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LAND AND WATER CONSERVATION FUND—HISTORIC PRESERVATION

GOVERNMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 324

A BILL TO AMEND THE NATIONAL TRAILS SYSTEM ACT BY DESIGNATING THE POTOMAC HERITAGE TRAIL LOCATED IN PORTIONS OF MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA, AND THE DISTRICT OF COLUMBIA, AS A COMPONENT OF THE NATIONAL TRAILS SYSTEM

S. 1390

A BILL TO AUTHORIZE A STUDY FOR THE PURPOSE OF DETERMINING THE FEASIBILITY AND DESIRABILITY OF DESIGNATING THE PACIFIC NORTHWEST TRAIL AS A NATIONAL SCENIC TRAIL

S. 327

A BILL TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED, TO ESTABLISH THE NATIONAL HISTORIC PRESERVATION FUND, AND FOR OTHER PURPOSES

S. 1486

A BILL TO AMEND THE NATIONAL TRAILS SYSTEM ACT BY DESIGNATING THE POTOMAC HERITAGE TRAIL LOCATED IN PORTIONS OF MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA, AND THE DISTRICT OF COLUMBIA AS A COMPONENT OF THE NATIONAL TRAILS SYSTEM

S. 805

A BILL TO AMEND SECTION 5(c) OF THE NATIONAL TRAILS SYSTEM ACT

JUNE 19, 1975

PART 3

Printed for the use of the
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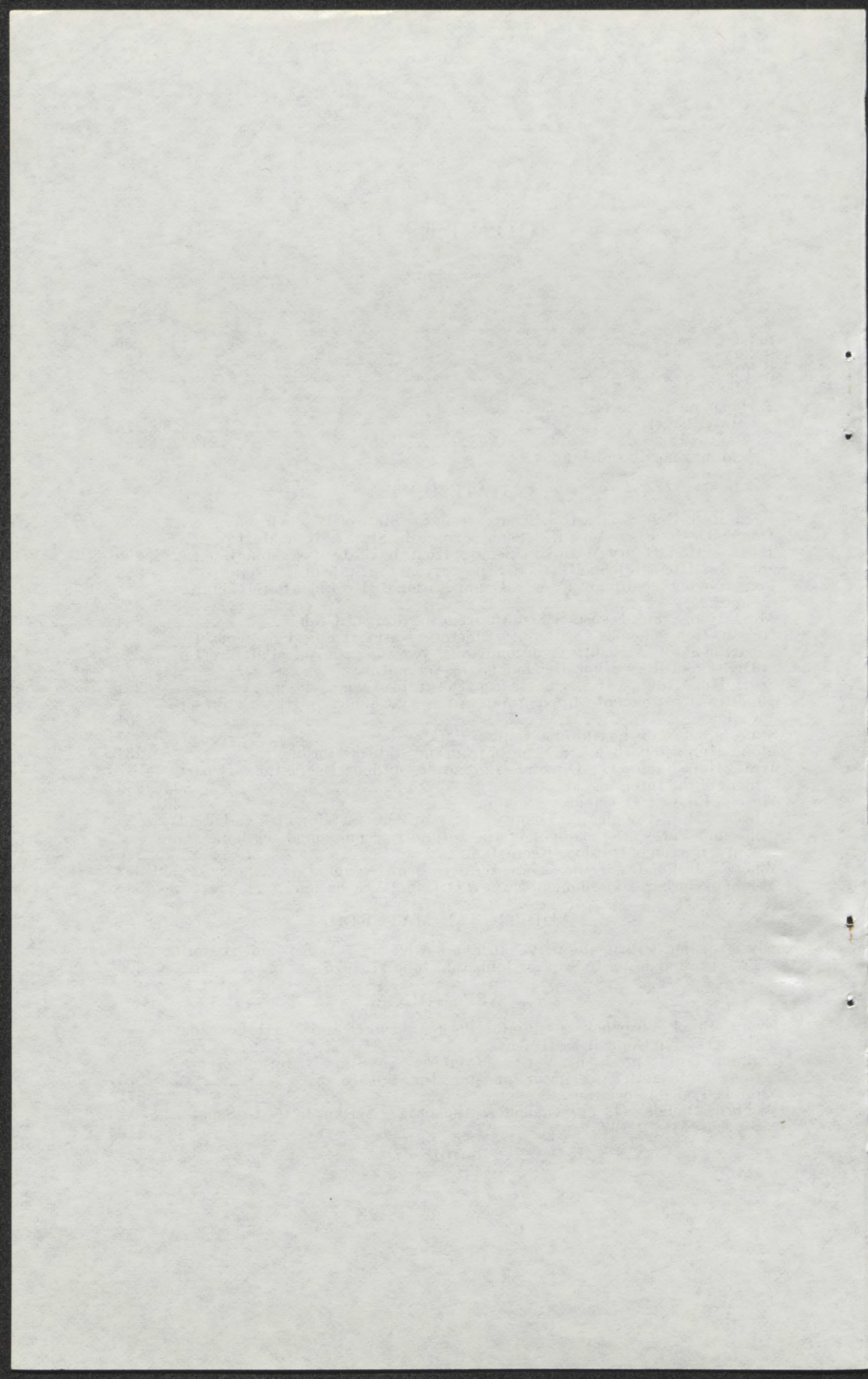
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LAND AND WATER CONSERVATION FUND—HISTORIC PRESERVATION

THURSDAY, JUNE 19, 1975

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. Richard Stone presiding.

Present: Senators Johnston, Stone, Fannin, and Hatfield.

Also present: James P. Beirne, counsel; and W. O. Fred Craft, Jr., deputy minority counsel.

Senator STONE. The hearing will come to order.

OPENING STATEMENT OF HON. RICHARD STONE, A U.S. SENATOR FROM THE STATE OF FLORIDA

This is the time which has been duly noticed for an open hearing before the Subcommittee on Parks and Recreation on several pending measures:

S. 327: Legislation to amend the Land and Water Conservation Fund Act, as amended; to create a National Historic Preservation Fund; and for other purposes.

S. 805: Legislation to authorize a study of the Dominguez-Escalante Trail;

S. 1390: Legislation to authorize a study of the Pacific Northwest Trail; and

S. 324 and S. 1486: Legislation to designate the Potomac Heritage Trail as a national scenic trail.

Copies of the legislation and the reports of the Departments will be made a part of the record at this point.

[The material referred to above follows:]

94TH CONGRESS
1ST SESSION

S. 324

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1975

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 National Trails System Act by designating the Potomac Heritage Trail located in portions of Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, as a component of the National Trails System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Potomac Heritage Trail
4 Act of 1975".

5 SEC. 2. Section 5 (a) of the National Trails System Act
6 (82 Stat. 919; 16 U.S.C. 1241) is amended as follows:

7 (a) At the end of the first sentence change the period
8 to a colon and add the following proviso: "*Provided, That*

1 the Secretary of the Interior may designate non-Federal
2 segments of the Potomac Heritage Trail.”; and in the second
3 sentence delete the words “the initial”.

4 (b) Change the existing paragraph “(3)” to “(4”
5 and insert a new paragraph (3) as follows:

6 “(3) The Potomac Heritage Trail, a corridor of ap-
7 proximately eight hundred and seventy-four miles, extend-
8 ing from the mouth of the Potomac River to its source (ex-
9 cept for one segment extending into Pennsylvania) follow-
10 ing the route as generally depicted on the map, identified
11 as ‘National Trails System, Proposed Potomac Heritage
12 Trail Corridor, ———’, which shall be on file and avail-
13 able for public inspection in the office of the Director of
14 the National Park Service: *Provided*, (i) That only those
15 segments of the corridor located within exterior boundaries
16 of federally administered areas are designated as the Potomac
17 Heritage National Scenic Trail by this Act; and (ii) that
18 the Secretary of the Interior may designate lands outside
19 of federally administered areas as segments of the Potomac
20 Heritage National Scenic Trail upon application from the
21 States (including the District of Columbia) or local govern-
22 mental agencies involved if such segments meet the criteria
23 established in this Act and are administered by such agencies
24 without expense to the United States. The segments of the
25 Potomac Heritage National Scenic Trail designated by this

1 Act shall be administered by the Secretary of the Interior,
2 in consultation with the heads of other Federal agencies
3 where lands administered by them are involved. The Sec-
4 retary of the Interior, within three years after the effective
5 date of this paragraph, shall prepare guidelines for develop-
6 ment, management, and maintenance of the Potomac
7 Heritage Trail.”.

8 (c) In the first sentence of the new paragraph (4),
9 delete the words “an advisory council for the Appalachian
10 National Scenic Trail” and substitute the words “advisory
11 councils for the Appalachian and Potomac Heritage National
12 Scenic Trails”.

13 SEC. 3. In section 7 (e) at the end of the first sentence
14 change the period to a comma and add the following words:
15 “except this proviso shall not apply to the Potomac Heritage
16 National Scenic Trail.”.

17 SEC. 4. There are authorized to be appropriated such
18 sums as may be necessary to carry out the provisions of this
19 Act.

94TH CONGRESS
1ST SESSION

S. 327

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1975

Mr. JACKSON (for himself and Mr. JOHNSTON) 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, as amended, to establish the National Historic Preservation Fund, 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 TITLE I—LAND AND WATER CONSERVATION
4 FUND

5 SEC. 101. The Land and Water Conservation Fund
6 Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601-
7 4 et seq.), is further amended as follows:

8 (a) In clause (1) of section 2 (c) strike out "and not
9 less than \$300,000,000 for each fiscal year thereafter through
10 June 30, 1989" and insert in lieu thereof "not less than

1 \$300,000,000 for each of the fiscal years 1971 through
2 1974, and not less than \$1,000,000,000 for each of the
3 fiscal years thereafter through June 30, 1989". In clause
4 (2) of section 2 (c) strike out "or \$300,000,000" and insert
5 in lieu thereof ", \$300,000,000 or \$1,000,000,000".

6 (b) In the third sentence of section 6 (b), delete "7"
7 and substitute "10", and at the end of the fifth sentence
8 of said section change the period to a comma and add "with-
9 out regard to the 10 per centum limitation to an individual
10 State specified in this subsection."

11 (c) The first sentence of section 6 (c) of the Act is
12 amended to read as follows: "Payments to any State shall
13 not cover more than 50 per centum of the cost of planning
14 or development projects, and not more than 70 per centum
15 of the cost of acquisition projects, which are undertaken by
16 the State."

17 (d) Subsection (d) of section 6 is amended by inserting
18 the following new language after the first sentence: "Each
19 State requesting assistance under this Act shall submit its
20 plan to all relevant areawide planning agencies designated
21 pursuant to section 204 of the Demonstration Cities and
22 Metropolitan Development Act of 1968 and for title IV of
23 the Intergovernmental Cooperation Act of 1968. The Sec-
24 retary is directed to consider any views or comments sub-
25 mitted to him by such agencies as well as by any subdivi-

1 sion of a State, which views have first been submitted to
2 the Governor of such State, in his evaluation of the statewide
3 plan and in his consideration of individual projects pursuant
4 to subsection (f) of this section.”.

5 (e) In section 6(e) delete the paragraph numbered
6 (2) and substitute the following paragraph:

7 “(2) DEVELOPMENT.—For development of basic
8 outdoor recreation facilities to serve the general public,
9 including development of Federal lands under lease to
10 States for terms of twenty-five years or more: *Provided,*
11 *however,* That not more than 25 per centum of the total
12 amount allocated to a State in any one year under this
13 Act for recreation purposes may be approved by the
14 Secretary for the planning and development of sheltered
15 facilities for recreation activities normally pursued out-
16 doors within areas where the Secretary determines
17 that (1) the unavailability of land or climatic conditions
18 provide no feasible or prudent alternative to serve
19 identified unmet demands for recreation resources; and
20 (2) the increased public use thereby made possible
21 justifies the construction of such facilities.”.

22 (f) The fourth paragraph of subsection (f) of section
23 6 is amended by deleting “and (2)” and inserting in lieu
24 thereof “(2) provide to the Secretary not later than 90 days
25 after the close of each fiscal year, a list of all projects funded

1 during that fiscal year, including, but not limited to, a de-
2 scription of each project, the amount of Federal funds em-
3 ployed in such project, the source of other funds, and the
4 estimated cost of completion of the project, and (3)".

5 (g) Section 7 (a) (1) of the Land and Water Conserva-
6 tion Fund Act of 1965 (16 U.S.C. 460l-9 (a) (1)) is
7 amended by striking out:

8 "ENDANGERED SPECIES AND THREATENED SPE-
9 CIES.—For lands, waters, or interests therein, the acqui-
10 sition of which is authorized under section 5 (a) of the
11 Endangered Species Act of 1973, needed for the purpose
12 of conserving endangered or threatened species of fish or
13 wildlife or plants.

14 "RECREATION AT REFUGES.—For the incidental
15 recreation purposes of section 2 of the Act of Septem-
16 ber 28, 1962 (76 Stat. 653; 16 U.S.C. 400k-1) ; and"
17 and inserting in lieu thereof the following:

18 "NATIONAL WILDLIFE REFUGE SYSTEM.—Acqui-
19 sition for (a) endangered species and threatened species
20 authorized under section 5 (a) of the Endangered Species
21 Act of 1973; (b) areas authorized by section 2 of the
22 Act of September 28, 1962, as amended (16 U.S.C.
23 460k-1) ; (c) national wildlife refuge areas under sec-
24 tion 7 (a) (5) of the Fish and Wildlife Act of 1956

1 (16 U.S.C. 742f(5)) ; (d) any areas authorized for the
2 National Wildlife Refuge System by specific acts; and”.

3 TITLE II

4 National Historic Preservation Fund

5 SEC. 201. The Act of October 15, 1966 (80 Stat. 915),
6 as amended (16 U.S.C. 470), is amended as follows:

7 (a) Subsection (c) of section 102 is redesignated as
8 subsection (d), and the following new subsection (c) is
9 inserted before said subsection:

10 “(c) The Secretary may in his discretion waive the
11 requirements of paragraph (3) of subsection (a) of this
12 section for the purposes of making grants (i) for the prep-
13 aration of statewide historic preservation plans and surveys
14 and project plans, (ii) for projects to preserve historic prop-
15 erties of national significance, (iii) for projects to demon-
16 strate methods and techniques of historic preservation, and
17 (iv) for projects to restore certain historic properties with
18 a view to designating and preserving such properties for use
19 as meeting houses in connection with this Nation’s bicenten-
20 nial. Any grant made pursuant to this subsection may not
21 exceed 70 per centum of the cost of a project, and the total
22 of such grants made pursuant to this subsection in any one
23 fiscal year may not exceed one-half of the funds appropriated
24 for that fiscal year pursuant to section 108 of this Act.”.

(b) Amend section 103(a) by deleting "*Provided*
however, That the amount granted to any one State shall not
exceed 50 per centum of the total cost of the comprehensive
statewide historic survey and plan for that State, as deter-
mined by the Secretary,".

(c) Amend section 108 to read as follows:

"SEC. 108. To carry out the provisions of this Act, there
is hereby established in the Treasury of the United States a
special fund to be known as the National Historic Preserva-
tion Fund (hereafter referred to as the 'Fund'). During the
period commencing July 1, 1974, and ending June 30, 1979,
there shall be covered into such Fund \$150,000,000 annually
from revenues due and payable to the United States under
the Outer Continental Shelf Lands Act (67 Stat. 462, 469),
as amended (43 U.S.C. 1338), and/or under the Act of
June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191),
which otherwise would be credited to miscellaneous receipts
of the Treasury. Such moneys shall be used only to carry
out the purposes of this Act. Moneys covered into the Fund
shall be available for expenditure only when appropriated
therefor. Any moneys not appropriated shall remain avail-
able in the Fund until appropriated for said purposes: *Pro-*
vided, That appropriations made pursuant to this paragraph
may be made without fiscal year limitation."

TITLE III

1

2 SEC. 301. Notwithstanding any other provision of law,
3 any appointment to the following Federal offices after the
4 date of enactment of this Act shall be made by the President
5 by and with the advice and consent of the Senate—

6 (1) Director of the Bureau of Land Management;

7 (2) Director of the National Park Service;

8 (3) Director of the Bureau of Outdoor Recreation;

9 (4) Commissioner of Reclamation; and

10 (5) Governor of American (Eastern) Samoa.

11 TITLE IV—STATES OIL SHALE FUNDS

12 SEC. 401. Section 35 of the Act of February 25, 1920

13 (41 Stat. 450), as amended (30 U.S.C. 191), is further

14 amended by striking the period at the end of the proviso

15 and inserting in lieu thereof the language as follows: “: *And*

16 *provided further*, That all moneys paid to any State from

17 sales, bonuses, royalties, and rentals of oil shale in public

18 lands may be used by such State and its subdivisions for

19 planning, construction, and maintenance of public facilities,

20 and provision of public services, as the legislature of the

21 State may direct giving priority to those subdivisions of the

22 State socially or economically impacted by the development

23 of the resource.”.

94TH CONGRESS
1ST SESSION

S. 805

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (legislative day, FEBRUARY 21), 1975

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

A BILL

To amend section 5 (c) of the National Trails System Act.

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 (c) of the National Trails Act (82 Stat. 921;
4 16 U.S.C. 1244 (c)) is amended by adding at the end
5 thereof the following:

6 “(15) Dominguez-Escalante Trail, extending approxi-
7 mately two thousand miles along the route of the 1776
8 expedition led by Father Francisco Atanasio Dominguez
9 and Father Silvestre Velez de Escalante, originating in
10 Santa Fe, New Mexico; proceeding northwest along the
11 San Juan, Dolores, Gunnison, and White Rivers in Colo-

2

- 1 rado; thence westerly to Utah Lake; thence southward to
- 2 Arizona and returning to Santa Fe.”.

94TH CONGRESS
1ST SESSION

S. 1390

IN THE SENATE OF THE UNITED STATES

APRIL 9, 1975

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

A BILL

To authorize a study for the purpose of determining the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail.

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 (c) of the National Trails System Act (16
4 U.S.C. 1244 (c)) is amended by adding at the end thereof
5 the following:

6 “(15) Pacific Northwest Trail, extending approximate-
7 ly one thousand miles from the Continental Divide in Glacier
8 National Park, Montana, to the Pacific Ocean beach of
9 Olympic National Park, Washington, by the way of—

2

1 “(A) Flathead National Forest and Kootenai
2 National Forest in the State of Montana;

3 “(B) Kaniksu National Forest in the State of
4 Idaho; and

5 “(C) Colville National Forest, Okanagon National
6 Forest, Pasayten Wilderness Area, Ross Lake National
7 Recreation Area, North Cascades National Park, Mount
8 Baker, the Skagit River, Deception Pass, Whidbey
9 Island, Olympic National Forest, and Olympic National
10 Park in the State of Washington.”.

94TH CONGRESS
1ST SESSION

S. 1486

IN THE SENATE OF THE UNITED STATES

APRIL 21, 1975

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 National Trails System Act by designating the Potomac Heritage Trail located in portions of Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia as a component of the National Trails System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Potomac Heritage Na-
4 tional Scenic Trail Act of 1975".

5 SEC. 2. Section 5 (a) of the National Trails System Act
6 (16 U.S.C. 1244) is amended (1) by inserting immediately
7 before the period at the end of the first sentence a semi-
8 colon and the following: "except that the Secretary of the
9 Interior may designate non-Federal segments of the Potomac

1 Heritage National Scenic Trail"; (2) by deleting in the
2 second sentence thereof the words "the initial"; (3) by
3 deleting in paragraph (3) thereof the words "an advisory
4 council for the Appalachian National Scenic Trail" and in-
5 serting in lieu thereof "advisory councils for the Appalachian
6 and Potomac Heritage National Scenic Trails"; (4) by re-
7 designating paragraph (3) thereof as paragraph (4); and
8 (5) by inserting immediately after paragraph (2) thereof
9 the following new paragraph:

10 “(3) The Potomac Heritage Trail, a corridor of ap-
11 proximately eight hundred and seventy-four miles extending
12 from the mouth of the Potomac River to its source (except
13 for one segment extending into Pennsylvania) following the
14 route as generally depicted on the map, identified as Na-
15 tional Trails System, Proposed Potomac Heritage Trail Cor-
16 ridor, which shall be on file and available for public inspec-
17 tion in the office of the Director of the National Park Service:
18 *Provided*, (i) That only those segments of the corridor lo-
19 cated within exterior boundaries of federally administered
20 areas are designated as the Potomac Heritage National
21 Scenic Trail by this Act; and (ii) That the Secretary of the
22 Interior may designate lands outside of federally adminis-
23 tered areas as segments of the Potomac Heritage National
24 Scenic Trail upon application from the States (including the
25 District of Columbia) or local governmental agencies in-

1 volved if such segments meet the criteria established in this
2 Act and are administered by such agencies without expense
3 to the United States. The segments of the Potomac Heritage
4 National Scenic Trail designated by this Act shall be ad-
5 ministered by the Secretary of the Interior, in consultation
6 with the heads of other Federal agencies where lands admin-
7 istered by them are involved. The Secretary of the Interior,
8 within three years after the effective date of this paragraph,
9 shall prepare guidelines for development, management, and
10 maintenance of the Potomac Heritage Trail, except that it
11 is the sense of the Congress that the Secretary, with respect
12 to his authority to provide certain facilities within the Poto-
13 mac Heritage National Scenic Trail, should immediately
14 utilize that authority to construct campsites, shelters, and
15 related public use facilities within those parts of such trail
16 which are located within areas of high unemployment.”.

17 SEC. 3. Section 7 (e) of the National Trails System Act
18 (16 U.S.C. 1246) is amended by inserting immediately
19 before the period at the end of the first sentence thereof a
20 comma and the following: “except that the foregoing pro-
21 visions of this proviso shall not apply to the Potomac Her-
22 itage National Scenic Trail”.

23 SEC. 4. There are authorized to be appropriated such
24 sums as may be necessary to carry out the provisions of this
25 Act.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

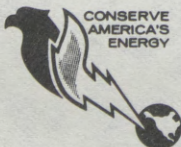
JUN 9 - 1975

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 327, a bill "To amend the Land and Water Conservation Act of 1965 as amended and to establish the National Historic Preservation Fund."

We recommend against the enactment of S. 327 because we believe that such a massive increase in the authorized level of the Fund at this time would jeopardize the Administration's efforts to hold down Federal spending.

Title I of S. 327 would increase the existing \$300 million annual income level of the Land and Water Conservation Fund to \$1 billion each fiscal year through FY 1989 by utilizing Outer Continental Shelf mineral leasing receipts. The bill would also amend the Land and Water Conservation Fund Act to increase the percentage of the total State allocation available to any one State from 7 percent to 10 percent and allow a State to use up to 50 percent of its share for planning or development projects and up to 70 percent for land acquisition. In addition, the bill would require a State requesting assistance from the Fund to submit its plan to the areawide planning agencies designated under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1968 and for Title IV of the Intergovernmental Cooperation Act of 1968. The States would also be authorized to use not more than 25 percent of their total annual allocation for the planning and development of sheltered facilities for recreation activities normally pursued outdoors under certain conditions. The bill would also amend the Act to authorize funds for the acquisition of lands for inclusion in the National Wildlife Refuge System administered by the Fish and Wildlife Service of this Department.



Save Energy and You Serve America!

Title II would amend Section 108 of the Act of October 15, 1966 (80 Stat. 915) to authorize the Secretary of the Interior to waive the 50 percent matching requirement with respect to State-wide historic preservation plans and project plans, but would require that any such grant not exceed 70 percent of the cost of such plans. In addition, Title II would amend Section 108 of the 1966 Act by creating a separate fund in the Treasury of the United States, termed the "national historic preservation fund," from which appropriations may be made for grant purposes. This fund would comprise \$150 million annually derived from revenues due and payable to the United States under the Outer Continental Shelf Lands Act and/or the Act of June 4, 1920, the Mineral Leasing Act.

Title III would require the Presidential appointment and Senate confirmation of the Directors of the Bureau of Land Management, National Park Service and Bureau of Outdoor Recreation as well as the Governor of American Samoa and the Commissioner of Reclamation.

Title IV would authorize the States to use their share of the receipts from oil shale leases on public lands for the planning, construction and maintenance of such public facilities and services as the State legislature may direct. Current law now limits the State's use of such receipts to the construction and maintenance of public roads or for the support of public school or other public educational institutions. We would note that separate legislation (S. 834) similar to Title IV of S. 327 passed the Senate on April 22, 1975.

