

Senator HANSEN. If I can interrupt, Mr. Conway, would you step up to the map.

Mr. CONWAY. I will be happy to, sir. This is the Maryland area right here. This is related to this park, from a Civil War standpoint. At this point right about here is the naval gun battery, where they took forces that Admiral Dahlgren of the Navy Yard here in Washington, under his son, Ulrich Dahlgren, assigned the Navy—there was a Navy force there during much of the Civil War.

There is a painting in the Corcoran Gallery which shows the cleared area during the Civil War. Up here there is a six-gun fort where they had six guns overlooking Harpers Ferry. Over here they had the stone fort, which is a masonry fort, non-mortar, but very high, where they placed a number of guns that covered to the eastward, and were also able to sweep the Potomac in this direction.

All three of these large forts, plus military roads going through the area and going over to Fort Duncan. I would like to clarify that this really is related to the park. They do have good access, and as Martin Conway said, this is an appropriation problem, not part of the present bill.

If that old highway wagon bridge, if they could put a footbridge on there and one of the planning engineers talked of a footbridge, so if the water did go up they would sacrifice the footbridge and let it go.

It would be on top of the piers. But it would be partly protected by the railroad above. The shuttle buses coming along through here would provide access. There is extremely limited parking for this area here and here.

I would say 25 parking spaces all together. This is interlaced with trails. The Potomac Appalachian Trail Club helped lay out and still maintains many of these trails that intercross through this part of the park.

But if they had at some future date this footbridge, the State of Maryland owns the river, and former Governor Tawes took the responsibility of deeding title to these piers to the National Park Service, about 4 years ago, but there has never been any funds appropriated to put a footbridge which would provide access for this method of shuttle system.

Thank you.

Senator BIBLE. Thank you very much.

[The prepared statement of Mr. Grant Conway follows:]

PREPARED STATEMENT OF GRANT CONWAY, POTOMAC APPALACHIAN TRAIL CLUB,
BROOKMOUNT, MD.

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Rockfish Gap, Va. to Pine Grove, Pa., or a trail mileage of 226. This includes the vicinity of the Harpers Ferry National Historical Park. Volunteers of the Club cleared and marked the Trail through what became the Harpers Ferry Park in the winter of 1931 and spring of 1932. A major relocation within the Park was made after the completion in 1948 of the Sandy Hook Bridge for Interstate Route 340. The Maine to Georgia Trail within the Park is limited to 1.7 miles on the Loudoun Heights side across the Shenandoah River from the town of Harpers Ferry. The Appalachian Trail also passes through the Great Smokey Mountains and Shenandoah National Parks and segments of the Blue Ridge Parkway and C&O Canal National Historical Park. It is our hope that at some future date a segment of the Trail south of the Harpers Ferry National Historical Park will be included within this park to provide better protection for a trail corridor of 200 feet on each side.

My name is Grant Conway, 6032 Broad Street, Brookmont, Maryland, with a second home on Washington Street, Bolivar, an incorporated enclave within the municipality of Harpers Ferry, W. Virginia. A past president of the Potomac Appalachian Trail Club, I have been authorized to represent that organization at these hearings.

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It is my understanding that a corridor would be acquired along the Shenandoah River above the present boundary to a location once known as Shenandoah City where the once main road turned inland, a road reportedly used to transport John Brown to and from Charles Town, where his trial was held. It has been my privilege to enjoy the acquaintance of the lady who owns most of the land where the new parking area would be located for approximately 35 years. She has been a supporter of the historical park during this period. She is a willing seller and hopes the transaction can be consummated during her lifetime. She is becoming impatient with delays, and reports other offers in recent years. One option concluded during the lifetime of her husband, has expired. Her property also extends to Interstate Route 340 to which direct access to the new parking area could be installed.

The concept of locating parking away from main centers of attraction within a national park and operating shuttle transportation service has also been urged by National Parks and Conservation Association, a national private organization for which I have served on the Board of Trustees since 1960.

Within the increase to 2,000 acres as amended, other purchases from willing sellers are planned by the Park Service. Due to lack of familiarity with the details, specific comments are not being made.

Two caveats to the amended bill need comment for the record.

First, it is hoped that the authority to acquire "—or exchange, within the boundaries—" would not be interpreted as authority to exchange the present governments rights south of the present boundaries along the crest of Loudoun Mountain where the Appalachian Trail is located on land once used by the Federal Armory for the production of charcoal for its hearths for metal working. It is my understanding that charcoal was replaced by coking coal in the 1840's, and a coking plant was constructed on Virginus Island. However, sale of surplus lands at and in the vicinity of Harpers Ferry did not occur until the years following the War Between the States, after provisions were made by Act of Congress. The tract outside the present boundary also includes ruins of minor fortifications constructed by the Union Army.

The timber tract on Loudoun Mountain dates back to a deed executed by Fernando Fairfax in the 1700's which retained sub-surface rights probably

in the hope of finding iron ore for his Keep Tryst Iron Furnace. The present owners of timber rights (Tighe Woods) and surface rights, (a Mr. Warner of Washington), are shown on county tax maps as "government land" and are not subject to property tax, according to the Superintendent.

The plea is for the U.S. Government not to sell or exchange its rights to these lands at some future time, but take steps to acquire clear title for a corridor of 200 feet on each side of the existing Appalachian Trail, or 50 acres to the mile, for a distance of at least 1.6 miles to the Government Road shown on old maps, which was used to transport charcoal to Harpers Ferry forges, or a total of 80 acres, and add this trail corridor to the boundaries of the Harpers Ferry National Historical Park for administration. Under the National Trail Act of 1968, for which the National Park Service has primary administrative responsibility for the Appalachian Trail, the Park Service has recognized difficulties in administering isolated segments which are not part of an existing national park.

The planning to implement this amended bill does not include an addition to protect an Appalachian Trail Corridor. The gist of the testimony is to call attention for future planned expansion of the Harpers Ferry Park to include an extension of the Trail corridor, by including this testimony in the record.

The second caveat concerns the limitation of acquisition "without consent of the owner." There may be willing sellers who cannot convey a clear title to their property, and friendly condemnation suits may be necessary, and it is hoped that the amended bill will be interpreted to allow for this procedure. Under the basic act of 1944 the responsibility for land acquisition was placed on the states, and which required transfer of land with clear titles to the National Park Service. The late Carl Johnson was the agent for West Virginia and the late Mrs. Mary Mish was the agent for Maryland. I heard each of them hold forth on their problems. While the Marmion property and Hallam tract involved unwilling sellers, for much of the other property acquired, condemnation procedures were also used to clear title. On Virginus Island and other flood-wrecked properties not on tax rolls, past claimants were unknown or there was more than one claimant. Adverse usages had developed. Condemnation procedures with newspaper notices were utilized. For one small tract above the B & O tunnel in Maryland, Mrs. Mish found it necessary to negotiate 40 to 50 quit claims. Much of the land in the area traces back to Fairfax deeds of sale, including my own property, some of which included restrictive covenants long forgotten. In summary, the caveat appeals for a procedure recognized for clearing titles for acquisition from willing sellers. Such a procedure could provide a precedence for clearing titles for the Appalachian Trail.

In conclusion, as an organization, we consider ourselves as friends of the Harpers Ferry National Historical Park, and endorse S. 605, as amended. We have had mutual good associations since the Park was established. We all owe a debt of gratitude to Senator Jennings Randolph for his leadership in the establishment of the Park and its legislative evolution. It has also been my personal privilege to know most of the early supporters of the Park in the area in 1944 when then Congressman Randolph sponsored the enabling park legislation, as well as enjoying a personal cordial relationship with all of the Superintendents assigned there, including the first caretaker assigned, Mr. Willet.

It is requested that this statement be made part of the hearing record.
Thank you.

Senator BIBLE. If there are no further questions—

Senator McCURE. Mr. Chairman. I have about three questions. I think the record should indicate that the point he was referring to with respect to the masonry fort was at the point on that land most remote from the river, so that all of that tract of land was involved in the history of Harpers Ferry.

You have on the first page of your statement referred to your understanding that the corridor would be acquired along the

Shenandoah River. Could you point out on the map the exact spot you are referring to?

Mr. CONWAY. This is the Potomac Edison land. In early days there was a small utility company, which Brad Nash, I am sure, has information on it, which established a small powerplant. It was locally owned. It furnished electric power for Harpers Ferry and Brunswick.

In those days, all lands——

Senator BIBLE. Let's not go into the history.

Mr. CONWAY. I am sorry. The corridor would go up through here and points right through here and would join the parking lot.

Senator McCLURE. You indicate that where the once main road turned inland. Where is that point?

Mr. CONWAY. Actually, it is this road right here.

Senator McCLURE. You also indicate that that property ownership abuts route 340. As I see the patch marked in yellow proposed for acquisition, it does not abut 340.

Mr. CONWAY. 340 runs along here. I think this map is wrong. At this point, the Cavalier land runs all the way to 340 and the Park Service does not own it.

Senator McCLURE. Could I ask Mr. Conway, Mr. Chairman, if——

Senator BIBLE. Mr. Martin Conway?

Mr. Martin CONWAY. This screen here is the scenic easement.

Senator McCLURE. But that is part of the property?

Mr. Martin CONWAY. Yes, sir.

Senator McCLURE. Mr. Martin Conway, on the second page you mention the Appalachian Trail on the southeast bank of the Shenandoah River, and you talk about the distance, at least 1.6 miles to the Government road, shown on old maps. Could you relate that?

Mr. Grant CONWAY. The present Appalachian Trail comes down to——

Senator BIBLE. Just shown it on the map, please.

Mr. Grant CONWAY. It enters the park at this point and goes up to the top of the ridge, and is 1.7 miles from entry here to this point. One point six I think would be off the map. Old maps show the Government road coming down the east side.

Senator McCLURE. So your acquisition plan, as proposed here, does not cover that land which you referred to?

Mr. Grant CONWAY. And I am not asking that it be amended to do so at this time. But for the record to consider it at some future date.

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

Senator BIBLE. Thank you very much, Senator McClure, and thank you Messrs. Conway. Any further witnesses? The hearing is closed. Now, we will turn to S. 2661.

The text of S. 2661 and the official position of the Department, dated May 8, 1974, will be made a part of the record at this point.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1973

Mr. BURDICK (for himself, Mr. HANSEN, Mr. MCGEE, Mr. PACKWOOD, Mr. STAFFORD, Mr. STEVENS, Mr. WILLIAMS, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5 of the Land and Water Conservation Fund
4 Act of 1965 (78 Stat. 897) is amended by adding at the
5 end thereof the following new subsection:
6 “(h) Notwithstanding any other provisions of this Act,
7 not more than 25 per centum of the total amount allocated
8 to a State in any one year under this Act for recreation
9 purposes may be approved by the Secretary for the planning

- 1 and development of indoor recreation facilities within areas
 2 where the Secretary determines that (1) the unavailability
 3 of land or climatic conditions provide no feasible or prudent
 4 alternative to serve identified unmet demands for recreation
 5 resources; and (2) the increased public use thereby made
 6 possible justifies the construction of such facilities.”.

UNITED STATES DEPARTMENT OF THE INTERIOR,
 OFFICE OF THE SECRETARY,
 Washington, D.C., May 8, 1974.

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

DEAR MR. CHAIRMAN: There is pending before your Committee S. 2661, a bill “To amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas.”

S. 2661 would amend section 5 of the Land and Water Conservation Fund Act by adding new authority for a State to use not more than 25 per centum of its total annual allocation from the Fund for the planning and development of indoor recreation facilities within areas where the Secretary of the Interior determines “that (1) the unavailability of land or climatic conditions provide no feasible or prudent alternative to serve identified unmet demands for recreation resources; and (2) the increased public use thereby made possible justifies the construction of such facilities.”

While we strongly support the basic purpose of S. 2661, we believe it presents the following problems of a technical and substantive nature:

1. S. 2661 would amend section 5 of the Fund Act, but this section and subsequent sections of the Act were renumbered by section 2 of Public Law 92-347. The bill is therefore apparently intended to be an amendment of section 6 by adding thereto a new subsection (h). We believe the bill should be an amendment of section 6(e)(2) which is the section of the Act concerned with Fund monies available to the States for development.

2. We understand that S. 2661 is intended to permit the States to enclose certain traditional outdoor recreation facilities such as swimming pools, ice skating rinks, tennis courts, and similar facilities for year-round use. However, the language of the bill, “development of indoor recreation facilities,” could be interpreted much more broadly. To avoid this possible interpretation, we believe the bill should authorize “development of sheltered facilities for recreation activities normally pursued outdoors.”

3. The language on page 2, lines 5-6, of S. 2661 would permit Fund monies to be used to develop indoor facilities when “the increased public use thereby made possible justifies the construction of such facilities.” We believe it would be impossible to develop practical criteria to measure such a standard. Increased public use would be the goal in developing all indoor recreation facilities. We therefore believe this language should be deleted.

While we would prefer the enactment of S. 922, the Administration’s proposed bill “To amend the Land and Water Conservation Fund Act of 1965, as amended,” we have no objection to the enactment of S. 2661, if revised to incorporate the enclosed amendment in the nature of a substitute for all after the enacting clause.

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,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

A BILL To amend section 6(e)(2) of the Land and Water Conservation Fund Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(e)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) as amended (16 U.S.C. 4601-8(c)(2)), is further amended by deleting the paragraph numbered (2) and inserting in lieu thereof the following paragraph:

(2) DEVELOPMENT.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more. Provided, however, that not more than 25 per centum of the total amount allocated to a State in any one year may be approved by the Secretary for the development of sheltered facilities for recreation activities normally pursued outdoors when unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources."

Senator BIBLE. At this point I simply want to state in the interest of saving time that this bill was heard in detail some months ago. It was heard on February 7, during our hearings on the user fees. It was broken apart from the user fees issues because there were too many problems with user fees.

We didn't want to complicate it with other problems. So we have a rather extensive record on the need for this legislation. I will defer, first, to a fellow member of my committee who has always been interested in it, Senator Hansen.

And then I will defer to Senator McClure and then Senator Burdick.

Senator HANSEN. In the interest of time, Mr. Chairman, I can think of no more articulate nor more knowledgeable spokesman than the distinguished Senator from North Dakota, so I will just leave it up to him.

Senator BIBLE. Without objection, your 3 minutes is yielded to the Senator from North Dakota. Senator McClure?

Senator McCLURE. Mr. Chairman, I will yield to the author of the bill at this time, reserving my right—

Senator BIBLE. You always reserve your right. There is no question about that. Now we will hear from Senator Burdick.

STATEMENT OF HON. QUENTIN N. BURDICK, A U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. Mr. Chairman, members of the committee. I ask unanimous consent that my prepared statement be made part of the record.

Senator BIBLE. Without objection, it is so ordered.

[The prepared statement of Senator Burdick follows:]

STATEMENT OF SENATOR QUENTIN N. BURDICK
BEFORE THE SUBCOMMITTEE ON PARKS AND RECREATION OF THE
SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE
THURSDAY, MAY 9, 1974

Mr. Chairman:

I want to express my sincere thanks to you for taking the time to review S. 2661. Your past support for the outdoor recreation program has been greatly appreciated by all those who recognize the importance of the Land and Water Conservation Fund and the facilities and acquisitions it enables. Also, I would like to thank your ranking minority member, Senator Clifford Hansen, for his assistance. Senator Hansen is a cosponsor of S. 2661 and I know that his support has been very helpful to you.

Mr. Chairman, I will not dwell on the details of the bill. These were thoroughly explored in hearings you held in June of 1972. I feel that the record of those hearings establishes the need for my bill and I am hopeful that the support added today will give the legislation the impetus it needs to be enacted. Briefly, S. 2661 will permit states to use up to 25 percent of their annual apportionment from the Land and Water Conservation Fund to match money provided by qualifying sponsors who wish to enclose certain traditional outdoor recreational facilities. This authority will be used where the Secretary determines that: (1) the unavailability of land or climatic conditions provides no feasible or prudent alternative to serve identified unmet demands for recreation; and (2) the increased public use made possible by

indoor facilities justifies their construction. Also, it is my belief that this legislation provides authority for either portable or permanent enclosures for only those recreation activities that normally would be considered outdoor endeavors.

It goes without saying that state and local governments have come to rely on the responsiveness of the outdoor recreation program to meet their recreation needs. S. 2661 will give the Land and Water Conservation Fund the flexibility needed to permit a greater level of responsiveness. I was very encouraged when the Administration supported the concept of expanding the outdoor recreation program, which I developed in 1967, by including a section identical to S. 2661 in their omnibus bill to amend the Land and Water Conservation Fund. While serious questions have been raised concerning other portions of the Administration's bill, I feel that their support, that given by recreation interests across the nation and that supplied by local citizens, is sufficient evidence to justify the enactment of S. 2661 as an independent measure.

But, in addition to this, I have been apprised that the Bureau of Outdoor Recreation has recently revised its program regulations to prohibit the construction of sheltered recreation areas under their present program, where the extra money for these shelters is provided totally by the local sponsor. This policy had given some larger communities the chance to provide sunshades and the like for swimming pools and other facilities.

I think it is unfortunate that the Administration has withdrawn from this policy since some communities in North Dakota, and I'm sure elsewhere, were involved in fund drives to enable them to meet the extra construction costs that were necessary to provide the protection from the elements that they deemed necessary for a viable recreation program in their area. The policy revision seems to force these communities to accept only outdoor recreation facilities or forgo the federal contribution. However, the notice of the policy revision which was sent to state outdoor recreation liaison officers indicates that the Administration has narrowed its regulations pending congressional enactment of measures such as S. 2661. This policy revision and the impact it will have on those communities who have already seen the need for sheltering their facilities provides additional impetus for congressional action.

Mr. Chairman, I hope that your Subcommittee will act as soon as possible on my bill so that funding options can be restored to communities that lost them through Bureau policy revisions and so that help will be extended to those communities which, for the want of funds, have been completely unable to build the kind of recreation facilities that best meets their needs.

Thank you.

Senator BURDICK. I just want to comment briefly on the report filed by the Department of Interior. I want to say I have gone over it this morning, and the recommendations they make may be accepted, and I think they improve the bill.

They tighten it up. For example, their first recommendation is that under the language where you find development of indoor recreation facilities, they feel that could be interpreted much too broadly. They said, to avoid the possible interpretation the bill should authorize, quote, "Development of sheltered facilities for recreation activities normally pursued outdoors."

That was the very precise purpose of the bill, to confine this to recreation activities normally pursued outdoors. I think that tightens it up. I think it improves the bill, and we would be very happy to accept the amendment.

The other recommendation is that we eliminate on page 2, we eliminate lines 5 and 6. I am not going to make an issue of that. I do not think it is really necessary, and it does not affect the bill at all.

I think the Department feels it would be very difficult to establish criteria to carry out subsection 2, and I also agree to eliminate that. I think that leaves us a good bill, a necessary bill, and one that has a good deal of support.

As you say, the record is full and complete here. The only thing I would like to add is, I have a whole armful of resolutions.

Senator BIBLE. Without objection, they will be incorporated in the record.

Senator BURDICK. From all walks in life.

[The communications referred to follow:]



United States Department of the Interior

BUREAU OF OUTDOOR RECREATION
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

K1421

MAY 13 1974

Honorable Quentin N. Burdick
United States Senate
Washington, D. C. 20510

Dear Senator Burdick:

This is in response to your April 23, 1974, letter concerning the recent Bureau of Outdoor Recreation change in policy for enclosed swimming pools.

The purpose of the Land and Water Conservation Fund Act is to assure accessibility to all citizens of the United States of America such quality and quantity of outdoor recreation resources as may be available. Nowhere in the Act is there any reference to other than outdoor recreation. Since the Bureau's inception, the purpose of the Act has been interpreted to preclude fund participation in the development of indoor recreation facilities. Therefore, the revised policy is intended to avoid misinterpretations that are constantly developing regarding outdoor versus indoor facilities, and funding eligibility, until legislation to permit the use of the Fund for indoor facilities is enacted. The policy relating to swimming pool enclosures is based upon our experience with the various questionable versions of enclosures which have been constructed with assistance from the Fund program.

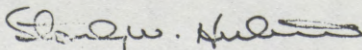
Although we have revised the policy we have no objection to a project sponsor, at its own expense, placing a portable structure such as an inflatable bubble or plastic cover over a Fund-assisted swimming pool after the normal outdoor season. During the normal outdoor season the pool must be open and free of structures which would accomodate its enclosure. This, of course, does not include such items as support buildings and security fences.

In regard to your concern that the communities of Turtle Lake and West Fargo will be unduly penalized inasmuch as they are currently involved in fund drives to help finance such facilities, our Denver Regional Office has advised North Dakota that limited exceptions to the policy can be made. Our Regional Office has provided the State Administrator of the Fund program with reasonable criteria on which exceptions to the policy may be based. The criteria is designed to afford these communities and others fair and equitable consideration for those projects underway prior to adoption of the policy in question.

We appreciate this opportunity to clarify our position relating to this policy which will become moot with the passage of your Bill S 2661. If we may be of further assistance, please let me know.

Similar inquiries have been received from Congressman Mark Andrews and Senator Milton R. Young and similar responses sent to them.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "James G. Watt", with a stylized flourish at the end.

for James G. Watt
Director

HOUSE CHAMBER



Forty-third Legislative Assembly

STATE OF NORTH DAKOTA

BISMARCK



Rep. Henry Lundene
DISTRICT 17
ADAMS, 58210

Committees:

JUDICIARY
SOCIAL WELFARE
EMPLOYMENT

Adams, North Dakota
November 23, 1973

Senator Quentin N. Burdick
United States Senate
Washington, D. C. 20510

Dear Senator Burdick:

At a meeting of the Adams Civic Club this week, of which I am a member, your bill S. 2661 was discussed and a resolution was adopted to support your action.

Surely, it makes sense to invest some of the money made available by the Land and Water Conservation Fund for other than strictly outdoor recreation when you consider that such a large percentage of our population in the United States live in areas where temperatures drop below freezing for several months of the year.

Copies of the enclosed resolution will go to Senator Young and Congressman Mark Andrews also.

We sincerely hope that during this session the Sub Committee on Parks and Recreation in the Senate will take favorable action on your bill and soon.

Sincerely,

Henry O. Lundene

HOL:lf
enc. 1

HOUSE CHAMBER

Forty-third Legislative Assembly

STATE OF NORTH DAKOTA

BISMARCK



Rep. Henry Lundene
DISTRICT 17
ADAMS, 3821a



Committees:

JUDICIARY
SOCIAL WELFARE
EMPLOYMENT

Senator Budick

Resolution on recreation facilities as constructed with money from the Federal Land and Water Conservation Fund.

WHEREAS, the members of the Adams, North Dakota, Civic Club are aware that bill #S.2661 has been introduced in the United States Senate; and

WHEREAS, this bill, if passed, would permit at least a portion of the money expended by the Federal Land and Water Conservation Committee to be spent on other than outdoor recreation; and

WHEREAS, many of the outdoor recreation facilities can only be used for a few weeks in summer and are deserted during the chilly weather of spring and fall as well as the winter months; and

WHEREAS, construction of many of these recreation facilities could be planned for enclosure thereby providing recreation on an almost year around basis,

THEREFORE, be it resolved that we, the members of the Adams Civic Club, gathered in regular monthly business session, insist that our delegation from North Dakota serving in the Congress of the United States use their influence and vote to see that S.2661 is not again pigeonholed, but that the committees and the Congress move this proposed change in the law through rapidly so that all those who reside in Northern United States may receive some of the benefit for which the money is provided.

Adams Civic Club
Luther Beniston
Ch

 North Dakota
 Recreation and Park Association

NOV 15 1973

November 8, 1973

Senator Quentin N. Burdick
 United States Senate
 Washington, D. C. 20510

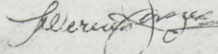
Dear Senator Burdick:

An item in the GRAND FORKS HERALD indicated you would introduce (November 6) legislation that would allow construction of indoor recreation facilities with money from the Federal Land and Water Conservation Fund. Those of us in recreation and parks in North Dakota have long been aware of the need to enclose some facilities so that usage could be increased. What a shame to build areas and facilities for thousands of dollars and to see them sit idle for nine to ten months of the year because of our climatic conditions.

I sincerely hope you were able to introduce your legislation. Although I have not consulted with the officers and membership, I am sure they join me in support of this bill. I will also urge them to demonstrate their support.

I should also like to express my gratitude at this time for the very nice letter you wrote re my recent honor. Since this may never happen again and there is only one Senator Burdick, I do plan to have it framed and hung on my office wall! If you are ever on the UND campus, I invite you to stop by the Women's Gym.