The Land and Water Conservation Fund Act of 1965 (P.L. 88-578; 78 Stat. 897) established a fund in the United States Treasury to provide a program for (1) the acquisition of lands for federally administered recreation areas; and (2) matching grants to State and local governments for planning, acquisition and development of recreation lands and facilities. The Fund is administered by the Bureau of Outdoor Recreation of this Department and revenues are derived from the sale of Federal surplus real property, the Federal motorboat fuel tax, and Outer Continental Shelf mineral receipts.

The amount of land authorized to be acquired with funds from the LWCF and the value of this land has increased substantially since the enactment of the program. For example, the National Park Service will have approximately \$573 million worth of land to acquire after fiscal year 75. This includes over \$215 million of land at Big Cypress, Big Thicket, and Cuyahoga National Recreation Area which are areas that the Congress directed that the acquisition be substantially completed within six years.

However, our economy today is plagued by the twin problems of inflation and recession. Unless we develop a strategy both to reduce the rate of inflation and selectively to stimulate recovery, our economy and the high standard of living it has brought us will be imperiled. Meeting our economic goals of recovery and future growth without an eroding inflation rate is a more immediate priority than increasing the funding authorization for these programs.

As you are aware there is \$262 million currently authorized for the Land and Water Conservation Fund but not appropriated to date. This amount excludes the \$300 million recommended in the President's Budget for 1976. If fiscal policy constraints can be diminished in the future, we could propose as a Departmental budget initiative the use of the approximately \$200 million portion of these unappropriated funds which is not needed to repay advances to the Fund to finance the acquisition of authorized lands. This could be done without increasing the authorized level of the Fund at this time.

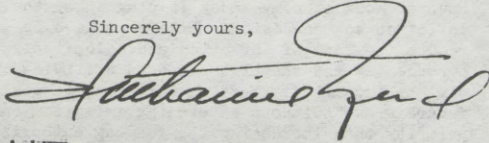
The Act of October 15, 1966 (80 Stat. 915), was a landmark in this Nation's commitment to preserve the significant aspects of our historic heritage at all levels - Federal, State and local. The 1966 Act authorized matching grants to the States and the National Trust for Historic Preservation in the United States for planning and for projects having as their purpose the acquisition and development of "any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture." Since the 1966 Act was passed, a total of more than \$52 million has been appropriated for grants to States, and the National Trust, for State, local, and private historic preservation projects and plans. Active projects to preserve historic districts, sites, and structures are now continuing in all 50 States, the District of Columbia, American Samoa, and Guam.

As it was last amended by Public Law 93-54 of July 1, 1973, 87 Stat. 139, the Act authorizes funds for grants only through fiscal year 1976. We have recently transmitted to the 94th Congress a legislative proposal which would amend the existing law to extend the authorization through FY 1978 at the FY 1976 level of \$24.4 million.

This recommendation is consistent with the President's moratorium on new Federal spending programs other than those involving energy production, national defense and certain humanitarian efforts, and his stated policy to avoid excessive growth of Federal spending in the long run.

The Office of Management and Budget has advised that there is no objection to the presentation of this report and that enactment of S. 327 would not be in accord with the President'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.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 11 1975

Dear Mr. Chairman:

This responds to your request for the views of this Department on three bills: S. 805, a bill "To amend section 5(c) of the National Trails System Act;" S. 1390, a bill "To authorize a study for the purpose of determining the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail;" and S. 1486, a bill "To amend the National Trails System Act by designating the Potomac Heritage Trail located in portions of Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia as a component of the National Trails System."

We have no objection to the enactment of either S. 805 or S. 1390. We recommend the enactment of S. 1486, if amended as noted herein.

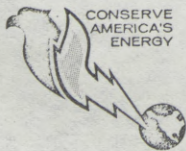
S. 805

S. 805 would amend section 5(c) of the National Trails System Act (82 Stat. 919) by adding the Dominguez-Escalante Trail to the list of trails to be studied for possible inclusion in the National Trails System as a component of that System.

The Dominguez-Escalante Trail extends approximately 2,000 miles. It follows the route of a 1776 expedition led by Fathers Dominguez and Escalante, from Santa Fe, New Mexico through Colorado, Utah and Arizona, and back to Santa Fe. The expedition was in search of an overland trail from Santa Fe to Monterey, California. This historic 1776 Spanish expedition made a major contribution to the exploration of the American Southwest, and increased available knowledge leading directly to the later development of the old Spanish trails linking the Spanish settlements.

S. 1390

S. 1390 would amend section 5(c) of the National Trails System Act (82 Stat. 919) by authorizing a study to determine the feasibility and desirability of designating the Pacific Northwest Trail as a component of the National Trails System as a National Scenic Trail.



Save Energy and You Serve America!

The trail would extend approximately 1,000 miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington. The trail would pass through Flathead and Kootenai National Forests in Montana, and through Colville, Okanagon and Olympic National Forests, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades and Olympic National Parks, Mount Baker, the Skagit River, Deception Pass, and Whidbey Island, all in the State of Washington. These areas offer outstanding scenic beauty and diversity.

S. 1486

S. 1486, with one exception, is identical in substance to the draft bill which this Department transmitted to the Congress on December 19, 1974, and which has been introduced in the 94th Congress as S. 324.

S. 1486, like S. 324, would amend sections 5(a) and 7(e) of the National Trails System Act (82 Stat. 919) by designating the Potomac Heritage Trail as a component of the National System as a National Scenic Trail. Overall administration would be assigned to the Department of the Interior, which will consult with the heads of other Federal agencies where lands administered by them are involved, and with State, county and local agencies or private trail organizations.

Under section 2 of S. 1486, only those components of the trail, 323 miles in total length, located within exterior boundaries of federally administered areas (including the District of Columbia) are designated initially. The Secretary would designate lands outside such boundaries as components of the Potomac Heritage National Scenic Trail upon application from the States (including the District of Columbia) or local governmental agencies involved if such components meet established criteria and are administered by such agencies without expense to the United States. Guidelines for the development, management and maintenance of the trail would be prepared by the Secretary within three years after the trail is designated. An Advisory Council on the pattern of that established for the Appalachian Scenic Trail would be constituted.

Further, S. 1486 amends the National Trails System Act to render inapplicable to the bill the authority of the Secretary regarding the establishment of the trail right-of-way outside the exterior boundaries of federally administered areas, since these components would be administered without expense to the United States. Funds to establish initial sections of trail designated under the draft bill would be provided by the Federal administering agencies involved under existing authorities. There are authorized to be appropriated

such sums as may be necessary to carry out the provisions of the legislation including mapping the trail, publication of the trail route, guidelines and other such requirements.

The Potomac Heritage National Scenic Trail will follow the course of the Potomac River from its source to its mouth, linking an outstanding array of superlative features from tidewater Virginia and Maryland through the monumental core of the Nation's Capital to the interior lands of West Virginia and Pennsylvania. The trail will be unique in the variety and diversity of its land forms--passing through shorelands, marshlands, alternating wide and narrow stream valleys, spectacular gorges, and over scenic highlands, rugged bluffs and heavily forested mountainous areas.

The impressive cultural history of the proposed trail is embodied in the historic homes, buildings, battlefields, and artifacts along the trail route. Perhaps no other route in the country is historically as rich. Among the major historic attractions along this trail are Fort Necessity, Harpers Ferry, Fort Washington, Antietam Battlefield, Mount Vernon, the White House and numerous other historic monuments and buildings of metropolitan Washington, and the Chesapeake and Ohio Canal.

The proposed trail will provide splendid recreation opportunities for the residents of the Potomac River Valley as well as the millions who annually visit the Nation's Capital. The trail will accommodate hiking and on suitable portions bicycling, horseback riding and similar uses. In the forested areas and higher elevations of West Virginia, western Maryland, and western Pennsylvania the trail would be suitable for winter recreational uses such as ski-touring and snowshoeing.

It is in the national interest to create, develop, and maintain the Potomac Heritage National Scenic Trail.

There is one difference between S. 1486 and S. 324, the Department's proposal. While both bills would require the Secretary of the Interior to prepare guidelines for development, management and maintenance or the trail within three years after the trail is designated, S. 1486 contains additional language on page 3, lines 10-16:

"except that it is the sense of the Congress that the Secretary, with respect to his authority to provide certain facilities within the Potomac Heritage National Scenic Trail, should immediately utilize that authority

to construct campsites, shelters, and related public use facilities within those parts of such trail which are located within areas of high unemployment."

This proviso conflicts with language of the bill which mandates that the Secretary develop guidelines to provide for the orderly development, management, and maintenance of the trail. Construction prior to the development of guidelines might not be compatible with the master plan to be prepared for the trail. Further, the trail is not a newly designated Federal area which will require specific authorization for the construction of facilities. Rather, it will be designated solely on lands already owned by the Federal Government. Proposals for appropriate programs to create employment opportunities might be better directed towards the agencies administering such programs.

The President's program for meeting the problems of high unemployment is based on restoring the basic health of the economy, and in the interim, addressing the hardship caused by unemployment through unemployment insurance benefits. He has also supported maintaining the current level of Federal-subsidized jobs (300,000) through fiscal year 1976. This particular proviso will not materially contribute to a coordinated solution to the problem.

For these reasons, we oppose enactment of this particular proviso. If deleted, we support enactment of the bill to designate the Potomac Heritage Trail as a component of the Scenic Trail System.

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,

Rayston C. Hughes

Assistant Secretary of the Interior

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



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

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

June 16, 1975

Dear Mr. Chairman:

As you requested, here is the report of the Department of Agriculture on S. 324 and S. 1486, bills "To amend the National Trails System Act by designating the Potomac Heritage Trail located in portions of Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, as a component of the National Trails System."

The Department of Agriculture recommends that S. 324 be enacted. We recommend that S. 1486 not be enacted, unless it is modified as noted herein.

S. 324 and S. 1486 would designate the Potomac Heritage National Scenic Trail, a corridor of about 874 miles extending from the mouth of the Potomac River to its source (except for one segment extending into Pennsylvania) as a component of the National Trails System. Only those segments of the corridor within the exterior boundaries of federally administered areas would be so designated. The Secretary of the Interior could designate lands outside federally administered areas as segments of the Trail upon application from the States, including the District of Columbia, or local governmental agencies involved if such segments meet the criteria established in the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241-1249) and are administered by such agencies without expense to the United States. The segments of the Trail within the exterior boundaries of federally administered areas would be administered by the Secretary of the Interior in consultation with the heads of other Federal agencies where lands administered by them are involved. The Secretary of the Interior would have three years after enactment of S. 324 or S. 1486 to prepare guidelines for development, management, and maintenance of the Trail. The Secretary of the Interior would also be required to establish an advisory council for the Trail. Section 7(e) of the National Trails System Act (16 U.S.C. 1246) would be amended to render inapplicable to the Potomac Heritage Trail the authority of the Secretary of the Interior regarding the establishment of the Trail right-of-way outside the exterior boundaries of federally administered areas, since these components would be administered without expense to the United States. The bills would authorize the appropriation of such sums as may be necessary to carry out its provisions.

There is one difference between S. 324 and S. 1486. The latter bill, on page 3, lines 10-16, would express the sense of the Congress that Trail facilities should be immediately constructed within areas of high unemployment. Because there exists uncertainty regarding the specific

Honorable Henry M. Jackson

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development of the Trail, we oppose this provision in S. 1486 which could result in the development of facilities which would not fit into a comprehensive trail plan. Also, a definition of high unemployment, for purposes of this bill, is lacking. Finally, in light of the Administration's proposal to resolve the unemployment problem on a national and coordinated basis, we oppose this limited and piecemeal approach to the problem. We recommend that this provision be deleted from S. 1486.

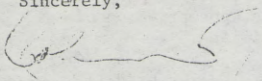
The National Trails System Act designated the Appalachian and Pacific Crest Trails as National Scenic Trails and listed fourteen additional routes, including the Potomac Heritage Trail, for study as potential National Scenic Trails. The Bureau of Outdoor Recreation led an interagency study of the Potomac Heritage Trail route, and the Forest Service of this Department participated in the study of about 81 miles of the route which would be within the exterior boundaries of the Monongahela National Forest in West Virginia. The Secretary of the Interior transmitted his recommendations and the study report to the Congress on December 19, 1974. The Secretary's recommendations are embodied in their entirety in S. 324 and S. 1486.

Since the study of the Potomac Heritage Trail route was completed and transmitted to the Congress, the Act of January 3, 1975, (88 Stat. 2096) designated the Dolly Sods Wilderness, Monongahela National Forest, West Virginia as a component of the National Wilderness Preservation System. The Potomac Heritage Trail, as now generally proposed, might follow some of the boundary or perhaps enter portions of the Dolly Sods Wilderness. Prior to construction of this portion of the Trail, it would be desirable to select a precise location that would minimize the Trail's impact on the Dolly Sods Wilderness. We do not believe that the potential need for a location adjustment in the Dolly Sods area should affect consideration of S. 324 and S. 1486. Any needed adjustments could be made under section 7(a) the National Trails System Act (16 U.S.C. 1246).

Based on 1970 estimates, this Department would need about \$645,000 over a 5-year period for land acquisition, trail construction, and facility construction along that portion of the Potomac Heritage National Scenic Trail within the Monongahela National Forest. In addition, the 1970 estimates indicate that annual administration and maintenance costs for the completed Trail within the Monongahela National Forest would be about \$18,000.

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

Sincerely,



ROBERT W. LONG
Acting Secretary



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

June 14, 1974

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

Dear Mr. Chairman:

As you requested, here is the report of the Department of Agriculture on S. 805, a bill "To amend section 5(c) of the National Trails System Act."

The Department of Agriculture has no objection to the enactment of S. 805 as it would affect the responsibilities of this Department. Since most of the proposed trail study would apparently be outside National Forest boundaries, we defer to the Department of the Interior for an overall recommendation on whether S. 805 should be enacted.

S. 805 would amend section 5(c) of the National Trails Act (82 Stat. 921; 16 U.S.C. 1244 (c)) by adding the Dominguez-Escalante Trail to the list of trails to be studied to determine the feasibility and desirability of designating them as national scenic trails. The Dominguez-Escalante Trail would extend approximately 2,000 miles along the route of the 1776 expedition led by Father Francisco Atanasio Dominguez and Father Silvestre Velez de Escalante. The Trail would originate in Santa Fe, New Mexico, then proceed northwest along the San Juan, Dolores, Gunnison, and White Rivers in Colorado; thence westerly to Utah Lake; thence southward to Arizona and returning to Santa Fe.

The specific location of a possible Dominguez-Escalante Trail corridor is unknown at this time. However, it appears that the route taken by Father Dominguez and Father Escalante crossed several areas, particularly in Colorado, which are now within National Forests administered by this Department. Therefore, we have a major interest in some of the areas that would be affected by S. 805, and we would have a major responsibility for the study of those portions of the Dominguez-Escalante Trail on National Forest land. While we do not have sufficient information at this time to determine the overall need for a Dominguez-Escalante Trail study, we would not object to a study of those portions of the Trail located within the National Forests.

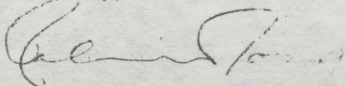
Honorable Henry M. Jackson

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We estimate that this Department's share of the cost for a Dominguez-Escalante Trail study would be about \$50,000.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert W. Long", written in a cursive style.

ROBERT W. LONG
Acting Secretary



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

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

June 18, 1970

Dear Mr. Chairman:

As you requested, here is the report of the Department of Agriculture on S. 1390, a bill "To authorize a study for the purpose of determining the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail."

The Department of Agriculture recommends that S. 1390 be enacted.

S. 1390 would amend section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) by adding the Pacific Northwest Trail to the list of trails to be studied to determine the feasibility and desirability of designating them as national scenic trails. The Pacific Northwest Trail would extend approximately 1,000 miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington. The trail would be located by way of the Flathead and Kootenai National Forests in Montana; the Kaniksu National Forest in Idaho; and the Colville National Forest, Okanogan National Forest, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades National Park, Mount Baker, the Skagit River, Deception Pass, Whidbey Island, Olympic National Forest, and Olympic National Park in Washington.

The specific location of a possible Pacific Northwest Trail corridor is unknown at this time. However, it appears that any corridor through the general area described in S. 1390 would, for the most part, cross National Forest lands administered by this Department. Therefore, we would have the major responsibility for the study proposed by S. 1390. While we do not know at this time whether a Pacific Northwest Trail as generally described in S. 1390 would be feasible or desirable, we support the concepts which underlie the National Trails System Act, and we believe that the proposed Pacific Northwest Trail should be studied under the procedures outlined in that Act.

We estimate that this Department's share of the cost for a Pacific Northwest Trail study would be about \$100,000.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert W. Long", is written over a faint, larger signature that is mostly illegible.

ROBERT W. LONG



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

JUN 16 1975

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

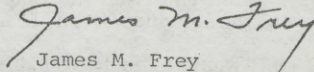
Dear Mr. Chairman:

This is in response to your requests for the views of the Office of Management and Budget on:

1. S. 805, a bill "To amend section 5(c) of the National Trails System Act" (requested April 28, 1975);
2. S. 1390, a bill "To authorize a study for the purpose of determining the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail" (requested April 28, 1975); and,
3. S. 1486, a bill "To amend the National Trails System Act by designating the Potomac Heritage Trail located in portions of Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia as a component of the National Trails System" (requested April 30, 1975).

The Office of Management and Budget concurs in the views of the Departments of the Interior and Agriculture in their reports on these bills, and accordingly has no objection to the enactment of S. 805 and S. 1390. We have no objection to the enactment of S. 1486 if amended as suggested by the Departments.

Sincerely,

A handwritten signature in cursive script that reads "James M. Frey". The signature is written in dark ink and is positioned above the typed name.

James M. Frey
Assistant Director for
Legislative Reference

Senator STONE. At this point I will insert in the record a statement of the full committee chairman, Senator Jackson, and a statement of Senator Church in respect to S. 1390.

[The statements follow:]

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

Mr. Chairman, I appreciate the promptness with which the Subcommittee has scheduled hearings on this important proposal which offers outstanding recreational opportunities for the citizens of this nation.

The approximately 1,000 miles of the proposed trail would encompass some of the most spectacular and precious scenery in the world. Snowy peaks, glaciers, alpine meadows with clear springs and brooks, small lakes and rushing rivers abound. The Trail would run from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park in Washington.

This proposed trail would extend through many areas which I have fought to preserve—North Cascades National Park, Olympic National Park, Ross Lake National Recreation Area and Pasayten Wilderness Area. The Cascades themselves form a distinct and identifiable change in environments: the tremendous precipitation and force of the storms which sweep off the ocean end of the Cascades. On the lee of the Cascades spectacular and rugged desert commands the attention of all who love the Northwest.

These lands are dear to those of us who love the Northwest and enactment of this legislation will help assure that the vistas which we know will be available for others.

STATEMENT OF HON. FRANK CHURCH, A U.S. SENATOR FROM THE STATE OF IDAHO

Mr. Chairman, I am pleased to join with my distinguished colleagues from Washington and Montana in calling for the initiation of a study to determine the feasibility and desirability of designating the Pacific Northwest Trail as a component of the National Trails System as a National Scenic Trail.

With respect to a national scenic trail, rights-of-way must be developed and managed so as to harmonize and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. In selecting rights-of-way for trail purposes, the Secretary is also required to obtain the advice and assistance of the States, local governments, private organizations and landowners and land users adjacent to any trails. Consequently, in calling for a study of the Pacific Northwest Trail, I envision a cooperative effort among all interested and concerned parties.

By creating a national scenic trail, we can assure for citizen-use, campsites, shelters, and related public-use facilities. Also, other activities that enhance the trail and not interfere with the purposes of the trail are permitted.

Finally, and most importantly, establishment of a national scenic trail in this area would provide easy access to some of the most spectacular areas in the Pacific Northwest. Snow-capped peaks, lush mountain meadows, icy brooks and streams and alpine lakes dominate this area. This trail would extend approximately one thousand miles from the Continental Divide in Glacier National Park, Montana, through the Kaniksu National Forest in Idaho, to the Pacific Area beach of Olympic National Park in Washington.

I am hopeful that a study will be authorized. Making this hikers retreat a national scenic trail would certainly be a fitting addition to the National Trails System.

Senator STONE. We are very honored to have with us this morning the distinguished Senator from Utah, Senator Moss, and we will open the hearing with his testimony.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Senator Moss. Thank you, Mr. Chairman. I appreciate the courtesy of being heard at the beginning of this hearing, and I will not be lengthy, but what I have to say, I think, is of considerable importance.

Mr. Chairman, in 1976 this Nation will be celebrating not only the Bicentennial of our birth as a Nation in Philadelphia in 1776, but the 200th anniversary of another event far out across the Continent which helped immeasurably to make our Nation great.

This second event was the expedition chronicled by Father Silvestre Velez de Escalante which traveled from Santa Fe to the shores of Utah Lake, opening up the mountain West to European civilization.

The members of the expedition were the first Europeans to view the spectacular regions that now comprise part of the States of Utah, Colorado, Arizona, and New Mexico. The path that they marked through these present-day States blazed the way for traders and others who followed over the route that became known as the Old Spanish Trail. The impact of this expedition on our history and development cannot be overstated.

I know that we as a Nation will be deeply involved in celebrating the Bicentennial of our national birth in 1976. That is as it should be, of course. But I hope we will also find time to recognize the expedition and the men who wrote such a momentous chapter of the history of the Far West in that same year.

When I introduced an Escalante Trail bill in the 92d Congress, I set out in some detail the dramatic story of the Escalante Expedition as a justification for commemorating the feat in its Bicentennial year. I will not take the time nor space to tell the story again here today. I shall only say that Father Escalante's journey was one of the most important trips of exploration ever made from New Mexico into Colorado, Utah, and Arizona, and it had far-reaching consequences for these States and the areas adjacent to them.

The members of Escalante's party were the first white men to see buffaloes near the Green River in Utah; the first to view Utah's magnificent Mount Timpanogos; the first to view the beautiful Utah Valley and Utah Lake. They were the first white men to go among and describe many of the mountain Indian tribes, and the first to cross the great gorge of the Colorado River. The story of their epic journey will forever remain one of the most thrilling and momentous chapters in American history.

Mr. Chairman, I have been pushing for adoption of an Escalante Trail bill for a long time. I sponsored legislation in the 92d and 93d Congresses, and I am a cosponsor of the bill before the committee now. I hope that this committee and the Senate will move the bill posthaste.

Senator FANNIN [presiding]. I feel it is very appropriate that the distinguished Senator from Utah open these hearings with this excellent statement. I am very pleased to be a cosponsor, as this period of our history is tremendously important to all of us in the West, and of course to all the people of the United States.

You have outlined some historical events that should be better known about this trail both in the U.S. Senate and throughout this country of ours. I commend the Senator from Utah for his testimony, and thank him very much for being with us this morning.

Senator MOSS. Thank you very much, Mr. Chairman. I appreciate it.

Senator FANNIN. The next order of business is to hear the testimony on S. 327 to amend the Land and Water Conservation Fund Act and to establish the National Historic Preservation Fund.

Our first witness will be Douglas P. Wheeler, Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, accompanied by James G. Watt, Director of the Bureau of Outdoor Recreation, Department of the Interior.

Welcome to both of you this morning. We are pleased to have you testify, as we recognize the expertise that you have in this field.

STATEMENT OF HON. DOUGLAS P. WHEELER, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY JAMES G. WATT, BUREAU OF OUTDOOR RECREATION

Mr. WHEELER. We would be happy to answer such questions as you have.

We appreciate the opportunity to appear before you and this subcommittee to testify on S. 327. The basic purposes of the bill are to increase the existing \$300 million annual level of the land and water conservation fund to \$1 billion, and to establish a new national historic preservation fund at a \$150 million level annually for 5 years.

Last year the subcommittee held hearings on similar 93d Congress bills, and at that time the administration opposed increasing both the fund and historic preservation programs because of the economic situation in the Nation.

Earlier this year President Ford called for a 1-year moratorium on new Federal spending programs other than those involving energy production, national defense, and certain humanitarian efforts, and expressed his intention to avoid excessive growth of Federal spending in the long run. The President remains firmly committed to these policies in steering the Nation's difficult economic course.

Mr. Chairman, I wish to emphasize that the administration's present opposition to increasing the land and water conservation fund and historic preservation programs does not mean it is insensitive to the need to continue acquisition of lands for congressionally authorized parks and recreation areas or to continue providing matching grants to State and local governments for planning, acquisition, and development of local recreation facilities as well as the preservation of significant elements of our historic heritage.

Indeed, this administration has supported funding the historic preservation program in fiscal year 1976 at its authorized level, and has again proposed for 1976 a continuation of funding the Land and Water Conservation Fund Program at its authorized level.

At the general hearing before this subcommittee last February, the impressive past records of the outdoor recreation and historic preservation programs were discussed. I should like to review them briefly at this time.

The land and water conservation fund accomplishments might be measured in several ways. First in dollars: Over \$800 million from the fund has been made available to the Federal recreation agencies for land acquisition—the National Park Service (\$500 million); the Forest Service (\$208 million); Fish and Wildlife Service (\$30 million); Bureau of Land Management (\$3 million); and the Bureau of Outdoor Recreation (\$72 million for Redwood National Park).

Over \$1.2 billion has been made available in matching grants to States and their communities. This has led to the acquisition of over 1.2 million acres of State and locally managed recreation lands and 13,500 additional projects to develop recreation facilities on these lands. The projects have reached over 75 percent of the 3,167 counties in the United States. Nearly 60 percent of the projects are located within standard metropolitan statistical area, as designated by the Department of Commerce.

Second, in the resources acquired and protected for this and future generations, a total of more than $2\frac{1}{4}$ million acres have been preserved across the Nation. Approximately 1.3 million acres have been added to our national system of parks, forests, wildlife refuges, wild and scenic rivers, trails and recreation areas and over 1 million acres have been added to State and local park and recreation resources.

The real value of this record is reflected in the contribution these recreation resources make toward improving the quality of life for present and future generations of Americans of all ages and backgrounds.

The preservation of historic properties program on the other hand has made available more than \$52 million in grants to the States and the National Trust for Historic Preservation for State, local, and private historic restoration projects and plans in all of the 50 States, the District of Columbia, American Samoa, and Guam.

Our opposition to the enactment of S. 327 is based on the immediate overriding need to keep inflationary pressures under control and, at the same time, selectively stimulate our economic recovery. We shall continue, however, to explore new methods and alternatives for meeting the Nation's recreation and preservation needs.

As this committee is aware, there is presently an unappropriated balance of \$254.5 million in the land and water conservation fund. This amount is in addition to the \$300 million recommended in the President's budget for fiscal year 1976. If fiscal policy constraints can be diminished in the future, we could propose as a departmental budget initiative the use of the approximately \$192 million portion of these unappropriated funds not needed to repay advances to the fund.

With respect to historic preservation, the Department recently transmitted to the 94th Congress a legislative proposal to extend the appropriation authorization in the Historic Preservation Act through fiscal year 1978 at the fiscal year 1976 level of \$24.4 million.

This concludes my prepared remarks, Mr. Chairman. Mr. Watt and others and I will be happy to respond to any questions you might have.

Senator FANNIN. Thank you very much, Secretary Wheeler. We do appreciate very much your testimony.

Senator Domenici would like to be heard.

Senator STONE [presiding]. I think before proceeding either with the questions to the witnesses or the opening statement by Senator Johnston, which I will read into the record, since Senator Domenici is on a limited schedule, I'm going to call on him for his remarks, and we will follow that with questions and with a statement.

Senator Domenici.

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

Senator DOMENICI. Thank you very much, Mr. Chairman. I have a very brief statement with reference to Senate bill 805, the Dominguez-Escalante Trail bill.

I appreciate your scheduling hearings on S. 805, and I am pleased that Senator Fannin, Senator Goldwater, and Senator Moss have joined me in cosponsoring this proposal.

This legislation would amend the National Trails Act to include the Dominguez-Escalante Trail in the study category.

On July 29, 1776, Fray Francisco Atanasio Dominguez and Fray Sylvestre Velez de Escalante left New Mexico in search of an overland trail to their newly established Franciscan missions in Monterey, Calif. Having traveled through Colorado and then west to what is now Utah Lake on October 11, the fathers were forced to abandon their expedition and return to New Mexico because of inclement weather. They arrived in Zuni on January 2, 1777, and started to work on their diary of the expedition. Incidentally, this journal is now being translated by Fray Angelico Chavez and the bilingual version of the diary will be ready for printing in 1976.

The Dominguez-Escalante expedition was coincident with the Declaration of Independence and the American Revolution of Independence in the eastern section of the new Nation, and Spain soon joined our side as an important contributing ally in our struggle for independence.

It should be pointed out that the four States have established the Dominguez-Escalante State-Federal Bicentennial Committee and the committee has received national recognition as a Bicentennial project, and is currently coordinating State and Federal resources in the four States to commemorate the 1776 expedition. The Bicentennial group has received the support of the Four Corners Regional Commission in the area, which has contributed some research and planning funds for the project.

Presently, the Dominguez-Escalante stretches approximately 2,000 miles through 30 counties, three major cities, several Indian reservations and 10 national forests of the four Southwestern States. The trail winds along the Rio Grande and Santa Fe Rivers in New Mexico, the Dolores, Gunnison, and White Rivers in Colorado, the Green and Duchesne Rivers in Utah, and the Colorado River and Hurricane Fault of Arizona.

It is similar to the famous Santa Fe Trail that linked the Eastern United States with the American Southwest, the Dominguez-Escalante opened the door to the Pacific and Rocky Mountain West.

New Mexico, like its Western State neighbors, has made unique contributions to the cultural heritage of our Nation. I believe as we prepare for the upcoming celebration of America's 200th anniversary that many of these varied accomplishments will be brought to the attention of all Americans.

The Dominguez-Escalante Trail and the saga of that historic expedition increased our geographic knowledge of the American Southwest as it linked old Spanish trails of New Mexico and California settlements.

Mr. Chairman and members of the committee, I believe this trail would be an excellent addition to the national trails system. The unique history of the American Southwest during the Nation's revolutionary period would be symbolized by inclusion of the Escalante Trail in the national system.

Mr. Chairman and Senator Fannin, it is my understanding that as far as the appropriate Federal agencies, and there are a number that have passed on this—my statement would indicate certainly there is the Forest Service, Bureau of Indian Affairs and other involvement—that there is a general concurrence that this Escalante Trail ought to be included in their study program for ultimate inclusion in the National Trails Act, and I thank you for permitting me to testify somewhat out of order. I am supposed to be at two committees, and I'm sure you have similar problems, and unless you have questions, I hope you will ask the technical questions of the agencies. Your staff has already received their written information relative to our bill.

Senator STONE. We thank you. Are there questions?

Senator FANNIN. I do want to commend the Senator from New Mexico. It is a privilege to join the Senator in supporting S. 805, the Dominguez-Escalante Trail bill. Senator Goldwater is also very strongly in support, and we want to help in every way possible.

Senator STONE. Ladies and gentlemen, at this time I would like to convey the remarks of the chairman of this subcommittee, Senator Johnston, of Louisiana, with regard to Senate bill 327, along with the statements of the full committee chairman, Senator Jackson, and Senator Hugh Scott.

[The statements of Senators Johnston, Jackson, and Scott follow:]

STATEMENT OF HON. J. BENNETT JOHNSTON, A U.S. SENATOR FROM THE STATE OF LOUISIANA

The Subcommittee conducted a round of hearings in February to receive the comments of the public on this measure which had passed the Senate last year. Today we will hear from the Department of the Interior and the Advisory Council on Historic Preservation.

Prior to hearing from the Department, I would like to say that I appreciate the promptness with which the Subcommittee received copies of the Department's report. It has enabled the members and their staffs time to review the Department's position and I think that will contribute to a better dialogue. I hope that this cooperation will continue to prevail.

The Land and Water Conservation Fund was never intended to be the sole source of funds for Federal recreation land acquisition—virtually no units of the National Park System, Wilderness System, National Forests, Wild and Scenic River System, or the Wildlife Refuge System are limited to the Land and Water Fund, and yet as a practical matter, the level of the Land and Water Fund has been used as an aggregate ceiling on Federal recreation land acquisition.

I am very concerned about the lack of effort being made to acquire inholdings in National Parks and other areas which Congress has authorized and the President has signed into law. Many of these areas were supported by the Administration when they originally came through Congress.

I would like to remind the Department that the Land and Water Fund expires in 1989. If inflation, new areas, and land price escalation raises the backlog from the present \$2.9 billion to \$4 billion in the next four years, which is not unlikely, you would have to spend \$400 million a year over the remaining ten years of the Fund to complete the job you say you intend to do. That \$400 million, which is what you would receive, or at least be eligible for, under S. 327, would be inadequate if (1) there were any inflation during that period, (2) there were any land price escalation, or (3) Congress authorized any new park, wilderness, wildlife refuge, forest area, or any recreation land.

The picture I am painting is intentionally desperate. If we do not act now, we will be soon talking of a Land and Water Fund of \$2 or \$3 or \$4 billion dollars to complete the job.

On the State side, the picture is not very much brighter. We have heard estimates from the Department that States have the capability of matching from \$500 million to \$600 million, the amount which would be provided by S. 327. The Land and Water Fund was in part designed to spur local efforts, and yet it is we, on the Federal level, who are falling behind.

I have noted with considerable disappointment that the Department will recommend against the Santa Monica Mountains legislation tomorrow. If the Land and Water Fund had been sufficiently available, there might have been an alternative to the Big Cypress legislation last Congress, but you cannot have it both ways. If the Land and Water Fund is to address local needs, it must be adequate. To say no increase in the Land and Water Fund grants and no Federal involvement in urban recreation is really to say no more preservation of urban recreation lands that the Federal Government really doesn't care. I don't think you can have it both ways, and the lands will not stay open for the next several years until a decision is made.

We in the Congress, with the support of the Administration, have promised the people that we will preserve certain areas, and we have authorized the appropriation of sufficient sums to acquire those areas, except that the level of the Fund is being used as an arbitrary aggregate ceiling.

I would remind the Department that there has never been a Presidential veto of a proposed unit of the National Park System, but until the area is acquired it is a National Park in name only. I am not advocating that the entire \$2.9 billion backlog be liquidated in this fiscal year, but that we recognize that the Land and Water Conservation Fund represents a Federal commitment to improve and preserve a quality life for the American people. The Fund is an authorization, not an appropriation; but it is an authorization which will expire in fourteen years. Unless we start putting money into the Fund now at a level commensurate with our promises, we will be faced with an impossible task very shortly. The Fund is basically a savings account, and it is easier to put a little in now than be forced to either put a lot in later or admit that we weren't really serious about preserving Assateague Island, the North Cascades or other areas.

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

The Land and Water Conservation Fund Act, signed into law in 1964, established a program of matching grants to State and local units of government for the planning, acquisition, and development of outdoor recreation lands. Amendments to the Act in 1968 designated portions of the Federal receipts from the Outer Continental Shelf leasing program to be covered into the fund. This reflected the intent of Congress that at least some part of the revenues collected by the Federal Government for disposing of natural resources should be used to acquire other natural resources of lasting value.

The fund is currently authorized at a level of \$300,000,000 each year. Unless appropriations are made to the contrary, sixty per cent of the appropriations made from the fund are to be used for matching grants to State and local governments. This program has met with enthusiastic response at all levels of government. The matching grant program has funded over one billion dollars to date. Thus, the fund has brought forth a massive response to the program and state park systems and community outdoor recreation programs have been benefited.

The remaining 40% of the fund used for Federal land acquisition has been the source of over \$700,000,000 for land acquisition programs by the Federal agencies involved in managing recreation lands. In the case of the National Park Service, the fund has become the sole Federal funding source for land acquisition programs by the Federal agencies involved in managing recreation lands. In the case of the National Park Service, the fund has become the sole Federal funding source for land acquisition within the system.

But the level of response to the program has now far exceeded the capacity of the fund at its current authorized level. State administrators of the program have emphasized in testimony before the Committee that State and local governments have both the identified needs and the funding capabilities to effectively utilize a matching program at a much higher level. This response is especially

impressive when it is considered that the matching grants are made on a 50/50 basis. Each dollar of Federal grant money is bringing forth an equal response from the State and local agencies which benefit from the program. The salutary effects of the recreation benefits derived through the projects are apparent in every part of the country. In any consideration of efforts to improve the quality of life for our nation, the Land and Water Conservation Fund must rank as a major positive influence.

The National Historic Preservation Act of 1966, as amended, provided for a program of matching grants to the States for the preservation of significant historic properties. Currently, the authorization for this program is at the level of \$25,000,000 per annum. The Federal funds are authorized to be appropriated from miscellaneous receipts. The funds are then made available on the basis of 50/50 matching grants to State and local entities.

As with the Land and Water Conservation Fund, the response to this program has been enormous. In fiscal year 1975, the State Historic Preservation Officers have identified over \$180,000,000 in requests for matching funds for historic preservation. The current level of Federal support is vastly insufficient to assist the demonstrated needs for preservation activities. In addition, many historic properties are being lost to other uses due to the lack of available support. The approach of the Bicentennial year has led to widespread willingness to support historic preservation projects on a variety of levels. However, increased Federal funding of matching grants is needed to catalyze this interest.

The demonstrated willingness on the State and local level to match a greatly expanded level of funding is particularly critical for this program. Great numbers of structures of identified historic value are lost each year, as a lack of funds to make preservation or restoration possible consigns them to further decay or outright destruction. Also lost are the positive economic benefits that have been demonstrated in cases in which historic restoration work has taken place. Past experience has shown that the restoration of one structure in an area will frequently stimulate the repair and improvement of nearby buildings, raising property values and stimulating interest throughout the locality. The positive impact of this program extends far beyond the dollars from the Federal grants to benefit entire communities. Now the need is to increase the matching grants program to meet this demonstrated need.

The legislation which we are considering today represents a major effort to deal with the growing recreational needs of the American people. In an era of energy shortages, recession, and unchecked inflation, we must bring our recreation facilities to the people. The States and the Federal Government have recognized this. But the price of a decent life is high and it will not get cheaper.

States have identified over \$45 billion in recreational needs to 1985 in their Statewide Outdoor Recreation Plans and the land acquisition backlog of the National Park Service now exceeds \$700 million. Everyday, more and more land is lost to development—open land, green land, land where children can play and families can escape from the city.

We can sit back and watch areas such as the Santa Monica Mountains outside Los Angeles, the Chattahoochee outside Atlanta, and a hundred other open areas outside a hundred other cities disappear or we can act.

We can condemn the children of our cities to a world of concrete and sooty skies, teaching them to play in the streets and alleys or we can provide recreational facilities. The choice is ours.

Historic properties also are being lost to development. Our heritage to the extent that it is reflected in our historical properties is indeed an endangered species. The Historic Preservation Act since its enactment in 1966 has provided over \$32 million, but it is not nearly enough. States have placed over \$160 million to the cause of historic preservation. This legislation will seek to match that dedication.

STATEMENT OF HON. HUGH SCOTT, A U.S. SENATOR FROM THE STATE OF
PENNSYLVANIA

Mr. Chairman, I am pleased to be able to offer my testimony in strong support of Title II of Senate bill S. 327 which would create a National Historic Preservation Fund. The Historic Preservation Fund would centralize this nation's efforts to preserve property of great historical significance.

The hour is drawing near when the Commonwealth of Pennsylvania and the rest of the country must be prepared to celebrate the 200th anniversary of our Declaration of Independence.

A portion of the \$150,000,000 that the Federal government will match with state funds is sorely needed to preserve Pennsylvania historic sites such as Valley Forge—where General George Washington and the battered soldiers of our young nation encamped during that bitter winter of 1777–1778. We are interested in protecting this site and others for the imminent American Bicentennial and for other celebrations far into the future. This can only be done with cooperation from the Federal government, state government and local historic preservation groups. The Federal government must do its part.

I urge my colleagues to approve this legislation that would maintain one of America's great "resources", its heritage.

Senator STONE. Now may I ask the return of our distinguished witnesses, and the Senator from Oregon, have you any questions?

Senator HATFIELD. No. I would be anxious to hear the witnesses.

Senator STONE. The witnesses have testified, and I would like, if there are no questions by the Senator from Oregon, to ask several on behalf of the subcommittee.

We have noticed that the Department's report did not address any of the provisions in S. 327 aside from the funding increase. Have you considered the other provisions; for example, what is the Department's position with respect to subsection 101(b), which raises the maximum percentage of allocated funds to which a State is eligible from 7 percent to 10 percent?

Secretary WHEELER. I would like to ask Mr. Watt to answer that question, as he is responsible for administration of the fund.

Mr. WATT. In any bill that would pass the Congress, we recommend that this provision be included. We have had it introduced as legislation in earlier Congresses, and think it is an important change, and one that should be supported at the right time.

Senator STONE. And what is the Department's position with respect to subsection 101(c), which alters the land acquisition formula to 70–30?

Mr. WATT. This is a significant change in the matching provisions, and would bring about an improved program if in fact the size of the fund was increased to the billion-dollar level. If the fund was increased to a somewhat lesser amount, that might be a self-defeating purpose, because it would reduce the amount of State involvement and the total value of the money placed into protection and preservation of park and recreation resources.

Senator STONE. May I say, if the Senator from Oregon wants to cut in—

Senator HATFIELD. No; go ahead.

Senator STONE. Tell us, if you would please, what would be the Department's position with respect to subsection 101(d) on submission of State plans to A-95 clearinghouses?

Mr. WATT. We feel strongly that all these plans must be circulated and cleared with local and State governments, and have no objection to this provision.

Senator STONE. What would be the Department's position with respect to subsection 101(f), dealing with States' reports on the use of grant moneys?

Mr. WATT. We would have no objection to that provision. I am not personally satisfied it is essential and necessary, but it would cause no problems.

Senator STONE. Your position is, it is not needed, but it doesn't hurt?

Mr. WATT. That is right.

Senator STONE. What are the financial needs for meeting the Endangered Species Act requirements over the next 5 to 10 years?

Mr. WATT. I don't think we have a good fix on the total drain that this program might have on the U.S. Government, and particularly on land and water conservation funds. The statements we're getting from the Fish and Wildlife Service indicate it may be as much as \$90 to \$100 million a year, or \$500 million for the next 5-year program. I think this is a program we need to take a close, hard look at to really see what our needs are. Basically, we all support preserving these threatened species.

Senator STONE. What are the requirements under the other provisions which would be added to the fund?

Secretary WHEELER. Before Mr. Watt responds to that question, I would like to add a comment about the endangered species program. It is an initiative the administration supported very strongly upon its enactment in 1973. It is perhaps the most important single program presently administered by the Fish and Wildlife Service, and I think we should bear in mind that it has two main emphases: (1) the preservation of critical habitat, and (2) protection of the animals themselves by controlling taking and trade, so that the land acquisition authority of that bill is one which, of course, will be used, but is only a part of the total program.

Mr. WATT. I want to express my concerns here, concerns for the funding of it, principally for two reasons. I think you touched upon them in the statement you read in behalf of Senator Johnston.

This section, section 101(g), would broaden the financing capabilities for those programs of the Fish and Wildlife Service. The endangered species program is an important program and one supported by the administration, the Department, and all of us. This provision would clearly establish that the land and water conservation fund would continue to be the main source of funding for those acquisition programs, but as you pointed out in your statement, does the land and water conservation program need to be the sole source for those types of programs?

In its conception, the fund was established for recreation purposes to assure that future generations would have access to recreation resources, and the demands for those purposes are extensive and are great.

Senator STONE. So therefore the Department feels, as does Chairman Johnston and, I guess, myself, too, that this fund and the act authorizing it should be considered as an additional source, not a sole source, and that neither the Congress nor the public should consider it a ceiling; is that correct?

Mr. WATT. That's my personal view.

Secretary WHEELER. You were commenting, and Jim was too, particularly about the provisions of the existing law which have to do

with the use of the fund for endangered species acquisition. I think the amendment having to do with this would allow the Fish and Wildlife Service an opportunity to make the same priority judgments as to how those moneys can be obtained and spent, as is now the case with the other user agencies.

I would like to respond to the broader point. People more familiar than I with the history of the Land and Water Conservation Fund Act and the legislation which resulted in its enactment suggest that there was considerable belief at that point that it was indeed to be the sole source of acquisition monies.

As a practical matter, in all of the years, as Senator Johnston points out, since 1965, no parks or refuges have been authorized from funds other than the Land and Water Conservation Fund Act. This is not just a determination the administration has made, but the determination the Congress has made in its appropriation of funds.

Senator STONE. The Senator from Florida couldn't agree more, and is asking the staff to draft the appropriate amendments. What is meant as a spur is not meant as a ceiling.

The next question that we need to address to you for the subcommittee is this: Is that fund adequate to meet those needs, and you have not only answered it, but given us some practical suggestions on how best to attack the problem. Would the fund be adequate if S. 327 were enacted, and are these new areas recreation areas?

Mr. WATT. I'm not sure I follow the second part of the question.

Senator STONE. Would the fund be adequate if S. 327 were enacted with these few changes—not putting artificial constraints with regard to other funds, State, Federal, local, or private—would then, with the dimensions that this authorization bill contemplates—would then the fund be adequate for your tasks?

Mr. WATT. The answer to that is a qualified yes, but in addition to more money, there's got to be better land use planning by States and local governments, and until the States collectively more aggressively pursue land use planning, zoning, and regulations and the like, the money is not adequate. Just throwing in money is not the answer. We have to bring better land use planning and better local programs and better local involvement in to see that the people's needs are met.

There is a danger here that we get so enamored with our programs that we forget people. I think it is important that we do social planning and resource planning to see to it there is a balanced program in its total perspective. Money alone does not bring that about.

Senator STONE. The new area I had reference to was the Endangered Species Act. What is the Department's position with respect to 201(a)?

Secretary WHEELER. I would like to ask Jerry Rogers, who is with the program in the National Park Service, to respond to that. I do want to say in an introduction that we have had marked success with the program, and I think when you talk about revising the allocation formula as has been proposed by S. 327 with respect both to the Land and Water Conservation Fund and with respect to historic preservation, you do recognize an increasing Federal presence.

It has been our experience, and the success of both these programs, I think, attests to the success of that experience, that 50-50 elicits from

the States sufficient funds to warrant strong continued State involvement, and that there is adequate funding on the State side to meet it under that formula as opposed to reduction of the State side and increasing the Federal side. Jerry, maybe you should talk about that.

Senator STONE. Mr. Rogers.

Mr. ROGERS. Senator, the State historic preservation officers have a national organization. That organization has recommended the increase in the Federal matching ratio for the purpose of making it possible for them, in their opinion, to do a better job of survey and planning activities and identifying historic properties and helping to protect them, and in helping them to meet their burden placed upon them for environmental review by a variety of Federal laws and policies, the reason for it being that although the States have a great deal more matching capability than the Federal Government has, a great deal of that is in the form of private funds and local governmental funds, rather than State appropriations, to enable the State historic preservation officers to have the staff they need.

Senator STONE. Does the proposal language of this bill meet that?

Mr. ROGERS. Yes, sir. As I recall, the officers have testified in favor of that language. The Department, I believe, would feel that any change in funding ratio at the present level of funding would probably be detrimental.

I think the State historic preservation officers feel the change in the Federal ratio would have to be attendant upon an increase in the funding level. I think the present level of funding would not benefit from a change in ratio.

Senator STONE. Doesn't this bill increase the level of funding?

Mr. ROGERS. Yes, sir.

Senator STONE. So, therefore, if we increase the level of funding, at least we would be meeting the request of the State historic preservation officers, if not the Department's position.

Mr. ROGERS. It would be an assist to the State historic preservation officer.

Senator STONE. You have to understand that I am prejudiced because I was the chief State historic preservation officer in Florida, and Senator Williams was the immediate past president of that State officer association. So having declared my prejudice, I expect to vote that way.

Senator HATFIELD. Aren't we doing a third thing here, though, in this proposal, and that is shifting structure from funding from an appropriated level to a continuing fund in the bill?

Mr. ROGERS. That is correct.

Secretary WHEELER. I think you are establishing a historic preservation fund which is earmarked in the same sense the land and water conservation fund is earmarked.

Senator HATFIELD. You indicated there is much of the State money now that emanates from private associations and local groups, rather than from the State appropriations out of State legislatures. Isn't this an attempt on the part of the historical association officers to really have the Federal Government do the subsidizing of their role rather than looking to their own State legislatures?