Most Sincerely,



LaVernia Jorgensen
 President, NDRPA

pb

cc: Ken Christopher

EXTENSION SERVICE
COUNTY AGENT WORK

BOWMAN, NORTH DAKOTA
APRIL 18, 1974

HONORABLE SENATOR QUENTON BURDICK
UNITED STATES SENATE
WASHINGTON, D. C.

BOWMAN
COUNTY
A GENT

DEAR SENATOR BURDICK:

ABOUT ONE MONTH AGO I HAD A TELEPHONE CONSERVATION WITH TIM MEULLAR OF THE NORTH DAKOTA BUREAU OF OUTDOOR RECREATION OFFICE IN BISMARCK CONCERNING THE POSSIBILITY OF OBTAINING FINANCIAL ASSISTANCE TO CONSTRUCT A MULTI-PURPOSE BUILDING IN BOWMAN. HE INDICATED THAT HIS OFFICE PRESENTLY PROVIDES GRANTS FOR ONLY OUTDOOR RECREATION FACILITIES BUT THAT YOU HAVE INTRODUCED A BILL THAT WILL PROVIDE FUNDS FOR INDOOR RECREATION. I UNDERSTAND THAT THE BILL HASN'T GONE THROUGH THE PROCESS OF FINAL APPROVAL BUT ITS CHANCES ARE GOOD.

WE WOULD LIKE TO KNOW THE STATUS OF YOUR BILL AND IF PASSED HOW IT COULD BE USED IN BOWMAN COUNTY. THE BOWMAN COUNTY FAIR ASSOCIATION, BOWMAN CITY FATHERS AND SEVERAL OTHER ORGANIZATIONS THROUGHOUT THE COUNTY HAVE IDENTIFIED A REAL NEED FOR A COMMUNITY BUILDING. THE FAIR ASSOCIATION NEEDS TO EXPAND THEIR INDOOR FACILITIES TO ACCOMMODATE THE GROWING NUMBER OF EXHIBITS, MUSICAL SHOWS WHICH THE GROUP SPONSORS AND OTHER GENERAL NEEDS OF THE FAIR SUCH AS A KITCHEN AND DINING AREA.

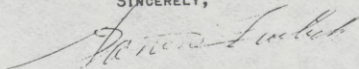
THE CITY FATHERS IN BOWMAN HAVE A REAL NEED FOR A BUILDING THAT WILL ENABLE THEM TO SPONSOR COMMUNITY AFFAIRS THAT ARE EXPECTED OF THEM. AT THE PRESENT THEY HAVE NO FACILITY TO HOST LARGE OR EVEN SMALL GROUP MEETINGS AND CONVENTIONS.

WINTER INDOOR RECREATION IS VERY LIMITED IN THIS COMMUNITY BECAUSE A BUILDING IS NOT AVAILABLE TO HOST SUCH ACTIVITIES AS TENNIS, ROLLER SKATING, ETC. SCHOOL YOUTH HAVE ACCESS TO THE SCHOOL FACILITIES DURING THE ACADEMIC YEAR, HOWEVER, ADULTS DO NOT HAVE ANY INDOOR SPACE AVAILABLE TO THEM FOR PHYSICAL EXERCISE AND RECREATION.

SEVERAL ORGANIZATIONS THROUGHOUT THE COUNTY HAVE VOWED THEIR SUPPORT TO A COMMUNITY BUILDING EFFORT. AS WE TRY TO LOOK AHEAD, WE SEE AN EVEN MORE IMPORTANT NEED FOR A COMMUNITY BUILDING. IT APPEARS COAL DEVELOPMENT IS INEVITABLE. WHEN THIS DEVELOPMENT DOES COME, BOWMAN AND THE IMMEDIATE AREA WILL UNDOUBTEDLY EXPERIENCE A BIG INFLUX OF PEOPLE. THE TRADE AREA OF BOWMAN IS LARGE. DICKINSON IS 75 MILES NORTHEAST, BAKER, MONTANA IS 50 MILES WEST, BELLE FOURCHE, SOUTH DAKOTA IS 120 MILES SOUTH AND HETTINGER, NORTH DAKOTA IS 40 MILES EAST.

IN SHORT THIS IS OUR SITUATION. THE BUILDING COMMITTEE WOULD APPRECIATE ANY INFORMATION WHICH YOU FEEL MAY HELP US MAKE A MULTI-PURPOSE BUILDING BECOME A REALITY.

SINCERELY,



WARREN FROELICH
COUNTY EXTENSION AGENT

WF/EN Cooperative Extension Work in Agriculture & Home Economics — State of North Dakota
North Dakota State University — U. S. Department of Agriculture and County Commissioners Cooperating



Gate City Savings AND LOAN ASSOCIATION

FARGO, NORTH DAKOTA 58102
Telephone ~~223-2485~~ Area Code 701
293-7600

June 26, 1972

Senator Quentin N. Burdick
Senate Office Building
Washington, D.C.

Dear Quentin:

As the father of two boys on the South High Swim Team and another on his third year in Park Board PeeWee Hockey, I applaude your Indoor Recreation Act.

It is just the ticket for Northern states like North Dakota and I hope you are successful with it.

Sincerely,

John S. Whittlesey
President

JSW/jv

DEPUY, FAIR & O'CONNOR, LTD.

ATTORNEYS AT LAW

P. O. BOX 150

GRAFTON, NORTH DAKOTA 58237

W. T. DEPUY
R. M. FAIR (1919-1963)
E. N. O'CONNOR
W. R. GOULET, JR.

PHONE 352-2320

November 9, 1973

NOV 15 1973

Senator Quentin Burdick
Senate Office Buildings
Washington, D. C.

RE: Our File #5825

Dear Senator Burdick:

From press releases I have learned you were to introduce a bill allowing construction of indoor recreation facilities with money from the Federal Land and Water Conservation Fund this past Tuesday, November 6, 1973.

I was quite pleased to see you initiated such needed legislation. Such a possibility that more recreational opportunities will be afforded to communities in North Dakota on a year round basis was very encouraging especially in view of the genuine need for healthy outlets for our youth in North Dakota who presently are not so fortunate as to have easy access to such facilities.

I would like to wish you success with this bill. In the eventuality that it does receive the necessary approval for passage I would like very much to receive a copy of this legislation so that I can encourage the community of Grafton to avail itself to such funds.

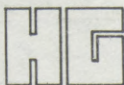
With best wishes, I am,

Yours very truly,

DePUY, FAIR & O'CONNOR, LTD.

W. R. Goulet, Jr.
W. R. Goulet, Jr.

WRG:slg



HUNTER • GROBE ARCHITECTS/PLANNERS

220 EIGHTH STREET NORTH • FARGO • NORTH DAKOTA • 58102 • PHONE 237-7678

NOV 15 1973

November 6, 1973

The Honorable Quentin Burdick
657 Second Avenue North
Fargo, North Dakota

Sir:

This letter is our support for your continuing effort to make funds available for construction of indoor recreation facilities.

My knowledge as a planner in many communities has indicated to me the extreme need for an adequate recreation program. Recreation facilities are an important factor in determining livability and desirability, therefore a community's ability to retain population.

We hope you will be successful in gaining support for your most recent bill in this regard.

Respectfully yours,
HUNTER - GROBE ARCHITECTS/PLANNERS

A handwritten signature in dark ink, appearing to read 'Vern Hunter'.

Vern Hunter
VEH:dlh

36-399 107

ROBERT L. BURKE
JAKE C. HODNY
JOHN F. BURKE

PHONE 352-2810

BURKE, HODNY & BURKE

ATTORNEYS AT LAW

P. O. BOX 578

GRAFTON, NORTH DAKOTA 58237

March 12, 1974

Honorable Quentin N. Burdick
United States Senator - North Dakota
Washington, D.C. 20510

Re: Bill #S-2661

Dear Senator Burdick:

Many of us in Grafton are vitally interested in your bill proposing Land and Water Conservation fund money for use on outdoor recreation facilities when the climate conditions and public use of the facilities justifies.

The City of Grafton through its Outdoor Recreation Committee, is in the process of presenting plans and requests for funds to the North Dakota State Outdoor Recreation Agency for a project with estimated costs of \$2,180,780.00. This complex would include various athletic and game fields, skating rink facilities, parking, and a swimming pool.

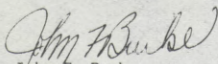
If and when Bill #S-2661 is passed, we hope to amend our plans to include an indoor swimming pool and a winter sports arena. These facilities would be available for all the citizens of Grafton and surrounding communities.

We support your efforts to amend the law so that this funding can be more realistically used in North Dakota as well as other Northern states. At the present time we have no swimming facilities except the outdoor variety and our small Winter Sports Arena, built entirely with local and donated funding, is inadequate to serve the many hundreds of youngsters and adults who use it on a daily basis.

Our plans and request for funds will be in Bismarck within the next week to ten days. It is our impression that HUD officials at Denver then approve or disapprove our plan. Any assistance or suggestions you may have in this regard would be sincerely appreciated.

We are also greatly interested in any current news as to the status of #2661. Thanking you for your continued service to North Dakota and its hearty citizens, I remain

Very truly yours,


John F. Burke

JFB:pm

ROBERT L. BURKE
JAKE C. HODNY
JOHN F. BURKE

PHONE 352-2810

BURKE, HODNY & BURKE

ATTORNEYS AT LAW

P. O. BOX 878

GRAFTON, NORTH DAKOTA 58237

March 12, 1974

Honorable Quentin W. Burdick
United States Senator - North Dakota
Washington, D.C. 20510

RE: Bill #S 2661

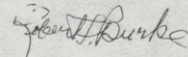
Dear Senator Burdick:

My son, John, and a group of other men in the community have been working for some time to prepare a plan and request for funds for a Recreational Complex to be built in Grafton with Bureau of Outdoor Recreation Funds. This committee has received full support of the City Council of Grafton and the School Board, not to mention the support of many citizens.

The group has shown me a copy of your bill which would make it possible to use outdoor recreation funds for indoor facilities in states with climates like North Dakota. It seems to me a higher and better use of the funding will be made under your proposed bill than has been possible in the past. Most of our outdoor facilities such as golf courses, swimming pools and tennis courts lie dormant under a blanket of snow for at least six to eight months during the year.

Any assistance you could lend to the committee in obtaining funds or suggestions you may have in light of the bill you have introduced would be of great encouragement to those who have spent many hours working for this complex in Grafton. With best wishes, I remain

Yours very truly,



Robert L. Burke

November 29, 1973

Senator Quentin Burdick
U. S. Senate
Washington, D. C.

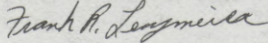
Re: Senate Bill S 2661

Dear Senator Burdick:

Am writing this letter to inform you of my support for bill S 2661 relating that recreation facilities be funded by the Land and Water Conservation Fund even when of an indoor nature.

Anyone familiar with North Dakota weather can readily appreciate this. It is not good sound investment of recreational fund to build a swimming pool at a very large cost, that can be used for a short period of time, when it is possible to construct a facility which could be utilized all year around. Thank you.

Most Sincerely,



Frank R. Lenzmeier
244 13th Ave. W.
West Fargo, N. Dak.

FRL/el

WAHPETON, N. D.
DEC6, 1973

DEC 13 1973

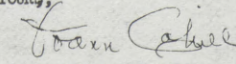
SENATOR QUENTON BURDICK
WASHINGTON, D.C.

DEAR SENATOR BURDICK:

WE URGE AND SUPPORT YOU SENATE BILL NUMBER 2661 REGARDING
25% LAND USE FUNDS FOR NORTH DAKOTA FACILITIES.

WE FAVOR THIS BILL AND FEEL IT IS NECESSARY FOR OUR STATE.

YOURS,



Mrs. William Cahill
Box 98 Route one

HOLIDAY GREETINGS TO YOU AND YOUR FAMILY

DEC 13 1973

Wahpeton, N. D.
December 7, 1973

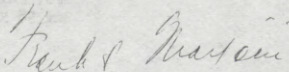
The Honorable Quentin Burdick
Old Senate Building
Washington, D. C.

Dear Quentin:

This is to urge you to support and do everything you can to get support and passage of Senate Bill no. 2661 - pertaining to 25% Land use funds - indoor-outdoor - etc

We feel this would be a great boost to North Dakota.

Sincerely,



Frank and Marjorie Lenzmeier



Bowman City Park Board

Bowman, North Dakota

Box 534

Senator Quentin Burdick
U. S. Senate
Washington, D.C.

Senator Burdick:

This is to advise of our support and interest in the passing of Senate Bill 2473 which will amend the Land and Water Conservation Land Act.

Mrs Mередythe Bagley
Bowman Park Board



April 26, 1974
 Three Falls, Mont.

Senator Quentin N. Burdick
 110 Russell, Senate off. Bldg.
 Washington, D. C. 20510

Dear Senator Burdick,

Some people from Three Falls, Mont.
 are interested in your proposed
 bill, S-2661, as we are working
 for an indoor swimming pool
 for our town.

We would like your
 vote for this bill which is
 before the Interior and Insular
 Committee. I thank you for
 introducing the bill.

Yours truly
 Mrs Tom Fennegon

107 11th Street, Northwest
Mandan, North Dakota 58554
November 23, 1973

Honorable Quentin N. Burdick
United States Senate
Washington, D. C. 20510

Re: Indoor recreational facilities

Dear Senator Burdick:

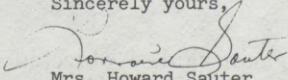
Thank you for your letter of the 6h with regard to Senate Bill 2661; funding for indoor recreation.

I am glad you have decided not to let this matter rest and that you have once again brought it to the attention of the subcommittee. Hopefully this time around they will be more cognizant of our problems. For instance, here in Mandan, we are building a beautiful new pool in conjunction with an armory. But to get federal funding, this pool must be an indoor-outdoor pool, which is an added expenditure to the taxpayer. We will perhaps be very happy with the indoor-outdoor feature, but with the tax dollar having so many places that it could be used, we could be using the additional money elsewhere.

Mandan is currently talking about a huge steel-type building for a general winter sports area; a very crude facility that will protect people from the elements as the wind is generally with us here in North Dakota, as you know. If the funding bill you have submitted is approved, it will help us to realized this facility much sooner.

Good luck.

Sincerely yours,


Mrs. Howard Sauter

Senator BIBLE. We appreciate your appearance here this morning. I have no questions. The Senator from Wyoming?

Senator HANSEN. No questions.

Senator McCLURE. Did I understand you were talking about the specific amendments referred to and not the addendum in which we were striking all after the enacting clause?

Senator BURDICK. Just the specific amendments, yes.

Senator McCLURE. I do not object to the amendments either. As a matter of fact, I support them. But this bill has had a long history. Part of that long history is the very necessity for the bill, that it was impossible for us to get money for outdoor recreation until this bill originally enacted specifically said that it cannot be used for anything else.

If we depart from that principle we are going to get back into the question of developing urban recreational facilities which are not outdoor recreation. If we do that, that is a long step backward in the struggle to provide outdoor recreation facilities for all of our people.

I am not going to oppose the bill. I understand its purpose. I understand why, in areas like North Dakota, Wyoming, and in my own State of Idaho, occasionally it is desirable to do so. But I remember one prior Director of the Bureau of Outdoor Recreation who, in testimony before a congressional committee, said, "Even the clink of ice in the glass on the patio in the back yard is outdoor recreation."

To that I must add my strenuous objection at this time as I did at that time.

Senator BURDICK. Is that recreation?

Senator McCLURE. That is what that gentleman said. I objected at that time. I object now. And I bring it up only because it illustrates the basic conflict with which we are confronted when we start getting into the question of allocation of outdoor recreation funds, into things that have other sources of funding.

And there are other sources of funding for indoor recreation. Again, I am not going to oppose the bill. I understand why it is here. I will vote for it. But I want the record to show that this Senator is very concerned about the direction that may be established, as we modify the provisions of this bill to allow the construction of to what some people is then an opening opportunity to get their hands on this money and defeat the purposes for which the fund was created in the first place.

Senator BURDICK. Mr. Chairman, I think that the language the Department has suggested takes care of the clinking glass. It says, "Development of sheltered facilities for recreational activities normally pursued outdoors." Glass clinking is pursued indoors as well, you know.

This is something typically, normally, and historically outdoors.

Senator McCLURE. I understand that. But some people drink outdoors, too.

Senator BURDICK. But not normally.

Senator McCLURE. I do not want to pursue it any further, except that I am concerned about it. I think the language does improve it. I am glad the language was suggested, and I will support the bill. But I am going to be watching what happens, under this bill, because I predict there will be people who will stretch the language to get some things that you and I do not contemplate.

Senator BURDICK. I certainly agree with you. I think we should watch it. One more thing, Mr. Chairman, the committee report, the Department report seems to indicate that this should be made part of another bill. As you know, this has happened before, and we lost.

I would prefer that the bill be on its own merits. I do not think anybody has any objection to it, really.

Senator BIBLE. I do not think that is necessarily true. I think there may be some objections to the bill. As far as I am concerned, as chairman of the subcommittee, I would prefer that it travel alone, and rise or fall on its own merits, and not be encumbered with other legislation. This is the problem we faced with the user fees.

We have been up and down more times than we have on this bill.

Senator McCLURE. Of course the anomaly comes when people in southern climes can build up swimming pools out of this fund, and people in northern climes find out it is only available to them 3 months out of the year, and therefore if they are going to have the same use as other people in the United States have, there has to be some bending to accommodate that need.

Senator BIBLE. That is why the bill should be passed. Senator Burdick, I appreciate your patience in coming back.

Senator BURDICK. I appreciate your courtesies.

Senator BIBLE. We are happy to have you here again. Our next witness is Mr. Bohlen, accompanied by the effervescent Stan Hughes.

STATEMENT OF HON. CURTIS BOHLEN, DEPUTY ASSISTANT SECRETARY, FISH, WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR

Secretary BOHLEN. Mr. Chairman and members of the subcommittee. The Department of the Interior strongly supports the basic purpose of S. 2661, which is to authorize a State, in its discretion, to use up to 25 percent of its total annual allocation of Land and Water Conservation Fund monies to develop indoor recreation facilities.

The bill permits this authority to be exercised in areas where the Secretary of the Interior determines that, one, the unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources, and, two, the increased public use thereby made possible justifies the construction of such facilities.

There are many areas of the Nation where outdoor recreation resources such as swimming pools, tennis courts, ice skating rinks,

and similar developments can be used only for a few months of the year.

We believe the ever-increasing costs of acquiring land and constructing facilities require that much greater use be made of our existing resources if the Nation's recreation needs are to be met.

The States are equally concerned about optimizing the use of resources they now have available for recreation, and are continually proposing projects for well-designed and highly functional ice skating rinks, swimming pools, et cetera, that must be disapproved because the extent of the enclosure exceeds what can be considered as "outdoor."

The language we are recommending in the substitute bill attached to the Department's report on S. 2661 is intended to insure that the facility to be enclosed or sheltered by the States is basically one for an outdoor recreation activity.

This will preclude fund monies being used for developments such as bowling alleys, billiard rooms, or theaters. Establishing a limit of 25 percent per year of each State's allocation which could be used to develop sheltered facilities also insures that the fund program will continue to be used primarily for its original purpose of providing outdoor recreation opportunities.

In addition to making technical changes in the provisions of S. 2661, our substitute bill deletes the second standard in that measure under which the Secretary could approve projects for enclosed facilities where "the increased public use thereby made possible justifies the construction of such facilities."

We believe it would be impossible to develop practical criteria to measure such a standard. Increased public use would be the goal in developing all sheltered facilities. The enactment of S. 2661, amended as we recommend, will help enhance the quality of life for Americans by bringing recreational opportunities to them on a year-round rather than a seasonal basis.

At the same time, it will substantially increase the effectiveness of our expenditure of public dollars for recreation purposes. This concludes my formal statement. I will be glad to respond to any questions that you might have.

Senator BIBLE. I have no questions of you. I think your statement speaks for itself and I hope we can move the legislation forward. Senator Hansen.

Senator HANSEN. I have no questions.

Senator McCLURE. I have no questions.

Senator BURDICK. I think you made some valuable improvements.

Senator BIBLE. I agree with Senator Burdick. You have made valuable improvements. Thank you, gentlemen; we appreciate your being here. Our next witness is Mr. John Lagomarcino, division director of Special Programs, National Recreation and Park Association, Arlington, accompanied by Mr. Barry Tindall, Senior Associate.

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

Mr. LAGOMARCINO. Mr. Chairman, I am on my own today. With the permission of the Chair I would ask that my statement be submitted for the record. I will summarize it briefly and make a couple of points. We endorse the bill as we did before when we testified in 1972 and earlier this year.

We think it should be of major concern, and I am pleased that it will be a major concern of this committee. It is the kind of amendment we have long since endorsed. We feel it would expand the fund, in a way that has long since been needed and make it easier to administer, and make better use of the monies available.

I might add this is not necessarily exclusively a northern tier State concern. There are some areas in the southwest, in Arizona and New Mexico, where the tremendous heat in the summer would require or often requires use of indoor facilities for year-round use.

You just switch the seasons around, but the needs are the same. I would like to comment on two additional points, if I may, Mr. Chairman. First of all, in response to Senator McClure's point, that he made a few moments ago, we feel—we also feel that there should be careful analysis given to any application for indoor facilities, and the position of the Department of that amendment making it a little clearer that we are talking about normal outdoor activities would be acceptable.

But you made the point, Senator, that the money is already available in other programs for urban, or the more heavily populated areas. Unfortunately, I do not think this is true. In fact, most of the urban areas have suffered over the last year or so by the freezing of monies in the open space program, formerly administered by HUD, and the special revenue sharing program that would replace what has been tied up in committee, as you well know.

First here and then in the House. Consequently, we have had a long hiatus, nearly 2 years, during which money has not been available. Consequently, again, the people concerned with the park and recreation field, concerned with bringing recreation in parks to the people, as Senator Bible noted earlier, have been stymied, and have had to look almost exclusively at the Land and Water Fund. So it seems to us that we should make better use of the fund, by adopting an amendment of this nature, leaving the discretion to the States, up to 25 percent or whatever figure is put in the law.

Leaving that discretion to the States, but allowing them the extra flexibility to meet the total recreation needs of the people in their State. Second, oftentimes there is very limited land available in heavily populated areas.

This would, again, give a maximized use of what land is available, if year-round facilities could, perhaps, be put there, allowing greater use by a larger number of the people during the full calen-

dar year, rather than excluding the use to perhaps a 3- or 4-month period during the summer.

Mr. Chairman, again we endorse the bill. We are very pleased that you are taking the initiative. We are pleased that Senator Hansen has gone on this bill along with Senator Burdick. We hope that that indicates speedy action here.

We will do everything we can to support it here, and when the issue moves to the House we will be there supporting it as well.

Senator BIBLE. I appreciate your appearance here. I have no questions. Senator Hansen?

Senator HANSEN. No questions.

Senator BIBLE. Senator McClure?

Senator McCLURE. Only this comment. You have not made me feel better. You have made me feel worse. You have indicated it is your intention to do precisely what I feared was the intention. That is, to substitute this fund for other funds.

Mr. LAGOMARCINO. I do not think that is the case at all. I think this is a proper use of the money for recreation purposes.

Senator McCLURE. But this is not a recreation fund, per se. This is an outdoor recreation fund. That is precisely the distinction that must be maintained.

Mr. LAGOMARCINO. But the amendment—the bill under consideration with the amendment would simply expand to a year-round basis those kinds of activities that are normally conducted out of doors. I do not think there is any inconsistency there at all.

I do not think that what we are talking about is dramatically changing the fund to allow the use of bowling alleys and so forth.

Senator McCLURE. Only 25 percent of the State share is thus changed.

Mr. LAGOMARCINO. It could be changed. It does not have to be changed.

Senator McCLURE. Rather than saying the solution to the problem in the lack—by freezing the lack of availability of other funds is not to convert this fund to a multiple purpose, but to free up the other funds for the supplementary programs of recreation of which this does not and should not cover.

Mr. LAGOMARCINO. And would not, presumably, on the amendment as the administration has offered and Senator Burdick accepted.

Senator McCLURE. I recognize that urban areas have recreation needs quite different in many ways. But the capital intensive recreation needs in intensive developments are not the sole needs of people in urban areas. I am sure you would be the first to admit.

Mr. LAGOMARCINO. You are absolutely right, Senator.

Senator McCLURE. There is a great danger in my mind that if we convert these funds into those kinds of facilities, we will have denied the people in the urban areas the outdoor recreation opportunities which it was the intention of this fund to create for them.