Mr. ROGERS. Senator, I think the real conclusion that should be drawn from that fact is the recognition by the State historic preserva-

tion officers that a more efficient job of preserving historic properties can be done in the private sector rather than the public sector so that properties remain on the tax rolls in an increased tax productive condition rather than off the tax rolls, and so that we have properties continuing to exist in their historic function rather than all being museums.

Senator HATFIELD. Are you familiar with the James Garfield Home in Ohio?

Mr. ROGERS. I haven't seen it, but I recall your earlier objections to it in earlier hearings.

Senator HATFIELD. Mr. Chairman, it does seem to me we have basically two very important issues to consider here; that is, No. 1, whether or not what we're doing at the present is adequate, and that is what we have obligated ourselves to do, whether we're doing it well, and whether we are doing it appropriately; and second, if we're going to take on additional obligational authority, either through a funding system we set up independent of annual appropriation or changing the formula, it seems to me it ought to be based somewhat on the record of our past performance.

I don't believe that we enhance or increase the historic preservation of this country by spreading ourselves out more thinly than what we are today, and I'm not overly impressed with some of the things we are already obligated to do that we're not performing. I feel it is underfunding. I am anxious to make sure we don't raise the level of funding and at the same time increase our obligation if we're not going to increase the quality. I think we ought to do fewer things and do them well than to undertake to do more things and do them poorly.

We have to look beyond the dollar level and beyond the funding formula, and we have to look at the quality. I want to again use the James Garfield Home as an example of what I mean. This is a disgrace, in my opinion, to identify it as a national historic shrine and then see that it is primarily dependent on a group of little old ladies running around in long dresses and bonnets to try to make it workable, as much as I respect little old ladies in bonnets and long dresses.

Senator STONE. I return the gavel to Senator Johnston.

Senator JOHNSTON [presiding]. Thank you very much for pitching in while I was gone.

Mr. Watt, the Department has, in my absence, through you, I understand, come out against the land and water conservation fund increase. Tomorrow we're going to have a hearing, and at that time you are going to say no, don't do this—it costs too much money to do it—do it through the land and water conservation fund.

Mr. WATT. Maybe we won't need to come tomorrow. That's basically my speech.

Senator JOHNSTON. You don't really believe we've got enough money in the land and water conservation fund. I hate to make you answer those questions, the answer to which I know, but go ahead and answer it anyway.

Mr. WATT. We have had personal conversations that clearly establish to both of us, and I'm willing to establish for the record, that I am an enthusiastic supporter of this program, proud to be associated with it.

The successes realized in the land and water conservation fund program are really something great. The question comes to the timing of

it, and I'm compelled by reason of position and authority vested in me and out of personal conviction that this year would not be a good year to appropriate huge sums of money for expenditures through the land and water conservation fund.

Senator JOHNSTON. Would you think 1976 would have any special significance?

Mr. WATT. I think that would be a better year.

Senator JOHNSTON. And when we get there, what should be the amount?

Mr. WATT. I expect that all levels of government will be having difficult times, and so a phased program might be a more attractive one rather than going to a total large increase all in one year.

Senator JOHNSTON. And why is that?

Mr. WATT. Because of tooling up time, hiring new staff—

Senator JOHNSTON. Hiring new staff?

Mr. WATT. Yes. At the State level and Federal level it will be required to have additional staff to handle the work program, and in addition to that, most of the moneys, of course, will be spent by the States on matching programs, and they will need time to get their bonding programs established and passed, and there is that lapse of time between making funds available and expenditure that will be accommodated if it were a phased program.

Senator JOHNSTON. Haven't we done surveys on State backlog requests?

Mr. WATT. Yes.

Senator JOHNSTON. And what is the States' request?

Mr. WATT. The States were asked about a year ago to put together for us a compilation of their needs for acquisition and development for the life of the land and water conservation fund, which has another 14 years to go. Their unedited compilation totals about \$45 billion, and our role in making that is just simply adding the total that they submitted to us.

Senator JOHNSTON. What has been the record of the States in coming up with the matching funds?

Mr. WATT. Very good. They are doing a very good job.

Senator JOHNSTON. Are there any States that have not come up with their share?

Mr. WATT. To date, we have lost no moneys because of the failure of the State to match.

Senator JOHNSTON. Given the fact that States have a 100-percent record—

Mr. WATT. As of now it is, yes.

Senator JOHNSTON [continuing]. And given the fact that they are asking for, in their unedited version, \$45 million, couldn't they really handle all that Congress can give them without delay, without going to bonds, without all these things?

Mr. WATT. Collectively speaking—the answer to that is yes. However, some States will not be able to handle much more than they are now handling. From a national perspective, there is no doubt about the States' ability to match the programs during normal times.

The law should continue to provide 3 years for them to commit each year's appropriations.

Senator JOHNSTON. If it is a matter of delay, and if the States do need this time to plan and they do need to pass their bond issues, and

if there is in fact no doubt in anyone's mind that we've got to go to an increase in that, why don't we pass the bill now and just delay it a year longer so that next year—it won't cost any money this year, but we will say it begins next year—what is wrong with that?

Mr. WATT. That would be an advantageous position from a planner's point of view.

Senator JOHNSTON. Do you think the Department would have any objection to our going in that direction?

Mr. WATT. The President has taken a strong position that he is not for programs committing us to spending money this year. You are asking the question, if an authorization bill were passed this year calling for appropriations in future years, would we be opposed to it—is that your question?

Senator JOHNSTON. That is the question.

Mr. WATT. I should think that would be a difficult question for the President to address.

Senator STONE. Mr. Chairman, I have to go on the floor in just a few minutes, and I have a few questions for Mr. Watt on the Potomac, which is not quite in order. Could I ask the questions before—

Secretary WHEELER. Would you like us to ask Mr. Stanton to join us? He's with the National Park Service.

Senator STONE. Mr. Stanton, would you describe the Potomac National River proposal as it was sent to the Congress by the administration in 1968?

Mr. STANTON. Yes: I will be delighted. My name is Richard Stanton, and I am Associate Director with the National Capital Parks.

In 1965, the then-President Lyndon Johnson, stated in a message to Congress that the Potomac will be made a model of scenic and recreational value to the entire country. Soon after that, a task force was directed to study the Potomac Basin and recommend actions to make the Potomac that model of conservation.

In 1965, this task force was directed to recommend actions and work with an advisory committee representing the four basin States and the District of Columbia, and it published its final report in 1968, which I have here for the record. This report included recommendations for improving air quality, assuring an adequate water supply, protecting against flood damage, and preserving and enhancing valuable resources. Another proposal was for a park. This included the C. & O. Canal and had a proposed development cost in dollars reaching \$175 million.

[The report referred to above has been retained in committee files.]

Mr. STANTON. This was a very ambitious proposal, and perhaps almost three times as large as the present proposal that we are studying. This proposal directed toward the hoped-for park drawn from the 1968 study, and formed the basis or thrust of the present C. & O. Canal National Historical Park.

The balance of the study dealing with the shoreline was updated and used for the studies which preceded the C. & O. Act passed in 1969.

So in summary, we had some 40,515 acres of private land in the 1968 proposal, and Senator Gilbert Gude's bill, which I'm sure you know has been introduced, H.R. 3102, provides for 14,670 acres of lands.

The Department has no position on his bill; however, we are using it as a guideline.

Senator STONE. I understand only a small percentage of the Virginia and West Virginia shorelines are protected.

Mr. STANTON. There is little or no zoning along the Virginia and West Virginia shorelines from Washington, D.C., to Cumberland, and over the years the burgeoning subdivision development has occurred in all areas which have access to the river.

For example, there are 29 concentrated areas of subdivision development within the boundary of this proposal in Virginia and West Virginia. More specifically, along the Virginia shoreline, there are 1,193 subdivided lots containing 325 improvements which are only in a 200-foot strip along the river. The proportions of these subdivisions within the boundaries range in size from 5-block to 192-lot developments in Berkeley, W. Va.

I think the most striking example of what is happening to the Potomac River on the Virginia and West Virginia shorelines can be shown by discussing very quickly the Yogi Bear Jellystone Park proposal, where over 1,000 homesites have been sold along the river, with a campsite capacity of 3,000. With your permission, I would like to offer you graphs that show the shore erosion and the adverse development continuing on the West Virginia and Virginia shape. With your permission, I would like to submit them for the record.

[The graphs were retained in the committee files.]

Senator STONE. Do you feel there is any present danger to the environmental integrity of the C. & O. Canal National Historical Park and the proposed trail from subdivision development?

Mr. STANTON. Yes; I do. The continued subdivision occurring on the Virginia and West Virginia side creates adverse vista clearing. It creates soil erosion, and it is not only a visual intrusion; it also creates, because of the access to the river, severe recreational boating overuse.

Senator STONE. Is that in effect saying that absent further action on the Potomac, all our efforts on the C. & O. Canal might be frustrated in part and we could lose a part of the reason for designating a Potomac Heritage Trail?

Mr. STANTON. Yes, sir.

Senator STONE. Have you made further studies of the Potomac National River concept since 1968?

Mr. STANTON. Yes. We have studies that are up to date. In fact, we have studied Mr. Gude's bill and have cost data figures. The 14,670 acres which would be included in an approximately 200-foot strip along the river will probably cost about \$35 million to acquire on today's market.

Senator STONE. Have you sent such a package to the Congress, or are you studying the concept?

Mr. STANTON. No, sir. We are merely studying Mr. Gude's proposal as a guideline.

Senator STONE. Mr. Watt, I have noticed that the administration proposal for the Potomac Heritage Trail would designate only those areas presently in Federal ownership. Is that right?

Mr. WATT. Yes. That is correct.

Senator STONE. Therefore this would not be a preservation bill, since it does not call for acquisition or protection of additional lands; is that correct?

Mr. WATT. This bill would create a trail to bring out the historical significance of it and provide the recognition it deserves as a trail—historical site—and make the recreation activities available.

Senator STONE. And to take care of that balance factor—not just habitat, but people?

Mr. WATT. That is right.

Senator STONE. The trail follows the C. & O. Canal towpath for a portion of the route, doesn't it?

Mr. WATT. Yes.

Senator STONE. And one of the principal features of traveling along the C. & O. Canal from Washington up past Harper's Ferry is the view of the Potomac and the Virginia shore, isn't it?

Mr. WATT. I think they are an integral part of one another.

Senator STONE. Public Law 91-664, which established the Chesapeake and Ohio Canal National Historical Park, provided a degree of protection for about 184 miles along the Maryland Shore of the Potomac, didn't it?

Mr. STANTON. That is correct.

Senator STONE. But that law did not address the protection of the Virginia shoreline, did it?

Mr. STANTON. And also did not provide for acquisition of islands in the Potomac.

Senator STONE. In 1968, the administration did send to Congress a proposal for a Potomac National River; is that right?

Mr. STANTON. That is correct.

Senator STONE. And that proposal was designed to address the entire question of the preservation of the Potomac River as to both the Maryland, Virginia, and West Virginia shorelines?

Mr. STANTON. Yes, sir.

Senator STONE. In effect the areas which the Trail is to take advantage of. Do you feel that is a possible viable reoffering proposal? Is there a chance that we can have that proposal again in the light of the Bicentennial and in the light of the subdivision developments going on?

Mr. STANTON. Senator Stone, I feel personally, as a representative of the National Capital Parks doing the study in the absence of a Department position, it is our feeling in studying it that it is essential that this shoreline be protected through land access and an orderly program of public input to planning and development so that we can protect the shoreline and make a valuable recreational resource available to the public; not only the public here in this area, but the local people along the line.

Senator STONE. The point that I would like to add in closing this series of questions is that not only do we need to protect the shorelines for park purposes, but that if we don't protect the shorelines for park purposes, we destroy the river and its quality in terms of pollution; and then the small, miniscule efforts which this Senator conducted in cleaning up the Miami River, which is only a 20-mile project, it is only when we began to get shoreline controls and strip parks that we began

to lick the pollution problem that was killing that river—killing it not only for commercial purposes, but for every other purpose—recreational and drinking water.

It seems to me we could attack the individual sources of pollution for the next century and not clean up the Potomac River to where it would again be a happy, useful, viable recreational river. I would hope in the light of the answers that you have given to these questions that you can, as an administration official give us back some updated proposal considering what has happened since 1968 for a total Potomac River restoration project.

And if you can, I promise you full cooperation by at least this Senator in everything I can do to get this thing moving.

Mr. STANTON. Thank you, Senator.

Senator JOHNSTON. I would appreciate it if you would pursue with the administration that question of whether we could pass a bill now providing for big increases coming next year; in other words, see whether they would be amenable to changing the date from beginning in 1976.

Mr. WATT. Senator, I appreciate having your request, and will pursue it with the administration. I do need to say for the record that the economic situation is difficult to forecast to those of us—

Senator JOHNSTON. The President said yesterday it was in good shape.

Mr. WATT. I hope that proves to be the case. We have been dealing in budgetary situations with adverse conditions for the last several years as it relates to the conservation end of the budgetary process. The number one thing is for all of us, of course, to have a sound economic condition in America, and I am grateful to the President for taking the hard line that he has on that issue, and Congress has been supporting him, at least as of recent, and I think we need to do everything we can to see to it that that is done.

I want to be clearly on the record as supporting the position the Department has put on this bill. I belabor the point because of my enthusiasm for the program. I talk about the dreams we would like to see come true, but putting it in its perspective, now is not the time to spend a billion dollars this year for this type of activity. A phased program in years to come might be received differently.

Senator JOHNSTON. Dr. Clement Silvestro, chairman of the Advisory Council on Historic Preservation, will be our next witness on S. 327.

STATEMENT OF DR. CLEMENT M. SILVESTRO, CHAIRMAN, ADVISORY COUNCIL ON HISTORIC PRESERVATION

Dr. SILVESTRO. Mr. Chairman, I am Dr. Clement M. Silvestro, Chairman of the Advisory Council on Historic Preservation, and with me this morning is Robert R. Garvey, Jr., the Designated Executive Director of the Council by the Director of the National Park Service. We appreciate this opportunity to appear before your committee today.

At its meeting of August 8, 1974, the Advisory Council on Historic Preservation reviewed legislation then pending in the 93d Congress which contained the provisions of title II of S. 327, as well as the administration's opposition to that bill on economic grounds. Except

for the abstention by the Secretary of the Interior's representative, the Council voted unanimously to support it and adopted a resolution to that effect.

The Council supports title II of S. 327 because our experiences throughout the Nation have indicated that the major obstacle facing historic preservation in America today is lack of adequate funding. The Council realizes that funding is not a panacea. Other measures, such as tax incentives and legal sanctions, are also necessary. But only with adequate funding can a systematic approach to preservation be guaranteed, one in which all efforts have cumulative rather than fragmentary impact.

The importance of funding starts at the most basic level, that of inventory. Historic properties cannot be preserved until they have been first identified. Lack of identification frequently results in inadvertent loss, when a site is irreparably damaged or demolished before its significance is recognized. Another result is deterioration to a point where preservation is no longer feasible or is economically impractical. In a large number of its cases, the Advisory Council has found that agencies before beginning a project were not even aware of the existence of historic properties, because the properties were not listed in the National Register. To prevent such occurrences in the future, our present inventory efforts must be intensified and this will not be possible without additional funding. A comprehensive inventory of existing resources is basic to intelligent use of the kind of brick and mortar preservation money under discussion here today. If we continue to proceed as at present, massive funding may be required in the future to eliminate the inventory backlog and preserve deteriorated properties. Given the rising cost of everything nowadays, the pill may be so bitter to swallow then that we will not swallow it at all—thereby assuring the destruction of a significant part of our physical heritage.

Let me emphasize that the systematic preservation programs resulting from passage of S. 327 will have significant benefits beyond preservation of the physical vestiges of our past. Increasingly, in cities all across the United States, the Advisory Council finds communities fighting to revive older sections of the city in order to preserve a way of life, in addition to the intrinsic historic or architectural merit of the physical structures. Pike Place Market in Seattle is just one example that comes to my mind. The consistent, reliable availability of preservation funding for areas such as Pike Place can be a catalyst for impressive local initiative to rehabilitate and improve the living environment. In addition to improving the human environment, preservation activity stimulated by S. 327 will further national energy and new national conservation programs. The Council's past experiences indicate that the Federal funding provided by S. 327 will stimulate vigorous local response, eventually creating greater national constituency for historic preservation. To be sure, S. 327 only goes part way toward meeting the matching capability of the States, and it does not meet the approximate annual need of \$400 million in Federal preservation funding estimated by the National Park Service and the National Conference of State Historic Preservation Officers. Nevertheless, S. 327 is a major step forward.

Senator JOHNSTON. You say it does not meet the approximate annual need of \$400 million that you can match? Could you do that immediately on the State level, do you think?

Dr. SILVESTRO. I understand that according to the National Park Service, last year the Federal capability was \$20 million, while that of the States and the national trust and territories was in the vicinity of \$159 million.

Senator JOHNSTON. So as far as historic preservation is concerned, you don't need the delay period—the period to plan and to pass bond issues? You are ready to go right now.

Dr. SILVESTRO. Absolutely. I think that S. 327 is a major step forward.

Now, Mr. Chairman, I would like to turn to the question in your letter of May 19, 1975, concerning the ability of the Council to provide independent advice to the President and the Congress. This question is particularly relevant to my testimony before you today. As I said earlier, the Council first considered the provisions of S. 327 at its August 1974 meeting. After passing a supporting resolution the Council's comments were referred to the Office of Management and Budget. The Office of Management and Budget did not favor sending the comments forward at that time. However, subsequent discussion with representatives of the Office of Management and Budget permitted us to forward our comments without OMB clearance, as we have done today. This exchange with the Office of Management and Budget is one example of the difficulties the Council has encountered as it has attempted to fulfill its responsibilities under the 1966 act to provide independent advice relating to historic preservation.

When Congress passed the National Historic Preservation Act of 1966, Congress clearly intended that the Advisory Council serve the function of advising Congress, the President, and Federal agencies on an equal and independent basis. But a number of difficulties that could not be anticipated in 1966 have compromised the Council's independence.

In part, these difficulties are inherent to the organizational structure of the Council as established by the 1966 act.

1. By law, the Director of the National Park Service serves as the Executive Director of the Council. In addition, the Council's staff are all presently classified as employees of the National Park Service. This is despite the fact that some 250 cases, or one-fourth of the requests for comments in the last 2 years, have been from the Department of the Interior.

2. Similarly, the Council's budget is treated as a part of the National Park Service budget. The Council's budget can only be established within limits set by the Department and the National Park Service. The Council cannot defend its budget in this process except through representatives of the Park Service. Moreover, any increase in Council funds requires a corresponding decrease in funds available to the Park Service for its programs.

3. Although the Council's need for independent legal services was recognized by the Department and the Council in early 1974, the two lawyers now employed by the Council cannot be classified as attorneys. As employees of the Park Service, they are subject to Department regulations which provide that all attorneys report to the Solicitor of the Department. Thus, despite the Department's recommendation that the Advisory Council have its own legal staff, the present legal counsel has a title without proper authorization.

4. In spite of the intent of the 1966 act that the Council be independent, the Office of Management and Budget has classified the Council as a "Presidential Advisory Committee," subject to all the procedural restrictions of agencies in this category. The Office of Management and Budget has assigned the Department of the Interior to be responsible for assuring that the Council comply with the Advisory Committee Act. This means that the Department of the Interior controls the Council's procedures for holding and closing meetings, approving budget requests, receiving and reviewing reports to the President, and handling requests related to the Freedom of Information Act.

The Secretary of the Interior and the Director of the National Park Service have recognized that the present arrangement results in conflicts of interest. To achieve the original intent of Congress under the 1966 act, the Council believes that amending legislation is needed, and specifically, we recommend first that the statutory designation of the Director of the National Park Service as Executive Director be repealed and that the Chairman, with the concurrence of the Council, have the authority to appoint the Executive Director; second, that the Executive Director be authorized to appoint the Council staff in the competitive service, including a limited number of supergrade positions; next, that the Council be an independent agency and submit its annual budget requests, as a related agency of the Department of the Interior, simultaneously to the Office of Management and Budget and the Congress; next, that the Council be authorized to provide its own legal services; and finally, that the Council be exempted from the provisions of the Federal Advisory Committee Act and be authorized to conduct its business in accordance with the provisions of the Administrative Procedure Act.

A number of other "housekeeping" amendments should be considered, relating to such matters as transfer of employees, hiring of consultants, procedures for requiring agency comments on properties determined eligible for inclusion in the National Register, and increasing membership on the Council.

Finally, recognizing that the authorization provisions of the 1966 act only applies to title I, the Council recommends that appropriation authorization language be included in title II. In this regard, the Council recommends an authorization limited to \$1.25 million in fiscal year 1976, with annual increments of \$250,000 through fiscal year 1979.

My letter to you of June 17 transmitted the Council's reports on both S. 327 and the status of the Council under the 1966 act. I would like to submit copies of this material for the record now. The Council's report provides additional details concerning proposed amendments to the 1966 act as well as a draft bill for your consideration.

Mr. Chairman, this concludes my formal testimony. Thank you for the opportunity to appear here today, and I would be pleased to answer any questions you may have.

Senator JOHNSTON. Thank you very much, Mr. Silvestro. You are here to submit for the record as appropriate suggested language to sever the Council from the umbilical cord of the Interior, and I agree with you—it should be done. I will bring that up at the markup, and I would think we should have no difficulty in getting that part through.

I think you make an excellent case in showing the timeliness. The time is of the essence in increasing this funding. The same thing can be said for land acquisition. The land is not deteriorating, but it is being developed, and that not being developed is rapidly escalating in cost, so it will either be out of our hands in terms of development for State preservation, and the historic areas will be torn down or deteriorated for lack of identification. You state what you can do as far as matching funds, and the same thing can be said for the capacity of the States to match and in land acquisitions, and I think you make an excellent case.

We need to pass this bill and to pass it this year. You have indicated that the caseload of section 106 actions which the Council reviews has grown appreciably. Do you expect this trend to continue?

Dr. SILVESTRO. Very much so, Senator. As more and more properties go on the National Register, our caseload becomes almost oppressive at this point. Mr. Garvey has some statistics I think he should summarize, that will give you some indication of how this caseload has increased in the last few years.

Mr. GARVEY. Mr. Chairman, the compliance caseload of the Council has grown anywhere from the rate of 40 percent up to 150 percent annually and has increased more than 700 percent in the last 5 years. There are a number of reasons for this. The indicators are all that it will continue. The National Register grows; the Federal agencies are becoming more sophisticated regarding their responsibilities.

In years gone by, there were occasions when responsible agencies took no action simply because the word had not filtered all the way out to the field. We are seeing fewer instances of that happening. There are new Federal programs that are coming into being, such as the community development funds that put us in touch with 1,200 mayors for compliance activities. These all add up to the indicators I think that tell us our compliance caseload will grow certainly at the rate that it now grows, if not increasing during the next 3 or 4 years.

Senator JOHNSTON. What percentage of these requests are these review actions involving agencies within the Department of the Interior?

Mr. GARVEY. We refer to that in our statement. It is more than 25 percent during 1974, fiscal 1974, and we are already at 25 percent for fiscal 1975. I might add I think that we get excellent cooperation in most cases from the Department, but that is where at least one out of four of our cases originate.

Senator JOHNSTON. The requested report will be put into the record at this point.

[The report referred to follows:]

Advisory Council
On Historic Preservation
1522 K Street N.W. Suite 430
Washington D.C. 20005

June 17, 1975

Hon. J. Bennett Johnston
Chairman, Subcommittee on
Parks and Recreation
Committee on Interior and
Insular Affairs
United States Senate
Washington, D. C. 20510

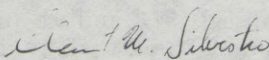
Dear Mr. Chairman:

This is in response to your letter of May 19 requesting the independent advice of the Advisory Council, pursuant to Section 202(a)(1) of the National Historic Preservation Act, concerning S. 327, "A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish a National Historic Preservation Fund, and for other purposes." Enclosed is the Council's report on Title II of S. 327 relating to historic preservation. (Attachment A.)

In addition, your letter referred to the correspondence of May 7 signed by you and Senators Jackson, Fannin and Hansen concerning the Advisory Council's ability to provide independent advice to the President and the Congress as intended by the 1966 Act. Specifically, you requested the Council's recommendations for amending the 1966 Act to assure the Council the independence it needs to discharge properly its mandates under the 1966 Act. Enclosed is the Council's report on this issue, "The Status of the Advisory Council on Historic Preservation Under the National Historic Preservation Act of 1966," and a draft bill which we believe would implement the recommendations of the report. (Attachment B.)

As you know, I will be testifying before your Subcommittee on June 19 at which time I will be pleased to answer any questions you may have concerning these matters.

Sincerely yours,



Clement M. Silvestro
Chairman

Enclosures

The Council is an independent unit of the Executive Branch of the Federal Government charged by the Act of October 15, 1966 to advise the President and Congress in the field of Historic Preservation.

TITLE II OF S.327,
"A BILL TO AMEND THE LAND AND WATER CONSERVATION
FUND ACT OF 1965, AS AMENDED, AND TO ESTABLISH THE
NATIONAL HISTORIC PRESERVATION FUND, AND
FOR OTHER PURPOSES"

A REPORT OF THE ADVISORY COUNCIL ON HISTORIC
PRESERVATION TO THE SENATE COMMITTEE ON INTERIOR AND INSULAR
AFFAIRS, SUBCOMMITTEE ON PARKS AND RECREATION

JUNE 1975

Title II of S. 327 would amend the National Historic Preservation Act of 1966 to (1) authorize the Secretary of the Interior, in his discretion, to make grants to States of up to 70 percent of the costs for the preparation of statewide historic preservation plans, surveys and project plans; for projects to preserve nationally significant historic properties; for demonstration projects; and for restoration of certain historic properties for use as meeting houses in connection with the Nation's Bicentennial; and (2) establish a special fund in the Treasury of the United States to be known as the National Historic Preservation Fund with \$150 million covered into that fund annually through June 30, 1979, from revenues accruing to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338) and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191).

At its meeting of August 8, 1974, the Advisory Council reviewed the provisions of S. 3806, a bill that was identical to S. 327. The Council considered the provisions of Title II, as well as the Administration's opposition to the bill on economic grounds. Except for the abstention of the Secretary of the Interior's representative, the Council voted unanimously to support the provisions now contained in S. 327, and adopted the following Resolution:

"Whereas the Advisory Council on Historic Preservation is charged by the National Historic Preservation Act with

advising the President and Congress on matters involving historic preservation; and

"Whereas the Advisory Council on Historic Preservation, at its meeting of August 8, 1974, considered proposed amendments to the Land and Water Conservation Fund Act which would establish a National Historic Preservation Fund, now, therefore, be it hereby

"RESOLVED, That the Advisory Council on Historic Preservation endorses the concept of using funds derived from nonrenewable energy resources to preserve nonrenewable historic and cultural resources as proposed in H.R. 15357 and S. 3806; and further

"RESOLVED, That the Advisory Council on Historic Preservation finds that the proposal to expand the National Register funding program by increasing appropriations to match the States' capability is a viable concept, to be undertaken at such time as the economic situation of the country will permit."

Adopted August 8, 1974.

The Advisory Council's experiences throughout the Nation indicate that the major obstacle facing preservation in America today is

lack of adequate funding. The Council's report, "Historic Preservation: Federal-State Cooperative Efforts," (June 1975), which is based on a survey of State Historic Preservation Officers in forty-nine States and three Territories, indicates that over thirty-five States believed lack of funding was the greatest obstacle toward achieving satisfactory preservation programs in the States.

By itself, funding is not a panacea. A comprehensive national preservation program requires tax incentives, legal sanctions, and a variety of administrative mechanisms. But the single most important element in such a program is adequate funding. This guarantees a systematic approach to preservation, ensuring that all efforts are cumulative and coordinated, rather than fragmentary and contradictory.

First of all, the Advisory Council notes the importance of adequate funding for inventory, the basis of all successful preservation programs. In a large number of the approximately 1000 cases and 600 Environmental Impact Statements before the Council for review under Section 106 of the 1966 Act and the National Environmental Policy Act of 1969, the Council has found the initial problem to be that existing historic resources have not been identified. In order to develop a responsible preservation program, it is imperative to identify existing resources, then to evaluate them for registration and planning purposes, and

finally to allocate funds for the preservation of those resources in accordance with national, State and local preservation priorities. When resources are not identified until late in project planning, or when there are insufficient funds to develop a feasible and prudent preservation plan, then historic resources are lost to so-called progress. When resources are not identified, then they are inadvertently lost--as occurred, for example, in the loss of the 1846 railroad terminal in Salem, Massachusetts, one of the first such stations in the United States--which was demolished before its significance was recognized.

To prevent such occurrences in the future, our present inventory efforts must be intensified. The National Register only lists about 10,000 properties at this time out of an estimated total in excess of 50,000 when the Register is complete. The major cause of this lag is lack of funds. The National Park Service has stated that less than 5 percent of the grants to the States are used for inventory purposes. Given limited funds, the States have had to use most of their monies for "bricks and mortar" preservation of already inventoried properties in imminent danger of loss. S. 327 would increase the Federal matching share to 70 percent. This would be a significant step in assisting the States and localities to develop effective preservation programs. It would also expedite Federal activities affecting historic resources, as an agency could rely on State inventories when preparing required environmental assessments.

One result of the current funding situation is that the backlog of work to be done in identifying and preserving properties will continue to increase. If the program is left unchanged, in a few years such massive funding may be required to eliminate the backlog that it may not be possible to reach a state of parity with the needs. This would be a crucial problem because the current preservation movement has shifted from the preservation of nationally significant sites pursuant to the Historic Sites Act of 1935 and the preservation of individual sites of State or local importance under the 1966 Act to the conservation of basic elements of the human environment. This is particularly true in urban areas. Entire neighborhoods are now the focus for preservation, although they would not have met the older tests of outstanding historical or architectural merit. Areas of cultural significance, such as Chinatown in Honolulu, or Beale Street in Memphis, benefit from the present Federal preservation programs. In this manner, preservation becomes more relevant to a broader segment of American society and local enthusiasm for the program continues to increase. Federal participation should keep pace with this expanding base of support.

If the Federal government continues to emphasize this broader concept of historic preservation, then funding for preservation can begin to have more significant side benefits. A particularly timely secondary benefit is the conservation of our raw materials and energy resources.

The value of recycling existing buildings, long recognized in Europe, is evidenced in S. 865, the "Public Buildings Cooperative Use Act," which directs that the General Services Administration utilize existing buildings to satisfy Federal space requirements wherever feasible and prudent, rather than using new construction. While the cost of rehabilitation may not be less than the cost of new construction in every case, the savings of raw materials and the fact that older buildings require less energy for heating and cooling make this a sound approach consistent with national energy policy. Similarly, increasing the Federal share for funding will facilitate certain projects which, at the 50 percent ratio, the States are unable to undertake unless other projects are sacrificed. This is appropriate for demonstration projects that may provide benefits to the national preservation movement through pioneering new technology or innovative reuse of a building and also where a project involving a nationally significant property would siphon off funds from local projects. For example, rather than have the Federal government actually undertake a massive project, such as the preservation of Chicago's historic skyscrapers, increasing the Federal share will enable the States and localities to do this while not totally depleting the State's preservation budget. This approach is consistent with the "Federal-State partnership" envisioned under the 1966 Act. As of today, rising costs of preservation in the face of an inadequate funding authorization and the 50 percent matching

requirement have effectively reduced the Federal input into the partnership. New programs such as general revenue sharing have failed to supplement the existing program. In the Council's survey of State Historic Preservation Officers, 90 percent indicated that revenue sharing has not benefitted historic preservation in their State. Over one-third of the responses stated that revenue sharing had actually been disadvantageous, as less Federal grant money is now available for preservation. The increasing local and State interest in the preservation grant program creates a situation where the States are now capable of exceeding the Federal matching capability under the 1966 Act. The National Park Service's figures indicate that the States, the National Trust and the Territories had a matching capability for fiscal year 1975 of \$158,978,458 while the Federal capability for that same year was \$20 million, or less than 13 percent of the non-Federal matching capability.

It is also useful to look at the costs of not enacting Title II of S. 327. The historic resources of this country continue to be depleted daily. Much of this attrition is induced by economic pressures, such as detrimental Federal tax policies addressed in S. 667, the proposed "Historic Structures Tax Act" pending before the Senate Committee on Finance. The costs of maintenance and rehabilitation continue to rise, jeopardizing such properties as the Marquette Building in Chicago and the Wainwright Building in St. Louis. In Washington, D. C., experience with rehabilitation of the Old Post Office and the Willard Hotel

emphasizes that the costs of preservation continue to rise at a rapid rate. In many instances, it is no longer feasible for the private sector to preserve these structures. Immediate Federal action is required. Failure to act would mean writing off many important properties in the Nation's patrimony simply because it will soon become too expensive to act.

Human needs must also be considered. In some cities the community has fought to revive older sections of the city because of the importance of that area to the human environment, in addition to the intrinsic historic or architectural merit of the physical structures. Pike Place Market in Seattle is such an area. Here, a way of life is being preserved, not just the physical vestiges of our past. The preservation grants program can be a catalyst for this kind of positive local initiative. However, if funding continues to be inadequate, the stimulus will be lacking and the decay of older neighborhoods will only accelerate, resulting in loss of irreplaceable resources.

The Advisory Council's past experiences indicate that the Federal funding provided by S. 327 will stimulate vigorous local response. Throughout the Nation, when resources are identified and planning funds exist to explore alternative methods for preservation, a constituency builds around a property and community support enables a preservation project to proceed.

In reviewing S. 327 and the \$150,000,000 authorization level, it is important to note that not all old buildings should be preserved. Each property must be evaluated separately. The funding proposed by S. 327 would be the initial step in this direction. Now, because of the lack of a sufficient inventory to evaluate the relative significance of properties, preservation funding decisions are made without true reflection of preservation priorities, an essential factor when dealing with limited financial resources. The proposed funding level would initiate a new stage in the preservation movement, one in which a systematic consideration and evaluation of our resources would be undertaken. The amount authorized by S. 327 is by no means all that is required. It does not meet the States' matching capability for fiscal year 1975, let alone 1976, nor does it meet the approximate \$400,000,000 annual need estimated in the National Park Service's report, "Project Protection" or by the State Historic Preservation Officers. S. 327 is, nevertheless, a major step forward. It creates an improved funding mechanism to meet the objectives articulated by the Congress in 1966 and provides a substantially increased funding level. In addition, the assurance of multi-year funding at this level will enable the Federal government, in cooperation with the States and localities, to stop the increasing backlog of unfunded projects and to undertake proper and timely identification and planning actions regarding historic properties. It is within this context that the Advisory Council endorses the enactment of Title II of S. 327.

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THE STATUS OF
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
UNDER
THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

A REPORT OF THE ADVISORY COUNCIL ON HISTORIC
PRESERVATION TO THE SENATE COMMITTEE ON INTERIOR AND INSULAR
AFFAIRS, SUBCOMMITTEE ON PARKS AND RECREATION

JUNE 1975

The Council is an independent unit of the Executive Branch of the Federal Government charged by the Act of October 15, 1966 to advise the President and Congress in the field of Historic Preservation.

This report summarizes the principal administrative and substantive issues of concern to the Advisory Council on Historic Preservation in carrying out its responsibilities under the National Historic Preservation Act of 1966.

Title II of the National Historic Preservation Act (80 Stat. 915), as amended (84 Stat. 204, 87 Stat. 139), authorized the establishment of the Advisory Council on Historic Preservation to advise the President and the Congress on matters relating to historic preservation; to comment on Federal, federally assisted and federally licensed undertakings affecting properties listed on the National Register of Historic Places; to recommend measures to coordinate Federal, State and local activities and private efforts in the field of historic preservation; and to coordinate the United States' membership in the International Centre for the Study of the Preservation and Restoration of Cultural Property.

The Council is composed of ten ex officio members--the Secretaries of the Interior, Housing and Urban Development, Commerce, the Treasury, Agriculture, and Transportation, the Attorney General, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, and the Chairman of the National Trust for Historic Preservation and the ten non-Federal members appointed by the President. A member, designated by the President, serves as Chairman.

The 1966 Act specifies that the Director of the National Park Service or his designee, shall serve as Executive Director of the Council and that the Secretary of the Interior shall provide the Council financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) on a reimbursable basis.

Although it was the clear intent of the Congress in the 1966 Act, it has become increasingly difficult for the Council to provide advice to the President and the Congress pursuant to Section 202(a)(1) and to comment upon Federal undertakings pursuant to Section 106 on an equal and independent basis. The following factors, which result from the language of the 1966 Act, contribute to this difficulty.

1. Since the Council's establishment, its budget has been a part of the National Park Service's budget as a sub-line item under "Preservation of Historic Properties." This means that the Council must channel all requests for budget increases through the National Park Service, instead of representing itself independently before the Office of Management and Budget and the Congress. This status as a sub-line item also forces the Council into counter-productive competition with the National Park Service's and the Department of the Interior's preservation programs. As it stands now, any increase in the Council's budget

requires a corresponding decrease in historic preservation program activities of the Department.

2. Similarly, since the Council's establishment, its staff have all been employees of the National Park Service. This has caused certain difficulties. For example, when the Gettysburg tower controversy came before the Council pursuant to Section 106, National Park Service employees were responsible both for proposing the undertaking and for conducting the Council's professional investigation and evaluation of the undertaking. This is a continuing problem. Of the almost 1000 requests for Council comments pursuant to Section 106 in the last two years, 25% involved agencies of the Department of the Interior.
3. From the time of the Council's establishment until February 24, 1974, the Department of the Interior's Solicitor's Office provided all legal services for the Council. By early 1974, the jurisdictional conflict was apparent and led to the decision of the Solicitor's Office that it could no longer provide legal services to the Council. The Solicitor's Office further stated that "Because the Council is not a part of the Department of the Interior and because the Department, including its

agencies, is subject to the Council's jurisdiction pursuant to the National Historic Preservation Act and Executive Order 11593 'Protection and Enhancement of the Cultural Environment,' the Council should give consideration to retaining its own legal staff." Since that date the Chairman of the Council has designated a Council staff member, an attorney, as Legal Counsel. However, because the present legal counsel is technically an employee of the National Park Service he cannot be classified as an attorney under existing regulations of the Department. Hence, he has a title without authorization.

4. Furthermore, pursuant to the Federal Advisory Committee Act, the Office of Management and Budget has classified the Council as a "Presidential Advisory Committee" and has assigned regulatory responsibility for the Council under that Act to the Department of the Interior. The Department's responsibilities include designating the "Federal employee" required by the Act to hold meetings, approving meeting closing requests, approving budget requests, receiving and reviewing reports to the President, and handling Freedom of Information Act requests. This means that one Council member, the Department of the Interior,

effectively controls the operation of the Council as if it were a subordinate advisory body composed of private citizens selected to advise a single agency.

The Department and the National Park Service have cooperated to the extent possible to enable the Council independently to fulfill its responsibilities. Nevertheless, the 1966 Act created an organizational relationship that can only be corrected through legislative action.

The Department and the National Park Service have recognized the need to provide the Council with the independent status envisioned in the 1966 Act. Jointly they have supported actions in furtherance of independence for the Council by requesting the Office of Management and Budget to make the Council a "related agency" of the Department for budget purposes and offering to take whatever administrative steps are possible to give the Council maximum independence during the interim period while legislation is being developed.

In order to give the Council the ability to provide the independent expert advice envisioned by the Congress in the 1966 Act, the Council recommends that amending legislation provide:

- that the statutory designation of the Director of the National Park Service as Executive Director be repealed and that the Chairman, with the concurrence of the Council, have the authority to appoint the Executive Director in the competitive service;

- that the position of the Executive Director be placed at Executive Level V of the Executive Schedule;
- that the Executive Director be authorized to appoint the Council staff in the competitive service, including a limited number of supergrade positions;
- that the Council be an independent agency of the United States and submit its annual budget requests, as a related agency of the Department of the Interior, simultaneously to the Office of Management and Budget and the Congress. (The Department would continue to provide financial and administrative services on a reimbursable basis in order to avoid duplication of administrative costs.);
- that the Council be authorized to provide its own legal services; and
- that the Council be exempted from the provisions of the Federal Advisory Committee Act and be authorized to conduct its business in accordance with the provisions of the Administrative Procedure Act.

For administrative purposes, other amendments to the 1966 Act should cover such items as providing for the transfer of present National Park Service employees assigned to the Council to the Council directly, creating the office of Vice Chairman, and providing for assistance from Federal members to the Council in the conduct of its activities.

With respect to the substantive work of the Council, Section 106 requires Federal agencies to provide the Council with a reasonable opportunity to comment on their undertakings that affect properties listed on the National Register of Historic Places. Since 1966, the National Environmental Policy Act of 1969 and Executive Order 11593 of 1971 have expanded the Council's review responsibilities, conducted pursuant to the Council's procedures (36 C.F.R. 800), to include properties that are eligible for inclusion in the National Register. Recognition of these existing responsibilities, by amendment of Section 106 to include "properties eligible for inclusion in the National Register," would clarify and support the Council's present project review activities.

As noted above, the Council has been involved in the review of some 1000 projects in the last two years. These undertakings have involved all of the major Federal agencies. An important aspect in the Council's consideration of these matters is the benefit of having the principal Federal agencies with cases before the Council serving on the Council. Based on the Council's experience, these members have been particularly responsive to the Council's recommendations. In order to promote the effectiveness of the Council's recommendations and comments, it is desirable to add several new Federal members, some of whom now sit with the Council as invited participants at all meetings. The Council recommends that consideration be given to adding the Secretaries

of Defense; Health, Education and Welfare; and State; the Chairman of the Council on Environmental Quality and the Chairman of the Federal Council on the Arts and Humanities to the Council. Because the private sector component of the Council's membership is extremely important in determining the public interest in matters before the Council, any new legislation should also provide for Presidential appointment of additional non-Federal members to maintain an equal balance with the Federal members. With respect to the Council's non-Federal membership, in recognition of the partnership approach to preservation between the Federal government and the States, the President of the National Conference of State Historic Preservation Officers should be added as a non-Federal, ex officio member. These additions would give the Council a total membership of 28, equally shared by Federal and non-Federal representation.

Finally, it should be recognized that in its current form Section 108, the authorization provision of the 1966 Act, only authorizes the expenditure of funds to carry out the provisions of Title I of the Act. To provide a specific appropriation authorization for the Council under Title II would be consistent with the Council's independent status. In this regard, the authorized funding level should be sufficient to enable the Council to meet all of its statutory responsibilities. Recognizing that the Council's funding level has remained relatively unchanged since fiscal year 1972, the Council recommends

a budget level of \$1.5 million for fiscal year 1976 with annual increments through fiscal year 1979 to keep pace with rising costs and an increasing workload.

Attached is a draft bill incorporating the material discussed above. If enacted into law, the bill would better implement the original intent of the Congress to establish an independent Advisory Council on Historic Preservation and would result in a significantly more effective national historic preservation program.

A B I L L

To amend the Act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915), as amended (84 Stat. 204; 87 Stat. 139) is further amended in the following respects:

(a) Section 106 is amended by inserting after the words "included in" the phrase "or eligible for inclusion in".

(b) Section 201(a) is amended by--

(1) inserting after the word "established" the phrase "as an independent agency of the United States government".

(2) striking the phrase "twenty members" and inserting in lieu thereof the phrase "twenty-eight members".

(3) adding the following after paragraph (8) and re-numbering paragraphs "(9)" and "(10)" as paragraphs "(14)" and "(15)":

"(9) The Secretary of State.

"(10) The Secretary of Defense.

"(11) The Secretary of Health, Education, and Welfare.

"(12) The Chairman of the Council on Environmental Quality.

"(13) The Chairman of the Federal Council on the
Arts and Humanities.

(4) inserting the following new subsection:

"(16) The President of the National Conference
of State Historic Preservation Officers."

(5) striking the word "Ten" in paragraph (11), inserting
the word "Twelve" in lieu thereof, and renumbering
the paragraph as paragraph "(17)".

(c) Section 201(b) is amended by--

(1) striking the term "(10)" and inserting in lieu
thereof the term "(16)".

(2) striking the phrase "department or agency"
and inserting in lieu thereof the phrase
"department, agency or organization".

(d) Section 201(c) is amended by striking the term "(11)"
and inserting in lieu thereof the term "(17)".

(e) Section 201(e) is amended by inserting after the word
"Chairman" the phrase "and the Vice Chairman" and by
adding the following sentence at the end of the sub-
section:

"During the absence or disability of the Chairman or
when the office is vacant, the Vice Chairman shall act
in the place of the Chairman."

- (f) Section 201(f) is amended by striking the word "Eleven" and inserting in lieu thereof the word "Fifteen".
- (g) Section 201(g) is amended by deleting the entire section.
- (h) Section 204 is amended by striking the term "(10)" in the first sentence and inserting in lieu thereof the term "(16)", and by striking the term "(11)" in the second sentence and inserting in lieu thereof the term "(17)".
- (i) Section 205 is amended by--
 - (1) striking the first sentence of subsection (a) and redesignating the subsection as subsection (f);
 - (2) inserting the following new subsection (a):
 - "(a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe."
 - (3) redesignating subsection (b) as subsection (d) and striking the word "Council" and inserting in lieu thereof the phrase "Executive Director".
 - (4) inserting the following new subsection (b):
 - "(b) The Council shall have a General Counsel, who shall be appointed by the Executive

Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct."

(5) inserting the following new subsection (c):

"(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade (15) of the General Schedule under Section 5332 of title 5, United States Code; Provided, however, that the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5, United States Code."

- (6) striking subsection (c) and inserting the following new subsection (e):

"(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code."

- (7) redesignating subsection (d) as subsection (g), striking the last sentence and substituting in lieu thereof the following:

"The members of the Council specified in paragraphs (1) through (14) of section 201(a) shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties."

SEC. 2. The following new sections are added to the Act of October 15, 1966, supra:

- (1) "Sec. 207. So much of the personnel, property, records and unexpended balances of appropriations, allocations,

and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act."

- (2) "Sec. 208. Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer."
- (3) "Sec. 209. The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council."
- (4) "Sec. 210. Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs.

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress."

- (5) "Sec. 211. The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of Section 106 of this Act."
- (6) "Sec. 212.(a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than \$1,250,000 in fiscal year 1976, \$1,500,000 in fiscal year 1977, and \$1,750,000 in fiscal year 1978, and \$2,000,000 in fiscal year 1979.

(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management

and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs."

SEC. 3. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(135) Executive Director, Advisory Council on Historic Preservation."

Senator JOHNSTON. Thank you for making a case. I agree with every word you uttered this morning.

We now have the Domingues-Escalante Trail, the Pacific Northwest Trail, and the Potomac Heritage Trail. Jim Watt and Thomas C. Nelson, the Department Chief for the National Forest System, are here to testify on all three.

Senator Byrd of West Virginia has asked that his statement be included in the record.

[The statement of Senator Byrd of West Virginia follows:]

STATEMENT OF HON. ROBERT C. BYRD, A U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. Chairman, first, I wish to thank you and the other members of the committee for this hearing today on S. 1486, which would establish the Potomac Heritage Trail as a national scenic trail that would link superb natural and historical characteristics of four States—one of which is West Virginia—and the District of Columbia.

Sixteen million people reside within 100 miles of this proposed route, and the millions of tourists who visit the Nation's Capitol each year would have easy access to this trail. This bill has the support of the Secretary of the Interior and the Bureau of Outdoor Recreation, which prepared the report on the 874-mile Potomac Heritage Trail, and I am informed that this information has been submitted to this Committee.

The trail would follow the Potomac River from its mountain origins amid rugged, rocky slopes in West Virginia, and the Laurel Highlands of Pennsylvania, to Harpers Ferry, West Virginia. There the trail would divide into two stretches. One stretch would parallel the Potomac River on the Virginia shore and extend to Smith Point on Chesapeake Bay. The other stretch would parallel the river on the Maryland shore, pass through the Nation's Capitol in the District of Columbia, and continue to Point Lookout, Maryland, on the Chesapeake Bay. Famous battlefields, fortifications, historic homes, and the great national monuments in Washington, D.C., would be linked to such scenic areas as West Virginia's Spruce Knob—Seneca Rocks and the Dolly Sods of Monongahela National Forest. Part of the trail would be the 180-mile towpath of the Chesapeake and Ohio (C&O) Canal National Historical Park.