Mr. LAGOMARCINO. I think I have stated my position, Mr. Chairman.

Senator BIBLE. I am satisfied. Senator McClure, as a member of the committee, if he has problems on this, perhaps he can tidy them up by a further amendment. I appreciate your appearance here.

[The prepared statement of Mr. Lagomarcino follows:]

STATEMENT OF THE
NATIONAL RECREATION AND PARK ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON PARKS AND RECREATION
SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
ON

S. 2661

May 9, 1974

The National Recreation and Park Association strongly endorses the purposes of S. 2661. We believe an amendment of this nature is clearly called for and will greatly increase the value of the Land and Water Conservation Fund program.

In many states, climatic conditions and other problems greatly restrict the use of outdoor recreational facilities during much of the year. S. 2661 would counteract this wasteful situation. At the same time, responsibility for the allocation of each state's allotment would remain with the state, so that each state could continue to define its own priorities. For instance, states with major acquisition programs yet to be completed might choose to continue those efforts in spite of a climate which could justify construction of year-round facilities. S. 2661 would leave such a decision totally within the discretion of the state, and simply add another option enabling a state to meet the overall recreational needs of its citizens.

S. 2661 specifies that construction of year-round facilities must reflect an "unmet demand for recreation." At the most basic level, this can be clearly determined by taking the activity level for a facility during its prime seasonal period and extrapolating that figure for the entire year. The availability of the activity will generate its own demand.

As we noted in our testimony before this Subcommittee in 1972, "In

general the people living in the northern half of the United States have been rather consistently shortchanged because weather would not permit the use of outdoor recreation facilities beyond an average of... 80 to 100 days a year. Communities in the south, however, might be fortunate enough to be able to use their facilities for 300 or more days a year. The very logical step of making it possible to build facilities for year-round use will greatly improve the cost effectiveness of both Federal and local money spent to develop these facilities.

Access to all-weather facilities will also permit park and recreation departments and agencies to meet the needs of many groups in our society who because of physical handicaps, age, or other reasons cannot use or can only use to an extremely limited extent traditional outdoor facilities, including swimming pools, tennis courts, play areas, and specialized facilities for the physically or mentally handicapped.

This amendment will make it possible to begin to meet a wide variety of such needs with Federal assistance where none was available in the past."

Some who oppose a provision of this nature fear the dissolution of a state's allotment and the loss of funds which might otherwise aid in the acquisition of land needed for recreational purposes. BOR Director James Watt recently noted that his agency has never denied a state application for a rural natural land acquisition project. He also pointed out that the increased funding level for LWCF has enabled the agency to begin to meet the greatly increased demand for recreational outlets in high-density population areas and at the same time honor all applications for non-urban land. This program history argues well that BOR would continue to maintain balance in the administration of the Fund and continue to work closely with the states to assure that the greatest possible number of people will benefit from the Federal, state and local expenditures.

Finally, although it is not part of S. 2661, we urge the Committee and

the Congress to actively consider raising the authorization level of the Land and Water Conservation Fund to between \$500 million and \$1 billion. The increase in demand for open space for recreation and the need for increased development of existing sites can be met by channeling more of the funds realized from the sale of off-shore oil leases into the Fund. With the sale of these leases expected to increase ten-fold over the next few years, we have an unmatched opportunity to meet our national need for recreational space and facilities. We urge the Congress to act promptly. Speedy action on S. 2661, as well as legislation to raise the authorization level of LWCF, should be a high priority for this Committee and Congress.

Thank you.

Senator BIBLE. Our next witness is Mr. Toby Cooper, administrative assistant for Parks, National Parks and Conservation Association. Mr. Cooper.

**STATEMENT OF TOBY COOPER, ADMINISTRATIVE ASSISTANT FOR
PARKS, NATIONAL PARKS AND CONSERVATION ASSOCIATION,
WASHINGTON, D.C.**

Mr. COOPER. Thank you.

The discussion so far has proceeded to uncover many important issues. We are opposed to the amendment as proposed for exactly the reasons that Senator McClure states. I feel that is a good case for opposition.

Indeed, the amendment does weaken a fund which now very well serves the public interest in outdoor recreation.

Senator BIBLE. It does not serve the purpose in the State of the Senator from North Dakota. I beg to differ from that. I think they ought to be able to make a determination themselves as to where their needs lie.

I think that is a pretty broad statement.

Mr. COOPER. I agree with that. And I feel that weather does not always dictate the needs of outdoor recreation. There are some further points, I think, that clarify this.

Senator BIBLE. I just wanted to challenge that one point. It seemed to be so flat and positive that I was a little concerned about your positiveness. You may proceed.

Mr. COOPER. In effect, we are urging the committee to reject the amendment as proposed and to adhere fully to the existing guidelines in the Land and Water Conservation Fund Act.

One of the reasons I feel the amendment is inappropriate is in the light of the improved record of State spending of the fund. There have been large carryovers in the past, but as I understand it from the administration of the fund and BOR the States are improving their records and there are obligations already laid out for almost all of the fund for the coming year.

Thus, in effect, the States are gearing their efforts to existing guidelines and it is working very well. The original concept behind the land and water conservation fund is to preserve open space for recreational use.

Behind that, and an important underlying concept is the additional need to preserve open space for ecological reasons. I think this answers in part the question you raised earlier, Mr. Chairman. We also need to preserve wild habitats and open space around our cities and urban areas.

Simply for the reason that open space is important to our lives, even if it cannot be used at every moment of the year. We support this concept very strongly. We feel that it is an essential safeguard to environmental quality around our cities and around our towns and everywhere in this Nation, which is rapidly growing and becoming industrialized.

I feel there are certain alternatives to meet the needs that this amendment proposes to meet. I feel the amendment is meeting the need rather hastily. For one thing there is the Bureau of Outdoor Recreation's Legacy for America study.

It covers a wide range of outdoor recreation opportunities, and guidelines and so forth. Unfortunately, that study is not supported by funding requests at this time. This, perhaps, will come in the future. I think that is something we should look towards.

Another study, published by HUD, is called Urban Recreation. This is much more extensive and much more complete. It very eloquently outlines a broad program of urban recreation needs, and it makes recommendations for funding and the whole works.

I think we should look to these things to meet the proposal that this amendment is now attempting to meet. In addition I would like

to raise the point that there is a very commendable and viable proposal in the House at this time.

H.R. 13639, which amends the land and water conservation fund to raise the amount available for appropriation from \$300 to \$900 million. I think this is an excellent proposal. We wholeheartedly support that and look forward to identical measures in the Senate.

Senator BIBLE. There is already one introduced, as you know. It does not increase it to \$900 million, but to \$500 million instead. It is a more modest and conservative proposal.

Mr. COOPER. We look forward to identical legislation being introduced in the Senate.

Senator BIBLE. I do not think it will be identical. I think increasing it to \$900 million would be too far. We are without funds in this question. Let us face it. We are in sad economic shape, and I am very concerned. When I get back to Reno, to ponder and teach, I will wonder about it and write my elected representative.

Mr. COOPER. I can assure you your letter will carry a lot of weight.

Senator BIBLE. This I doubt. But I will have fun writing it. You may proceed.

Mr. COOPER. In conclusion, then, we do not support the proposed amendment, not even in the context of the larger fund, because it violates the principle, as Senator McClure raised earlier, the principle under which the act was passed, and the guidelines under which it is now being administered.

We feel, instead, that there are programs in BOR and HUD that can be emphasized, supported and bolstered up. This, in effect, will meet the need for indoor recreation, or recreation normally carried on outdoors, but in this case needs to be carried on indoors because of climatic reasons or other limitations.

That concludes the statement, and I welcome any further questions.

Senator BIBLE. I appreciate your appearance here very much this morning. Thank you.

Senator HANSEN. I have no questions, Mr. Chairman.

Senator McCLURE. I have no questions, but I appreciate your statement. It articulates the concern that I have. I certainly appreciate your appearance here.

Senator BIBLE. Thank you very much, Mr. Cooper.

[The prepared statement of Mr. Cooper follows:]

May 8, 1974



STATEMENT OF

MR. TOBY COOPER
ADMINISTRATIVE ASSISTANT FOR PARKS
NATIONAL PARKS AND CONSERVATION ASSOCIATION

concerning

S.2661
To Amend the Land and Water Conservation
Fund Act of 1965

Submitted on Invitation to the
U.S. Senate Committee on Interior and Insular Affairs
Subcommittee on Parks and Recreation

Mr. Chairman: I am Toby Cooper, Administration
Assistant for Parks at the National Parks and Con-
servation Association. Our building is located at
1701 18th Street, NW, Washington, D.C.

The National Parks and Conservation Association
(NPCA) is a private, non-profit educational and
scientific organization devoted to the preservation
of the environment, and, particularly, to the pro-
tection of the national parks and monuments of the
United States. The organization is supported by a
membership of about 45,000 citizens, each of whom
receives our monthly publication, NATIONAL PARKS AND
CONSERVATION MAGAZINE, THE ENVIRONMENTAL JOURNAL.

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NPCA is opposed to the proposed change in the Land and Water Conservation Fund, providing for the use of the LWCF for indoor recreation facilities. If enacted, the indoor provision would weaken an excellent measure which serves the public interest in outdoor recreation. We urge the Committee to reject this amendment and adhere fully to the existing guidelines for use of the LWCF.

The proposed amendment is particularly inappropriate in light of the improving record on state-level use of the fund. For example, the carry-over from the states for 1974 was \$135 million, but of the projected \$202 million available for 1975, all but \$20 to \$25 million are already subject to planned obligations. Thus, the states are gearing their efforts to the existing guidelines and the results are favorable.

The original concept behind the LWCF was to preserve open space for recreational use by all generations of Americans. Underlying this, of course, is the vital need to conserve wild habitats for ecological reasons, and to protect the natural values inherent in places untouched by man. We support this concept, because it is an essential safeguard to environmental quality in our growing, industrialized nation. Likewise, the Congress should continue its support of the LWCF by retaining the focus on outdoor facilities.

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Fortunately, there are alternatives which can be developed to fill the needs to be potentially, and perhaps hastily met by S.2661. For example, the Bureau of Outdoor Recreation has recently published a detailed report, Outdoor Recreation: A Legacy for America. This study, although not supported by funding requests at this time, provides the basis for greatly expanded and diversified recreation programs in America. Another more viable plan, Urban Recreation, published by the Department of Housing and Urban Development, contains a far-reaching analysis of urban recreation needs and provides recommendations, including possible revisions for apportionment of the LWCF to accommodate urban recreation.

There is a viable and very commendable proposal in the House, H.R. 13639, to amend the LWCF to increase the authorization of appropriation from \$300 million to \$900 million. We wholeheartedly support this bill and we look forward to identical legislation in the Senate, although commendable legislation in this respect has been introduced. Many valuable programs would benefit from an increased fund; land acquisition of inholdings in national parks and monuments; recreation plans such as the BOR and HUD studies; and strengthening of the position of the Federal Government in advancing proposals for new national parks and recreation areas.

In conclusion, NPCA does not support the proposed amendment. Not even in the context of a much larger -- perhaps tripled --

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LWCF authorization should "indoor" recreation facilities be given priority in this program. Instead, the BOR and HUD recreation plans should receive the attention they deserve, and should be funded by sources of federal revenue independent from the LWCF.

We thank the Committee for this opportunity to testify and your questions will be welcome.

Senator BIBLE. I have been advised that long time and dear friend of mine, protagonist and antagonist at times, Spencer Smith is here. He's a late starter who never gets his name on the list. I do not know why, but he is not on the witness list.

STATEMENT OF SPENCER SMITH, CONSERVATIONIST

Mr. SMITH. We have a very small organization, as the Senator knows.

Senator BIBLE. Do you have a prepared statement, Spencer?

Mr. SMITH. I just want to make two comments. No. 1, we, in the past, had supported something like this with reluctance. The reason for our reluctance has been more clearly and succinctly stated by Senator McClure. I understood what Senator Burdick meant when he introduced this some time ago.

This was an effort to establish recreation areas that were normally outdoors, but the season was so very short. Since that time we have had an awful lot of experience. We have had \$200 million out of the HUD program, which was supposed to be helpful in urban recreation. They said, "Don't worry about that. That is going into this program, where we redistribute Federal monies going back."

That program has not come about. In 1 year we had \$250 million cut right out of land and water conservation fund.

Senator BIBLE. Of which we put back quite a few dollars.

Mr. SMITH. You put back \$16 million.

Senator BIBLE. Out in Nevada that is a lot of money.

Mr. SMITH. That is for the entire Nation, and it was not a lot, sir, in our judgment.

Senator BIBLE. Didn't you want it?

Mr. SMITH. We were happy to get a dollar of it. I am not even suggesting by my comment that we were not really obsequious about it, because in those days it was very hard to come by and it still is. We will still have a carryover of some \$200 some million.

The Senator knows better than I do. But we cannot spend what we have and we cannot use this fund for everything. It may sound ridiculous. Let us take an example. How about an ice skating rink in the town of Mojave in the Mojave Desert.

Senator BIBLE. I can answer that simply and quickly. If the State of California, through their own board of natural resources, said "We want to reach into the Land and Water Conservation Fund that you have given to us and we want to take these many dollars out of the Land and Water Conservation Fund and put it into a skating rink in the burning deserts of Mojave" I would say, "Well, I am a States' righter, and if they want to use their percentage of the Land and Water Conservation Fund for that purpose, God love them."

Mr. SMITH. Senator, the only thing I would agree with in that statement is the latter part, "God love them." What is concerning me, Senator, is the fact that already under the existing guidelines, and this came out on the oversight hearings in the House, nobody ever intended the use of this fund to go in and clear timber to put in asphalt for outdoor tennis courts.

That was not the purpose.

Senator BIBLE. The purpose is changing. You know this as well as I do. We are establishing parks in the urban areas. When I started out in parks, nobody thought they would have to have a park to satisfy the people of New York, to satisfy the people of Chicago, to satisfy the people of San Francisco.

We grow and progress and find new needs.

Mr. SMITH. Sir, I am perfectly willing to accept the idea of growth. But what is concerning me is in the last 2½ to 3 years, performance and utilization of funds under this land and water conservation fund have strayed a great deal as to what the congressional intent was at the House and at the Senate.

I cannot instruct the Senator. He can instruct me on the very lengthy hearings that went on. I can say, also, this is supposed to be a Western State oriented committee, which I do not believe the Senate Interior Committee is.

But if I were sitting on it I would be concerned when the administration sends up a bill like S. 922, if you live west of the Mississippi River. A lot of our resources are out there. Maybe the people are not. And if we are going to change the land and water conservation fund into this kind of development activity, or into an urban fund, then I think we ought to come before the Congress with legislation to this effect.

And let us debate it and make a determination as to whether the Congress wants to change the original interpretation of that act.

Senator BIBLE. Would you mind doing that next year, because it is not going to be done this year.

Mr. SMITH. Yes, sir. All I am saying, Senator, is I feel seriously and we have felt seriously that there is a straying away in a manner

that I do not think is constructive, generally. I am completely sympathetic to what the Senator from North Dakota is trying to do.

And I was sympathetic when he originally introduced it. I think the amendment has been improved, but I still think there would be some distortion in it. And I still think there will have to be careful oversight to make sure that these activities are not going to go off due to certain kinds of pressures.

I feel, as long as we have this limited fund, and it keeps getting more limited, vis a vis, as the Senator from Wyoming indicated this morning, it keeps getting less, relative to what we are trying to do with it.

Either we are going to have to sit down and reevaluate all of our authorizations in light of our economic difficulties and say we are going to have to deauthorize some of these things or we will have to get more money.

Senator BIBLE. Are you for deauthorizations? I thought for a long time we ought to deauthorize some of the marginal national parks we have had.

Mr. SMITH. I will go this far, Senator. If we are going to be responsible, instead of holding out hope to a lot of people that a proper oversight hearing might very well take up some of these hearings that have been authorized for many, many years.

I think if we do not do this we are going to build up a backlog by the end of this year or next year of \$2 or \$3 billion which you will never cut down. I have strong feelings about this. I am not opposing the Senator's bill. I am saying the same thing Senator McClure is saying.

For Heaven's sake, let this be a red flag and let us watch some careful oversight and make sure there are not distortions in the utilization of this. I think the amendments are useful. I do not think the substitution is effective.

Senator BIBLE. I appreciate your comments. You and I have always had frank discussions over many, many problems. But, as you very well know, we have a backlog of \$250 million in just acquiring parks and recreation areas.

We have a backlog of at least \$2 billion to develop. I know Senator McClure shares my great concern about this, and it is a matter over which we are going to have to have continuing oversight of if we are going to solve this difficult problem.

I favor the enlargement of the land and water conservation fund from something like \$300 million to \$500 million dollars per year. I think that would give us more funds to try to catch up.

The longer we wait to catch up on these backlogs the more expensive it will be. Of course, if we do not follow the path of deauthorizing, which is a very difficult path, we certainly will have to do the alternate, and that is to add more dollars.

Mr. SMITH. I do hope I am being generally responsible. We jump all over the public work causes and in situations that we think have changed and they are not brought up to date. I think that is incumbent on some of us to sit down and take a real, hard look.

Senator BIBLE. You are a good, strong voice and you are big enough to scare me.

Mr. SMITH. We are going to work on it in the next year or so, and we will get all the constituencies we can. Maybe we can get you as a member of our organization.

Senator BIBLE. I pay dues to every other organization, I might as well join yours. Senator Hansen?

Senator HANSEN. No questions.

Senator BIBLE. Senator McClure?

Senator McCLURE. Just one brief remark. I know Senator Hansen has an appointment and he is anxious to get this done and I know the chairman is anxious to get this taken care of. But if you look at the history of the flow of monies into outdoor recreation, and recognize that it was starved, is the reason this fund was created.

Then you look at our struggle to get more money into it because the original hopes did not materialize in terms of the voluntary memberships in the land and water conservation fund, and the moment we put OCR moneys into it the Federal Government said "That is all you are going to get. You have taken care of all of the recreation needs."

Now we say it is not going to take care of not only all outdoor recreation needs, but we will look to this fund for all recreation needs. We will be right back where we started with outdoor recreation having nothing.

Mr. SMITH. I heard Senator Bible on the floor of the Senate make a very stirring speech some years ago in which he said that the original intent of the outdoor recreation fund was not provide for the acquisition of all land and take care of all expenditure.

It was supposed to be a supplement, primarily, for inholdings and some additions. But he was proper when he said that Administration after Administration action after the Congress apparently has created a ceiling.

I have your statement, which I appreciate very much, and I think we sent out about 6,000 copies of it at the time.

Senator BIBLE. That is good.

Senator BURDICK. May I make a comment?

Senator BIBLE. Senator Burdick.

Senator BURDICK. I can agree with just about everything you say. We need money for this program. But the point is, as I see it, that if I buy my—that if my son or daughter is down in Alabama that State, in its own judgment and discretion can use part of the fund to build a swimming pool.

They can use it 365 days of the year. It has nothing to do with the money at all. They made the selection. But if North Dakota makes the selection to use money for a swimming pool, they use it 65 days of the year. I just came from a very tough argument yesterday from the Judiciary Committee on Juvenile Delinquency. We batted that thing around for 3 hours.

Mr. SMITH. They called us over and asked us—

Senator BURDICK. You have facilities available like this year-round. You have children to occupy and use it. It is not a question of money. You also made a determination to build a pool in Ala-

bama. I want the same right to build a pool in North Dakota, that's all.

Mr. SMITH. As I say, the problem—I am sympathetic with what the Senator is talking about. What I am concerned about is the fact that if we are going to go that route, and we limit it as much as we can, but unfortunately we do not have administrative situations. You cannot really do the day to day operations and they are under a lot of pressure.

I am perfectly aware of the fact that the Bureau does turn down some state recreation plans because of certain kinds of activities. But I think that is going to be the luck of the draw no matter what happens.

This is why I am pleading not so much against the bill as I am pleading for good legislative history on this that will require strong oversight and continued watchfulness on the part of the committee.

Senator BIBLE. Thank you very much. It is always good to see you, Mr. Smith. That will complete the hearings on S. 2661.

[Subsequent to the hearing the following information was received:]

SPORT FISHING INSTITUTE,
Washington, D.C., May 13, 1974.

Senator ALAN BIBLE,
Chairman, Senate Subcommittee on Parks and Recreation,
Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: The Sport Fishing Institute has reviewed S. 2661, which would amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. We wish to convey our strong opposition to this proposed legislation, and we respectfully request that this letter become a part of the official record of hearings.

In the judgement of the Sport Fishing Institute, the shift of 25 percent of Land and Water Conservation Funds to the construction of indoor recreation facilities represents serious and unacceptable erosion of the purpose of the Act. By its very title, it is clear that the original thrust of the bill is an "outdoor" one aimed at conservation and recreation activities on land and water *with no reference to or support for indoor situations*. The one serious weakness already limiting the benefits from the Land and Water Conservation Fund is the insufficient appropriations which support it.

The Sport Fishing Institute is in sympathy with, and supports the need for increased indoor recreational opportunities in certain areas; however, we believe that such funds should be developed from an entirely different and urban oriented source such as the former HUD "Open Space" Program or something comparable. With the Land and Water Conservation Fund already seriously handicapped by a shortage of revenues, we must search for ways in which to expand its implementation rather than to further dilute it.

Respectfully,

CARL R. SULLIVAN,
Executive Secretary.

Senator BIBLE. Our next bill is S. 3301, to amend the Act of October 27, 1972. I have conferred with my colleagues who have been here this morning, and without objection S. 2661, with its amendments and S. 605, as amended, will be reported to the full committee.

[The text of S. 3301 and department report follows:]

93^D CONGRESS
2^D SESSION

S. 3301

IN THE SENATE OF THE UNITED STATES

APRIL 3, 1974

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

A BILL

To amend the Act of October 27, 1972 (Public Law 92-578).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act of October 27, 1972 (86 Stat. 1266), is
4 hereby amended as follows:

5 (1) By designating subsection 4(b) to be subsection
6 4(c), and by adding a new subsection 4(b) to read as
7 follows:

8 “SEC. 4. (b) The Board of Directors is authorized to
9 procure the temporary (not in excess of one year) or inter-
10 mittent services of city planners, architects, engineers, ap-
11 praisers, and other experts or consultants or organizations

1 thereof in accordance with section 3109 of title 5, United
2 States Code, but at rates for individuals not in excess of
3 the rate in effect for grade GS-18 of the General
4 Schedule.”.

5 (2) By deleting subsection 7 (b) and inserting in lieu
6 thereof the following:

7 “SEC. 7. (b) After the date of the enactment of the Act
8 to amend the Act of October 27, 1972 (Public Law 92-
9 578), no new construction (including substantial remodel-
10 ing, conversion, rebuilding, enlargement, extension, or major
11 structural improvement of existing building, but not includ-
12 ing ordinary maintenance or remodeling or changes neces-
13 sary to continue occupancy) shall be authorized or conducted
14 within the development area except upon prior certification
15 by the Corporation that the construction is, or may reason-
16 ably be expected to be, consistent with the carrying out of
17 the development plan for the area: *Provided*, That if the
18 development plan for the area does not become effective
19 under the provisions of section 5 by December 31, 1974, this
20 subsection shall be of no further force and effect until such
21 time as the development plan does become effective under
22 that section.”.

23 (3) By deleting section 17 and inserting in lieu thereof
24 the following:

1 "SEC. 17. There are hereby authorized to be appropri-
2 ated not to exceed \$1,750,000 for the preparation and pres-
3 entation of the development plan pursuant to section 5 of this
4 Act and for operating and administrative expenses of the
5 Corporation for the fiscal year ending June 30, 1975; and
6 for operating and administrative expenses of the Corporation
7 for succeeding fiscal years such sums as may be necessary."

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 7, 1974.

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

DEAR MR. CHAIRMAN: There is pending before your Committee S. 3301, a bill "To amend the Act of October 27, 1972 (Public Law 92-578)."

The Act of October 27, 1972 (86 Stat. 1266), which is cited as the "Pennsylvania Avenue Development Corporation Act of 1972," established the Pennsylvania Avenue Development Corporation to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol. The powers and management of the Corporation are vested in a 15-member Board of Directors.