Under the authorization contained in my bill, the Department of the Interior would be responsible for overall trail administration. Comprehensive guidelines for planning, design, and management of the trail would be prepared by the Secretary of the Interior within three years of designation, and an Advisory Council would be formed to assist in trail development.

I wish to call attention to the following language included in Section (3) of my proposed bill.

"... it is the sense of the Congress that the Secretary, with respect to his authority to provide certain facilities within the Potomac Heritage National Scenic Trail, should immediately utilize that authority to construct campsites, shelters, and related public use facilities within those parts of such trail which are located within areas of high unemployment."

I included this language because I believe that, within those counties in States which have high unemployment, the creation of jobs to construct shelters and other needed components of this trail would be an excellent way in which to utilize public service employment funds, and it would provide permanent and lasting benefits for the citizens who will use this trail.

Again, I wish to thank you for scheduling these prompt hearings on S. 1486. I urge that you favorably report it to the Senate.

Senator JOHNSTON. Gentlemen, you may proceed as you wish.

STATEMENT OF HON. JAMES G. WATT, DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

Mr. WATT. I would like to skip through it for convenience and to emphasize some of the positions that we have there. I appreciate the fact it will be put in the record.

The Potomac Heritage Trail is one of the 14 trails listed in the 1968 act for study as potential national scenic trails. The Department's study reveals that it fully meets the criteria for addition to the system as a national scenic trail approximately 874 miles in length. The trail, extending from the Appalachian Highlands to Chesapeake Bay, will generally follow the course of the Potomac River from its sources to its mouth, passing through four States—Pennsylvania, West Virginia, Maryland, and Virginia—and the District of Columbia. I have presented here I think a map that you can see which outlines the route. The green line coming down, the dotted green line, is the existing Appalachian Trail, from top to bottom on the map. Then, coming up the Potomac, and I am not sure if the light is proper for you to see, coming up the Potomac you see the neon red, and the dark red lines. The neon red, as I call it, are the lands presently under Federal ownership. So this piece of legislation that we are recommending Congress pass would establish an 874 mile corridor up both sides of the river, as you can see, but designating specifically and immediately as a national trail only those lands which are presently in Federal ownership and designated in the neon red there in its several spaces.

We then would recommend that as other political jurisdictions felt it appropriate that we add to the national scenic trail those parcels of land as they come under control of those governments in the way of easements or fee ownership, or whatever. There are certain political jurisdictions that would hostilely respond to Federal acquisition and establishment of a national trail. We are recommending against forcing that upon them. If they do not feel that a trail is appropriate and proper to go through their lands, it is not the role of the Federal Government to come in and use Federal dollars to acquire and establish something that is not wanted. Particularly in this instance, because it is not needed. We have trails coming up both sides of the river and we have a significant corridor that is over 300 miles long under present Federal ownership that can provide the basic needs of a national scenic trail.

The basic objective of the proposed legislation is to encourage cooperative action between the Federal agencies and State and local governments in establishing and administering the Potomac Heritage National Scenic Trail. Overall administration of the trail would be assigned to the Department of the Interior in consultation with other Federal agencies where lands administered by them are involved. Administrative responsibility for non-Federal segments of the trail would be given to State, county, and local agencies, and, where appropriate, private trail organizations. Let me emphasize that. Private trail organizations played a tremendously important role in America's trail history. The Appalachian Trail is something to be proud of. Private interests have made that possible. We need to encourage and foster the environment that would allow that type of structure to continue, where the private interests can be there and have their trail. I commend all those that had a part in the development and maintenance of the Appalachian Trail, which is so very, very successful.

The legislation designates now only those segments of the proposed 874-mile route located within the boundaries of federally administered areas. The total length of such segments is 323 miles. Federal agencies would develop and maintain this 323-mile segment under existing

authorities. Responsibility for developing and maintaining the remaining 551 miles of the proposed route located outside of the Federal segments would rest with State and local governments and the District of Columbia. Upon receiving an application from any of these entities, the Secretary of the Interior would be authorized to designate as part of the Potomac Heritage National Scenic Trail any portion of the 551 miles that meets the criteria established in the Trails Act and is to be administered without expense to the United States.

The establishment of the Potomac Heritage National Scenic Trail will provide the residents of the Potomac River Valley as well as the millions who annually visit the Nation's Capital an opportunity to develop an intimacy with an outstanding array of superlative scenic, natural, historic, and cultural features.

The trail will traverse shorelands, marshlands, alternating wide and narrow stream valleys, spectacular gorges, scenic highlands, rugged bluffs, and heavily forested mountain areas. It encompasses an impressive cultural history and would allow people to have a better appreciation and understanding of the historic homes, buildings, battlefields, artifacts along the trail, and perhaps no other trail in the country is so historically rich and permeated with our national heritage.

Among this pathway's major historic attractions are Fort Necessity, Fort Washington, Antietam Battlefield, Mount Vernon, the White House, numerous other historic monuments and buildings of Washington, D.C., and the Chesapeake and Ohio Canal.

The Potomac Heritage Trail will provide splendid recreation opportunities. It will accommodate hiking and on suitable portions bicycling, and horseback riding. In the forested areas and higher elevations of West Virginia, western Maryland, and western Pennsylvania, the trail will be suitable for winter recreational uses such as ski-touring and snowshoeing.

We believe it is in the national interest to establish this Potomac Heritage Trail and think if Congress would act upon it now, it would be a further effort in our Bicentennial thrust to symbolize and show respect and a desire to protect the heritage and the history of this country.

Mr. Chairman, we are proposing in this bill that a citizen's commission be established and are recommending that it be patterned exactly after the very successful experiences we have had in the Appalachian Trail operation. Citizen involvement, multigovernment involvement, would be the key to the success here. Little Federal or State expense, but making a reality that much closer to the recreating public.

Two other bills which are the subject of this hearing, S. 805 and S. 1390, would add the Dominguez-Escalante and the Pacific Northwest Trails, respectively, to the list of "study trails" in section 5(c) of the National Trails System Act.

We have heard several Senators speak to the Dominguez-Escalante Trail and its features. The Pacific Northwest Trail would also be an interesting trail to study and should be considered for inclusion in the national trail system.

The Pacific Northwest Trail would extend approximately 1,000 miles from northwestern Montana, across northern Idaho and northern Washington, with the western terminus at Cape Alava on the Olympic

Peninsula. Traversing a number of national parks and national forests, the route includes some outstanding scenery. In addition to spectacular mountains and glaciers, the trail would bring the user in contact with a wide variety of landscapes and points of interest. These would include rain forests, lakes and rivers, Puget Sound and its islands, old logging and mining settlements, and the beaches of the Pacific. We think both trails are worthy of study and should be included in the national system. We look forward to carrying out the studies in cooperation with the Forest Service and look forward to making the appropriate recommendation to this committee in the not too distant future.

I think we have highlighted the statement, Mr. Chairman, and Mr. Tom Nelson and I will respond to any questions you might have at this time.

[The prepared statement of Mr. Watt follows:]

STATEMENT OF JAMES G. WATT, DIRECTOR, BUREAU OF OUTDOOR RECREATION,
DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE INTERIOR SUBCOMMITTEE
ON PARKS AND RECREATION ON BILLS AMENDING THE NATIONAL TRAILS
SYSTEM ACT.

JUNE 19, 1975

Mr. Chairman and Members of the Subcommittee, it is a pleasure to have the opportunity to participate in your consideration of four bills to amend the National Trails System Act of October 2, 1968.

The 1968 Act designated two trails--the Appalachian and Pacific Crest--as the initial National Scenic Trails.

Two of the bills before us today--S. 324 and S. 1486--would designate the Potomac Heritage Trail as the Nation's third national scenic trail. S. 324 embodies the Administration's proposal which was submitted to the Congress last December, and S. 1486 is identical in substance to the Administration bill, except for one provision. S. 1486 calls for the Secretary to use his authority immediately to construct campsites, shelters, and related public use facilities within those parts of the Potomac Heritage National Scenic Trail located in areas of high unemployment. If this provision is deleted from S. 1486 for the reasons detailed in the Departmental report, we strongly recommend enactment of either bill.

The Potomac Heritage Trail was one of the 14 trails listed in the 1968 Act for study as potential national scenic trails. The Department's study reveals that it fully meets the criteria for addition to the System as a national scenic trail approximately 874 miles in length. The trail, extending from the Appalachian Highlands to Chesapeake Bay, will generally follow the course of the Potomac River from its sources to

its mouth, passing through four States--Pennsylvania, West Virginia, Maryland, and Virginia--and the District of Columbia.

The objective of the proposed legislation is to encourage cooperative action between the Federal agencies and State and local governments in establishing and administering the Potomac Heritage National Scenic Trail. Overall administration of the trail would be assigned to the Department of the Interior in consultation with other Federal agencies where lands administered by them are involved. Administrative responsibility for non-Federal segments of the trail would be given to State, county and local agencies, and, where appropriate, private trail organizations.

The legislation designates now only those segments of the proposed 874-mile route located within the boundaries of federally administered areas. The total length of such segments is 323 miles. Federal agencies would develop and maintain this 323-mile segment under existing authorities. Responsibility for developing and maintaining the remaining 551 miles of the proposed route located outside of the Federal segments would rest with State and local governments and the District of Columbia. Upon receiving an application from any of these entities, the Secretary of the Interior would be authorized to designate as part of the Potomac Heritage National Scenic Trail any portion of the 551 miles that meets the criteria established in the Trails Act and is to be administered without expense to the United States.

The establishment of the Potomac Heritage National Scenic Trail will provide the residents of the Potomac River Valley as well as the millions who annually visit the Nation's Capital an opportunity to develop an intimacy with an outstanding array of superlative scenic, natural, historic, and cultural features.

The trail will traverse shorelands, marshlands, alternating wide and narrow stream valleys, spectacular gorges, scenic highlands, rugged bluffs, and heavily forested mountain areas. It will extend through areas both near to, and far from, man and his works--through the urban complex of metropolitan Washington with all its government functions and its central place in the development of American life to isolated and remote areas such as the Dolly Sods in the Monongahela National Forest of West Virginia.

The impressive cultural history of the trail is embodied in the historic homes, buildings, battlefields, and artifacts along the trail route. Perhaps no other route in the country is historically as rich or so permeated with our national heritage. Among this pathway's major historic attractions are Fort Necessity, Fort Washington, Antietam Battlefield, Mount Vernon, the White House, numerous other historic monuments and buildings of Washington, D.C., and the Chesapeake and Ohio Canal.

The Potomac Heritage Trail will provide splendid recreation opportunities. It will accommodate hiking and on suitable portions bicycling, and horseback riding. In the forested areas and higher elevations of West Virginia, western Maryland, and western Pennsylvania, the trail will be suitable for winter recreational uses such as ski-touring and snowshoeing.

The Potomac Heritage Trail will provide many varied and memorable experiences for its users. We believe it is in the national interest to create, develop, and maintain this trail.

The two other bills which are the subject of this hearing--S.805 and S.1390--would add the Dominguez-Escalante and the Pacific Northwest Trails, respectively, to the list of "study trails" in section 5(c) of the National Trails System Act.

The Dominguez-Escalante Trail extends approximately 2,000 miles along the route of the 1776 expedition led by Father Dominguez and Father Escalante from Santa Fe, New Mexico, through western Colorado to Utah Lake, Utah, and then circling back through northern Arizona to Santa Fe. This historic route traverses country in which there are national parks, national forests, wilderness areas and a variety of scenic, geologic and historic sites. With such resources present, an investigation of the feasibility and desirability of designating the route as a national scenic trail appears to be warranted.

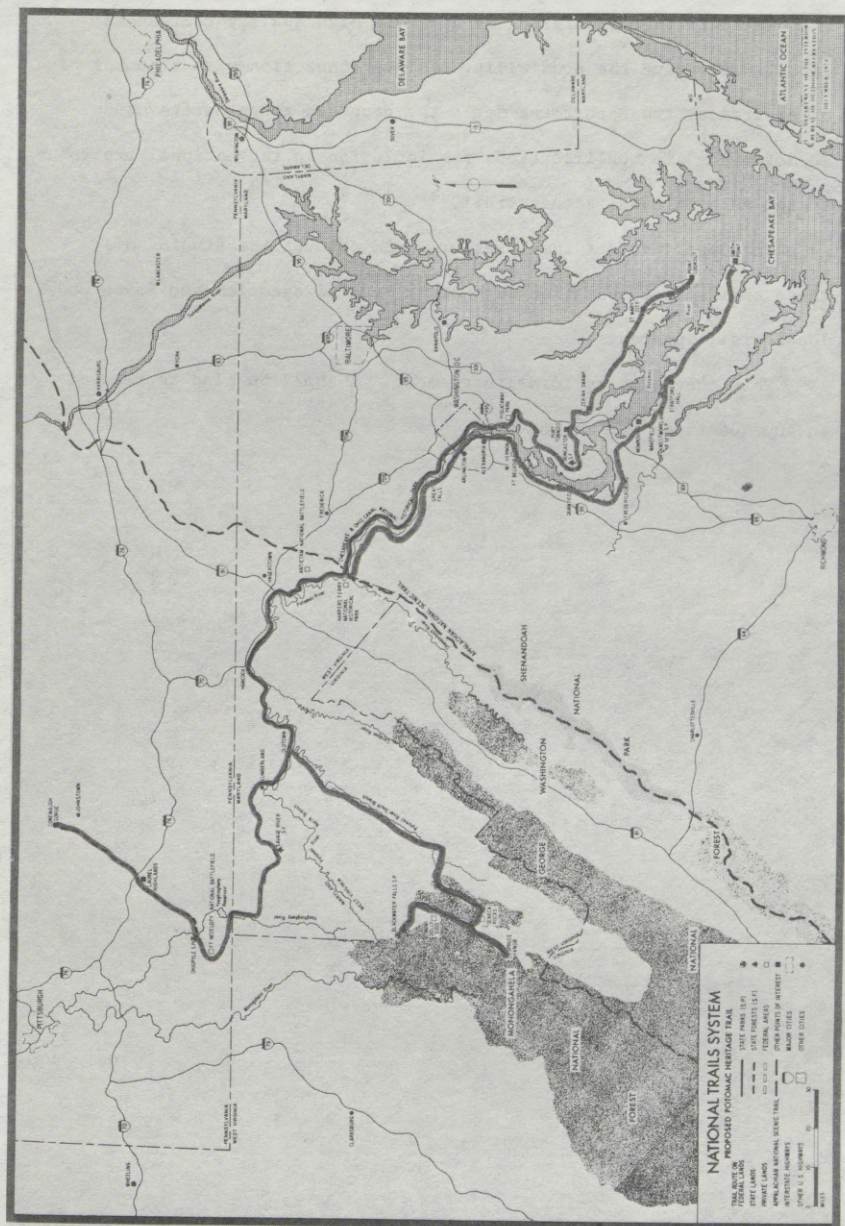
The Pacific Northwest Trail would extend approximately 1,000 miles from northwestern Montana, across northern Idaho and northern Washington, with the western terminus at Cape Alava on the Olympic Peninsula. Traversing a number of national parks and national forests, the route includes some outstanding scenery. In addition to spectacular mountains and glaciers, the trail would bring the user in contact with a wide variety of landscapes and points of interest. These would include rain forests, lakes and rivers, Puget Sound and its islands, old logging and mining settlements and the beaches of the Pacific.

The trail route would intersect the existing Pacific Crest Trail in the northern Cascade Mountains of Washington and would have its eastern terminus in Glacier National Park, Montana, the site of the northern end of the proposed Continental Divide Trail.

With attributes offering an array of high quality recreation opportunities and the possibility of interconnection with a number of other trails, the Department feels the proposed route merits study to determine its qualifications for inclusion in the national trails system as a national scenic trail.

The Department of the Interior would conduct the studies of these trails in cooperation with other Federal agencies and State and local trail interests.

This concludes my formal statement. I shall be glad to respond to any questions you may have.



Senator JOHNSTON. Very well. Did you want to speak independently, Mr. Nelson?

STATEMENT OF HON. THOMAS C. NELSON, DEPUTY CHIEF FOR NATIONAL FOREST SYSTEMS, DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY ZANE SMITH, STAFF DIRECTOR, DIVISION OF RECREATION, DEPARTMENT OF AGRICULTURE

Mr. NELSON. Mr. Chairman, if I might summarize with a few points, and if it pleases the Chair, if the statement could be put in the record.

Regarding the Potomac Heritage Trail, as identified in S. 324 and S. 1486, would extend about 874 miles from the mouth of the Potomac River to its source. About 81 miles of the western portion would be within the Monongahela National Forest of West Virginia. We participated in an interagency study of that portion of the trail, and we contributed to the study report which the Secretary of the Interior sent to the Congress on December 19, 1974. The Secretary's recommendations, in which we concur, are embodied in S. 324, and we recommend that S. 324 be enacted.

S. 1486 is identical to S. 324, except that it expresses the sense of Congress that trail facilities should be constructed immediately along those parts of the trail within areas of high unemployment. We oppose this provision because it could result in the development of facilities which would not fit into a comprehensive trail plan. We believe guidelines for the development, management, and maintenance of the trail should precede construction of facilities. Furthermore, S. 1486 does not define "areas of high unemployment" for the purposes of the bill. Finally, in light of the administration's proposal to resolve the unemployment problem on a national and coordinated basis, we oppose this limited and piecemeal approach to the problem. We recommend that this provision be deleted from S. 1486.

There is a small problem connected with Dolly Sods Wilderness designated by the Congress as a wilderness subsequent to the study of the Potomac Heritage Trail. We do not believe that the potential need for a location adjustment in this particular area should affect consideration of the current legislation. Any needed adjustments we think could be made under section 7(a) of the National Trails Systems Act.

With reference to the Pacific Northwest Trail, the specific location, of course, is unknown at this time, and this is the reason for a study. But it does appear from the display map that any corridor through the general area that is described in S. 1390 would for the most part cross national forests in Montana, Idaho, and Washington, and therefore we feel that the Forest Service would have a major responsibility for the trail study that is proposed in this bill. We do not know at this time whether such a trail would be feasible or desirable. But we support the concepts underlying the National Trails System Act, and we believe that the proposed Pacific Northwest Trail should be studied under the procedures that are outlined in that act. Therefore, we recommend that S. 1390 be enacted.

With reference to the Dominguez-Escalante Trail, this would involve a somewhat circular route of about 2,000 miles in the Colorado-Utah-Arizona-New Mexico area. The specific location is again un-

known, but it does appear from this display map that the route would pass over a number of national forests. Therefore, we do have a major interest in some of the areas that are affected by S. 805, and we would have a major responsibility for study of that portion of the trail that is on national forest land.

Senator JOHNSTON. Was that an old historic trail?

Mr. NELSON. This is the 1776 trail by Father Dominguez and Father Escalante.

Senator JOHNSTON. They went in a circle?

Mr. WATT. They went in a circle, and they started on July 4, 1776.

Senator JOHNSTON. Oh, they did?

Mr. NELSON. We do not have sufficient information at this time to determine the overall need for this trail study, but we would not object to the enactment of this bill as it would affect the responsibilities of the Department of Agriculture. Since the major portion of this proposed trail would be outside of the national forest boundaries, we defer to the Department of the Interior for an overall recommendation on whether S. 805 should be enacted.

Mr. Chairman, these are the remarks in summary. I along with Mr. Watt would be happy to respond to any questions you have.

[The prepared statement of Mr. Nelson follows:]

STATEMENT OF THOMAS C. NELSON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, BEFORE THE SUBCOMMITTEE ON PARKS AND RECREATION, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, UNITED STATES SENATE, ON S. 324, S. 1486, S. 1390, AND S. 805 RELATING TO THE NATIONAL TRAILS SYSTEM, JUNE 19, 1975.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for this opportunity to participate in your consideration of legislation to designate the Potomac Heritage Trail, to study the Pacific Northwest Trail, and to study the Dominquez-Escalante Trail. Each of these trails involves portions of the National Forest System, and we wish to comment briefly on each one.

Potomac Heritage Trail (S. 324 and S. 1486)

The Potomac Heritage Trail, as identified in S. 324 and S. 1486, would extend about 874 miles from the mouth of the Potomac River to its source. About 81 miles of the western portion would be within the Monongahela National Forest of West Virginia. We participated in an interagency study of that portion of the trail, and we contributed to the study report which the Secretary of the Interior sent to the Congress on December 19, 1974. The Secretary's recommendations, in which we concur, are embodied in S. 324, and we recommend that S. 324 be enacted.

S. 1486 is identical to S. 324, except that it expresses the sense of Congress that trail facilities should be constructed immediately along those parts of the trail within areas of high unemployment. We oppose this provision because it could result in the development of facilities which would not fit into a comprehensive trail plan. We believe guidelines for the development, management, and maintenance of the trail should precede construction of facilities. Furthermore, S. 1486 does not define "areas of high

unemployment" for the purposes of the bill. Finally, in light of the Administration's proposal to resolve the unemployment problem on a national and coordinated basis, we oppose this limited and piecemeal approach to the problem. We recommend that this provision be deleted from S. 1486.

Since the study of the Potomac Heritage Trail was completed and transmitted to the Congress, the Act of January 3, 1975, designated the Dolly Sods Wilderness within the Monongahela National Forest. The trail, as now generally proposed, might follow some of the boundary or perhaps enter portions of the Dolly Sods Wilderness. On the display map, the general trail route is shown in red, and the Dolly Sods Wilderness is outlined in blue. Prior to construction of this portion of the trail, it would be desirable to select a precise location that would minimize the trail's impact on the Dolly Sods Wilderness. We do not believe that the potential need for a location adjustment in the Dolly Sods area should affect consideration of the current legislation. Any needed adjustments could be made under section 7(a) of the National Trails System Act.

Pacific Northwest Trail (S. 1390)

The Pacific Northwest Trail study that would be authorized by S. 1390 would involve a route of about 1,000 miles from the Continental Divide in Glacier National Park, Montana to the Pacific Ocean beach of Olympic National Park, Washington. The specific location of a possible Pacific Northwest Trail corridor is unknown at this time. However, it appears from the display map that any corridor through the general area described in S. 1390 would, for the most part, cross National Forests in Montana, Idaho, and Washington. Therefore, we would have the major responsibility for the trail study

proposed by S. 1390. We do not know at this time whether a Pacific Northwest Trail as generally described in S. 1390 would be feasible or desirable. However, we support the concepts which underlie the National Trails System Act, and we believe that the proposed Pacific Northwest Trail should be studied under the procedures outlined in that Act. We recommend that S. 1390 be enacted.

Dominquez-Escalante Trail (S. 805)

The Dominquez-Escalante Trail study that would be authorized by S. 805 would involve a somewhat circular route of about 2,000 miles through Colorado, Utah, Arizona, and New Mexico. The specific location of a possible Dominquez-Escalante Trail corridor is unknown at this time. However, it appears from the display map that the route taken by Father Dominquez and Father Escalante in 1776 crossed several areas, particularly in Colorado, that are now part of the National Forest System.

Therefore, we have a major interest in some of the areas that would be affected by S. 805, and we would have a major responsibility for the study of that portion of the Dominquez-Escalante Trail on National Forest land. While we do not have sufficient information at this time to determine the overall need for a Dominquez-Escalante Trail study, we would not object to the enactment of S. 805 as it would affect the responsibilities of the Department of Agriculture. Since the major portion of the proposed trail would be outside National Forest boundaries, we defer to the Department of the Interior for an overall recommendation on whether S. 805 should be enacted.

Mr. Chairman, this concludes my prepared statement. I will be happy to respond to any questions you may have.

Senator JOHNSTON. Thank you very much, Mr. Nelson. Is Mr. Zane Smith, your staff director, the Division of Recreation, of the Department of Agriculture?

Mr. NELSON. Yes; he is.

Senator JOHNSTON. Would you come up and testify, Mr. Smith. Your full statement will be put in the record. You may summarize, if you wish.

Mr. NELSON. I believe the statement I gave was the one for the Department, Mr. Chairman.

Senator JOHNSTON. All right, fine.

Gentlemen, thank you very much for your testimony. I thank you made it very clear and I am inclined to share your view on S. 1486, on the area of high unemployment. We cross States and counties and cities and subdivisions and what is high unemployment and what is not and what would fit in with this trail system is really very difficult to imagine. I tend to agree with you on that. We have four witnesses to testimony on S. 324 and S. 1486, which I would ask to come up as a panel. Mr. Joshua C. Whetzel, Jr., president, Western Pennsylvania Conservancy; Nancy Long, chairman of the C. & O. National Historical Park Advisory Commission; Ed Wessly, C. & O. Canal Association; and Barbara Yeaman.