S. 3301 would amend three sections of the Pennsylvania Avenue Development Corporation Act, as follows:

1. By adding a new subsection 4(b), and redesignating the former subsection 4(b) as 4(c). The new subsection would authorize the Board of Directors to procure the temporary or intermittent services of experts or consultants, or organizations thereof, in accordance with section 3109 of title 5, United States Code, at rates not in excess of the rate in effect for grade GS-18 of the General Schedule;

2. By inserting a new subsection 7(b) in lieu of the existing subsection 7(b). The present subsection prohibits non-Corporation certified construction in the development area after October 27, 1972, unless the development plan for the area did not become effective by October 28, 1973, in which case the subsection is of no effect until that plan becomes effective. The amended subsection would differ only in that the former date would become the date of enactment of S. 3301, and the latter date would become December 31, 1974; and

3. By inserting a new section 17 in lieu of the present section 17, which authorizes appropriation of not to exceed \$1,000,000 for the preparation of the development plan and provides that Land and Water Conservation Fund moneys shall not be used to effect the subject Act. The amended subsection 17 would authorize appropriation of not to exceed \$1,750,000 for the preparation and presentation of the development plan and for Corporation operating and administrative expenses.

The amendments proposed in S. 3301 would have no direct effect upon programs administered by the Department of the Interior. Furthermore, we believe that an assessment of the advisability and feasibility of those amendments could best be made by the Corporation Board of Directors. Accordingly, we defer to that body as to the merits of S. 3301.

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,

JOHN H. KYL,
Assistant Secretary of the Interior.

Senator BIBLE. Now, General Quesada, you are next. Just be seated and introduce those with you, please.

General QUESADA. Mr. Woodbridge, the Executive Director of the Pennsylvania Avenue Development Corporation; Mr. Meszoly, our general counsel; and Mr. Harris, the deputy director, are here with us today also.

Senator BIBLE. You may proceed.

General QUESADA. We have a prepared statement, Mr. Chairman, and with your consent, I would just as soon insert it for the record.

Senator BIBLE. Without objection, that will be the order.

Is your prepared statement the official report of the Department of Interior?

General QUESADA. Yes, sir.

Senator BIBLE. All right. Go right ahead.

STATEMENT OF ELWOOD R. QUESADA, CHAIRMAN, PENNSYLVANIA AVENUE DEVELOPMENT CORP., WASHINGTON, D.C.

General QUESADA. This bill would provide for authorizing us to hire a consultant in isolated cases to achieve for ourselves some expertise that we do not normally have. We have a very small staff of 15.

Senator BIBLE. Do you not have that authority in the basic act?

General QUESADA. No, sir. The basic act carried with it a moratorium applicable to the area, which under the terms of the act, have expired. And we would like to——

Senator BIBLE. You have to maintain the moratorium. That is the second point.

General QUESADA. The third point is to authorize appropriations to continue through 1975, and to permit the agency to continue during that period. Unfortunately, we were delayed some 8 months before we could do our first day of work.

The Directors were not appointed by the White House and until they were, appropriations were not considered. We have been before the Appropriations Committee of the House and Senate, and we now ask for the authorization to carry us through the next year, the amount being \$831,000.

Senator BIBLE. I think that is a reasonable request. Are you increasing the authorization? I have a memorandum from the staff saying you are almost doubling your authorization; is that correct?

Mr. WOODBRIDGE. The authorization in the original was \$1 million to prepare the plan. We will have prepared the plan at the conclusion of this fiscal year.

Senator BIBLE. Was that authorization limited simply to preparing the plan?

Mr. WOODBRIDGE. That was the language.

Senator BIBLE. That was the language in the authorizing law?

Mr. WOODBRIDGE. We will have prepared the plan's conclusion this fiscal year. It was a total appropriation to date of \$850,000. So we will prepare the plan within the original million dollar authorization. We see, however, that we will have to continue operating expenses for the Corporation, for this coming fiscal year.

The appropriation for the coming year would exceed the authorization.

Senator BIBLE. The plan is complete; is that correct?

Mr. WOODBRIDGE. Right. This would be for operation of the Corporation and its staff.

Senator BIBLE. To do what?

Mr. WOODBRIDGE. To continue development work on the plan and to begin its implementation at such time as Congress—

Senator BIBLE. Why was that not incorporated in the basic act?

Mr. MESZOLY. If I may address myself to that, the original intent was simply in the original act to just cover the development of the preparation plan. I think it was more of a case of oversight than anything else.

There was no consideration given to the time lag during which Congress considers the plan and during which it would be unwise to dissolve the staff and office of the Corporation.

Senator BIBLE. I do not think the staff should be dissolved. You are in business and operating. You are certainly not done with your work.

General QUESADA. Sir, it is conceivable that it could be dissolved if, when our plan is sent to the Congress, if it rejects it, I am sure we would dissolve the staff.

Senator BIBLE. I understand. But how far away are you from—what are the timetables? Let me ask the question differently. What are the timetables for consideration of approval or rejection of the plan?

General QUESADA. The plan is now in the hands of the District of Columbia government and Department of Interior, as we are required, under the law, for their 90-day review. That expires June 17 of this year. We then receive their comments and make whatever revisions we think are appropriate. Then we send it to Congress, and I would say it would be in Congress' hands in October.

Mr. MESZOLY. The end of July.

General QUESADA. The end of July.

Senator BIBLE. Now the Congress of the United States, the House of Representatives, the Speaker and the President pro tem receive it at the end of July or the first of August. How long does the Congress have to act on the plan?

Mr. MESZOLY. Sixty legislative days.

Senator BIBLE. Then is it affirmatively required to reject or approve the plan?

General QUESADA. No. If it does not act, then it is approved.

Senator BIBLE. It is one of those negative things. It is a reorganization act plan. Very well, I have no questions. I see no problems, and without objection, it will be reported to the full committee.

[The prepared statement of Mr. Quesada follows:]

STATEMENT OF

ELWOOD R. QUESADA
CHAIRMAN, PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION

before the
Subcommittee on Parks and Recreation
Committee on Interior and Insular Affairs

UNITED STATES SENATE

May 9, 1974

Mister Chairman and Members of the Committee:

I am Elwood R. Quesada, Chairman of the Pennsylvania Avenue Development Corporation; and I am accompanied here by senior members of the Corporation's Staff. We are pleased to appear before the Committee to speak in favor of S. 3301, a Senate bill to amend the Corporation's enabling act.

The Corporation prepared the proposed draft bill, transmitted to the House and Senate on March 19, 1974, having received OMB approval. We request enactment of these amendments to the Pennsylvania Avenue Development Corporation Act of 1972, to enable us to carry out as expeditiously as possible, the mandate of Congress to prepare and implement a comprehensive plan for the redevelopment of the north side of the Avenue between the Capitol and the White House.

Shortly after transmitting the requested amendments to the Congress, Senators Jackson and Fannin introduced the bill under consideration today; and its counterpart, H.R. 14167, was introduced in the House by Representatives Hosmer and Skubitz on April 10, 1974. The two bills are in all respects identical, and I should like to now address myself to the provisions of those bills, as set forth in S. 3301.

The bill has been drafted to accomplish three changes to the Corporation's enabling act, P.L. 92-578, signed into law on October 27, 1972. First, it proposes a new subsection 4(b) which would permit the Corporation to obtain the temporary or intermittent services of experts and consultants, particularly those of urban planners, architects, engineers and appraisers. The hiring of experts and consultants under the authority proposed in the bill would limit their salaries to the highest rate of pay for a General Schedule employee (GS-18), and their appointment would be subject to the requirements of section 3109 of Title 5, United States Code and implementing Civil Services Regulations.

During the past year, the Corporation, with a small permanent staff of less than 15, has felt the need for temporary services of experts to prepare particular projects plans, or compile specialized planning data. For the most part, these requirements have been met by entering into non-personal service contracts for reports and plans. However, this is not the most effective way of obtaining such assistance, and in view of anticipated future needs for specialized work, the Corporation deems this amendment to be highly desirable.

The second provision of S. 3301 would amend section 7(b) of the Act, to reinstate the expired moratorium on non-conforming construction activities within the development area, pending completion and approval of the plan. As you may recall, the Corporation's Act, provided for a one year moratorium from the date of enactment on new construction within the development area. Of course, the moratorium was never a complete prohibition, it merely required that new construction in the development area should be cleared by the Corporation for conformity with the evolving development plan, prior to commencement. This protected both the interests of the Government as expressed in the Act, and that of private developers who should not be placed in the position of starting a non-conforming project, only to have the Corporation

condemn it later so that it could be altered to suit the plan. Due to the delay between the creation of the Corporation and the appointment of the Board of Directors and availability of funds, nearly three-fourths of the one year moratorium had expired before planning activities began. Although we have not had any difficulty with unapproved construction activities in the area since the expiration of the freeze, we would like to preclude the possibility of such an occurrence by the adoption of the proposed amendment. The bill before the Committee, if enacted, would reimpose the moratorium on its original terms, from the date of enactment of these amendments to the end of this calendar year; by which time we will either have a definitive plan approved by the Congress, or the Corporation will have ceased its activities, leaving private interests unhindered to go their own way.

Lastly, and most important, S. 3301 would amend the authorization for appropriations, section 17 of the Act, to allow for FY 75 and succeeding fiscal year funding of operating and administrative expenses of the Corporation. The original authorization provided for a sum not to exceed one million dollars for the preparation of the development plan. This will not have been exceeded, as we expect the plan to be completed around the end of this fiscal year, and transmitted to Congress for the 60 legislative-day period of review provided for in the Act. However, it would not be wise to allow funding for the Corporation to lapse at that critical time, and to have the staff and offices of the Corporation disbanded. I think that we should plan for maintenance of operations so that further, detailed planning may continue in anticipation of speedy implementation, and so that the Corporation could provide testimony and information to Congress, as needed, during the review period. Of course, if the development plan is rejected by the Senate or the House of Representatives without an enactment of modifications, the Corporation would terminate its affairs, and unused funds would be returned to the Treasury.

With this intent in mind, the Corporation requested for inclusion in the President's budget an FY 75 appropriations request for \$831,000; which represents a reduction from the \$850,000 which have been made available during the current fiscal year. The FY 75 request was approved by OMB, and we have testified on that request before the House and Senate Appropriations Committee, the Subcommittees on Interior and Related Agencies.

Mister Chairman, that sums up the Corporation's requirements with respect to the amendments to our Act contained in S. 3301. We respectfully request favorable action on this bill, as we have been informed by the Appropriations Committees, that, of course, no appropriations can be made until the authorization level is amended to allow the sums requested.

We would be pleased to answer any questions which you may have.

Thank you.

[Subsequent to the hearing the following information was received:]

WASHINGTON, D.C., May 23, 1974.

By Special Messenger, Personal Attention Please.

Hon. ALAN BIBLE,
Chairman, National Parks and Recreation Subcommittee,
Senate Interior Committee,
U.S. Senate,
Washington, D.C.

Re: S. 3301 on Pennsylvania Ave. Plan, and Exclusion of D.C. City Council from Hearings on Pennsylvania Ave. Plan

DEAR MR. CHAIRMAN: As Chairman, for many years, of the Senate Committee on the District of Columbia, I am sure you are concerned about Home Rule, and have co-sponsored Home Rule legislation.

It has come to my attention that the D.C. City Council has been excluded from the Hearing on the Pennsylvania Avenue Plan. Further, the City Council voted to protest this.

You will be interested in my own statement, attached, which I presented to the House Interior Subcommittee on National Parks and Recreation at the hearing on H.R. 14167—a companion measure to S. 3301 reported by your Subcommittee. S. 3301 was introduced by Senator Jackson and co-sponsored by Senator Fannin. S. 3301 was an Administration measure, and is promoted by President Nixon.

It is inconceivable to me that you—because of your long history of concern for District Home Rule—would be willing to circumvent or subvert the Home Rule provisions which give the D.C. City Council the duty and responsibility to hold hearings on legislation affecting the city—as the Pennsylvania Avenue Plan does.

Therefore, we respectfully request you to include the attached statement in the *Congressional Record* during the debate on S. 3301. Certainly, the U.S. Senate and your Subcommittee must not be involved in any scheme or plot to reduce the D.C. City Council to a nullity. I am sure you agree with my views on this, and I would appreciate an immediate letter in response to the points made in my testimony (I would have testified before your Subcommittee, but along with other small businessmen was not informed of your hearings). The House Interior Subcommittee on National Parks did notify me, and did hear my testimony.

Respectfully yours,

JAMES J. MUSCATELLO,
Chairman, BASYAP, Inc.

STATEMENT OF JAMES J. MUSCATELLO, CHAIRMAN, BASYAP, INC.

Mr. Chairman, and Members of the Subcommittee: I am James J. Muscatello, I have been in business in the District of Columbia for over a quarter of a century, I am chairman of BASYAP, Inc., a city-wide organization of small businessmen dedicated to the best interests of the District of Columbia. We are a non-profit small business group.

I might point out, sir, that a recent study made by a city council commission found that 1,900 small businessmen had been displaced in the District of Columbia, while the suburbs had experienced great growth brought about by some 6,000 small businessmen.

I was appointed to the City Council's Blue-Ribbon Committee on Urban Renewal. Our recommendations were so structured that the D.C. City Council would be involved in all phases of D.C. affairs.

On Saturday, May 18, 1974 the Office of Planning and Management, D.C., held a hearing on the Pennsylvania Avenue Plan.

Unfortunately, the D.C. City Council did not hold the hearings.

The Office of Planning and Management, D.C., is a subordinate arm under the Mayor of the District Government, yet it supplanted the D.C. City Council. This has created a most unfortunate situation.

Congress has just provided the District of Columbia Home Rule. The Home Rule Act provides for an elected Mayor and an elected city council.

And, almost before the ink is dry on the President's signature on the Home Rule Act, the Office of Planning and Management, D.C., a subordinate arm of the Mayor's Office, is supplanting the D.C. City Council on as important a matter as the Pennsylvania Avenue Plan.

This situation must be corrected at once.

If it is not, a lawsuit could be launched which could very well find that the OPM Hearing on May 18, 1974 is illegal.

The D.C. City Council, I have been told, has become very upset, and has voted to send a letter to Congress to protest its exclusion from the Hearing on the Pennsylvania Avenue Plan.

There has been nothing in the newspapers on this—at least so far as I have seen.

Although someone has told me he saw it in the papers or on TV.

But it is a situation which could hurt the Pennsylvania Avenue Plan, in my opinion.

After learning of the situation I wrote to a Member of the D.C. City Council and said that, in my opinion Congress and the White House had no intention to supplant the D.C. City Council with the OPM—Office of Planning and Management, D.C. in the crucial hearing on the Pennsylvania Avenue Plan.

Under the Reorganization Act of 1967, which established the present Mayor—City Council form of government—now given permanent form in the Home Rule Act, the D.C. City Council is empowered to hold all hearings.

There was no Office of Planning and Management, D.C., back in 1967—and even if there was it would not have been given the power to supplant the D.C. City Council in holding hearings on important matters such as the Pennsylvania Avenue Plan.

The fact is that the Home Rule Act gives the D.C. City Council the authority to hold hearings—not the OPM—Office of Planning and Management—even though the OPM was in existence when the Home Rule Act was written and adopted in its present form.

I do not believe that the Senate and House Interior Committees, or the Congress itself, nor the House and Senate Subcommittees on National Parks and Recreation, intended to make the D.C. City Council a nullity.

What the Mayor's Office, and the OPM are counting on in their bold move to supplant the D.C. City Council where the Pennsylvania Avenue Plan is concerned, and the hearings on it are involved, is this section, this language in Public Law 92-578—and I quote:

SEC. 5(c) The Commissioner of the District of Columbia, within ninety days, shall consult with the National Capital Planning Commission, shall hold public hearings on the plan, and shall notify the Corporation of his approval or recommended modifications.

This is the crucial language involved.

This language is clear, and it is unmistakable.

Mayor Walter E. Washington was not at the May 18, 1974 hearing at any time.

From the time the hearing began at 10 A.M. in the morning until it closed late in the afternoon, Mayor Washington did not put in an appearance.

Yet the language is clear, as I have said.

Mayor Washington was not present, and the Mayor's assistant, Ben W. Gilbert, director of the Office of Planning and Management, D.C., chaired the Hearing.

If the City Council was cut out of the Hearing by Public Law 92-578, surely Mayor Washington had to be present at all times to "hold the public hearings on the Plan." But the Mayor wasn't there.

So the May 18, 1974 Hearings were illegal in two respects—

1. Mayor Washington wasn't present at any time;
2. The D.C. City Council was supplanted by the D.C. Office of Planning and Management.

Question. Did your Subcommittee or Congress intend to supplant the D.C. City Council and substitute the OPM to hold the hearings required, and (2) Did you do so? Please give me a legal opinion.

I would like to include as part of my testimony my letter to the D.C. City Council.

In closing, I would like to strongly support H.R. 14167, a bill, sponsored by Congressman Hosmer, Republican of California, and by Congressman Skubitz, Republican of Kansas.

This legislation, which was introduced on April 10, 1974, authorizes the Board of Directors to procure the temporary or intermittent service of city planners, architects, engineers, appraisers, and other experts or consultants.

This Bill further requires that new construction "is, or may reasonably be expected to be, consistent with the carrying out of the development plan for the area."

I should say that there is considerable doubt as to the wisdom of the the \$40,000,000 in subsidies for housing on Pennsylvania Avenue for 1,500 middle-to-upper middle income, single and small family residents, as well as to displacing 120 small businesses.

You will recall the scandal a few years ago when the local urban renewal agency approved single family homes on 14th Street in the urban renewal agency costing \$52,000 apiece, and this was for low-income and moderate-income families.

\$40,000,000 in subsidies for middle-to-upper middle income families would reverse the history of housing assistance, and provide such assistance for a new group of families who don't need it and who, historically, have and are able to fend for themselves.

It will be very hard to justify such large expenditures for a new class of 1,500 families, especially when the burned-out area of the city have not been rebuilt.

I include a news article from the *Sunday Star* of May 19, 1974, titled: "Not for Poor—Sky-High Rents In Avenue Plan" which reports on the May 18, 1974 hearings and the information developed as to the rents for the 1,500 families to be housed on Pennsylvania Avenue.

My letter to the D.C. City Council follows—

WASHINGTON, D.C., May 20, 1974.

Hon. TEDSON J. MEYERS,
Member, D.C. City Council,
Old District Building,
Washington, D.C.

DEAR COUNCILMAN MEYERS: I was unable, because of the pressure of my own business, to be present at the Hearing on the Pennsylvania Avenue Plan on Saturday, May 18, 1974.

However, it has come to my attention that the hearing was not held by Mayor Washington.

Further, it has come to my attention that Mayor Washington was not present at any time during the entire Hearing.

Further, it has come to my attention that not a single Member of the D.C. City Council was present at the all-day hearing.

Further, it has come to my attention that the entire hearing was conducted by the Office of Planning and Management, and that it was Chaired by Ben W. Gilbert.

Further, the D.C. City Council was deliberately out of the hearing by the Office of Planning and Management, and by Mayor Walter E. Washington.

Further, the Congress under the Reorganization Act clearly intended the D.C. City Council to act as the legislative arm, and hold the Hearings.

Further, there is no legal basis for the Office of Planning and Management to supplant the D.C. City Council in holding hearings on such an important matter as the Pennsylvania Avenue Plans, so deeply affecting the city, and its citizens.

Further, it was not the intent of Congress to cut the D.C. City Council out of the Hearing on the Pennsylvania Avenue Plan and supplant it by the OPM—Office of Planning and Management.

Further, the action on Saturday was illegal in that it reduces the D.C. City Council to a nullity; and establishes the precedent for the Office of Planning and Management holding hearings for Mayor Washington, and supplanting the D.C. City Council on all hearings that Mayor Washington—in a political year and in the midst of a political campaign—wants to come out his way, whether it is in the public interest or not.

THEREFORE, since the Pennsylvania Avenue Plan will displace and put out of business more than 100 small businessmen,

And, further, will subsidize middle and upper income housing costing more than \$40,000,000, when the burned-out areas, Adams-Morgan, and Anacostia haven't been rebuilt;

And, further, will result in the destruction of many substantial buildings, which is costly and wasteful;

And, further, will cost hundreds of millions of dollars and will only increase the taxes paid from \$3 million to \$7,000,000 which is surely a classic case of the mountain laboring and bringing forth a mouse; and

Further, if the D.C. City Council is not permitted to make an input into the hearings, and conduct the hearings, on the Pennsylvania Avenue Plan, there is no need to have a D.C. City Council, and it substitutes a bureaucratic arm of the Mayor for the D.C. City Council; and

Further, There is no evidence that the Congress and the White House intended or did supplant and displace the D.C. City Council from any and all roles in the Pennsylvania Avenue Plan:

Therefore, it is my view that the Saturday OPM hearings on the Pennsylvania Avenue Plan was illegal for these reasons.

Finally, I ask that this letter be read *by you* to the D.C. City Council at its next meeting, and that you request the D.C. City Council to adopt a resolution calling for immediate hearings on the Pennsylvania Avenue Plan, and advise the Mayor, so that he can advise the Congress, of the views of the citizens testifying on the Pennsylvania Avenue Plan before the D.C. City Council, of the views of those testifying, so that the Congress can be fully and completely advised of the views of District citizens as to the Pennsylvania Avenue Plan.

May I have an immediate reply from you on this matter?

Sincerely yours,

JAMES J. MUSCATELLO,

Chairman of the Board, BASYAP, Inc.

(Businessmen Affected Severely by the Yearly Action Plans, Inc.)

P.S. When I was appointed to the City Council's Blue-Ribbon Committee on Urban Renewal the recommendations were so structured that the D.C. City Council would be involved in all phases of D.C. affairs. My main objective was to avoid any more small businessmen leaving his city and going to the suburbs. Some 1,900 small businessmen have been forced to move and leave the city—the suburbs have welcomed small business, and have gained over 6,000 during the same period. The Pennsylvania Avenue Plan would continue to displace small businessmen needlessly. Small business has been a central part of American life from the very beginning. Why displace them to celebrate the Bicentennial, and improve Pennsylvania Avenue for Big Business only? This is a denial of the American dream, and is, in a real sense, un-American.

[From the Washington Star-News, Sunday, May 19, 1974]

NOT FOR POOR: SKY-HIGH RENTS IN AVENUE PLAN

(By Michael Kiernan, Star-News Staff Writer)

A proposal to create a mini-Georgetown between the Capitol and the White House ran into opposition yesterday from local groups and city officials who want to include low-income housing in the proposed 1,500-unit townhouse complex.

As proposed, the residential area—proposed for an eight-block section on the north side of Pennsylvania Avenue NW between 6th and 9th Streets—would provide quarters mostly for small households and single people earning more than \$15,000 a year.

A small, efficiency apartment in the complex would rent for \$275 a month, officials for the Pennsylvania Avenue Development Corp. said yesterday.

A one-bedroom apartment would cost \$325 a month and a two-bedroom would run as high as \$500 a month. Such costs are \$100 to \$150 higher than comparable rents now charged in upper Northwest luxury apartment buildings.

In addition, two-thirds of all the housing units would be sold outright as condominiums and none of the units would be available to low-income households.

"This housing should include a variety of income groups, not just upper middle-income couples," said Frances Gemmill, who represented the D.C. League of Women Voters at a public hearing yesterday on proposed development along Pennsylvania Avenue.

Other groups urging that low-income housing be included in the townhouse complex were the D.C. Bicentennial Commission, the Metropolitan Washington Planning and Housing Association and a scattering of private citizens.

D.C. officials predicted in private yesterday at a break in the hearing that Congress would be "extremely reluctant" to provide the \$33 million necessary to underwrite land acquisition costs for the housing project unless some subsidized low-income units were included.

"From a local point of view, it would be philosophically and politically wrong for the District to support such a project without some provision for low-income housing," said one top D.C. official who asked not to be identified.

John Woodbridge, executive director of the development corporation, said if the District wanted to ask for an additional subsidy from Congress for low-income housing, "we certainly would consider supporting it."

Woodbridge noted that the corporation was attempting to keep federal expenditures as low as possible, adding that the corporation considered its present housing plan one that would attract the "best potential housing market" for the area.

Meanwhile, the District's Office of Planning and Management is now developing a housing plan that would do away with most of the proposed townhouse developments in the eight-block area, replacing them with four high-rise apartment buildings.

Such a plan would mean that fewer commercial businesses now in the area would be forced to relocate elsewhere, D.C. officials said.

In addition, the proposed high-rises would offer office space to new commercial businesses as well as apartment dwellings.

Rents would remain high for middle-income households in the high-rises, but as many as 20 percent of the 1,500 units could be made available for low-income families, said Kirk White, a chief assistant of the planning office * * *.

[Whereupon, at 12:30 p.m. the subcommittee was adjourned, subject to the call of the Chair.]