I assume all of you are testifying in favor of the bills.

Are you all testifying together? Can someone be the ring master? I understand Mr. Whetzel's testimony is different from the others.

If you have a prepared statement, Mr. Whetzel, the verbatim statement will be put in the record. We appreciate your summary of it.

STATEMENT OF JOSHUA C. WHETZEL, JR., PRESIDENT, WESTERN PENNSYLVANIA CONSERVANCY

Mr. WHETZEL. I will be happy to summarize my statement. I would like to begin by introducing the fact that I represent the Western Pennsylvania Conservancy, a private conservation organization located in Pittsburgh, Pa. We are a nonprofit organization. I am here today to support S. 324 and to propose an alternative route for the northwest branch of this proposed trail, as well as a means for accomplishing this northwest extension.

The map that the Department had is essentially the same as this. It shows over here on the extreme right Washington. Over on the extreme left is Pittsburgh. And the route of the C. & O. Canal, as shown on their map, as well as this, originates in Washington, and it terminates in Cumberland.

The trail route as proposed by the National Park Service at Cumberland took several different alternative routes. This is the northwest one, terminating in Ohiopyle, a part of the Pennsylvania Park System. I am here today to suggest by virtue of the abandonment of the Western Maryland Railroad, a section from Connellsville to Frostburg, an alternative route along this right of way that would be available upon the abandonment of it. This abandoned railroad is going to be given, at least this stretch from Connellsville, to here, is going to be given to the conservancy as a gift. We in turn are willing to make a gift, a gift at cost to recover our cost in it, to the Park Service as a route

for this trail from Frostburg to Connellsville. It originates approximately in the same point, and terminates in the same point. It is simply a different way to go.

Senator JOHNSTON. Has this been proposed before?

Mr. WHETZEL. Unfortunately, the knowledge of the abandonment, or the certainty of it, had been made known after the bill was introduced in the Congress. There was not time to go through the planning stages, take it back and so forth. So it seemed best to suggest amendment of the bill to authorize the Park Service to acquire this railroad from us, if it were so inclined.

Senator JOHNSTON. I think we ought to give that authority—of course, we want to hear from the other witnesses, but if this is brand new to the Park Service, if they have not considered it, the two alternatives. I think they surely should be given that authority.

Mr. WHETZEL. The advantages are really quite obvious, I guess, that it would save the acquisition efforts that Mr. Watt referred to, a very difficult thing to do.

[The prepared statement of Mr. Whetzel follows:]

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Testimony of Joshua C. Whetzel, Jr.,
President, Western Pennsylvania Conservancy
On S.324, Designation of Potomac Heritage Trail
As A National Scenic Trail

Mr. Chairman, members of the Senate Interior Committee, my name is Joshua C. Whetzel. I am President of the Western Pennsylvania Conservancy, a private, non-profit land conservation organization in Pittsburgh, Pennsylvania. The Conservancy acts to preserve lands of significant natural and recreational value to be enjoyed and appreciated by everyone. More than 7,000 members support our efforts which have resulted in the acquisition of over 50,000 acres of land and water in western Pennsylvania.

My purpose in appearing before you today is to support the inclusion of the Potomac Heritage Trail as a National Scenic Trail under the National Trails System Act (PL 90-543, 10/2/68) and to propose an alternative route for the northwest branch of this trail.

Much has been said about the lack of long distance hiking and biking trails particularly in the populated eastern U.S. Today the interest in scenic trails has increased dramatically and the demand far exceeds what is available. In Pennsylvania, the State Comprehensive Outdoor Recreation Plan identifies trails as the number one recreational need.

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As anyone involved in trails will tell you, however, establishing a trail is another matter. Negotiations for acquisition of land for a trail corridor (or simply for a right-of-way easement) must be entered into with hundreds of landowners, many of whom will be opposed to people crossing their property for fear of theft and vandalism. Even if all goes well it is a long, drawn-out and very costly process.

Therefore when the Western Maryland Railway proposed to abandon most of its railway line from Connellsville, Pa. to Hancock, Md., the Conservancy was very much interested. The railway passes through wild and beautiful country and its abandonment immediately suggested the possibility of a spectacular long distance trail. Let me point out the route.

Going east to west, the right-of-way to be abandoned begins in Frostburg, Md., approximately 11 miles from Cumberland, the western terminus of the C&O Canal National Historic Park, the main corridor for the Potomac Heritage Trail from Washington, D.C., a distance of 170 miles. North from Frostburg the railway climbs Big Savage Mountain (1.5% grade) tunnels through the mountain and starts dropping down the other side to Meyersdale, Pa. along Flaugherty Creek, a mountain trout stream.

Thence along the Casselman River the route winds through Rockwood to Confluence, Pa. at the Youghiogheny Reservoir Dam where a Corps of Engineers camp ground is located. At Confluence the right-of-way joins the wild and scenic Youghiogheny River which it

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follows downstream all the way to Connellsville, Pa., the end of the abandoned section. The right-of-way is nearly level (0.8% grade) through the spectacular gorge of the youghiogheny in a roadless corridor for a distance of 30 miles. Most (75%) of the gorge is in public ownership, as state park, forest or game lands. Midway through the gorge the railway traverses Ohiopyle State Park, the western terminus of the Potomac Heritage Trail as now proposed. From Ohiopyle State Park the Laurel Highlands Trail swings northward 72 miles through the linear Laurel Ridge State Park to Johnstown, Pa.

What makes this route even more appealing is the fact that the Western Maryland Railway will donate this 60 mile right-of-way as a charitable gift to the Western Pennsylvania Conservancy. As far as we know, this generous gift by the Railway is the largest of its kind ever and is a splendid act in the public interest. Eventually, we intend to transfer sections of it at cost to the Pennsylvania Department of Environmental Resources and other interested public agencies.

The Western Pennsylvania Conservancy suggests that the Connellsville, Pa. to Frostburg, Md. section be designated as part of the Northwest Branch of the Potomac Heritage Trail instead of the route proposed by the National Park Service. Although the proposed Park Service route passes through some state and federal land, most of it is over private land, I am familiar with the private land areas in Pennsylvania and would not be understating the fact that an acquisition program there will be difficult and expensive.

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We advocate an alternative route that possesses the same or greater scenic amenities and will cost next to nothing. In our opinion it will be more suitable also as a bicycle route because of the nearly level grade characteristic of railroads. To be sure, there are problems associated with the abandoned line, not the least of which involve making safe a series of bridges and tunnels. In addition, there is the need to provide a trail connection from Frostburg to Cumberland. (Maryland's Department of Natural Resources is interested in helping to complete this segment with a right-of-way partially over state Department of Transportation lands.) But overall, these problems are small compared to the acquisition of the corridor proposed by the National Park Service.

Of interest also to the Potomac Heritage Trail, is the abandonment now in progress of another section of the Western Maryland Railway, from Hancock to Cumberland along the Potomac River. This section parallels and adjoins in many places the C&O Canal National Historic Park.

To conclude, the Western Pennsylvania Conservancy strongly endorses the Potomac Heritage Trail concept since it fulfills a vital need in providing a long distance hiking and biking scenic trail in our urban East. At the same time, we propose a different route to the Northwest than that recommended by the National Park Service. We believe the abandoned Western Maryland Railway offers many more advantages. It passes along wild rivers through spectacular scenery, links up with the Laurel Ridge Trail and most

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important, is available at much less cost.

I appreciate very much the opportunity to appear before you today, and I will be glad to answer any questions.

Senator JOHNSTON. If you would suspend for a moment, I understand Dick Stanton from the National Capital Park System is here. Mr. Stanton, do you have a view on this?

STATEMENT OF DICK STANTON OF THE NATIONAL CAPITAL PARK SYSTEM

Mr. STANTON. Mr. Chairman, I am fairly familiar with the proposed abandonment of the Western Maryland Railroad. It is my understanding—in fact, we will be buying part of that right of way for the C. & O. Canal Park, about 5 percent of the total linear length. I don't want to dispute the gentleman's information, but I have been in touch with the Western Maryland Railroad as late as yesterday, and they have told me that they have not yet decided whether they can donate the right of way. We have not studied it. It would be a difficult—this is just my personal opinion, Mr. Chairman—it would be a difficult unit to manage because of its proximity, because of its distance from supporting maintenance and so forth. But I would say this, we would be delighted to study it and present to the subcommittee our findings if you so wish. These are just thoughts that I have at the moment.

Senator JOHNSTON. It certainly should be studied. We will put that mandate in the bill. Should we at this point have an authorization for going to that route, or do you just want authority to study it?

Mr. STANTON. Mr. Chairman, I would be more comfortable with a charge to study that proposal, because I have not had an opportunity to talk about the propriety of taking a position on an authorization to acquire. I think this would be a departmental position.

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

Excuse that interruption.

Mr. WHETZEL. We don't yet own the railroad. We are about a year from that, I believe, but we are fully confident we will in time. Therefore, we would be able to convey it on to the Park Service. Essentially, that is what I came to propose, Mr. Chairman.

Senator JOHNSTON. Thank you very much, Mr. Whetzel. Let me say that we could have this, if you do acquire title and if it can be managed, it could be an addition to the trail, rather than in lieu of the trail. So, the fact that we proceed with the bill as it is now would not foreclose adding this to the trail system.

Mr. WHETZEL. Not at all.

Senator JOHNSTON. I understand actually that the Park Service has authority to make those studies now, without mandating it in the bill. We appreciate very much your testimony in the interests of the conservancy.

Mr. WHETZEL. I have one comment on S. 327, the authorized increase in land water conservation fund. I wanted to observe that the private input on the other side of the Federal funding is often not appreciated, at least not to the extent it can help to extend the Federal dollars and relieve the burden on the States to match. I cite as an example a project that our organization did last year, which was a total cost of around \$3 million, an acquisition by the State which was made up of 50 percent matching grant by the Land Water Conservation Fund to the extent of \$1.5 million, and a gift by the Western Pennsylvania Con-

servancy by about \$1,200,000, and left only \$200,000 or so to be put up by the State. So here is a 5 to 7 multiplier factor introduced by the private input. It is an element that I don't think we fully covered in the earlier testimony.

Senator JOHNSTON. We are certainly aware of that, Mr. Whetzel. In most areas they don't do quite as good a job as you have.

Mr. WHETZEL. This was in appreciation of land value, it was not dollars. But it was very real nonetheless.

Senator JOHNSTON. That is a very real and important addition, and an important matching factor. the ability to get the land and hold it. It appreciates into something you would have to pay for.

Mr. WHETZEL. There are many other organizations like ours doing this sort of thing all over the country. I think this is quite a significant element in this picture.

Thank you, Mr. Chairman.

Senator JOHNSTON. Thank you very much, indeed.

Next, is Mrs. Nancy Long, chairman of the C. & O. National Historical Park Commission.

STATEMENT OF NANCY LONG, CHAIRMAN, C. & O. CANAL NATIONAL HISTORICAL PARK COMMISSION

Ms. LONG. I would like to summarize, if I may, with your permission.

Senator JOHNSTON. Your full statement will go in the record.

Ms. LONG. The C. & O. Canal National Park Commission was established by Public Law 91-664, which also established the park. Its role is to advise the Secretary of the Interior on general policies and specific matters related to the administration and development of the park. Among our principal areas of concern and interest are the future of the Potomac River and land use patterns, both existing and proposed, of lands adjacent to the park boundaries and on the south bank of the Potomac River. The canal and river and river's south bank are virtually inseparable historically as a planning unit. We agree the Potomac Heritage Trail is a desirable concept. However, there are three issues of particular concern to us:

(1) The possible subordination of the C. & O. Canal National Historical Park to the needs and administrative policies of the Potomac Heritage Trails system where the trail would lie within the park. Conversely, the trail might be subordinated to the park.

(2) The possible conflict of the Potomac Heritage Trail Council with the C. & O. Canal National Historical Park Commission, with each group of advisers attempting in good faith to carry out different responsibilities in the same geographic area, one area already specifically categorized in the National Park System as a historical area.

(3) The possible conflict in agency jurisdiction, since it is not quite clear whether the Bureau of Outdoor Recreation or the National Park Service would administer the trail.

We would like to suggest that the Congress consider the proposed Potomac Heritage Trail legislation as a vehicle to provide at least a minimal form of protection for the south bank of the Potomac River, and to insure public access to the river in perpetuity. To establish the trail on the south bank rather than on the north bank, already pro-

tected by public ownership through the C. & O. Canal National Historical Park; by this action subordination of canal park values would be avoided and there would not be overlays of jurisdiction for the Government agencies and advisory groups.

If it is determined that the best trail route should include the C. & O. Canal, we suggest the responsibilities of the trail council be specifically limited in the legislation to those areas outside the boundaries of the C. & O. Canal National Historical Park, and that the National Park Service be specifically designated as the administering agency for any trail areas within park boundaries.

Senator JOHNSTON. Let me interrupt to say I am sure it would be. The Park Service would administer the lands. If there is any ambiguity here, we would clear it up in the language.

Ms. LONG. I would like to add if I may, since the Potomac National River legislation was brought up today, that we would consider that a far more desirable means of protecting the south bank of the Potomac.

Thank you very much for the opportunity to appear here.
[The prepared statement of Ms. Long follows:]

STATEMENT OF NANCY LONG, CHAIRMAN, CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

The Chesapeake and Ohio Canal National Historical Park was established by Public Law 91-664 on January 8, 1971 in order to preserve and interpret the historic and scenic features of the C & O Canal, and to develop the potential of the Canal for public recreation, including such restoration as may be needed. The same law also established the C & O Canal National Historical Park Commission as an advisory commission to meet and consult with the Secretary of the Interior or his designee in regard to general policies and specific matters related to the administration and development of the Park.

In its advisory stewardship, the Commission takes an active role in planning, development, and management of the C & O Canal Park. In addition, the Commission works as a liaison with the public on Park-related matters, bringing the public's concerns to the attention of the National Park Service. Among our principal areas of concern and interest are the future of the Potomac River, and land-use patterns, both existing and proposed, of lands adjacent to the Park boundaries and on the south bank of the Potomac River. The Canal and the River and the River's south bank are virtually inseparable historically and as a planning unit.

We feel, therefore, that the Potomac Heritage Trail proposal is a matter appropriate for our consideration. We agree that the Potomac Heritage Trail is a desirable concept. However, there are three issues of particular concern to us:

1. The possible subordination of the C & O Canal National Historical Park to the needs and administrative policies of the Potomac Heritage Trail system where the Trail would lie within the Park; (conversely, the Trail might be subordinated to the Park):

2. The possible conflict of the Potomac Heritage Trail Conference with the C & O Canal National Historical Park Commission, with each group of advisors attempting in good faith to carry out different responsibilities in the same geographic area, one already specifically categorized in the National Park System as an historic area;

3. The possible conflict in agency jurisdiction since it is not quite clear whether the Bureau of Outdoor Recreation or the National Park Service would administer the Trail.

We should like to point out that a general plan for the management and development of the Canal Park is nearing official adoption. After over three years of work by the National Park Service, the Commission, and the public, a series of five public information meetings, and, just recently, five public hearings, and numerous meetings and workshops with public officials, private groups, and individuals, the plan is in its final stages of preparation. The plan has been drawn

within the framework of the requirements for administration in the historical category of the National Park System. Within this context, there is provision for as much outdoor recreation as will not intrude upon or impair the resources which the Park was established to protect. The first priority for use of funds appropriated for the Park is the stabilization of the more than 500 historic structures within Park boundaries; the Canal and its appurtenances constitute the justification for the establishment of the Park.

We are concerned about possible adverse and untimely development and incompatible use within the Park if the Trail were to be established inside its boundaries. For example, we cite the provision in S. 1486 which would empower the Secretary of the Interior to utilize his authority to construct campsites, shelters, and related public facilities within those parts of the Trail which are located within areas of high unemployment. While we recognize the good which can evolve from such public works projects, we wish to point out that the Canal area with the highest unemployment statistics at present is Allegany County in Maryland where nearly forty miles of Canal Park are designated in the general plan for limited access, low-density visitor use in the form of long-term primitive hiking, biking, or horseback riding for those who seek a near wilderness involvement with the environment. The objective is to insure that these sections retain their wild and natural character. If any additional campsites and facilities are deemed necessary after studies are completed for a developed area plan for these sections, they would require sensitive and thoughtful planning with respect for placement and design. A crash project could result in violation of good planning standards, and of an established and valid priority.

We are also concerned about adverse development on the south bank of the Potomac River, principally in the form of privately-developed overcrowded recreational communities. Of perhaps overriding importance here is the fact that the public is gradually being cut off from access to the Potomac River.

We would like to suggest that the Congress consider the proposed Potomac Heritage Trail legislation as a vehicle to provide at least a minimal form of protection for the south bank of the Potomac River and to ensure public access to the River in perpetuity—establish the Trail on the south bank rather than on the north bank already protected by public ownership through the C & O Canal National Historical Park. By this action, subordination of Canal Park values would be avoided, and there would not be overlays of jurisdiction for the government agencies and advisory groups. If it is determined that the best Trail route should include the C & O Canal, we suggest that the responsibilities of the Trail Conference be specifically limited in the legislation to those areas outside the boundaries of the C & O Canal National Historical Park, and that the National Park Service be specifically designated as the administering agency for any Trail areas within Park boundaries.

We are deeply appreciative of the opportunity to appear before you today.

Senator JOHNSTON. Thank you very much indeed. These are very good suggestions and we will certainly consider them very carefully.

Let me just ask you a question or two about the history of this area, since I ride my bicycle out by the C. & O. Canal. When was it built?

Ms. LONG. It was begun in 1828.

Senator JOHNSTON. Did it go to Pittsburgh?

Ms. LONG. It was originally intended to meet the Ohio River. It went ultimately only to Cumberland. The railroad unfortunately beat it out.

Senator JOHNSTON. It was begun in 1828 and was completed when?

Ms. LONG. About 1850, I guess, to the point that it stopped.

Senator JOHNSTON. 1850?

Ms. LONG. Yes.

Senator JOHNSTON. It was completed then?

Ms. LONG. Yes.

Senator JOHNSTON. You found out riding your bike it was completed in 1946. Thank you very much.

Our final witness—no, let's see. Our next to final witness is Ed Wesely, is that it?

STATEMENT OF ED WESELY, C. & O. CANAL ASSOCIATION

Mr. WESELY. That is right, Senator. I am representing the C. & O. Canal Association, which began back in 1954 with the famous hike by Justice Douglas to protect the Canal. The threat then was it might become a freeway. We are very pleased that the Congress in 1970—and I think we are very much in your debt—that in 1970 the Congress finally made the old canal a national historical park.

I am summarizing my statement. I would like to go a little bit into my preamble. I have six points to make about the trail. First, I would like to say this: We heard earlier from Senator Hatfield and others that private interests can do a great deal to preserve an area. I agree with that. Our association has been fighting since 1954, first to protect the C. & O. Canal, and more lately to protect the south bank of the Potomac River. In West Virginia from Harpers Ferry on up, there is no zoning. And we have tried our mightiest, but we are fighting a losing battle. I sincerely believe that unless the kind of legislation that Senator Stone discussed, the Potomac national river bill, is passed within the next several years, the south bank of the river, great stretches of it, are going to be degraded; it is going to have a terrific impact on the use and enjoyment of the C. & O. Canal Park on the north bank.

Mr. Stanton cited Yogi Bear Jellystone Park, where we have Yogi and Boo-Boo Bear sculpted in plastic, very near the fords and crossings that Lee and George Meade used during the Gettysburg campaign, and George Washington used earlier.

We are going to have 3,300 trailers there on a 400-acre peninsula. About 800 of the campsites will be in the Potomac flood plain. This is the kind of thing we are getting in the south bank.

I really wish the Congress and the Department of Interior could rededicate themselves to the goal that President Johnson set 10 years ago, when he asked the Congress to help make the Potomac a model of scenic and recreational values for the entire country. He spoke in his state of the Union address with great feeling about the Potomac, its rich memories, and as one individual I fully share his feeling for the river. I really would like to see the Congress renew that dedication and perhaps in time for the Bicentennial, see if we can't protect the south bank of this marvelous river in its scenery and history. The deepest memories of the American people are tied to it. I just can't see it go down the drain with a string of Yogi and Boo-Boo bears along the south bank.

Now, I had six points about the Potomac trail that I will summarize. Miss Long mentioned several of mine, too. I find in reading the National Trails Act, and in the proposed legislation, that the Secretary of the Interior would have the authority to regulate the use and development of the trail. I also find in reading the bills that the only Federal lands—the only lands that will be designated right now for the trail are Federal lands. If you look at your map, virtually the entire designated trail will be the C. & O. Canal National Park. The Park Service has been 4 years in preparing a master plan for the C. & O. Canal National Park. We think they have a very good plan. It has the unanimous support of our organization, and of citizen

groups up and down the valley. It would be a step backward if in any way this legislation would compromise the ability of the National Park Service to manage the C. & O. Canal National Park.

I guess we would feel easier if there was something in the bills that would make sure that the segment of the trail within the C. & O. Canal National Park should be administered by the Park Service according to the approved master plan.

Bill S. 1486 goes even further by authorizing the immediate construction of campsites, shelters, and public-use facilities in areas of high unemployment on the trail. That is a laudable idea, but again over 40 miles of the trail will be in Allegany County, Md., which is an area of high unemployment. I think that whatever labor is expended on the canal in Allegany County should be done under the direction of the National Park Service to achieve the goals of their plan for the canal, and not just to build facilities.

Section 3 of both of the bills prevents the Secretary of the Interior from making agreements with landowners, local governments, or from even acquiring private lands along the trail by donation, purchase, or exchange. I think politically that exemption is probably wise, but practically I think it is going to mean the Potomac Heritage Trail will be stillborn. I don't think if there is any way that the Secretary can acquire lands through donation or whatnot, that the trail is ever going to extend beyond the boundaries of the C. & O. Canal.

I think if you want to make the trail a reality, you should at least give the Secretary the ability to use some of the innovative land-use tools that are being developed by several of the States, by private groups like Mr. Whetzel's and by the Nature Conservancy. Instead, I suspect if there were some way to bring the Nature Conservancy into land acquisition procedures on this trail, the kinds of easements and tax shelters that they offer private owners might be very attractive. We also see that the bill does not—

Senator JOHNSTON. Let me interrupt you. I think not only on this trail but in all park activities, we are going to have to go in the direction of using land-use tools from noncompensatory zoning all through the compensatory easement tools, and as you say, the tax shelters and the whole works. We don't have enough money. Even if 327 passes, we are not going to have enough money to acquire the lands we need to acquire, and get the interest and protection we need to have. We don't need to acquire a lot of lands in some areas. All we are worried about is the watershed in some areas. In other areas, we are worried about the view, and we don't need to acquire the deed for that. Both Congress and the courts have got to explore these areas to a much greater degree than they have.

Mr. WESELY. I agree, Senator. I know the Nature Conservancy has been very helpful to the Department of the Interior in acquiring lands for the wildlife refuges, and then being able to turn them over at cost. They can give owners tax sanctions that make it very attractive.

My final points are these: I think the Bureau of Outdoor Recreation should investigate many more side trails in the Potomac region to provide points of access to the Potomac Heritage Trail.

In western Montgomery County and Frederick County, for example, groups like Sugar Loaf Regional Trails and others have mapped out

extensive scenic and historic trails that could be tied to the Heritage Trail. This is local initiative. Here we have local private groups that have mapped these trails. Their efforts have broad-based local support. I think if the DOR and Department of the Interior were willing, some of those groups and ours would be very willing to work with them to work out systems of side trails that could go well up into Montgomery and Frederick Counties.

In Washington County, there should be a side trail to go up Antietam Creek from the C. & O. Canal to the Antietam National Battlefield, which is only 3 or 4 miles away. There are a number of side trails like this that would be very attractive and go through historic areas.

Mr. Whetzel mentioned the abandoned rights-of-way of the Western Maryland Railroad. There is another abandonment along the line of the C. & O. Canal. We would like the Park Service to study these abandonments of the Western Maryland for possible inclusion into the trail.

Finally, we note that the north branch of the Potomac from the Cumberland to the Fairfax Stone has been excluded from the Heritage Trail. We wonder if a way cannot be found to carry the hiker up to the headwaters of the river to the headwaters, which is a very scenic area.

We can't emphasize how important it is to protect the south bank of this river now. I myself was very gratified to hear Senator Stone's comments and to hear of his interest. I hope the U.S. Senate will take a similar interest in our river. Thank you.

[The prepared statement of Mr. Wesely follows:]

STATEMENT OF ED WESELY, C. & O. CANAL ASSOCIATION

In February 1965, the President of the United States, in his State of the Union Address, spoke with great feeling about the River "rich in history and memory which flows by our Nation's Capital". And he asked the Congress and the Department of Interior to make the Potomac "a model of scenic and recreational values for the entire country."

In the ten years since, the Potomac Valley has seen its pluses and minuses: on the north bank the Congress put many of us in their debt by creating the C&O Canal National Park in 1970. But since 1971, on the south bank, sandwiched among the historic fords and crossings known to Lee and Meade and George Washington (about 100 miles upriver), we have seen the growth of Yogi Bear Jellystone Park—complete with Yogi and Boo Boo Bear (sculpted in plastic), and Boo Boo Bear's pond; and 3,300 trailer campsites planned for a scenic 400 acre peninsula—about 800 of the campsites in the Potomac floodplain.

My point in relating this is a simple, and perhaps simple-minded one: but as a man who has spent many rich days and years along the Potomac, I deeply wish that Congress and the Department of Interior would re-dedicate themselves to achieving the goals of President Johnson—and in time for the Nation's Bicentennial. Surely there would be few worthier goals for the Bicentennial than to honor this river, and in so doing, the memories of Washington, and Lee and Abraham Lincoln (whose own finest words came to him under the skies of *this* valley.)

The proposed Potomac Heritage Trail can be another step toward this end, though more is needed—especially along the upper Potomac where, for over a hundred miles on the south bank, there are not even zoning controls; and no Heritage Trail is proposed.

I have 6 points to make about the Potomac Heritage Trail, and bills S. 324 and 1486:

(1) It is declared in both bills that the Secretary of Interior shall "prepare guidelines for development, management and maintenance of the Potomac Heritage Trail." (page 3, lines 3-7 of S. 324; page 3, lines 7-10 of S. 1486)

These lines, and Section 1246 (i) of 16 U.S. Code, give the Secretary the authority to regulate the use and development of the Potomac Heritage Trail.

But, in the bills before you, we also find that only *Federal* lands will be designated as Trail segments; and note that virtually all of the designated land will fall within the C&O Canal National Park. Which raises several problems:

(1) Will the "Potomac Heritage National Scenic Trail Act of 1975" make the Bureau of Outdoor Recreation co-manager of the C&O Canal with the National Park Service? And give BOR the right to develop signs and campgrounds along the C&O Canal?

(2) What if certain needs of the Heritage Trail conflict with plans already approved for the Canal by the National Park Service?

The present Park Service Master Plan for the C&O Canal has been four years in the making and finally has the unanimous support of citizen groups up and down the Potomac Valley. It would be wrong—and a step backward, in our view—to compromise the ability of the National Park Service to manage the C&O Canal. We urge the Senate to draft additional language to clarify this point: at the end of line 7 (page 3) of S. 324, the period should be changed to a semi-colon and a proviso added: that "excepts" the "segment of the Trail in the C&O Canal National Park, which shall be administered by the National Park Service according to its approved Master Plan."

(2) On this issue, Bill S. 1486 goes beyond S. 324 by authorizing the immediate construction of "campsites, shelters, and related public use facilities within those parts of such trail which are located within areas of high unemployment." (page 3, lines 10-16) This is a laudable idea, but we remind the Senate that over 40 miles of the C&O Canal are in Allegheny County, Maryland, which is an area of high unemployment. Whatever labor is expended on the Canal out there should be done at the direction of the National Park Service to achieve the management goals of the C&O Canal National Park; facilities unrelated to the Park Master Plan should not be built. We'd like this point to be clearly stated in S. 1486.

(3) Section 3 of both bills prevents the Secretary of Interior from making agreements with landowners and local governments, and from acquiring private lands along the trail by donation, purchase or exchange.

Politically, this exemption is probably wise. Practically, we think it means that the Potomac Heritage Trail will have a still-birth; and that the riches of the lower Potomac will be locked away from public access. If the Trail is ever going to extend beyond the C&O Canal, the Senate should reconsider this point.

Why not give the Secretary the ability to use some of the innovative land-use tools being forged by several of the States, and by private groups like the Nature Conservancy? Indeed, why not bring the Nature Conservancy into some of the land acquisition procedures? The kinds of easements and tax shelters they can offer private owners are very attractive, and might add many links to the Trail.

To tackle the issue of fee purchase; surely, if this were done as judiciously as Section 1246 (16 U.S.C.) provides, the fee purchase of 25 acres/mile would not prove oppressive to local interests. The record of the National Park Service in rounding out the C&O Canal might be instructive—where the acquisition of over 10,000 acres has been done by means satisfactory to all but a handful of owners.

(4) The Bureau of Outdoor Recreation should investigate many more side-trails to provide points of access to the Potomac Heritage Trail.

In western Montgomery County and Frederick County, groups like Sugar Loaf Regional Trails, the Sugar Loaf Citizens Association, the Canal and River Rights Council and others have mapped out extensive scenic and historic trails that could be easily tied to the Heritage Trail. Their efforts have broad-based local support; and we're sure that they, and our group, would be glad to make their expertise available to the appropriate Federal agencies. Indeed, if the Heritage Trail is to realize the goals of the National Trails System, it will be necessary to bring such local organizations into the program. Along with extensive knowledge of local trail systems, most of these groups enjoy the confidence of local residents, and several already have dozens of skilled volunteers at work.

(5) A final word should be said about abandoned railroad rights of way: in western Maryland, for example, the Western Maryland Railroad has recently donated 60 miles of abandoned right of way for bicycle and hiking trails through the Allegheny Mountains. Another 60 miles or more has recently been abandoned along the C&O Canal from Hancock to Cumberland and has no takers.

We think that Congress and the BOR should make an immediate investigation of these and other proposed abandonments to see if (and how) they can be incorporated into the Potomac Heritage Trail.

(6) The North Branch of the Potomac, from Cumberland to the headwaters at the Fairfax Stone, has been excluded from the Heritage Trail. We wonder if a way cannot be found to carry the hiker to the headwaters, and to the rugged country around Backbone Mountain?

In closing, we can do no better than cite a paragraph about the Potomac River from a publication of the U.S. Department of Interior, "The Nation's River" (1968): which gives a rationale for the Potomac Heritage Trail, and more besides: "The Potomac Landscape matters particularly, for certain reasons. One is that we hope to make it a model, commencing here processes of preservation and restoration to show the rest of the country that modern ways of being need not eat up everything whole and old and meaningful and right. Another is that the Basin's landscape . . . is both physically and spiritually a national landscape, filled with national meanings and memories."

Senator JOHNSTON. Thank you very much, Mr. Wesely.
Our final witness today will be Miss Barbara Yeaman.

STATEMENT OF BARBARA YEAMAN, BOARD MEMBER, C. & O. CANAL ASSOCIATION

MS. YEAMAN. Mr. Chairman, my name is Barbara Yeaman. By way of introduction, I am an artist, a photographer, a member of the faculty at American University. I am a board member of the C. & O. Canal Association and a member of the Potomac River Interleague Committee of the League of Women Voters. I am speaking personally today. These are my own personal remarks concerning the Senate bills 324 and 1486.

It is unfortunate that both Senate bills seem to exempt the Department of Interior from acquiring land either by purchase or gift. You explained that. This was a point Mr. Wesely raised. The Potomac Heritage Trail must limit itself to lands already administered by the Federal Government or those lands held by State and local municipalities that apply for membership, so to speak, but continue to be administered locally at no cost to the U.S. Government. As I see it, the effects of these amendments with few exceptions adds to the C. & O. Canal parks that of the Potomac Heritage Trail. I say this is unfortunate because the trail as proposed has one glaring omission, with no means to acquire the missing segments, although it proposes to extend from the mouth of the Potomac River to its source, it does in fact omit the entire north branch of the Potomac and the Fairfax Stone, long considered the headwaters of the Potomac River.

I have to wonder why these waters were omitted. I am not being facetious when I suggest that the north branch comprises the most important segment of the trail, at least historically, if not scenically, one which should be open to all the public. This branch of the Potomac River is for the greater part of its length considered sterile, a dead river. I know of no more graphic illustration of the true cost of our appetite for cheap power than those bright yellow waters. Man has lived along this river far more than our Bicentennial years and should now be permitted access to view the result of these last 100 years. The north branch is as much a part of our Potomac Heritage as the more scenic reaches far below.

I don't mean to be overly critical. I appreciate all the efforts that are being made to preserve the river, the whole river, on both banks, and do, however, feel that Congressman Gude's Potomac national river bill is a little stronger method of preserving the river for future generations.

Thank you very much.

Senator JOHNSTON. Thank you very much, Miss Yeaman. You made some very good points, you and Mr. Wesely both, about the provisions in the bill prohibiting acquisition of land by the Department by donation or by private negotiation. I frankly don't know what the reason for that is, other than the Department just didn't want to get involved in acquisition of more than they already had. But I think the point is well taken. We will check that out.

Do you know why that is, Mr. Stanton?

Mr. STANTON. Mr. Chairman, I am not sure of DOR's position on that. I heard Mr. Watt discuss, I believe, the fact that he wanted to encourage either private enterprise, local conservation groups of the States, to participate in this proposal. I was formerly chairman of the Appalachian National Scenic Trail's Council. We had the same problem with trying to identify sections of trail, Mr. Chairman, that would make manageable units and would have some continuity with the Park Service properties. And we found that after about 2 years of vigorous work with the States, that the States began to move. I feel that even though there is a lot to do with the Appalachian Trail, and there is a parallel here, I think if the managing agency under the Trails Act, the National Park Service in this case, would put forth the manpower and effort, it could do a job of encouraging the States to begin to move on this trail, as well as the Appalachian.

It doesn't answer your question, Mr. Chairman, but I think it is alluding to the general philosophy behind this.

Senator JOHNSTON. I would appreciate it if you would check out DOR's attitude for that provision.

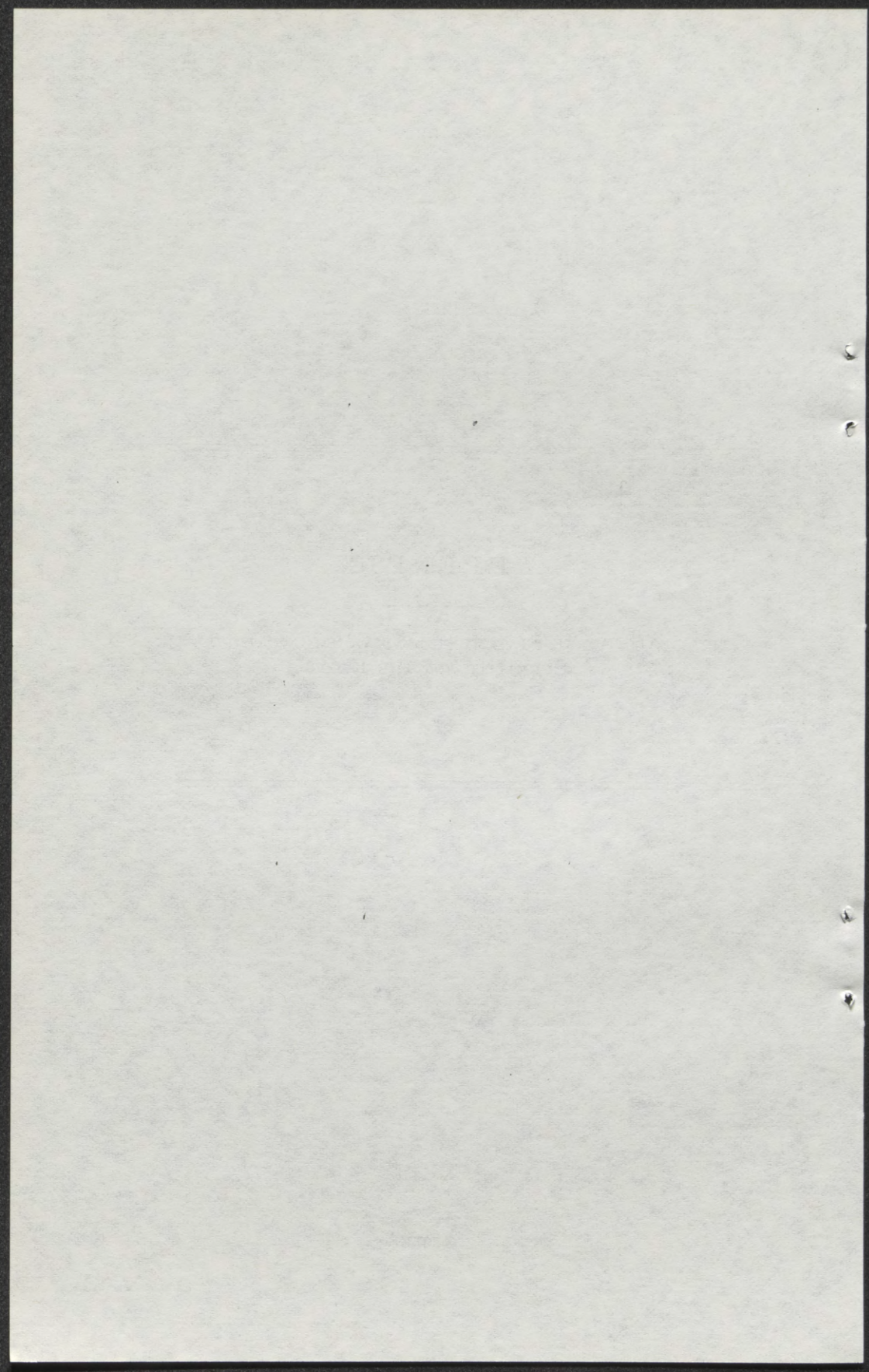
Mr. STANTON. I will do that, sir.

Senator JOHNSTON. Thank you very much, ladies and gentlemen. The subcommittee will now adjourn.

[Whereupon, at 12:20 p.m., the subcommittee adjourned.]

APPENDIX

ADDITIONAL STATEMENTS AND COMMUNICATIONS
SUBMITTED FOR THE RECORD



STATEMENT OF BROCK EVANS
ON BEHALF OF OLYMPIC PARK ASSOCIATES
AND NORTH CASCADES CONSERVATION COUNCIL
REGARDING S. 1390
TO STUDY THE FEASIBILITY OF A PACIFIC NORTHWEST TRAIL
June 19, 1975

I am appearing here today on behalf of two environmental organizations in the State of Washington, the Olympic Parks Associates and the North Cascades Conservation Council. Both organizations, as their respective names imply, have been extremely active for nearly two decades, in efforts to protect the superlative environmental values of the Olympic National Park and of the North Cascades region of the State of Washington. Among their combined membership are numerous individuals who have a great in-depth knowledge about the specific characteristics of the land areas involved; indeed, many of their members have literally spent whole lifetimes exploring the North Cascades and the Olympics.

It is against this background of our long expertise and knowledge of the North Cascades and Olympics that we approach proposals such as S. 1390. On the one hand, the concept of a trail stretching from Glacier National Park to salt water along the north Pacific coast in the State of Washington is exciting indeed; it would bind together many beautiful places, and permit a unique and unmatched recreation experience, traversing many kinds of vegetative, climatic, and life zones.

On the other hand, we have all seen what impact there can be upon fragile environments, particularly in alpine or remote areas, from

too heavy human use. Large trails, built to national trail standards, can have the environmental impact of a small road, if much care is not taken. In addition, if the routing is improper, or if it is laid out by persons not completely familiar with the hazard involved, serious damage can result to the surrounding environment, and serious harm may come to innocent persons who propose to travel the route.

Thus, our two organizations have met recently and discussed this issue. We concur in the need for a study of the feasibility and desirability of a Pacific Northwest Trail going east and west across the State of Washington. However, at the same time, we note that the proposed route that has been publicized shows insufficient knowledge of the environmental impacts on the land and inadequate awareness of the hazards and safety problems involved.

Therefore, we urge that extensive research and planning be undertaken by qualified backpackers and ecologically trained persons before any final route is approved. It is with these conditions that we can offer support to S. 1390.

VIRGINIA TRAILS ASSOCIATION

STATEMENT FILED WITH
PARKS & RECREATION SUBCOMMITTEE
U. S. SENATE INTERIOR & INSULAR AFFAIRS COMMITTEE

The Virginia Trails Association, at a brief meeting at Boone, North Carolina on June 22, 1975, voted unanimously to support the designation of the Potomac Heritage Trail as a National Scenic Trail, as proposed in the study by the Bureau of Outdoor Recreation. A large segment of the Trail would lie in Tidewater and Northern Virginia and would provide many additional hiking and recreational opportunities for the large population of the Washington and Northern Virginia urban area. Some segments of the Trail already exist and are providing such recreation. The bike trail between Alexandria and the Memorial Bridge and the C&O Canal Towpath are examples.

We believe that the Trail is desirable as an addition to the two National Scenic Trails that have been designated. It should be administered by the Department of Interior since much of the area is under National Park Service jurisdiction. The Bureau of Outdoor Recreation proposal provides needed flexibility in establishing the route of the Trail in cooperation with State, local and private trail maintaining groups. We believe that cooperation with private trail organizations is important as it has been in the case of the Appalachian Trail.

We support the provision for a separate Advisory Council, but the legislation should make it clear that the Council would be distinct from the Appalachian Trail Advisory Council. We recommend that the membership of the Council include members from private trail clubs in the area such as the Potomac Appalachian Trail Club which maintains trails in the Great Falls area.

Designation of the route would provide a needed stimulus to connect some of the discontinuous sections of the Trail and would provide for uniform marking. Such activity would make the Trail more usable and provide greater opportunities. The designation of this Trail would help meet a special need for this type of recreation facility which is increasing in popularity.

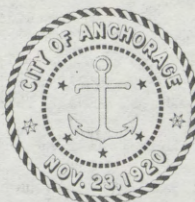
We urge your favorable consideration of the bill (S. 1486).



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**CITY OF
ANCHORAGE**



ALASKA

POST OFFICE BOX 400
ANCHORAGE, ALASKA
99510

May 2, 1975

MAY 12 1975

The Honorable Ted Stevens
United States Senator
411 Russell Building
Washington, D.C. 20510

Sir:

Enclosed is a resolution passed recently by the City Council of Anchorage encouraging Congress to continue the Land and Water Conservation Act. As you know Anchorage has been fortunate to have the Land and Water Funds available to them for land acquisition and construction projects in the City park system. This funding has been very beneficial to our city and to the State of Alaska.

Please convey our interest in this funding program to the appropriate committees in the Senate that are reviewing the Land and Water Conservation appropriation.

Respectfully yours,

Douglas G. Weiford
City Manager

Requested by: Administration
Prepared by: City Attorney
For Reading: 4/8/75

CITY OF ANCHORAGE, ALASKA
RESOLUTION NO. 13-R-75

A RESOLUTION OF THE CITY OF ANCHORAGE, ALASKA, DECLARING SUPPORT FOR THE LAND WATER CONSERVATION FUND AND URGING REENACTMENT OF SAID ACT.

WHEREAS, the Congress of the United States presently has several bills before it concerning the Land and Water Conservation Fund; and

WHEREAS, it appears that legislation concerning said fund has received no positive action in Congress; and

WHEREAS, the City of Anchorage has numerous ongoing programs devoted to recreation and to increasing the amenities available for its citizens in an urban environment; and

WHEREAS, the development of these programs is dependent upon continued Bureau of Outdoor Recreation funding,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANCHORAGE:

1. That the House of Representatives and the Senate of the United States Congress are urged to direct their immediate attention to the reenactment of the Land and Water Conservation Fund Act.

2. That such legislation preserve the formula distribution of funds as provided for in prior statutes.

3. That such legislation provides for utilization of up to twenty-five percent of the quota for each State to be used for indoor facilities where climate is such that indoor facilities are needed.

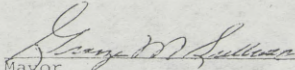
4. That the City of Anchorage recognizes the importance of preserving historical sites, and therefore urges the adoption of legislation establishing an historic preservation fund.

Page Two

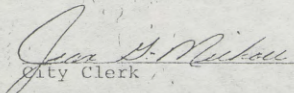
5. That copies of this resolution be forwarded to the Honorable Ted Stevens and the Honorable Mike Gravel, United States Senate, and the Honorable Don Young, United States House of Representatives.

Publication of this resolution shall be made by posting a copy thereof on the City Hall Bulletin Board for a period of ten (10) days following its passage and approval.

Passed and approved by the City Council of the City of Anchorage, Alaska, this 8th day of April, 1975.


Mayor

ATTEST:


City Clerk

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

OFFICERS:

TRUETT LATIMER, Texas

President

P. O. Box 12276
Austin, Texas 78711

FRED WILLIAMSON, Rhode Island

Vice President

ELIZABETH R. AMADON, Massachusetts

Secretary

EXECUTIVE COMMITTEE:

ADRIAN ANDERSON, Iowa

MARTHA BIGELOW, Michigan

THOMAS BLAKE, Virgin Islands

ERIC CROOKHITT, Nevada

RUSSELL FIDLEY, Minnesota

MILO HOWARD, Alabama

JACKSON LAMB, Georgia

WILLIAM PENN MOTT, California

WILLIAM J. WEWER, Pennsylvania

PAUL WESTEDT, Wyoming

ROBERT WILLIAMS, Florida

June 9, 1975

Honorable J. Bennett Johnston, Jr.
Chairman
Subcommittee on Parks and Recreation
Committee on Interior and Insular Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Johnston:

I have noted in the Congressional Record on page S 8299 that you are to have a public hearing before your Subcommittee on June 19th on several bills, including S.327, which would amend the Land and Water Conservation Fund Act and include therein the National Historic Preservation Fund. This information is submitted for the record on the basis of your official notice in the Congressional Record.

On page 6 of S.327 is the following language:

"(b) Amend section 103 (a) by deleting 'Provided however, That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary,'."

I would like to speak to the 50 percent limitation on the cost of the comprehensive statewide survey. While the matching capability of the states is increasing at an ever expanding rate, this matching capability is represented largely by private and local money, and that it by no means indicates that the State Historic Preservation Officers have the capability that is necessary to handle the many complex problems that arise as a result of the following acts or orders:

- (a) Section 106 of P.L. 89-665
- (b) Executive Order 11593
- (c) National Environmental Protection Act
- (d) The Housing and Community Development Act of 1974
- (e) The Emergency Home Purchase Assistance Act of 1974.

ADMINISTRATORS OF THE NATIONAL HISTORIC PRESERVATION ACT
IN THE FIFTY-FIVE STATES AND TERRITORIES

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

OFFICERS:

TRUETT LATIMER, Texas
President
P. O. Box 12276
Austin, Texas 78711

FRED WILLIAMSON, Rhode Island
Vice President

ELIZABETH R. AMADON, Massachusetts
Secretary

EXECUTIVE COMMITTEE:

ADRIAN ANDERSON, Iowa
MARTHA BIGELOW, Michigan
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MILO HOWARD, Alabama
JACKSON LAMB, Georgia
WILLIAM PENN MOTT, California
WILLIAM J. WEWER, Pennsylvania
PAUL WESTEDT, Wyoming
ROBERT WILLIAMS, Florida

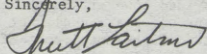
Page 2

Honorable J. Bennett Johnston, Jr.
June 9, 1975

The administration of these responsibilities in individual states by State Historic Preservation Officers has placed on them an almost unbearable work load due to the fact that all federally funded or federally licensed undertakings coming under the purview of any of the above programs must be cleared by him in order for the project to proceed. If the language in your legislation could be changed from 50 percent to 70 percent on the part of the Federal Government for this particular activity, it would be of tremendous assistance to all those states and territories in the administration of this act. I would urge you to give this very careful consideration during your upcoming hearings on June 19th.

I regret that I will be unable to attend, but do appreciate you affording me this opportunity to make a statement for the record.

Sincerely,



Truett Latimer
President

TL:eg

ADMINISTRATORS OF THE NATIONAL HISTORIC PRESERVATION ACT
IN THE FIFTY-FIVE STATES AND TERRITORIES

